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THE MAGAZINE OF THE BATON ROUGE BAR ASSOCIATION



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## On the Cover

The second annual Gavel Gala will be held Thursday, Nov. 9, 2023, at the City Club of Baton Rouge. Our event chairs are working hard to make this year's festivities even better than last year's inaugural event. A limited number of tickets to attend this black-tie fundraiser event are available to purchase through the BRBA office. Contact Ann K. Gregorie at [ann@BRBA.org](mailto:ann@BRBA.org) or 225-214-5563.

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## Fulfill a need in your community:

Accept a legal case from the **BRBF Pro Bono Project**

## Celebrate Pro Bono Week:

Attend a **reception** honoring volunteers for the Pro Bono Project 5 - 7 p.m. Monday, Oct. 23, at the Middleton Bar Center (544 Main Street).

## Need more information?

Email **Robin Kay** at [robin@BRBA.org](mailto:robin@BRBA.org) or **Regina Lynn Smith Haynes** at [lynn@BRBA.org](mailto:lynn@BRBA.org).

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# Letter from the President

## Appropriate Attire Required

by *Melanie Newkome Jones*

One are the days of strict adherence to a dress code at court. In the not-so-distant past, men and women attorneys were required to wear a suit: ties for men, stockings and heels for women. Even litigants recognized the decorum that was expected when entering the courtroom. It seemed appropriate then and still does today, to dress as nicely and respectfully as possible in keeping with the seriousness of litigation in a courtroom setting. The serious nature of issues dealt with through the courts has not changed. Why then, are we (attorneys and litigants) dressing so casually?



**Melanie Newkome Jones**

I recall when I first started practicing law in 1991, a judge actually dismissed a litigant's case because his female attorney was wearing a skirt, stockings and heels with a sweater set, instead of a suit jacket. Thankfully it was not me, but that made quite an impression on a young lawyer.

While I believe that most jurisdictions still have a dress code in place for lawyers within their local rules and regulations, from what I have witnessed, these standards do not seem to be enforced.

I have seen female attorneys dressed in (matching) sweatshirts and sweatpants, in Birkenstocks, dressed like they would go "clubbing" and even an off-the-shoulder midriff top (only visible when the suit jacket was removed). Male attorneys have been spotted in mock turtlenecks and jeans, as well as in tennis shoes without socks to argue before the First Circuit. Unbelievable!

Court attendees are even worse. Recently I saw a litigant in court in cutoff blue shorts, another in a solid tan unitard and, of course, there are the pants worn below the buttocks. In Plaquemine, the courtrooms have a sign requiring pants to be worn at the waist. Really? Must we use signage to mandate what should be common sense and decency? Apparently so. A friend saw a man testifying in court. His boxers were exposed, and he was wearing a T-shirt with the phrase "Explain that to the Judge."

We do not want court to be an unwelcoming and intimidating place; however, our courts deserve respect. We should encourage our colleagues and require our

clients to show the proper decorum and reverence that our judges and society deserve by wearing appropriate, if not formal, attire.

While court attire should be professional, office practice clothing has comfortably evolved. On any given day, if no clients are expected, I may be in a yoga outfit or even shorts and a T-shirt. I know that I am not the only one. I believe our culture has embraced comfort, and "athleisure" clothing is commonplace and widely accepted in our own workspaces. The courts are different, however, and should always be held in high esteem and treated with the utmost respect.

Having said that, we attorneys do have events that embrace the casual. Belly Up with the Bar is a great event to show off your culinary skills or to partake in your colleagues' delicious foods and drinks. For those of you unfamiliar with this event, individuals and/or teams participate in cooking and drink-making contests that allow us to showcase some of our other talents in a family-friendly competition. The creativity of our members is impressive, and their creations are amazing. Last year, I had the pleasure of being part of a cooking team; it was educational as well as entertaining. Belly Up is a chance for colleagues to enjoy each other's company and get to know one another in a totally different setting. Please consider entering as a team or becoming a sponsor. The deadline to enter is Sept. 29, 2023, and the event is from 6 - 9 p.m. Oct. 27, 2023. For more information, please contact Pamela Labbe via email at [pam@brba.org](mailto:pam@brba.org).

Finally, save the date for the Gavel Gala on Nov. 9, 2023, at the City Club of Baton Rouge. It's a black-tie affair with live and silent auctions, a sit-down feast and an opportunity to mingle with friends. Dress up and support the Bar!

Let's all promote respect for our courts, judges and our profession while supporting each other in our respective practices and our collective pursuit of justice. There is a time and a place for everything, including dresses, suits and ties, tennis shoes and yoga pants. Getting it right every time, on every occasion, isn't always possible, but it is a worthy goal nonetheless.



# Contributors



**Everett C. Baudean**, of Baudean Law Firm LLC, is a contributing writer. He is a concealed handgun permit instructor and vice-president of the Louisiana Shooting Association.



**Cornelius Troy Hall**, a 19th Judicial District Court law clerk, is a member of the Publications Committee.



**Melanie Newkome Jones**, attorney at law, is the 2023 president of the Baton Rouge Bar Association.



**Amanda Messa**, general counsel at Lemoine, is a contributing writer.



**Brandon Politz**, general counsel at Brown & Root, is a contributing writer.



**Mary E. Roper**, a partner at RoperLigh, is a member of the Publications Committee.



**Benjamin Treuting**, who practices with The Palmintier Law Group, is the 2023 Belly Up With the Bar Committee chair.



**Gail S. Stephenson**, the managing editor of *The Baton Rouge Lawyer*, is the director of legal analysis and writing and the Louisiana Outside Counsel A.A. Lenoir Endowed Professor at Southern University Law Center.



**Josef P. Ventulan** is a staff attorney at the Louisiana State Law Institute and a member of the Publications Committee.



**Ed Walters Jr.** is a founding partner at Walters, Thomas, Cullens, LLC, and a member of the Publications Committee.



**Luke Williamson**, a partner at Williamson Campbell & Whittington, LLC, and the 2023 BRBA president-elect, is a contributing writer.



**Daniel E. Zelenka II**, president of the Louisiana Shooting Association and a retired lawyer, is a contributing writer.

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P. O. Box 2241, Baton Rouge, LA 70821  
Phone (225) 344-4803 • Fax (225) 344-4805  
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## PUBLICATIONS COMMITTEE

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## Writers/Committee Members:

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# Message from the Chair

## Celebrating 25 Years

by Ben Treuting

The Belly Up with the Bar event is one of the Baton Rouge Bar Foundation's oldest and most popular fundraisers. This October will be the 25th Belly Up event, and I am extremely proud to have chaired this year's committee.

Initially established as a Young Lawyers Section event, Belly Up has evolved into a stand-alone committee that independently benefits the Baton Rouge Bar Foundation. It takes all of us—members of the Bar and judiciary, the Committee members, BRBA staff, event sponsors, registered cooking teams and law student volunteers—to have a successful event. For me, success is measured in smiling faces during the event as well as in funds raised and tickets sold.



Ben Treuting

All funds raised go directly to supporting Baton Rouge Bar Foundation Youth Education Programs, including incredible law and civic-related education projects like Law Day, Lawyers in the Classroom and Teen Court, to name a few. This is the only Foundation fundraiser that specifically earmarks funds to support youth education. Join us on this fun-filled night. We do it for the kids!

As committee chair, I want to encourage all new and current BRBA members to engage and volunteer in any way you can. Join the Belly Up Committee. Register your cooking teams and see what your young associates are made of. Sign up to sponsor the event and encourage your contacts to sponsor. We have a great start, but more support and more participation are always needed. Help us put the “fun” in fundraising.

Our family-friendly event provides face-painting and live music.

The competition will be fierce, and we would like your help to determine this year's best food, cocktails and mocktails. Help us generate buzz and excitement on social media prior to and during the event. A photo booth will be provided on site. #BellyUp2023

Log onto your BRBA account to purchase tickets for your firm, family and friends. Or call the BRBA. Mark your calendars now and join us at the LSU Parker Coliseum Friday, Oct. 27, 2023, at 6 p.m. to find out why the Belly Up Committee is the hardest working BRBA committee. We hope to see you soon!



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**Meet Bob Barton**

■ Bob practices law in Baton Rouge, where he is a managing partner of his firm and a member of the Executive Committee. He received his mediation training through the Program on Negotiation at Harvard Law School.

When mediating, Bob is a problem-solver rather than a decision-maker. He doesn't rule for either side and instead delivers fair and neutral solutions.

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# September Bar Luncheon

On June 29, 2023, the United States Supreme Court rejected race-conscious admissions in higher education in a case involving policies at Harvard University and the University of North Carolina at Chapel Hill. The decision seemingly overturned more than 40 years of legal precedent. The decision has far-reaching implications, some of which will manifest immediately. Others may take decades to fully understand.

Alena Allen, Dean of LSU Law Center and a graduate of Yale Law School, will present her analysis of the decision Thursday, Sept. 7, at the BRBA September Bar Luncheon, from 11:45 a.m. - 1:30 p.m., at the City Club of Baton Rouge.

Her presentation will review how the legal landscape has shifted with respect to admissions in higher education as well as discuss opportunities for innovation and implications for the future, particularly as it relates to legal education and the legal profession. Titled "The Impact of *SFFA v. UNC* and *SFFA v. Harvard College* on Legal Education," Allen's presentation will yield 1.0 hour of CLE credit.

Allen is a Louisiana native who previously served as deputy director for the Association of American Law Schools and as a professor of law at the University of Arkansas School of Law. She earned her bachelor's degree *magna cum laude* from Loyola University New Orleans.



LSU Law Dean Alena Allen

**CANCELLATIONS MUST BE MADE BY NOON WEDNESDAY, AUG. 30, 2023. TO REGISTER, FAX THIS COMPLETED FORM TO 225-344-4505, EMAIL IT TO: SUSAN@BRBA.ORG OR REGISTER ONLINE AT WWW.BRBA.ORG. "NO SHOWS" WILL BE INVOICED.**

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**LUNCHEON & CLE SEMINAR: YES, register me for the September Bar Luncheon** (with a built-in 1.0 hour of CLE) at the City Club of Baton Rouge, which will take place 11:45 a.m.-1:30 p.m. Thursday, Sept. 7, 2023. Cost is \$60 for BRBA members and non-members. Reserve your seat by contacting Susan Saye at the BRBA by noon Wednesday, Aug. 30, 2023. Fax your completed form to 225-344-4805, email it to: [susan@brba.org](mailto:susan@brba.org), or register online at [www.BRBA.org](http://www.BRBA.org). Cancellations must be made by noon Wednesday, Aug. 30, 2023. "No shows" will be invoiced.

**BRBA members can register online and pay by credit card: Go to [www.BRBA.org](http://www.BRBA.org), select the EVENTS tab, then click on LIST and choose the appropriate meeting listed.**



# Legislative Update: Recent Changes to Summary Judgment Procedure

by Josef P. Ventulan



The summary judgment process in Louisiana has changed for the first time since 2015. As a result of House Bill Nos. 196 and 339, Louisiana Code of Civil Procedure article 966 underwent revision during the 2023 Regular Session. These changes were enacted into law by Acts 317<sup>1</sup> and 368,<sup>2</sup> respectively.

Authored by Rep. Chad Brown, House Bill No. 196 results primarily from the Louisiana State Law Institute's renewed study of summary judgment procedure in response to Senate Concurrent Resolution No. 18 of the 2022 Regular Session. The study considered the feasibility of allowing the filing of additional documents in the form of rebuttable evidence with the reply memorandum. The Law Institute ultimately decided that allowing additional documents to be filed with a reply memorandum was conceptually inconsistent with the burden of proof and time limitations established in article 966.<sup>3</sup> However, the Law Institute's study did find that article 966 may be enhanced and made less burdensome to litigants. The Law Institute thus proposed several revisions that comprised the bulk of the changes to article 966.

First, the revisions to Subsubparagraph (A)(4)(a) expand the exclusive list of documents that may be filed and offered in support of or in opposition to a motion for summary judgment to include certified copies of public records and documents as well as certified copies of insurance policies. This change aims to make submission of documents less burdensome to litigants with respect to obtaining the pertinent affidavit. Although the nature of what may be deemed a public record or document exists nebulously within the Code of Evidence,<sup>4</sup> this provision contemplates that public records or documents are those held by a public body or agency that is certified by an appropriate member of that public body or agency. Public documents originating as private documents are of course included within this framework. Notably, the legislature adopted amendments to the bill and included "authentic acts, private acts duly acknowledged,<sup>5</sup> and promissory notes and assignments thereof." However, practitioners should note that this amendment does not explicitly contemplate certified copies of those documents. With these changes, remember that the revised exhaustive list only guides courts as to what may be presented for summary judgment and does not speak

to the legitimacy of the document. Accordingly, objections to those documents listed in Subsubparagraph (A)(4)(a) or their content may be raised in a timely filed opposition or reply memorandum.

Subsubparagraphs (A)(4)(a) and (b) further seek to facilitate summary judgment proceedings. They permit the referencing of documents listed in (A)(4)(a) that were previously filed into the record with a motion or opposition by title and date of filing. As a new requirement, at the time of the filing of the motion or opposition, a party shall also furnish to the court and the opposing party a copy of the entire document, designate its pertinent part and include the date the document was filed. This requirement is easily accomplished by sending a PDF of the referenced documents via electronic mail. This change largely seeks to reduce the often-substantial cost of filing attachments to the motion for summary judgment. Also, note that the new Subparagraph (B)(5) states that failure to comply with (A)(4)(b) may be grounds for an objection requesting that the court not consider the referenced document.<sup>6</sup> Further, this revision does not require a party to reference a previously filed document; a party may still attach those documents to the motion or opposition so long as they are willing to pay the additional filing fees. Further, practitioners should remember that, when referencing documents already filed, the entire referenced document should be included with their writ application to ensure a complete record for the appellate court's review.

Another notable change is that Subparagraphs (B)(1), (2), and (3) now require that the motion for summary judgment, opposition, reply memorandum, and all documents filed or referenced in support of or in opposition to the motion for summary judgment be served electronically in accordance with article 1313(A)(4). Electronic service aims to ensure that parties timely receive notice and ample opportunity to respond, eschewing a complete reliance on the sometimes untimely receipt of mail. Subparagraph (B)(3) also clarifies that legal holidays are included in the calculation of time within which the mover shall file the reply memorandum.

Moreover, Subparagraph (B)(5) now prohibits a trial court from reconsidering the granting of a partial summary judgment

if the document was not timely filed and served with an opposition in accordance with the deadlines imposed by article 966. This language was suggested in response to the Louisiana Supreme Court's decision in *Zapata v. Seal*<sup>7</sup> and answers whether article 1915(B)(2) authorizes a trial court, after having granted a defendant's motion for partial summary judgment pursuant to a plaintiff's failure to timely oppose, to subsequently grant the plaintiff's motion to vacate the partial summary judgment. The use of article 1915(B)(2) has been deemed occasionally problematic within the context of summary judgment as it currently permits substantive revision to a judgment, for example, that lacks decretal language. The primary objective of the revision is to have courts and practitioners turn to article 966(B) rather than 1915(B)(2) when assessing deadlines relative to summary judgment procedure by precluding reconsideration or revision of the granting of a motion for partial summary judgment if the moving party fails to meet the deadlines of article 966(B).

Next, though slightly altered, the new language of Subparagraph (D)(2) is not intended to make substantive changes to the law. However, the new language of Subparagraph (D)(3) aims to recognize that if a party timely objects to the expert's opinion attached to either the motion for summary judgment or opposition and elects to file a motion in accordance with article 1425(F), the court shall set a hearing and decide the motion prior to the hearing on the motion for summary judgment. Though it is common that 1425(F) motions are heard before the hearing on the motion for summary judgment, issues may arise if the 1425(F) motion is not disposed of prior to the hearing on the motion for summary judgment. Any failure to oppose an expert leads to the automatic consideration of that expert's affidavit, thus likely creating a genuine issue of material fact and eventual denial of the motion for summary judgment. Ostensibly, a court may reconcile any conflicting time delays between article 966 and article 1425 by setting appropriate deadlines in a scheduling or pretrial order; however, note that though this amendment addresses issues relative to timing of the hearings, it addresses no related substantive issues that may arise. Aside from technical changes, House Bill Nos. 196 and 339 make several substantive changes to the language of Paragraph G. As a result of House Bill No. 196, Paragraph G now codifies the holding of the Louisiana Supreme Court in *Amedee v. Aimbridge Hospital LLC*.<sup>8</sup> The revision adds that Paragraph

Another notable change is that Subparagraphs (B)(1), (2), and (3) now require that the motion for summary judgment, opposition, reply memorandum, and all documents filed or referenced in support of or in opposition to the motion for summary judgment be served electronically in accordance with article 1313(A)(4).

G “does not apply if the trial or appellate court's judgment ... is reversed. If the judgment is reversed by an appellate court, the reversal applies to all parties.” Thus, as a result of the reversal, the previously dismissed defendant is returned as a party to the case for all purposes and to all parties. In other words, the final judgment of the appellate court reversing the granting of the motion for summary judgment as to one party would apply to all parties, including a plaintiff who has failed to appeal.

Additionally, House Bill No. 339 authored by Rep. Gregory Miller, creates the exception that “evidence may be admitted to establish the fault of a principal when the party or nonparty

acted pursuant to a mandate or procuracy” even after the court has adjudged that party or nonparty not negligent or at fault, or that the party or nonparty did not cause in whole or in part the injury or harm alleged. The change also allows for the referencing of that fault and its submission to the jury and inclusion on the jury verdict form so long as “evidence [has been] admitted of the acts of the party or nonparty for purposes of establishing the fault of the party or nonparty's principal.” This amendment clarifies that evidence of the fault of a principal is allowed at trial when the principal is dismissed by virtue of summary judgment.

As a favorite in many litigators' toolkits, motions for summary judgment are used often, and a change to any law used so often is met with varying levels of skepticism. However, the best interests of the legal profession and its participants reside at the core of these bills, and any changes seek only to enhance the utility of summary judgment for litigants and lend increased judicial efficiency for courts.

<sup>1</sup> Act No. 317, 2023 La. Acts, available at <https://legis.la.gov/legis/ViewDocument.aspx?d=1332475>.

<sup>2</sup> Act No. 368, 2023 La. Acts, available at <https://legis.la.gov/legis/ViewDocument.aspx?d=1332527>.

<sup>3</sup> Louisiana State Law Institute, *Report to the Legislature in Response to Senate Concurrent Resolution No. 18 of the 2020 Regular Session*, Jan. 11, 2023, <https://lsli.org/files/reports/2023/2022%20SCR%2018%20Summary%20Judgment%20Report.pdf>.

<sup>4</sup> See La. C.E. art. 904.

<sup>5</sup> Though “acts under private signature duly acknowledged” was the language used when the amendment was offered on the Senate floor, the language “private acts duly acknowledged” was included in the draft of the amendment and ultimately enacted.

<sup>6</sup> Technical amendments to Subparagraphs (B)(1) and (2) correspond with this change.

<sup>7</sup> 330 So. 3d 175, 179 (La. 2021).

<sup>8</sup> 351 So.3d 321 (La. 2022).



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Joe Hassinger

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## *Eye on Evidence*

# May a DCFS Report of Abuse or Neglect of a Child Be Used as Evidence in a Custody Case?

by Mary E. Roper

It is no secret that custody battles can become quite contentious. This is especially so where the issue of child abuse is a factor. If a person makes a report of abuse or neglect to the Louisiana Department of Children and Family Services (DCFS), the department and its employees are required by La. R.S. 46:56 to maintain the confidentiality of the report, except under limited circumstances. So, how might this information be utilized in a custody proceeding? Does it matter whether the report has been found to be justified or invalid? Yes. Can a finding of invalidity be introduced as proof that there was an absence of abuse? No.

Louisiana Revised Statutes 46:56(F)(1), “Applications and client case records; definitions; confidentiality; waiver; penalty,” specifically addresses such reports as they relate to custody matters. Subsection F(1), provides in pertinent part:

In any child custody proceeding, after the issue has been raised of the potential existence of a relevant departmental record concerning the abuse or neglect of a child who is the subject of that proceeding, the judge may contact the local child protection unit to determine if such a record exists. If a determination has been made that such report appears justified pursuant to Children’s Code Article 615(B)(1) through (3), the local child protection unit shall verbally advise the judge that such report is in the possession of the unit. If the court finds that information which may be contained in the report is necessary for an issue before the court, the court may order the release of such information. If a determination was made that such report was unjustified or inherently improbable, such records shall be sealed and accessible only pursuant to Children’s Code Article 616(A)(2).<sup>1</sup>

Subsection F(8)(a) provides that “[c]ase records involving investigation of reports of child abuse and neglect shall be confidential in order to protect the rights of the child and his parents or guardians. Information contained in such records shall only be made available as provided in this Section or applicable state or federal laws or regulations.”

It would be natural for litigants to question who might have made a report about them, if it is determined that a report

was made. However, the law is clear that the identity of the person making the report is to be protected, except where a court has determined that the person making the report knowingly made a false report. Subsection F(8)(b) prohibits disclosing identifying information about who initiated a report or complaint “except that the department shall disclose such information pursuant to a court order after such court has reviewed, *in camera*, the department’s case record and finds reason to believe that the reporter knowingly made a false report.”

Accordingly, if litigants in a custody dispute believe that a report of neglect or abuse of a child (who is the subject of the custody proceeding) may have been made to DCFS against them or the opposing party and believe this fact is relevant to the proceeding, the issue of the potential existence of such a report must be raised to the judge. It is up to the judge to contact the DCFS to determine if such a record exists. If a report was made and determined to be justified, this information may be verbally conveyed to the judge. However, if a report was made and determined to be invalid, the fact of the report shall remain confidential.

One might ask, “But what about seeking this information in discovery or via subpoena? Can’t I do that?” No. Subsection H(1) provides that reports of child abuse or neglect shall not be subject to discovery or subpoena in any civil suit in which the DCFS is not a party.

The confidentiality provisions are so important to the proper functioning of this arm of the government and the requirements of mandatory reporting that Subsection “I” provides that a violation of any of the provisions of this law is punishable by a fine or imprisonment. The penalty for violation is a fine of between \$500 and \$2,500 or imprisonment for 90 days to two years in the parish jail, or both, on each count.

In *Pennsylvania v. Ritchie*,<sup>2</sup> provisions similar to those contained in La. R.S. 46:56, which require an *in camera* review of the records by the court, were upheld as constitutional by the U.S. Supreme Court. In that case, the issue was a criminal defendant’s right to confront his accuser, as it pertained to information within a report of abuse. Similarly, a Louisiana court held that the trial court correctly refused to reveal in

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its written reasons the content of confidential child abuse records.<sup>3</sup> In upholding the constitutionality of the required procedural process, the U.S. Supreme Court in *Ritchie* underscored the importance of maintaining the confidentiality of such records, by expressing the following:

To allow full disclosure to defense counsel in this type of case would sacrifice unnecessarily the Commonwealth's compelling interest in protecting its child-abuse information. If the CYS records were made available to defendants, even through counsel, it could have a seriously adverse effect on Pennsylvania's efforts to uncover and treat abuse. Child abuse is one of the most difficult crimes to detect and prosecute, in large part because there often are no witnesses except the victim. A child's feelings of vulnerability and guilt and his or her unwillingness to come forward are particularly acute when the abuser is a parent. It therefore is essential that the child have a state-designated person to whom he may turn, and to do so with the assurance of confidentiality. Relatives and neighbors who suspect abuse also will be more willing to come forward if they know that their identities will be protected. Recognizing this, the Commonwealth—like all other States—has made a commendable effort to assure victims and witnesses that they may speak to the CYS counselors without fear of general disclosure. The Commonwealth's purpose would be frustrated if this confidential material had to be disclosed upon demand to a defendant charged with criminal child abuse, simply because a trial court may not recognize exculpatory evidence. Neither precedent nor common sense requires such a result.<sup>4</sup>

<sup>1</sup> Children's Code Article 616(A)(2) has to do with the Central Registry and other matters not directly relevant to the subject of this article.

<sup>2</sup> 107 S.Ct. 989 (1987).

<sup>3</sup> W.M.E. v. E.J.E., 619 So.2d 707, 711 (La. App. 3d Cir. 1993).

<sup>4</sup> *Ritchie*, 107 S.Ct. at 1003 (footnote omitted).

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A portrait of a middle-aged Black man with a mustache, smiling slightly. He is wearing a dark blue suit jacket over a light blue and white striped button-down shirt. The background is a solid red wall on the left and a window with a view of greenery on the right.

## VITAL STATISTICS

**Age:** 69

**Born & Raised:** New Orleans;  
Came to Baton Rouge in 1975

**Parents:** Joseph Jr. and  
Lillyan Vaught Jackson

**Siblings:** Joseph III,  
Kevin Mark and Sean Ashley

**Spouse:** Honorable Bonnie  
Patrice Jackson (retired)

**Children:** Courtney  
and Christopher

**High School:** McDonogh 35  
Senior High in New Orleans

**College:** University of New Orleans,  
B.S. in sociology, 1974

**Law School:** LSU Law School: 1978

**Admitted to the Bar:** 1979

**Law Firm:** Law Office of  
Jackson, Mitchell & Jackson



# What I've Learned | Carl James Jackson

Interview by Cornelius Troy Hall

**TBRL: What were your biggest challenges in law school?**

CJJ: I found leaving home and having to adjust to a different city and learning environment challenging. The societal norms and mores of that time were challenging as well. When I started law school, there were only 10 African American students in my class out of a total incoming law school population of 400 students. Of the 10, five of us finished, with two of the five eventually becoming judges (Gail Horne Ray and Bonnie Patrice Jackson).

**TBRL: Tell us about your legal career.**

CJJ: Following my bar admission, I worked with the Louisiana Attorney General's Office Corrections Section for two years, dealing with inmate lawsuits filed against the Department of Corrections. Then I went on to work with the A.G.'s Environmental Law Section for three years; the A.G.'s Criminal Division for three years; the East Baton Rouge Parish Attorney's Office for 18 years as chief city prosecutor; and East Baton Rouge Parish Attorney's Office for seven years as the chief of litigation. I started private practice in 1981 or 1982 dealing with family law, successions, personal injury and criminal defense. Much of my work now is successions.

**TBRL: What is your favorite type of law to practice?**

CJJ: Successions, because it is one of the more involved and complex areas of the law and has a lot of issues to sink your teeth into. There is never a dull moment in successions.

**TBRL: What doors did law school open for you?**

CJJ: It helped me develop critical thinking skills. It also helped me learn how to understand different people and see things from their point of view. It changed my perspective on life issues, in that it helped me develop skills to see both sides of an argument instead of just one. Of course, most importantly, it allowed me to meet my other half, wife and best friend of 45 years Bonnie Patrice Jackson. We started and finished law school together. To be honest though, I didn't start dating her until my second semester. I was too busy, focused and stressed out trying to survive my first semester/first year.

**TBRL: What motivated you to become an attorney?**

CJJ: Initially, my plans were not to practice law, but instead, upon finishing my undergraduate studies in sociology at UNO, to pursue my master's degree in social work. However, I had a mentor named Irving Gayle, who, during my last year of undergrad, commented to me: "Boy, you love to argue; you need to get your law degree." So, I began to do some reading on the subject, found myself developing an interest in it and applied to law school.

**TBRL: What were some of your favorite moments as a lawyer?**

CJJ: Being a city prosecutor, because it allowed me to meet and work with a diverse group of people and also to deal with several different issues pertaining to the law.

**TBRL: What is your favorite part about practicing law?**

CJJ: The interaction with clients, which grants you the opportunity to interact with different people in a myriad of situations. It allows you to meet people that you may not have the chance to connect with otherwise. Additionally, it provides the attorney the chance to develop into a well-rounded person.

**TBRL: What were some highlights of your career as a lawyer?**

CJJ: Becoming city prosecutor for the City of Baton Rouge and succeeding Ralph E. Tyson in that position, which he held for more than nine years. Helping establish the Domestic Violence Offenders Program within Baton Rouge City Court, which was eventually adopted by the 19th Judicial District Court. And receiving the Capital Area Family Violence Intervention Center's Battered Women's Program Commitment Award and the Law Enforcement Award from the Baton Rouge Association of Women Attorneys (BRAWA).

**TBRL: If you were not practicing law, what would be your alternate profession?**

CJJ: Accounting, I have always liked numbers.

**TBRL: What is one thing you wish you had known before you started your legal career?**

CJJ: Be patient. Sometimes, due to the constructs of this profession, we as lawyers want and expect things to happen in a set time period. However, what I have learned is that things cannot always happen in a set time period as much as we would like or desire them to.

**TBRL: What is the best advice you've received?**

CJJ: My mom told me, "Give when you can because in doing so you will receive in return."

**TBRL: What is the best advice you ever gave?**

CJJ: You learn more by listening than you do by speaking.

**TBRL: Who were your mentors?**

CJJ: Ralph E. Tyson and Irving Gayle.

**TBRL: Who was the most important person you ever met?**

CJJ: My mother. I consider her the most influential person in my life. She always stressed to me the importance of education, standing up for what you believe in and finishing what you start. She had a way of offering encouragement when you were down and making you believe. With her there was no such word as "can't." Her words of support and encouragement provided me the emotional support and fight I needed to get through life and law school.

**TBRL: If you could have dinner with anyone, living or not, who would it be?**

CJJ: Muhammad Ali and Barack Obama.

# Recent Machine Gun Legislation

by Everett C. Baudean & Daniel E. Zelenka II

Cities around the country have seen a sharp rise in the possession and use of fully automatic weapons (a/k/a “machine guns”) in crime over the past few years, and Baton Rouge is no exception. In a recent news article, District Attorney Hillar Moore said over 80 such cases occurred in East Baton Rouge Parish in the last two years, and he estimated such weapons were used in up to 200 incidents during that period.<sup>1</sup> This number continues to rise.

What is behind this sudden trend? Firearm technology has not changed, and this does not appear to have much, if anything, to do with an increase in the trafficking in fully automatic firearms themselves. Rather, this appears to be due to the change in communication and manufacturing technology – the internet and 3D printing. With information readily available on the internet and with the accessibility of 3D printing, it is now easier than ever to quickly and cheaply make the required parts to convert certain semi-automatic firearms into machine guns. A colleague of one of the authors is currently representing a defendant who allegedly purchased a conversion switch for his Glock from a seller on Instagram. These parts can be purchased for as little as \$30.<sup>2</sup>

Mechanically, certain firearms, including the Glock semi-automatic pistol, can be converted to fire more than one round with a single pull of the trigger through the replacement of some fire-control parts and adding an “auto-sear” designed to automatically release the hammer or striker on successive rounds without having to release and re-depress the trigger. The Bureau of Alcohol, Tobacco, Firearms and Explosives (BATFE) has ruled that these auto-sears are machine guns under the National Firearms Act of 1934 (NFA)<sup>3</sup> and the Gun Control Act of 1968 and thus are regulated under federal law.

In response to the increase in state crimes involving these illegally converted firearms, the East Baton Rouge District Attorney’s office reviewed existing Louisiana law relating to machine guns and was concerned about enforcement. Pursuant to this review, Moore proposed new legislation seeking to change the current state law relating to machine guns to align with federal statutes and to more explicitly cover modified firearms. Several bills were introduced in the legislature in 2023, and House Bill 331 was passed and enacted as Act 120.

Prior to passage of Act 120, Louisiana had two separate statutory definitions of “machine gun.” The first was found in La. R.S. 40:1751<sup>4</sup> and the second in La. R.S. 40:1781<sup>5</sup> (which more closely tracked federal law). These two statutes

**TBRL: What are some of the more interesting jobs you’ve had?**

CJJ: While I was an undergraduate student at UNO, I worked in the Housekeeping Department at Mercy Hospital in New Orleans and loaded and unloaded UPS 18-wheelers for a year. I remember coming home dirty and tired and having my mom tell me, “Boy, take those dirty clothes off before you come inside this house.”

**TBRL: The turning point in your professional life was when?**

CJJ: I do not have a specific turning point in my career. Instead, I see my professional life as one that has evolved over time, filled with lessons, experiences and perspectives that have shaped me and made me who I am thus far.

**TBRL: Are you involved with any organizations or causes?**

CJJ: I am involved with the Casey Family Program, Angel Tree Projects and Red Cross Charities through my church affiliation Wesley United Methodist Church and, more specifically, United Methodist Men.

**TBRL: The truth is?**

CJJ: Whatever you have accomplished in life is with the help of others and ultimately God.

**TBRL: What is the last book you read (or listened to)?**

CJJ: “The Autobiography of Viola Davis.”

**TBRL: What would you consider to be your greatest achievement?**

CJJ: My children.

**TBRL: When do you have the most fun?**

CJJ: Spending time with my three grandkids; they call me Papa.

**TBRL: If you could change one thing about the practice of law, what would it be?**

CJJ: I would place a renewed emphasis on practicing collegiality and professional courtesy. While striving for efficiency is a great ideal and can provide a more streamlined and faster way of completing a task, especially, in today’s fast paced world, the simple practice of picking up the telephone and talking to the other side should not be a lost art or forgotten act.

**TBRL: What advice might you have for lawyers, based on your personal observations?**

CJJ: That lawyers be more succinct in their legal writing and arguments. For young lawyers specifically, be willing to take constructive advice and words of guidance when offered. Concentrate on studying the law as equally as you think about making money because if you do the work and do it well, the money will eventually come. Always act in a professional manner in your practice of law. My top five traits of professionalism are courtesy, honesty, integrity, respect and commitment.

created an unworkable conflict. La. R.S. 40:1751–55 were enacted into law in 1932, two years prior to the NFA, which established federal regulation and registration requirements of machine guns. La. R.S. 40:1781 *et seq.*, on the other hand, were enacted after the NFA and corresponded closely to the federal scheme.

Prior to passage of Act 120, Moore was troubled by the potential need to prove the discharge of more than eight cartridges successively under La. R.S. 40:1751, which might provide a defense against prosecution. This problem was exacerbated by full-auto conversions for machine guns readily available on the black market, which allow for multiple shots with a single trigger pull. Moore said:

Right now, under Louisiana law, we have to show that if you pull a trigger on one of these weapons, at least eight rounds fire[ suc]cessively. We have to bring it to a range to do that. Under federal law, all you have to do is (show) that more than one round fires. So, we have to have a much higher burden to show it's a machine gun, and we feel that legislation is outdated.<sup>6</sup>

At the same time, legal machine gun owners were concerned about the conflicts between R.S. 40:1751–55 and the subsequently enacted federal laws concerning the manufacture, sale and possession of firearms regulated under the NFA. La. R.S. 1751–55 conflicted with federal law and thus created some potentially problematic gray areas for people and businesses who have gone through the significant expense and federal vetting to manufacture, sell and own lawfully registered machine guns. These old laws did not make an exception for lawful, NFA-registered machine guns, as they predated the federal law.

While not a concern expressly cited by Moore, R.S. 40:1751 *et seq.* also provided possible defenses to prosecution for unlawful machine guns that were more concerning than the “eight successive round” requirement. There was an exception in R.S. 40:1752 stating: “Persons possessing war relics may purchase and possess machine guns which are relics of any war in which the United States was involved.”<sup>7</sup> This exception did not require the machine gun to be registered under federal law. There were also exceptions for manufacturers of machine guns (which could arguably include 3D printed parts) as long as those manufacturers kept records under the requirements of La. R.S. 40:1754. R.S. 40:1751 *et seq.* thus created the possibility that a machine gun or machine gun manufacturing could be legal

under Louisiana law but prohibited under federal law and other state laws, such as R.S. 40:1781 *et seq.*

Ultimately, La. R.S. 40:1751–55 were amended to track the federal regulatory scheme, with 1753 and 1754 (concerning “manufacturers or merchants” of machine guns) being repealed in their entirety as they were rendered meaningless and already in conflict with federal law. La. R.S. 40:1781 was also tweaked to more closely match the federal regulation. In sum, nothing changes for those who were already following federal law in lawfully possessing registered machine guns, and they can now rest easier that their extremely expensive collections are safe from aberrant interpretations of an antiquated statute. Our district attorneys and law enforcement officers can now also appreciate a clearer statutory definition of a machine gun that perhaps lessens what might have been perceived as onerous prosecutorial burdens.

Unfortunately, these changes are not likely to stop the flow of illegally modified machine guns, as they are becoming increasingly easier to manufacture and obtain. But with any luck, the word will get out that these cases are being taken seriously, the penalties are harsh, and some perceived “gaps” have been closed. On that note, to anyone reading this, if you see a listing for an auto switch for your gun on Instagram, *don't order it!*

<sup>1</sup> Lester Duhé, *80+ Cases Involving 'Glock Switches' Used in Crimes over Past 2 Years in BR*, WAFB, (Jan. 19, 2023), <https://www.wafb.com/2023/01/20/80-cases-involving-glock-switches-used-crimes-over-past-2-years-br-da-proposing-changes/>.

<sup>2</sup> Lara Nicholson, *How La. Legislators Are Cracking Down on 'Glock Switches'*, ADVOCATE (Baton Rouge, La.) (May 27, 2023), [https://www.theadvocate.com/baton\\_rouge/news/crime\\_police/how-la-legislators-are-cracking-down-on-glock-switches/article\\_3b3a0504-fce0-11ed-99ef-5fbazaco9733.html](https://www.theadvocate.com/baton_rouge/news/crime_police/how-la-legislators-are-cracking-down-on-glock-switches/article_3b3a0504-fce0-11ed-99ef-5fbazaco9733.html).

<sup>3</sup> In addition to machine guns, the NFA regulates silencers, short-barreled rifles and short-barreled shotguns.

<sup>4</sup> La. R.S. 40:1751 provides: “For purposes of this Part, ‘machine gun’ includes all firearms of any calibre, commonly known as machine rifles, machine guns, and sub-machine guns, capable of automatically discharging more than eight cartridges successively without reloading, in which the ammunition is fed to the gun from or by means of clips, disks, belts, or some other separable mechanical device.”

<sup>5</sup> La. R.S. 40:1781 provides: “‘Machine gun’ means any weapon, including a submachine gun, which shoots or is designed to shoot automatically more than one shot without manual reloading, by a single function of the trigger.”

<sup>6</sup> Duhé, *supra* note 1.

<sup>7</sup> This could arguably include many AR-15 and AK-47 pattern rifles.





# Back to Basics



## Things General Counsel Want (and Need) from Outside Counsel

*by Amanda Messa & Brandon Politz*

**T**his article is written from the perspective of corporate General Counsel (GC) and is intended for an audience of outside private practicing attorneys.

In today's fast-paced corporate America, GCs simply cannot cover all their companies' legal needs on their own and must rely on outside counsel for advice and support. Selecting which outside counsel to use often comes down to various factors, which typically include reputation among peers in the profession, expertise in a particular, specialized area of the law or even established trust from prior matters handled on behalf of the company. Whether you are a first-year associate just trying to get established or you find yourself in the latter stages of your legal career, there are some basic things you should know from the GC perspective that will not only strengthen your relationship with the client but also ultimately help you get more work. So, without further ado (and in no particular order), here is our list of the top 10 things GCs want and need from outside counsel.

### **1 - Provide Practical Advice & Support**

The GC reports upstream to company leadership on the matters you are handling, so try to anticipate the types of questions the GC will be asked. Where possible, be proactive and provide that information in a clear and concise manner to the GC. Also, consider any additional services/support you can provide that would be beneficial to the GC. Remember outside counsel often have access to valuable resources (e.g., notification of case filings and access to public/property records) that GCs do not have in-house. These services can be a great business-development tool for outside counsel.

### **2 - Be Responsive**

Always acknowledge receipt of your client's email or phone call, even if you don't have time to respond substantively. A short and simple, "I'm on it" or "Will follow up" is all that is necessary. Second, if you will be unavailable for a period of

time, be sure to set "out-of-office" automatic replies on your email and, to the extent possible, include alternate contacts on your team who can assist while you are out. Often clients' main concern is simply confirming that their issue or request is "on your radar." Lastly, discuss and set expectations with the GC regarding responsiveness. Most GCs will understand their matter isn't the only thing on your desk. If you are going to be tied up with a trial or project for another client and will be out-of-pocket for several weeks, share that information with the GC. Small efforts in this regard go a long way toward fostering good communication and building a positive relationship.

### **3 - Keep Clients Updated**

Timely and effective communication is critical to GCs, given their reporting obligations within their companies. There are some simple ways to make sure you succeed in this area: (1) Keep GCs informed, even when they haven't asked for an update. (2) Establish a file tickler system to send regular updates, particularly for major litigation or transactions. (3) Learn the GC's specific needs and arm him or her with useful information for reporting purposes. For example, if you know the GC has a standing meeting with the company's executive leadership every Monday morning, send an email update in advance of that meeting so the GC will have updates to report. Likewise, if you have a case set for an upcoming mediation or trial and you need settlement authority, make sure you submit your case evaluation and recommendations timely so the GC can fully vet it with leadership and obtain any required approvals.

### **4 - Keep Communications Brief & Concise**

Because GCs wear many hats, they are forced to be multi-taskers and answer to numerous people (both inside and outside the company). On top of that, GCs often operate on lean budgets and may be understaffed. Like outside counsel, they also receive tons of email; managing that email can be

challenging. Sifting through “War and Peace” style emails to find pertinent information is not an effective use of their time. To the extent possible, keep all communications brief and to-the-point. While certain scenarios may call for lengthy, detailed memos addressing all the issues and pitfalls of a particular case, most times, a brief “hit the highlights” email will get the job done. Brevity is appreciated!

### 5 – Be Honest

Give your client the full story and an honest evaluation of the strengths and weaknesses of the case. If you see the GC’s perception of the case is inflated or conversely, the GC has underestimated the potential weaknesses of the case, the GC needs to know that up front. Also, remember that bad news does not get better over time. If something unfavorable in the case arises, the GC needs to know when you know. Lastly, don’t be afraid to acknowledge that you or your firm may not be the right fit for a particular matter. Honesty is appreciated and can strengthen your credibility with the client.

### 6 – Learn the Client’s Business & Culture

The importance of investing time to get to know your client and the GC cannot be overstated. From a practical standpoint, this means learning all you can about the client’s business, its industry, and the company itself (e.g., the company’s policies and procedures, history, customers, competitors and challenges). To this end, a significant amount of information is available on the internet that can provide you with useful information. Take time to follow the company on social media platforms and stay attuned to news and major developments that could impact the company (now or potentially in the future).

Perhaps most important, learn the company’s C-U-L-T-U-R-E. Never underestimate the impact culture has on a company’s decision-making, tendencies and predilections for ongoing and future operations. Culture is often a key indicator of how the company is likely to respond to legal challenges. Learning the company’s culture means getting to know the personalities of company executives as well as key personnel with whom you interface—their preferences, pet peeves and any deal-killers of which you should be aware. Ask for a copy of the organization chart, if appropriate, to gain a better understanding of the company’s structure and employee roles and responsibilities.

Learning the company’s culture also means uncovering those unwritten rules by which the company operates. For example, if a company has an unwritten policy of avoiding continuances in litigation, with the intent of prosecuting cases to final resolution on a quicker, more efficient and cost-effective basis,

you need to know this at the outset to avoid any missteps with the client. In sum, you should strive to learn all you can about your client. At the end of the day, the goal is for you to become not just your client’s legal counsel but a trusted adviser.

### 7 – Build Relationships & Value the GC’s Input

Make a sincere effort to cultivate a relationship with the client and GC. This is a critical component to building the trust your client has in you and your team. Ask questions and listen to feedback from the GC. Connect with the GC to build a foundation and amass knowledge of the things outlined in number 6 above. Be thoughtful as to the type of material and content you pass along to the GC. Think about ways to personalize it and make it relevant to your client’s business. Keep in mind that GCs have broad discretion to select outside legal counsel. It’s not always about which attorney or law firm has the most experience, best reputation or offers competitive rates. GCs will ultimately select counsel with whom they enjoy working. If GCs have trust in you and value your work, they will look to continue that relationship and are more likely to call time and again.

### 8 – Heed Budgets & Reporting Requirements

If your client provides you with guidelines addressing billing and reporting requirements, be sure to follow them. If guidelines aren’t provided, be proactive and ask the GC how these items should be handled at the outset of a matter. When developing a budget, make sure you put the appropriate time and thought into the numbers being provided and properly communicate any assumptions made to the GC. Tailor the budget to the specific assignment at hand and alert the GC if budgetary concerns need to be discussed. It’s ALWAYS better

to have difficult budgetary discussions early, as opposed to late, in the assignment.

Keep in mind that while your role as outside counsel on the assignment is to achieve the objective (whether that’s win the case or close the deal), that does not mean you should achieve the objective **at all costs**. Part of the GC’s role is to properly monitor and control legal costs. It is critical that the GC and outside counsel work together to achieve this objective. For example, if the matter requires retaining an expert, the GC needs to know not just the expert’s reputation and experience, but also how much the expert will cost. Does your case really need an expert commanding \$1,000 per hour, or is an alternate expert at \$250 per hour sufficient? Moreover, have you included the expert’s costs in your budget? If not, a separate budget needs to be provided, as GCs must account for those costs just the same. The bottom line is that budgets matter a great deal to GCs and to the accountants with whom they work. GCs are ultimately

**Learning the company’s culture means getting to know the personalities of company executives as well as key personnel with whom you interface—their preferences, pet peeves and any deal-killers of which you should be aware.**

held accountable for their budgets and need support and timely updates from outside counsel to ensure they meet those budgets.

### Number 9 – Seek Feedback

Ask for client feedback and then act on it. This does not have to be just post-mortem feedback. A great practice is to check in periodically with the GC to see what's going well and what's not and whether improvements can be made. Then take steps to implement any requested changes, where feasible. Repeat this process at the conclusion of the matter as well, especially following large projects or litigation where there should be great willingness to discuss successes and failures on both sides. Some mistakes are unavoidable, while others are not. Focus on areas of improvement for the next assignment. This is another great opportunity to build client trust and foster a good relationship.

### Number 10 – Invoice Properly and Timely

And last (but certainly not least), don't overlook the importance of proper and timely invoicing to your client. This important task—while sometimes viewed as an administrative burden—is critical to the GC and establishes an important foundation of trust. Here are some simple tips to help gain points with the GC in this area: First, take time to carefully review your bills to catch mistakes **before** they're issued to the client. Pay close attention to invoices where multiple timekeepers are working on the same matter. Second, ensure your bills comply with the engagement letter and/or outside-counsel billing guidelines. Those guidelines were established for a reason, and following them is a great way to build trust. Third, include proper task descriptions for all time entries with sufficient detail so GCs can identify and properly code expenses against budgets.

Lastly, avoid common GC pet peeves on your bills, which include:

- 1) Block billing;
- 2) Multiple timekeeper entries for the same meeting or conference call (GCs appreciate that outside counsel's time is money, but consider whether charging everyone's time is reasonable and necessary. GCs also appreciate seeing an occasional "no charge" listed on your bill, which goes a long way toward building the client relationship);
- 3) Rounded-hour entries (e.g., if all entries are 1.0, 2.0, 3.0, 5.0 hours, etc., it creates the appearance of impropriety); and
- 4) Exorbitant travel expenses (GCs owe a fiduciary duty to the company and, by extension, expect outside counsel to similarly be good stewards of company money).

At the end of the day, reasonableness should be the standard, and you want to avoid surprises when it comes to billing. Consistently providing accurate and timely invoices is a great stepping-stone to getting more work in the future.

# SAVE THE DATE: BATON ROUGE BAR ASSOCIATION BENCH BAR CONFERENCE 2024

## APRIL 3-6

## PERDIDO BEACH RESORT ORANGE BEACH, ALABAMA

CONTACT  
ANN K. GREGORIE  
FOR SPONSORSHIP  
INFORMATION:  
225-214-5563  
OR ANN@BRBA.ORG



# Attorney Spotlight Brad Barback

**TBRL: Describe your involvement with the BRBA.**

BB: I chaired the BRBA Construction Section for two years and am the immediate past chair. I've participated in many other BRBA activities, such as Law Day, presenting at CLE by the Hour, the softball tournament and others over the years.

**TBRL: Tell us about your education.**

BB: I majored in international trade and finance as an undergraduate at LSU and graduated from LSU Law.

**TBRL: Where are you from?**

BB: I was born and raised in the Baton Rouge neighborhood of Shenandoah.

**TBRL: What is your favorite BRBA activity or event?**

BB: It was the annual softball tournament during the hottest week of the year. Hopefully we can get the tournament back up and running soon.

**TBRL: If you were not practicing law, what would be your alternate profession?**

BB: Lately, I've convinced myself I could be a rancher. But that's probably just because I've been watching "Yellowstone." I might like to open a sandwich restaurant, where we serve open-face sandwiches that you're supposed to eat with utensils. It'd have white table cloths and a classical violinist. It'd be a place you could take your biggest clients and still feel confident ordering a meatball po'boy, because it'd be served open-faced over toasted French bread, and I'd suggest you'd eat it with a spoon. It's a highly superior way to eat a messy sandwich. You'd have the option to order it "heathen style," like a normal sandwich, but the wait staff would give you a hard time about it. Our tagline would be "Sandwiches served on the upper crust, for the upper crust," but it's said half in jest. We'd welcome everyone, even the dregs of society, lawyers.

**TBRL: Where do you practice law?**

BB: I practice out of McGlinchey Stafford's Baton Rouge office.

**TBRL: Why did you choose to practice construction law?**

BB: That's where the work was. I "grew up," so to speak, litigating construction matters. I was fortunate as a young



Brad Barback

attorney to work with a couple of great attorneys whose practices mainly consisted of construction litigation. It was a great fit because, for a few years prior to law school, I worked for an industrial contractor. Having real-world construction-project experience was extremely helpful as a young construction lawyer, particularly in gaining credibility with clients.

**TBRL: What is a common misconception about construction law?**

BB: That it's boring. Every case is different. Factually, you are always having to learn new, technical subject matter, and the legal issues can touch on many different areas of law.

**TBRL: Why should BRBA members practicing construction law join the BRBA Construction Law Section?**

BB: There is absolutely no reason they should NOT join. The cost is negligible. The section roster is full

of some of the best lawyers, not just in Baton Rouge, but in the country. We meet regularly to have presenters from inside and outside the section provide relevant CLEs. The most valuable part is being able to connect with some of the best construction attorneys around. It's really interesting because the nature of our practice means section members are often in competition with one other, yet everyone is willing to share advice and insights. We have CLE presenters planned for September and November.

**TBRL: What is the best piece of advice you have received?**

BB: Well, recently I heard, "Don't suffer imaginary harms," and I like that a lot. To me, it means don't stress about things that haven't happened yet and are out of your control, and don't worry about what other people think of you (because they're not thinking about you).

**TBRL: What are your leisure activities?**

BB: Leisure activities? I have three kids, ages 15, 11 and 8 and bill hours for a living. I'm basically a volunteer Uber driver outside the office.

---

*Interview by Pamela Labbe, Ph.D.,*

communications director of the Baton Rouge Bar Association and staff liaison of the Publications Committee.

# Gaps in Legal Aid: Helping Low-Income Individuals Find Legal Representation in Civil Law Matters (Part 2)

by Cornelius Troy Hall

*“To make justice real, we need to ensure that people have access to legal aid. We can help them get relief, or fight discrimination.”*

– Charles Greenfield, supporter / former  
Executive Director of Legal Aid Society of Hawai'i.<sup>1</sup>

Individuals encounter civil law disputes that require them to seek legal representation every day. Finding the right form of representation to resolve these disputes can be a challenge. This task becomes even harder when the individuals have either depleted their income in trying to resolve the matter or are living at or below the poverty line. Part 1 of this series identified low-income families, the gaps in legal services available to them and the “why” behind the gaps. This article represents the latest entry in the BRBA’s continuing series regarding this task and the role the BRBA plays in providing civil legal aid to low-income individuals, both locally and nationwide.

## The Unmet Need of Louisiana’s Low-Income Families

The 2018 Louisiana State Bar Association’s Report was used to provide a perspective on the unmet legal needs of Louisiana families.<sup>2</sup> In contrast, to provide a national perspective, the 2022 Justice Gap Report produced by the Legal Services Corporation, Yael Cannon’s 2002 law review article titled *Unmet Legal Needs as Health Injustice* and the 2006 report issued by the American Bar Association on unmet civil legal needs were used.<sup>3</sup> The data reveals that the issues where Louisianians have the highest percentages of unmet legal needs are consumer and finance law, employment, family law and disaster relief. Other areas where Louisianians lack adequate access to legal resources are education, government benefits, health care, housing, immigration, individual rights and juvenile law.

In Cannon’s article, she notes that the American Bar Association in its Model Access Act identified health as a “fundamental human need” that “implicate[s] legal issues related to ‘access to health care for treatment of significant health problems, whether the health care at issue would be financed by government programs (e.g., Medicare, Medicaid, [Veterans Affairs benefits], etc.), financed through private insurance, provided as an employee benefit, or otherwise.’”<sup>4</sup>

In 2006, the American Bar Association issued a report identifying five areas of the most basic human rights.<sup>5</sup> These rights were deemed to involve “interests so fundamental and critical as to require governments to supply lawyers to low-income persons who otherwise cannot obtain counsel.”<sup>6</sup> The goal of the 2006 report was twofold. **First**, it sought to provide an applicable approach for developing “a health lens [that identified those] unmet civil legal needs,” requiring legal representation for neglected individuals to improve their health and well-being, whether through an established right or increased access.<sup>7</sup> **Second**, it sought to provide a guide for the role lawyers can play in addressing those identified needs that advanced health and health equity.<sup>8</sup>

## The Consequences of the Gaps

A 2021 report measuring unmet civil-litigation needs issued by the Legal Aid Interagency Roundtable found that 86% of civil legal problems reported by low- and moderate-income persons receive inadequate or no legal help.<sup>9</sup> A 2015 report from the National Center for State Courts Report examined unmet civil litigation needs and found that:

In more than three-fourths of all civil trial cases in the United States, at least one litigant does not have a lawyer. Figures are even starker when it comes to family law, domestic violence, housing, and small-claims matters—those involving disputes over amounts up to \$25,000, depending on the state. At least one-party lacks representation in 70 to 98% of these cases.<sup>10</sup>

The 2015 report also found that:

Without access to legal advice, many are unaware of their legal rights and potential claims. Past estimates and more recent state-by-state studies suggest that about 80 percent of the civil legal needs of those living in poverty go unmet, as well as 40 to 60 percent of the needs of middle-income Americans. However, because these figures depend upon self-selection and self-reporting and because many Americans do not identify their unmet legal needs as such, it is impossible to estimate Americans’ total unmet legal needs.<sup>11</sup>

It further found:

The justice gap not only most affects those living in poverty but also perpetuates poverty. It also comes at

a great cost to the government at the local, state and federal levels. For instance, preventing eviction is less expensive for governments than providing emergency housing or covering the higher costs associated with homelessness. In particular, providing attorneys for litigants in cases involving housing, health care and domestic violence saves governments money and creates both social and economic benefits.

Lane Anderson, in her 2015 article titled *Why Fair Legal Representation Remains Elusive for the Poor*, notes that one of the major consequences of low-income Americans either (1) not trying to access civil legal aid at all or intermittently or (2) trying to find aid but with either little or no success is “the effects on basic human rights. This effect, in part, provides a shield for neglectful landlords and all sorts of other bad actors — abusive husbands, predatory lenders, corrupt employers.”<sup>12</sup>

A 2006 report issued by the American Bar Association found that millions of low-income Americans have civil legal issues that go unaddressed, jeopardizing their basic human needs for shelter, sustenance, safety, family stability and access to health care.<sup>13</sup> The report and an accompanying resolution called for a civil right to counsel when such fundamental needs are at stake.<sup>14</sup>

The report also noted that three states and several cities have established a right to counsel for tenants facing eviction, and other legislative efforts have expanded the right to counsel or access to counsel in other civil cases that implicate fundamental areas of human need.<sup>15</sup> Those areas of human need identified by the report affect the health of low-income individuals and drive racial and socioeconomic health inequities across the community.<sup>16</sup> The report also noted that, when rights in these areas go unenforced for Americans marginalized by poverty and

race, their health can suffer, compounding health inequities.<sup>17</sup>

In the next issue of *TBRL*, we’ll examine some of the programs in place to assist low-income families in their pursuit of legal services.

<sup>1</sup> Legal Aid Society of Hawai’i, *Wanted: More Lawyers to Fight for Fairness and Justice* Legal Aid Society of Hawai’i, (Oct. 8, 2021), <https://www.legalaidhawaii.org/legal-aid-impact/wanted-more-lawyers-fighting-for-fair-treatment-under-law>.

<sup>2</sup> Study respondents were first asked to identify whether they had ever had a legal problem. A total of 54% of respondents or a member of their family had a legal need, and 46% of respondents did not. The respondents who had a legal need were the focus of the remainder of the study. These respondents were asked to identify whether their legal need occurred in the past two years and which area of civil law their need involved. More than 50% of these respondents identified a legal problem in the past two years.

<sup>3</sup> The findings come from the Justice Gap Measurement Survey conducted at the end of 2021 and are based on that survey’s nationally representative sample of low-income households. Yael Cannon, *Unmet Legal Needs as Health Injustice*, 56 U. RICH. L. REV. 801 (2022).

<sup>4</sup> *Id.* at 842-43.

<sup>5</sup> *Id.* at 815.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.* at 817.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.* at 805.

<sup>10</sup> Rebecca Buckwalter-Poza, *Making Justice Equal*, CENTER FOR AMERICAN PROGRESS, Dec. 8, 2016, <https://www.americanprogress.org/article/making-justice-equal/> (footnotes omitted).

<sup>11</sup> *Id.*

<sup>12</sup> Lane Anderson, *Why Fair Legal Representation Remains Elusive for the Poor*, *Jul. 30, 2015*, <https://www.deseret.com/2015/7/30/20569173/why-fair-legal-representation-remains-elusive-for-the-poor>.

<sup>13</sup> Cannon, *supra* note 3, at 805.

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> *Id.*

<sup>17</sup> *Id.*

## BRBF Pro Bono Project Ask-A-Lawyer Dates

Free legal counsel through the Ask-A-Lawyer Program is offered at local libraries in and around East Baton Rouge Parish. Volunteer attorneys offer one-on-one 15-minute sessions for legal advice on a first-come, first-served basis for advice on non-criminal matters involving family, consumer, housing, Social Security, employment, education and succession law on Saturdays from 9 - 11:30 a.m. To volunteer, contact Regina Lynn Smith Haynes at [lynn@brba.org](mailto:lynn@brba.org) or 225-214-5564.

**Sept. 2 | Bluebonnet Regional Branch Library, 9200 Bluebonnet Blvd.**

**Sept. 16 | Zachary Branch Library, 1900 Church St. (Zachary)**

**Oct. 14 | Central Branch Library, 11260 Joor Rd.**

**Nov. 4 | Baker Branch Library, 3501 Groom Rd. (Baker)**

**Dec. 9 | Jones Creek Regional Branch Library, 6222 Jones Creek Rd.**



# Bar News

## September Bar Luncheon Features LSU Law Dean

LSU Law Dean Alena Allen will speak Sept. 7, 2023, at the BRBA Bar Luncheon, which is also a CLE seminar. The event begins at 11:45 a.m. at the City Club of Baton Rouge. For more information, contact Susan Saye at [susan@brba.org](mailto:susan@brba.org) or 225-344-4803, or see our registration form on page 8 of this issue. Deadline is Aug. 30, so don't delay!

## In-House Counsel Section Meeting & CLE Will Feature Artificial Intelligence Discussion Sept. 21

Drew Patty of Phelps Dunbar will present "Corporations, ChatGPT & Artificial Intelligence Compliance: Who's Afraid of Big Bad A.I.?" at the Sept. 21 In-House Counsel Section Meeting & CLE at Phelps Dunbar LLP, II City Plaza at 400 Convention St., Ste. 1100. Contact Susan Saye at [susan@brba.org](mailto:susan@brba.org) or 225-344-4803 to register for this one-hour CLE.

## Self-Nomination Forms for BRBA Board and YLS Council Are Due by Sept. 29

Thinking of running for a leadership position with the BRBA for 2024? The self-nomination forms for seats on the Board of Directors and Young Lawyers Section Council are within the pages of this issue (see pages 31-32). Please submit your form and current headshot no later than Sept. 29, 2023, to Ann K. Gregorie at [ann@brba.org](mailto:ann@brba.org).

## Young Lawyers Section CLE Planned for October

The YLS Council is planning a CLE seminar Friday, Oct. 13, 8:30 a.m. - 12:30 p.m. at the 19th Judicial District Court. To register, contact Susan Saye at [susan@brba.org](mailto:susan@brba.org) or 225-344-4803.

## Celebrate Pro Bono by Attending Oct. 23 Reception

A Pro Bono reception honoring Pro Bono Project Century Club recipients will be held 5 - 7 p.m. at the Middleton Bar Center Monday, Oct. 23, 2023. Pro Bono Project volunteers are invited to attend. Contact Robin Kay at [robin@brba.org](mailto:robin@brba.org) for details.

## In-House Counsel Section Meeting & CLE to Feature Presentation on ADA Oct. 26

Lamar Advertising will house the Oct. 26, 2023, In-House Counsel Section meeting & CLE seminar from 11:30 a.m. - 1 p.m. Learn about recent developments concerning the American with Disabilities Act. Speakers Phyllis Cancienne and Beth Liner of *Baker, Donelson, Bearman, Caldwell & Berkowitz, PC*, will provide this 1.0-hour credit CLE, titled "ADA Primer for General Counsel." To register, contact Susan Saye at [susan@brba.org](mailto:susan@brba.org) or 225-344-4803.

## Holiday Star Project Is Just Around the Corner

The BRBF Holiday Star Project will be in full swing in just a matter of weeks. This program provides gifts to children who might not otherwise receive any. Past participants should expect a friendly email or phone call by early November.



The 19th Judicial District Court held a Specialty Courts CLE Seminar June 15, 2023, at the courthouse. Photographed (L to R) are Traffic Court Coordinator Genevieve Robichaux, 19th JDC Chief Judge Donald R. Johnson and the current 19th JDC Interim Judicial Administrator Diana Gibbens.



The Young Lawyers Section's Summer Sizzlin' CLE 2023 was held June 23, 2023, at Mike Anderson's Seafood. Photographed (L to R) are YLS Chair-elect Brad Cranmer, YLS Council member Cornelius Troy Hall, YLS Chair Kelsey Luckett and YLS Council member Kolby Marchand.



BRBF Pro Bono Project Coordinator Regina Lynn Smith Haynes and Theophile Kadia were photographed on May 17, 2023, at the LSBA Pro Bono Publico and Children's Law Awards ceremony at the Louisiana Supreme Court. Kadia was a recipient of the LSBA 2023 Law Student Award. He is a former BRBF intern, a 2018 graduate of the University of Texas at Austin and a current 3L at Southern University Law Center. Kadia interned recently with the Dallas County D.A.'s Office.



Photographed (L to R) are Magistrate Judge Richard L. Bourgeois Jr., YLS Council member Kolby Marchand and Judge Brian A. Jackson. Marchand moderated a panel discussion of the U.S. Middle District Court during the July 19, 2023, Young Lawyers Section's Sidebar Luncheon with the Middle District, which was held at Juban's. Also participating in the panel were Chief Judge Shelly D. Dick and Magistrate Judge Scott Johnson (not pictured).



Photographed (L to R) are Gerard Morgan with Hammonds & Sills, Chief Judge Shelly D. Dick of the U.S. District Court, Middle District of Louisiana, and her son, Kelley R. Dick Jr.



Law partners Danielle L. Borel (far left) and Joseph Cefalu III (far right) brought their crew from Breazeale Sachse & Wilson, L.L.P., to the Young Lawyers Section Sidebar Luncheon with the U.S. Middle District Court. The LSU Law students and summer law clerks are (front row) Caroline Taylor, Grace Champagne and Kris Bromley; (back row) Jack Ducote and Taylor Guice.

### BRBA Young Lawyers Section Council Held Three Successful Summer Events

The Young Lawyers Section Council organized two summer sidebar luncheons. The first was held July 19, 2023, at Juban's with the U.S. Middle District Court, while the second took place July 26, 2023, at the First Circuit Court of Appeal. Special thanks to Young Lawyers Section Council members who organized and moderated the two events. Additionally, the annual YLS Summer Sizzlin' CLE was held June 23 at Mike Anderson's Seafood.

### BRBF Belly Up Event Tickets Available Soon

The 25th annual Belly Up with the Bar event, a cooking competition and a fundraiser for the BRBF's Youth Education Programs, will happen Friday, Oct. 27, 2023, at the LSU Parker Coliseum. Advance general admission tickets will be available in mid-September. Once available, BRBA members will be invited to purchase tickets online through the website ([www.BRBA.org](http://www.BRBA.org)), or by calling the BRBA office: 225-344-4803. Additionally, cooking teams can register until Sept. 29, 2023. For team registration or sponsorship information, contact Pamela Labbe at [pam@brba.org](mailto:pam@brba.org) or 225-215-5560.

### Gavel Gala Returns Thursday, Nov. 9

Dust off your tux or take your ball gown to the drycleaners: The Gavel Gala, a BRBF-fundraiser event, will return in style Thursday, Nov. 9, 2023, to the City Club of Baton Rouge, and you want to be ready. It's time to reserve your table and to practice your live auction wave. Former Lt. Gov. Jay Dardenne Jr. will serve as our auctioneer. Need more information about this event? Contact Ann K. Gregorie at [ann@brba.org](mailto:ann@brba.org) or 225-214-5563.

## Save the Date:

The Opening of Court, New Member & Memorial Ceremony is **Wednesday, Jan. 31, 2024**. Please join us as we honor lawyers we have lost and recognize individuals who have recently become members of the Bar.



# TEAM ENTRY FORM

## Belly Up with the Bar

### COOK - OFF & BREWFEST

## Friday, Oct. 27, 2023

25th Annual Event



The 25th Annual “Belly Up with the Bar” is a cook-off, brewfest and party with live music—sponsored by the Young Lawyers Section of the Baton Rouge Bar Association. Attendees select the winners of the “People’s Choice” Awards for Best Food, Best Cocktail and Best Mocktail. Judges select winners in a variety of categories. Team and individual entries are welcome.

**Event proceeds benefit the BRBF’s Youth Education Program.**

**Advance general admission tickets:** \$35 per adult; \$25 per law student; \$15 per child ages (12 - 17); \$5 per child (ages 3 - 11).

**Tickets at the door:** \$45 per adult; \$45 per law student; \$20 per child (ages 12 - 17); \$10 per child (ages 3 - 11).

**Children ages 2 and under get in FREE.**

<b>LOCATION:</b>	LSU AgCenter, John M. Parker Coliseum, 91 AgCenter Lane (Off Highland Road between S. Stadium Dr. & Parker Blvd.)
<b>DATE:</b>	<b>Friday, Oct. 27, 2023   General Admission: 6 - 9 p.m.</b> — mark your calendars NOW!
<b>WHO ENTERS:</b>	Anyone who’s willing to cook and serve enough to feed/water our local bar. The \$175 per team (up to 5 members) entry fee gets you: <ul style="list-style-type: none"> <li>(1) in the door to try all the fabulous food and drinks</li> <li>(2) all the beer you care to drink, and</li> <li>(3) the chance to show off your culinary talents</li> </ul>
<b>WHAT YOU BRING:</b>	<ul style="list-style-type: none"> <li>• Enough food to serve roughly 500 “sample size” portions</li> <li>• Any cooking/heating/brewing equipment necessary to serve your entry</li> <li>• A team of no more than 5 members</li> <li>• A sign to indicate what you’re making and team name</li> <li>• Plastic serving bowls (sample size), cups and/or plates and utensils</li> <li>• <b>PLEASE NOTE: No balloons of any kind! No open flames inside the Parker Coliseum.</b></li> </ul>
<b>WHAT WE PROVIDE:</b>	Beer, live music, awards and bragging rights.

PLEASE COMPLETE THIS FORM. EMAIL IT TO PAMELA LABBE AT [PAM@BRBA.ORG](mailto:PAM@BRBA.ORG) OR FAX IT TO: **(225) 344-4805.**

**Registration Deadline: Friday, Sept. 29. CHECKS SHOULD BE MADE PAYABLE TO “BRBF” (re: BELLY UP WITH THE BAR)**

TEAM NAME: \_\_\_\_\_

TEAM CAPTAIN: \_\_\_\_\_

CAPTAIN'S LAW FIRM: \_\_\_\_\_

CAPTAIN'S EMAIL ADDRESS: \_\_\_\_\_

CAPTAIN'S MAILING ADDRESS: \_\_\_\_\_

CAPTAIN'S CITY/STATE/ZIP: \_\_\_\_\_

CAPTAIN'S CONTACT NUMBER: \_\_\_\_\_

WHAT YOU'LL SERVE: \_\_\_\_\_

FOR “BELLY UP WITH THE BAR” **TICKET INFORMATION**, PLEASE CONTACT THE BRBA AT (225) 344-4803.

*\*If you are unable to participate or attend, yet you wish to make a donation to the Baton Rouge Bar Foundation’s award-winning Youth Education Program, please make your check payable to the BRBF.*



Register your  
cooking team!

25th Annual

# Belly Up with the Bar

COOK-OFF & BREWFEST

Vote for your  
favorite  
dish, drink &  
mocktail

Join us at the **LSU Parker Coliseum**  
**6 - 9 p.m. Friday, Oct. 27**

Dance the  
night away

for great food, cocktails & mocktails, face painting,  
live music, photo booth & lots of family-friendly fun.

Win great  
door prizes

**Support your favorite cooking teams by voting for  
our Belly Up with the Bar People's Choice awards.**

## 2023 Belly Up Sponsors

### PREMIER SPONSORS:

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### TWO SPOONS:

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*Special thanks to Coca-Cola Bottling Company United—Baton Rouge*



**To Sponsor Belly Up:**  
please contact Pam Labbe  
at 225-214-5560  
or [pam@brba.org](mailto:pam@brba.org)

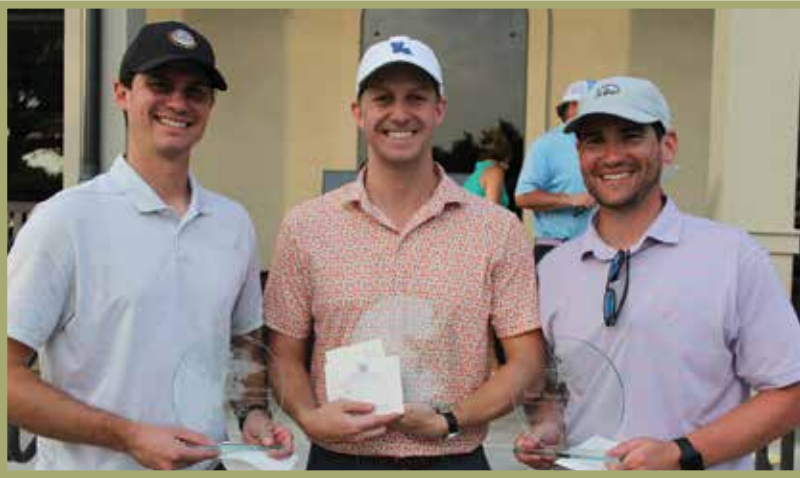
**Join the Competition!**  
**Register Your  
Law Firm's  
Cooking Team.**  
**Deadline: Sept. 29**

## How Do I Buy a Ticket?

Call the BRBA at 225-344-4803 or see our website: [BRBA.org](http://BRBA.org).

**ADVANCE TICKETS: \$35/ADULT | \$25/LAW STUDENT | \$15/CHILD AGES 12-17 | \$5/CHILD AGES 3-11 | KIDS 2 & younger get in FREE**

**SAVE MONEY BY PURCHASING YOUR TICKETS IN ADVANCE!**



Winning First Place Gross at the 2023 Ball Maul Golf Tournament is the team of (L to R) Taylor Croussillac, Hayden Bigby and Taylor Boudreaux.



Winning First Place Net is the team (L to R) Vinny Ventrulla, Devin Jones and Caleb Steech.

# BRBA 2023 Ball Maul Recap

by Luke Williamson

The green fairways of the University Club in Baton Rouge played host to the highly anticipated 2023 Ball Maul Golf Tournament on May 23. Under a blazing sun, attorneys gathered for a day on the links, composed of friendly competition and shenanigans. The tournament showcased an impressive display of talent, with players demonstrating their prowess in worm burners, water shots and chile dips.

However, some players rose to the occasion and showed what they learned during the COVID-19 shutdown. In the hotly contested First Place Gross Division, the team of Taylor Boudreaux, Taylor Croussillac and Hayden Bigby emerged triumphant. Their exceptional golfing skills were matched only by their grace in humbly accepting the pre-eminent award. Meanwhile, the First Place Net victors were the talented trio of Devin Jones, Vinny Ventrulla and Caleb Steech. Their skillful play and keen understanding of the handicap scoring system led to a well-deserved victory.

Although there were many individual winners, I would be remiss if I did not note that the prestigious Longest Drive in the Women's category was won by Lindsey Sanchez. Her powerful swing and precise technique guaranteed victory in this category and the highly coveted prize.

However, beyond the thrill of victory and personal bests, the true essence of the Ball Maul Golf Tournament was the camaraderie and shared hiatus from the daily grind experienced by all the participants on a beautiful day three-putting on the lush greens of the University Club. Despite all the fun, the event raised more than \$25,000 for the Baton Rouge Bar Foundation. A special thanks to the Baton Rouge Bar staff for putting together a great event, all the sponsors who made the event possible and the triumvirate co-chairs—Scott Brady, Jeff Watson and Kelley Dick. See you next year. Fore!!!



The team of Scott Emonet, Judge Kelly Balfour and Taylor Carrol (not pictured) won Second Place Net. Emonet received the Closest to the Hole (#16) trophy.



The team of Bobby Lormand, Craig Watson and Chris Whittington won Third Place Net.



Lindsay Sanchez won Longest Drive (Women's Category).



Paul Tanner won Longest Drive (Men's Category).





Alinity Wealth Management  
(Poker Run Sponsor & Hole Sponsor)



Capitol Imaging Services (Hole Sponsor)



Elite Chiropractic, Sonnier Chiropractic  
and Pro-Chiropractic Center  
(Putting Green Sponsors)



Anchor Point Consulting (Hole Sponsor)



Dickinson Chiropractic (Hole Sponsor)



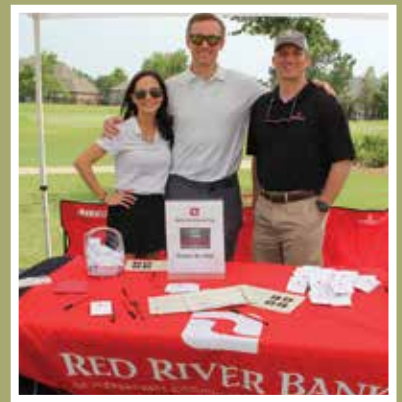
Modesto Tacos Tequila Whiskey (Hole Sponsor)



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Toups & Co. (Prize Sponsor & Hole Sponsor)



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Perry Dampf Dispute Solutions  
(Hole Sponsor)



Walk-On's Sports Bistreaux (Hole Sponsor)



# Book Review

## A Review of "A White Hot Plan"

by Ed Walters

*Book Authors:* Michael H. Rubin and Ayan L. Rubin

*Publisher:* University of Louisiana

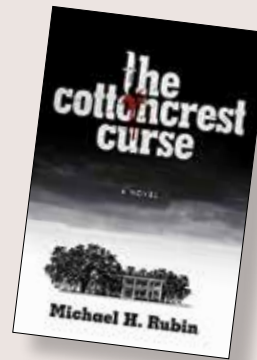
*Publication Date:* March 1, 2023

*Number of pages:* 278



Having read and enjoyed Mike Rubin's earlier book, "The Cottoncrest Curse," I was excited when he asked me to review "A White Hot Plan," written by the dynamic duo of Mike and Ayan Rubin, his wife.

If you are from Louisiana, you will recognize as familiar the names Mike and Ayan created for the protagonist, the villains and the locations where this cliffhanger occurs, i.e., the sheriff, "Knock," whose real name is Naquin; a deputy named Gautreaux; and people named Vivochère, Boulette and, of course, Bubba. The locations of much of this story include the fictitious Vizeau Road, Bayou Grosse Noir and St. Bonaventure Parish. All characters are carefully



developed such that you can almost see them, and, if you are from South Louisiana, you probably have.

Now to the finely tuned plot line. The book is divided into two ongoing scenarios. One focuses on an ex-New Orleans policeman, what is going on in his life and what occurs in his job as a deputy in Petit Rouge Parish. As you would expect, some people end up missing, and a few dead bodies turn up.

Contemporaneously, and not revealing any secrets, we view the myriad players in the bizarre hierarchy of a white supremacist hate group with a plan to wreak havoc in the New Orleans French Quarter.

The story lines blossom back and forth until, near the end, much, but not all, of the mystery is revealed, and we see how this "White Hot Plan" unfolds. Near the end, when the plan is about to happen, the storytelling forces you to read faster because of the frenzied pace at which things are happening. I will not reveal the end, of course, but I will say it was definitely unexpected.

One enjoyable aspect of the book is that most of its 80 chapters are no more than three or four pages long, which makes easy and enjoyable reading for people who are constantly being interrupted, as most of us are.

Mike and Ayan purposefully developed this intertwined story with some loose ends. I wonder why.

If you enjoy this book, which you will, please consider reading Mike's other book, "The Cottoncrest Curse," another spellbinder.

Advertise in a future issue of *The Baton Rouge Lawyer* magazine.  
Or write a substantive legal article.

*For more information, please contact*

*BRBA Communications Director Pamela Labbe at [pam@brba.org](mailto:pam@brba.org) or 225-214-5560.*

# Nomination Form

## 2024 BOARD OF DIRECTORS

This form is to be returned to the Baton Rouge Bar Association office at P. O. Box 2241, Baton Rouge, LA 70821, or drop it off at the BRBA office at 544 Main St. no later than 4:30 p.m. Friday, Sept. 29, 2023.

Please place my name on the ballot for the 2024 Board of Directors election. I understand that I must be a regular member of the Baton Rouge Bar Association in good standing, and my 2024 dues assessment must be paid by Friday, Oct. 27, 2023. I understand that, if elected, I am expected to make a good faith effort to attend board meetings, monthly luncheons, special events and meetings of the committees to which I am assigned as a liaison. Further, I understand that I will bear my pro-rated expense for board meetings, whether I am present or not. I understand that this is a working body and that I will be expected to accept and fulfill designated responsibilities. The Baton Rouge Bar Association Board of Directors also serves as the Board of Directors for the Baton Rouge Bar Foundation.

I wish to run for the position of: President-Elect \_\_\_\_ | Secretary \_\_\_\_ | Treasurer \_\_\_\_ | Director at Large (6) \_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

The November/December issue of *The Baton Rouge Lawyer* will include a listing of all candidates for office. Please complete the following for use in the listing. Submit your photo (as a high-resolution .jpg) along with this form as a .pdf, and email it to [ann@brba.org](mailto:ann@brba.org). Your photograph will be used in the pre-election candidate introduction, which will appear in the November/December issue of *TBRL* and on the ballot.

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Position for which you are running \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Law School \_\_\_\_\_

Year admitted to practice \_\_\_\_\_ Email \_\_\_\_\_

Additional information requested (see list below). Note: Please include this information as a one-page (letter-sized, 8.5 inches wide by 11 inches tall) document using 12-point font.

- State your involvement with the BRBA, including committees, programs, projects and leadership positions.
- Include professional information and awards received.
- Answer these two questions: What do you see as one significant issue facing the BRBA? How would you address this issue?
- If elected, what resources and talents will you bring to the BRBA board?

# Nomination Form

## 2024 YOUNG LAWYERS SECTION

This form is to be returned to the Baton Rouge Bar Association office at P. O. Box 2241, Baton Rouge, LA 70821, or drop it off at the BRBA office at 544 Main St. no later than 4:30 p.m. Friday, Sept. 29, 2023.

Please place my name on the ballot for the 2024 Young Lawyers Section election. I understand that I must be a regular member of the Baton Rouge Bar Association in good standing, and my 2024 dues assessment must be paid by Friday, Oct. 27, 2023. I understand that I must be eligible for membership in the Baton Rouge Bar Association Young Lawyers Section. Eligibility is limited to all lawyers under the age of 39, or who have been admitted to the first bar less than five years, who pay any dues as set and assessed by the Board of the Baton Rouge Bar Association. Membership in this section terminates automatically at the end of the calendar year within which a member attains 39 years of age after admission to his or her first bar, whichever last shall occur. I understand that this is a working body and that any officer or council member failing to attend three successive meetings of the council shall be asked to vacate his or her position. I also understand that I will bear my pro-rated expense for all YLS meetings and Board of Director meetings.

I wish to run for the position of: Chair-Elect \_\_\_\_ | Secretary/Treasurer \_\_\_\_ | Council Member (5) \_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

The November/December issue of *The Baton Rouge Lawyer* will include a listing of all candidates for office. Please complete the following for use in the listing. Submit your photo (as a high-resolution .jpg) along with this form as a .pdf, and email it to [ann@brba.org](mailto:ann@brba.org). Your photograph will be used in the pre-election candidate introduction, which will appear in the November/December issue of *TBRL* and on the ballot.

Name \_\_\_\_\_ Date of Birth \_\_\_\_\_

Position for which you are running \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_

City/State/Zip \_\_\_\_\_

Law School \_\_\_\_\_

Year admitted to practice \_\_\_\_\_ Email \_\_\_\_\_

Additional information requested (see list below). Note: Please include this information as a one-page (letter-sized, 8.5 inches wide by 11 inches tall) document using 12-point font.

- State your involvement with the BRBA, including committees, programs, projects and leadership positions.
- Include professional information and awards received.
- Answer these two questions: What do you see as one significant issue facing the BRBA? How would you address this issue?
- If elected, what resources and talents will you bring to the YLS Council?



*Gavel Gala supports the Baton Rouge Bar Foundation.*



**BLACK TIE**

FOR TICKETS AND SPONSORSHIP AVAILABILITY, CONTACT THE BRBA: 225-344-4803

**TICKETS:**

**INDIVIDUAL:** \$200

**COUPLE:** \$350

**SPONSORS:**

**BARRISTER SPONSOR:** \$2,500

(INCLUDES PROMOTIONAL SIGNAGE AND 4 TICKETS TO GALA)

**ADVOCATE SPONSOR:** \$1,000

(INCLUDES PROMOTIONAL SIGNAGE AND 2 TICKETS TO GALA)

SPECIAL THANKS TO OUR **FOUNDING SPONSORS:**

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# Foundation Footnotes

Pro Bono Reports — May and June 2023



*The Baton Rouge Bar Foundation thanks all who volunteered.*

## Teen Court Volunteers

Two hearings were held in May 2023. Volunteers were **Candace B. Ford**, *Breazeale, Sachse & Wilson, L.L.P.*; **Rebecca Moreno**, *Louisiana First Circuit Court of Appeal*; **Monica Vela-Vick**, *Phelps Dunbar*; and BRBF law student intern **Whitney Graham**, *Southern University Law Center*.

In June, two hearings and one training were held. Volunteers were **Candace B. Ford**, *Breazeale, Sachse & Wilson, L.L.P.*; **Rebecca Moreno**, *Louisiana First Circuit Court of Appeal*; **Sandra James Page**, *attorney at law*; and BRBF law student intern **Whitney Graham**, *Southern University Law Center*.

## Attorneys Accepting Cases

**Blaine Aydell**, *Hannah, Colvin & Pipes, LLP*; **Michele Crosby**, *Jones Walker*; **Fritz Dugas**, *Friley and Dugas, LLC*; **Arlene Edwards**, *Delatte & Edwards*; **J. Keith Friley**, *Friley and Dugas, LLC*; **C. Troy Hall**, *attorney at law*; **Rena Hester**, *Hester Law Firm, LLC*; **Derrick McCorey**, *attorney at law*; **Devon McKnight**, *Kinchen, Walker, Bienvenu, Bargas, Reed & Helm, LLC*; **Barrington Neil**, *attorney at law*; **DeVonna Ponthieu**, *attorney at law*; **Cynthia Reed**, *Southern University Law Center*; and **Linda Seely**, *Butler Snow LLP*.

## Self Help Resource Center Volunteers

**Valerie Schexnayder**, *attorney at law*.

## Spring Semester Pro Bono Project Interns

**Theophile Kadia** and **Whitney Graham**, *Southern University Law Center*.

## Legal Hotline Volunteers

**Harley Brown**, *attorney at law*; **Candace B. Ford**, *Breazeale, Sachse & Wilson LLP*; **Scott Gaspard**, *attorney at law*; **Brian Juban**, *Keegan, Juban, Lowe and Robichaux LLC*; **Cherita McNeal**, *attorney at law*; **Brett Sandifer**, *The Carpenter Health Network*; **Willie Stephens**, *attorney at law*; **James Word II**, *attorney at law*; and **James “Jimmy” Zito**, *attorney at law*.

## Ask-A-Lawyer Volunteers

**Derrick McCorey**, *attorney at law*; **Lykisha Vaughan**, *Southeast Louisiana Legal Services*; **Alexis Carmichael**, *law student, Louisiana State University Law Center*; and BRBF law student intern **Whitney Graham**, *Southern University Law Center*.

*Teen Court is made possible in part by grants from the Louisiana Bar Foundation and the Huey and Angelina Foundation. The Pro Bono Project is financially assisted by the Interest on Lawyers’ Trust Account (IOLTA) Program of the Louisiana Bar Foundation; Southeast Louisiana Legal Services; Family, District and City Court Fees; and the Baton Rouge Bar Foundation.*

## GAIL’S GRAMMAR

Microsoft Word’s grammar checker won’t save you from a grammar mistake that is becoming more and more common—the possessive I. That’s right—I with an apostrophe s. “I’s” does not exist in the English language; the proper word is “my.” People who would never write “I’m going to I’s house” are now writing “I’m going to my wife and I’s house.”

If you have developed this bad habit, you should immediately set your autocorrector to change “I’s” to “my.” On most computers, the path is File→Options→Proofing→AutoCorrect Options→Replace text as you type. Then just fill in the box: replace i’s with my. (Be sure to put a space before the words, or you’ll end up replacing “We went to Mimi’s house” with “We went to Mimmy house.”)

### CORRECT EXAMPLE:

John’s and my pet peeves include misuse of possessive pronouns.

*Send suggestions for future Gail’s Grammar columns to Gail Stephenson at [GStephenson@sulc.edu](mailto:GStephenson@sulc.edu), or call Gail at (225) 926-1399.*

# IMPORTANT DATES

## September

- 2 Ask-A-Lawyer, Bluebonnet Regional Branch Library, 9 a.m.
- 4 BRBA Office Closed in Observance of Labor Day
- 6 BRBA Board of Directors meeting, 6 p.m.
- 7 Bar Luncheon featuring LSU Law Dean Alena Allen at City Club of BR, 11:30 a.m.-2 p.m.
- 11 YLS Law School Outreach at LSU Law, noon
- 13 BRBA Operations & Finance Committee Conference Call, 8:30 a.m.;
- Belly Up with the Bar Committee meeting, BRBA office, noon
- 16 Ask-A-Lawyer, Zachary Branch Library, 9 a.m.
- 21 In-House Counsel meeting & CLE, Phelps Dunbar LLP, II City Plaza, 11:30 a.m.
- 22 Publications Committee meeting via Zoom, 8 a.m.
- 23 Wills Outreach (AARP, SLLS, BRBA), Jones Creek Library, 10 a.m.
- 29 Deadline for Self-Nomination Forms (BOD and YLS Council), 4:30 p.m.
- 30 Ask-A-Lawyer, Main Library at Goodwood Boulevard, 9 a.m.

## October

- 4 Belly Up with the Bar Committee meeting, BRBA office, noon
- 11 BRBA Operations & Finance Committee Conference Call, 8:30 a.m.
- 12 BRBA Executive Committee meeting via Zoom, 8:30 a.m.
- 14 Ask-A-Lawyer, Central Branch Library, 9 a.m.
- 18 BRBA Board of Directors meeting, 6 p.m.
- 19 Family Law Section meeting & CLE
- 20 Belly Up with the Bar Committee meeting, BRBA office, noon
- 23 Pro Bono Reception, Middleton Bar Center, 5 - 7 p.m.
- 26 In-House Counsel, ADA Seminar, Lamar Advertising, 11:30 a.m.
- 27 Belly Up with the Bar (event), LSU Parker Coliseum, 6-9 p.m.

SEPTEMBER 2023						
SUN	MON	TUES	WED	THURS	FRI	SAT
					1	2 *
3	4 *	5	6 *	7 *	8	9
10	11 *	12	13 *	14	15	16 *
17	18	19	20	21 *	22 *	23 *
24	25	26	27	28	29 *	30 *

OCTOBER 2023						
SUN	MON	TUES	WED	THURS	FRI	SAT
1	2	3	4 *	5	6	7
8	9	10	11 *	12 *	13	14 *
15	16	17	18 *	19 *	20 *	21
22	23 *	24	25	26 *	27 *	28
29	30	31				

# DUTY COURT SCHEDULE

19th JDC Civil Duty Court	
08/28 - 09/08	Judge Balfour
09/11 - 09/22	Judge Moore
09/25 - 10/6	Judge Foxworth-Roberts
10/09 - 10/20	Judge Fields
10/23 - 11/03	Judge R. Johnson

19th JDC Criminal Duty Court***	
09/01 - 09/08	Judge Myers
09/08 - 09/15	Judge Johnson Rose^
09/15 - 09/22	Judge Smith
09/22 - 09/29	Judge Jordan
09/29 - 10/06	Judge Hines
10/06 - 10/13	Pro Tem
10/13 - 10/20	Judge Crifasi
10/20 - 10/27	Judge Ray
10/27 - 11/03	Judge Myers

Baton Rouge City Court*	
08/28 - 09/03	Judge Alexander
09/04 - 09/10	Judge Moore Vendetto
09/11 - 09/17	Judge Marcantel
09/18 - 09/24	Judge Temple
09/25 - 10/01	Judge Matthews
10/02 - 10/08	Judge Alexander
10/09 - 10/15	Judge Moore Vendetto
10/16 - 10/22	Judge Marcantel
10/23 - 10/29	Judge Temple
10/30 - 11/05	Judge Matthews

Juvenile Court	
September	Judge Grover
October	Judge Haney

Family Court**	
09/01	Judge E. Green
09/04	HOLIDAY
09/05	Judge Baker
09/06	Judge E. Green
09/07, 09/08	Judge Day
09/11	Ad Hoc Judge (Div. D)
09/12	Judge Baker
09/13	Judge E. Green
09/14	Judge Day
09/15, 09/18	Ad Hoc Judge (Div. D)
09/19	Judge Baker
09/20	Judge E. Green
09/21	Judge Day
09/22	Judge Baker
09/25	Ad Hoc Judge (Div. D)
09/26	Judge Baker
09/27	Judge E. Green
09/28	Judge Day
09/29	Judge E. Green
10/02	Ad Hoc Judge (Div. D)
10/03	Judge Baker
10/04	Judge E. Green
10/05	Judge Day
10/06	Ad Hoc Judge (Div. D)

Family Court (Continued)	
10/09	HOLIDAY
10/10	Judge Baker
10/11	Judge E. Green
10/12	Judge Day
10/13, 10/16	Ad Hoc Judge (Div. D)
10/17	Judge Baker
10/17	Judge E. Green
10/19	Judge Day
10/20	Judge Baker
10/23	Ad Hoc Judge (Div. D)
10/24	Judge Baker
10/25	Judge E. Green
10/26	Judge Day
10/27	Judge E. Green
10/30	Ad Hoc Judge (Div. D)
10/31	Judge Baker

Court Holidays	
Monday, Sept. 2	Labor Day
Monday, Oct. 9****	Columbus Day & Indigenous People's Day

NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified.  
 \*City Court's Duty Court judge is on duty from 8 a.m. on the Monday beginning his/her week of duty until 8 a.m. the Monday ending his/her week of duty.

\*\*Family Court's Duty Court schedule is completely different each day, rotating on Fridays.

\*\*\*19th JDC Criminal Court changes each Friday at noon.

\*Section IV is currently the only section conducting Saturday callout.

\*\*\*\*Family Court recognizes Monday, Oct. 9 as a holiday. Columbus Day/ Indigenous People's Day is an optional holiday, as per R.S. 1:55. The 19th Judicial District Court does not recognize this day as a holiday.



**Baton Rouge Bar Association**

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*Attorney David Abboud Thomas is responsible for this ad.*