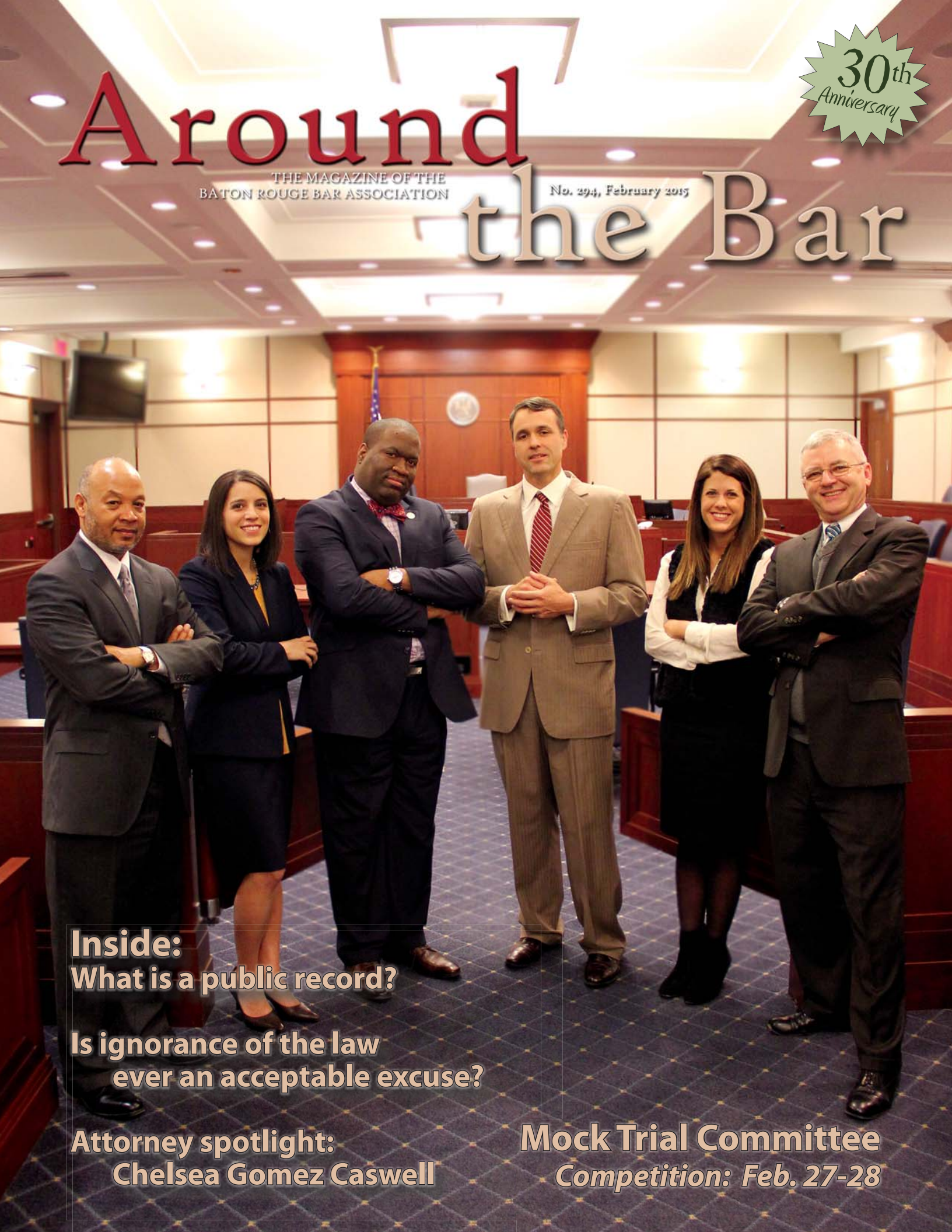
Around the Bar

THE MAGAZINE OF THE
BATON ROUGE BAR ASSOCIATION

No. 294, February 2015

30th Anniversary



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What is a public record?

Is ignorance of the law ever an acceptable excuse?

Attorney spotlight: Chelsea Gomez Caswell

Mock Trial Committee
Competition: Feb. 27-28

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inside

FEBRUARY 2015

On the cover:

The Region III High School Mock Trial Competition will take place Friday, Feb. 27, and Saturday, Feb. 28, 2015, at the 19th Judicial District Court. Members of the BRBA Mock Trial Committee have been hard at work behind the scenes planning the annual competition. R. Lynn Smith Haynes (not pictured) is the staff liaison to the Mock Trial Committee.

Pictured (L to R) are S. Dennis Blunt (board liaison), Monica Vela-Vick, Tavares A. Walker (2014 chair), David Caldwell Jr., Katie Cicardo and Colonel Connel L. Archey standing in Courtroom 11A of the 19th Judicial District Courthouse.

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For the FIRST TIME since 2001, the BRBA will be creating a photo wall composite of our membership and we need your participation!

RCL Portrait Design will be at the Middleton Bar Center

(BRBA Office) soon, so be sure to book your FREE photo appointment.

IF YOU MISSED OUT IN JANUARY, BE SURE TO SET UP YOUR FEBRUARY OR MARCH APPOINTMENT ASAP. SLOTS ARE FILLING UP FAST!

Available portrait dates are: **Feb. 2 - 6; and March 2 - 13.**

Call RCL Portrait Design to schedule your appointment: 1-800-951-8712.

If you liked the photo RCL Portrait Design took of you in 2012, you are welcome to use that photo. Be sure to let RCL Portrait Design know your wishes.

Only BRBA members who have paid their 2015 dues will be included on the composite. Contact the BRBA with any questions: 225-344-4803.

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Joseph J. Cefalu III, an associate with Breazeale, Sachse & Wilson, LLP, is an assistant editor of *Around the Bar*.

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VOLUNTEERS ARE NEEDED TO HELP WITH A

LAW CLUB

FOR TEENS IN THE GARDERE AREA.

We need lawyer volunteers to help with a law club for middle and high school students in the Gardere/South Burbank area. You will work with teens as they learn more about the field of law. To volunteer or for more information, please contact Lynn S. Haynes at lynn@brba.org or 225-214-5564.

The "Future Legal Eagles" law club is funded by a grant from the South Burbank Crime Prevention and Development District.

AROUND THE BAR supports participation of the membership in its production. We encourage the submission of articles and letters to the editor. Articles should be less than 1,500 words, typed and single-spaced. A Word file should be emailed as an attachment to: pamela@BRBA.org.

For advertising information call Pamela Labbe at 225-214-5560. Display ads should be high-resolution attachments (.PDF), and classified ads as text only. Please email all ad artwork to pamela@brba.org. Publication of any advertisement shall not be considered an endorsement of the product or service involved. The editor reserves the right to reject any advertisement, article or letter.

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The Baton Rouge Bar Association will be the beacon for the full spectrum of the legal profession by fostering professional courtesy; increasing the diversity of the bar and the participation of under-represented groups; maintaining a sound financial base; enhancing and developing member services and community outreach; and promoting and improving the image of the profession.

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letter from the president

BY ROBERT J. BURNS JR.

From St. Martinville to *Brown v. Board of Education*

My uncle (whose name will not be mentioned in this public forum) must have been the butt of jokes for years in the annals of the New Orleans Archdiocese. His mother (my grandmother), who with the help of her husband, raised 10 children in the Gentilly section of New Orleans, received an award from the Archbishop of New Orleans, Philip Hannan. The award was apparently a high honor and much was made of it in the *Clarion Herald*, the local religious publication. In the course of writing a story about it, the *Clarion* reporter interviewed each of her 10 children, all of whom were now adults. The interviews, to be sure, were rote: "Tell us about your mother." or "How would you describe your mother?" or some other softball questions to each of them. Nine of the 10 gave the standard, expected description of their mom. But one was determined to make his point. So, when the time came to explain why his mother deserved the Regina Matrum (literally, the "Queen of Mothers," a reference to the Blessed Virgin) Award, he left his mark: "I don't know who this Regina Matrum lady was, but she must have been one heck of a mother to be mentioned in the same breath as my mom." Really?

Robert J. Burns Jr.

So it was with me when I began this letter. In February, our Bar Luncheon is jointly sponsored by the Baton Rouge Association of Women Attorneys, the Federal Bar Association, the Baton Rouge Bar Association and the Louis A. Martinet Legal Society. We gratefully thank and acknowledge our co-sponsors for their participation in this event. And, while I can say that I am aware of some of the wonderful contributions that each of these organizations makes in our city, I must confess ignorance when it comes to the namesake of the Martinet Society. Like my uncle, I had no idea of the significance of the Martinet name. So I did some research, and what I found was astounding.

Louis A. Martinet played a critical role in one of the most important chapters in the history of the United States. His story began in St. Martinville, La., where he was born in 1849. Martinet moved to New Orleans where he became a journalist, an educator, a medical doctor, a politician and an activist. But he was best known and remembered for his role as a lawyer (the first African American to graduate from Straight University Law School in New Orleans, now Dillard University). In his lifetime, Martinet had seen slavery end, but in its place, an insidious effort to legalize segregation among citizens. In response to the enactment of a Louisiana law that required separate accommodations for blacks and whites as they traveled, he helped organize the *"Comite des Citoyens"* to resist the enforcement of such Jim Crow laws in Louisiana. He helped carefully plan and orchestrate the arrest of Homer Adolph Plessy, who was later convicted of traveling in a "white" accommodation as a "black" man. Of course, it was Plessy's conviction that led to the landmark United States Supreme Court decision in *Plessy v. Ferguson*, which in 1896 upheld the rights of the states to impose "separate but equal" laws on their citizens. That decision set off a legal battle that lasted 50 years, finally culminating in the *Brown v. Board of Education* decision that overruled *Plessy*, holding that separate but equal was anything but equal.

Unlike many of his counterparts whose names are intertwined with the historical events they set in motion, Martinet's contribution lurks in the background. Until I forced myself to do the research, I had no appreciation for the mark that this fellow lawyer had left on our society. So, when we meet in February, let's make sure to acknowledge the rich tradition that each of our organizations brings to the table. And if someone asks me to say a few words about Louis A. Martinet, I'd be happy to describe a few things that he and the Regina Matrum have in common, at least as far as I'm concerned.

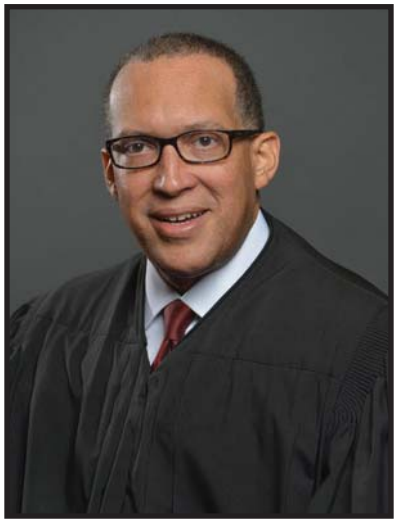
february bar luncheon

TUESDAY, FEB. 24, 2015

The Hon. Brian A. Jackson to speak at joint luncheon

The February Bar Luncheon will take place at 11:45 a.m. Tuesday, Feb. 24, 2015, at the Renaissance Hotel Baton Rouge and will be a joint meeting of the Baton Rouge Bar Association, the Baton Rouge Association of Women Attorneys, the Federal Bar Association (Baton Rouge Chapter) and the Louis A. Martinet Legal Society in honor of Black History Month.

Chief U.S. District Judge Brian A. Jackson will serve as the luncheon speaker. Judge Jackson was nominated by President Barack Obama Oct. 29, 2009, to become a judge for the Middle District of Louisiana. The nomination was confirmed by the Senate June 15, 2010, and he received the commission June 15, 2010. He has served as chief judge since July 2011.



Chief U. S. District Judge Brian A. Jackson

He received his J.D. from Southern University Law Center in 1985, and compled his LL.M. degree from Georgetown University Law Center in 2000. Judge Jackson worked with the U.S. Department of Justice from 1985 to 2002, and entered into private practice after that until his judicial nomination.

Members of all four organizations and their guests may attend the joint luncheon at the Renaissance Hotel Baton Rouge, 7000 Bluebonnet Blvd., for $38 per person.

Space is limited, so please RSVP by 4:30 p.m. Thursday, Feb. 19, 2015. Fax the form below to 225-344-4805.

Please complete this form and fax this entire page to the BRBA at (225) 344-4805 by 4:30 p.m. Thursday, Feb. 19, 2015.

Bar Roll No._____ Please indicate your membership/affiliation: ❑ **BRBA** ❑ **BRAWA** ❑ **FBA (BR Chapter)** ❑ **Martinet** ❑ **guest**

Name_____ Firm_____

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City _____ State _____ Zip _____

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❑ **LUNCHEON** — **YES,** register me for the **FEBRUARY BAR LUNCHEON** at the Renaissance Hotel Baton Rouge, 7000 Bluebonnet Blvd., which will take place Tuesday, Feb. 24, 2015, at 11:45 a.m. at $38 per person**. Please reserve your seat by 4:30 p.m. Thursday, Feb. 19, 2015. Fax to 225-344-4805.** Online registration is also available at *www.BRBA.org.*

To register for this luncheon and pay by credit card, go to www.BRBA.org, select the EVENTS tab, then click on LIST and choose the appropriate meeting.

If paying by credit card, please include the following:

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message from the chair

BY TAVARES A. WALKER

The importance of the mock trial competition

As a young attorney and now chair of the Baton Rouge Bar Association Mock Trial Competition, I am excited to continue a great tradition of mentorship of the Baton Rouge area's best and brightest high school students. Undoubtedly, many of these students will join our profession in the future. I am looking forward to another exciting competition as well as the relationships that will develop between the members of BRBA and the high school students. As a committee member for the past eight years, I am always proud of the hard work and dedication of the schools, teachers, attorney volunteers and most importantly the students. I am amazed by how much mock trial means to the students and by how much the students gain from the competition.

The Baton Rouge Bar Foundation's Youth Education Programs were established to fulfill our goal to "educate the youth of our community about the legal system and their role in it." The mission statement goes on to state that "BRBF Youth Education programs provide educators with innovative and interactive ways of bringing civics, free enterprise and law studies to life while teaching life skills and basic rights to our youth." The Mock Trial Competition is yet another important and vital vehicle to further this mission.

The 2015 competition will take place Feb. 27-28, 2015, at the 19th Judicial District Court. We need attorneys to volunteer to serve as attorney-coaches for schools within the region as well as attorneys to volunteer during the competition as judges. I can promise that your valued time will be appreciated and that you will take from this experience a sense of satisfaction and pride in knowing that your skills have served to uplift and promote these high school students' civic engagement. Anyone interested in volunteering can contact Lynn Haynes at lynn@brba.org or 225-214-5564 or Tavares A. Walker at twalker@sulc.edu or 225-771-2142 ext.147.

tales from the bar side

BY VINCENT P. FORNIAS

Vanilla extracted

Most of us who know Darrell Loup would not be surprised to discover that one of his favorite hobbies is skeet shooting. Don't read anything into that. If you decide to read further, dear reader(s), you will gain insight into Darrell's softer, more grounded, non-NRA side.

Our tale begins with Darrell, recent "of counsel" to Akers and Wisbar, accompanying Rebecca Wisbar for an all-day junket to San Antonio for a veritable Nuremberg Rally of panel counsel conducted by their insurance client based there. All went reasonably as expected, and they were back at the airport in plenty of time for their early evening planned departure. Once through security, they killed time by wandering around the various shops when Darrell, apparently the erstwhile Betty Crocker of Riverbend Subdivision, came across the golden fleece of cakebaking in the form of an eight-ounce bottle of Mexican vanilla for the reasonable sum of $9.99. Excited by his Eureka Moment, Darrell dutifully stuffed his trophy into his carry-on satchel and headed with Rebecca to their assigned Southwest Airlines departure gate.

Then the flight delay announcements began—first one hour, then another and another—until they were ominously summoned to consult their gate agent. As feared, they were told that they now would miss their last connection, but that the airline would put them up (presumably in separate quarters, but we don't ask) at the airport Marriott, ready to catch an early morning return flight.

Fast forward to shortly after sunrise, where Darrell and Rebecca find themselves going back through the TSA security line. Suddenly all manner of red lights and buzzers are activated by Darrell's satchel, producing the following colloquy:

Q. *(By uniformed blue-gloved agent)* Is this your bag, sir?

A. Yes.

Q. May I look inside?

A. *(As if he had a choice)* Sure.

Q. *(With standard-issue bureaucratic attitude as he beholds the vanilla bottle)* Sir, TSA regulations do not allow this on airlines. We will need to seize it.

At this point, the non-baking side of Darrell emerges. He points to the nearby shop where he made his purchase and tries to talk the TSA agent to write him a note to use to get his purchase price back from Southwest. Yeah. Good luck with that. So it escalates. Darrell demands to see his superior, producing an ominous announcement over public address, something about "Situation at Station Seven." By now Rebecca has put on her "What do you mean WE, Pale Face?" expression and distances herself from shrapnel range. The supervisor, also donning blue gloves, arrives and the brief discussion goes nowhere. In frustration, skeet-shooting Darrell offers on the spot to open the vanilla bottle and swig it down his throat to display that it will most certainly not blow him up. Rebecca is nowhere in sight, doubtlessly wondering how to break Darrell's imminent apprehension to Beth (Mrs.) Loup.

His prized vanilla bottle now dumped into the bottomless seizure bin to join legions of pocket knives, nail clippers and shampoo bottles, Darrell traipsed to the nearby vanilla store, where the saleslady there remembered him from the evening before (imagine that!), but declined his sweet-talking entreaty to accompany him to the TSA folks to vouch for his purchase. So off Darrell trudged to his new departure gate, Plan C in hand. He approached Donna the gate agent and vented to her about his post-security-purchased vanilla that had been so outrageously seized by the TSA, explaining to her that this would not have happened had Southwest simply volunteered to hold his vanilla for safekeeping the night before. Either smitten or just plain scared, Donna asked Darrell to wait right there and she would make a few calls. By then, Rebecca apparently had safely reappeared. On her return, Donna presented Darrell with a crisp new $10 bill.

Though pleased, Darrell strongly suspected that Donna had simply taken the bill out of her own wallet (at this point, wouldn't you?). In gratitude, he asked her for her email address so that if his story were published he could send her a copy. So here it is, Donna—assuming you actually gave him your correct address.

What is a public record?

BY DIANNE M. IRVINE

All states and the federal government have laws in place granting access to public records so that citizens may be informed of how public bodies perform their duties. In Louisiana, the right to inspect, copy or obtain copies of public records is granted to any person 18 years of age or older by the Louisiana Constitution.[1] The Public Records Act[2] clarifies what is covered by this constitutional guarantee by defining what information public officials must share with the public and what can be maintained as confidential. The law was enacted to give the public access to the decision-making activities of the state's public bodies. In interpreting this mandate, the Supreme Court also has mandated that the Public Records Act is to be construed liberally, with any doubt being resolved in favor of access.[3]

But, what is a public record? As a general rule, a public record is any document, without regard to its physical form or characteristics, that is created, used or maintained by a public body in the conduct of its public business. The definition is both complicated and broad, encompassing virtually everything a public body touches in performing its official public duties.[4]

However, for a record to be "public" under the Act requires the record to be directly connected to the public business of a public body. To maintain this distinction, the legislature carved out a number of exemptions and exceptions to disclosure of information. For example, there are exemptions for records of legislative investigations,[5] and for most records of law-enforcement agencies relating to criminal-case investigations and pending criminal litigation.[6] The law also contains numerous exceptions to disclosure of records relating to, among other things, tax records, disciplinary activities of certain professional licensing boards, corporate trade secrets, personally identifiable personnel information, hospital and medical records and economic-development negotiations.[7]

Also protected from disclosure is any other information of a private, personal or sensitive nature. The Louisiana Constitution, establishes a right to privacy, which protects against "unreasonable" invasions of privacy,[8] and the courts have used this constitutional guarantee to limit public disclosures that contain personal information. If the information falls within the constitutionally recognized right to privacy, access to the information must be denied.[9]

Louisiana courts have not yet decided the issue of whether personal emails sent on a public account, or communications regarding official business sent on personal email accounts, are public records. However, this area has been the focus of recent attention in Louisiana and elsewhere.[10]

How are public records obtained?[11] A request for access to a public record must be made to the custodian of the record. A written or electronically submitted request is necessary for subsequent legal action in the event that the custodian denies the request. Reasonable fees can be charged for copies.[12]

The records custodian has the burden of determining if the requested record is subject to inspection.The custodian may separate exempt material from the public record and may observe the person inspecting the record.[13] If written reasons for denying a request

are provided within three days or there is no action by the custodian within five days, the applicant may file suit to obtain the record. The burden of proof is on the custodian to sustain denial of access to the record. The court may award reasonable attorney's fees and costs to the prevailing party. Under certain circumstances where access is found to be denied erroneously, the court may impose other penalties, including fines, actual damages or criminal penalties.[14]

[1]La. Const. Art. XII, Section 3, provides that "[n]o person shall be denied the right to … examine public documents, except in cases established by law."
[2]La. R.S. 44:1 et seq.
[3]*See*, *e.g.*, *Title Research Corp. v. Rausch*, 450 So.2d 933 (La. 1984); *Landis v. Moreau,* 00-1157 (La. 2/21/01), 779 So.2d 691.
[4]La.R.S. 44:1(A)(2)(a) defines a "public record" as "[a]ll books, records, writings, accounts, letters and letter books, maps, drawings, photographs, cards, tapes, recordings, memoranda, and papers, and all copies, duplicates, photographs, including microfilm, or other reproductions thereof, or any other documentary materials, regardless of physical form or characteristics, including information contained in electronic data processing equipment, having been used, being in use, or prepared, possessed, or retained for use in the conduct, transaction, or performance or any business, transaction, work, duty, or function which was conducted, transacted, or performed by or under the authority of the constitution or laws of this state, or by or under authority of any ordinance, regulation, mandate, or order of any public body or concerning the receipt or payment of any money received or paid by or under the authority of the constitution or the laws of this state … except as otherwise provided in this Chapter or the Constitution of Louisiana."
[5]La. R.S. 44:2.
[6]La. R.S. 44:3.
[7]*See*, *e.g.*, La. R.S. 44:4.
[8]La. Constitution, Article I, Section 5.
[9]For a detailed discussion of information that might be withheld under the Public Records Act as a result of privacy concerns, *see*, La. Atty. Gen. Op. No. 09-0298.
[10]The Attorney General has issued an opinion stating that, where communications rise to a level where officials are actually conducting official business, such communications would be considered public records. La. Atty. Gen. Op. No. 01-155. In another opinion, the Attorney General opined that personal emails sent on a public email account are not public records when the records have no relation to the function of the public body, there is no evidence of illegal activity and there has been no finding of the public body that disciplinary action is appropriate based on the records at issue. La. Atty. Gen. Op. No. 13-0141.
[11]The process for obtaining public records is covered by La. R.S. 44:32.
[12]The standard agency rate is 25 cents per page for a standard-sized page. No other fees may be charged, except when the applicant wishes to examine the record outside of normal business hours. The custodian has the discretion of allowing such inspection, and, if the request is granted, the applicant must pay the employee's overtime.
[13]*See* La. R.S. 44:32.
[14]Enforcement provisions are covered by La. R.S. 44:35.

65 YEARS

Everyone counts, every day. Bill Potter, CPA, JD is a Senior Tax Director at P&N with a vast knowledge and understanding of taxation and business planning. He regularly consults with lawyers and law firms in the areas of taxation, accounting, legislative and regulatory issues, succession and usufruct accounting and valuation. Bill has provided expert witness testimony in numerous courts throughout Louisiana and is often requested to consult with and testify before various legislative committees in the areas of taxation.

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attorney spotlight

BY JOSEPH J. CEFALU III

Interview with Chelsea Gomez Caswell

Chelsea Gomez Caswell was installed as a 2015 Young Lawyers Section council member in January.

Chelsea Gomez Caswell

ATB: Where are you from?

CGC: I was born in West Virginia, but "home" has always been Luling, La. I also spent several years in Allen, Texas, — north of Dallas — where my parents still live.

ATB: Where did you go to college and law school?

CGC: I am a proud graduate of the LSU Manship School of Mass Communication, where I received a B.A. in Mass Communication with a concentration in Political Communications. I then attended law school and received my J.D. from the LSU Paul M. Hebert Law Center. As a double tiger, I can definitely say that I bleed purple and gold.

ATB: Why did you want to become an attorney?

CGC: When I was asked what I wanted to be when I grew up, instead of saying I wanted to be something fanciful, such as a ballerina or princess, I always said I wanted to be an attorney. I guess it was just meant to be.

ATB: What kind of work are you doing as an associate at Kean Miller? Are you enjoying the practice of law?

CGC: I practice in the firm's labor and employment and litigation groups. I spend most of my time supporting the firm's representation of a major oil and gas company in oil field legacy matters, including electronic and large-scale discovery efforts. I also support the firm's representation of employers in defending EEOC discrimination charges and lawsuits filed by former and current employees pursuant to Title VII, the ADA and the ADEA. I am extremely lucky to work at an amazing law firm, providing me exposure to so many great attorneys as role models and mentors. It has been a great experience thus far, and I look forward to many more years to come.

ATB: Why did you want to be a Young Lawyers Section council member?

CGC: Whether it was in high school, undergrad or law school, I always tried to stay involved in campus activities and student organizations. I never wanted to miss out on opportunities to grow or to give back to the community. Now, as an attorney, I know being involved in the Baton Rouge legal community and the greater Baton Rouge community will be key to my development as a young attorney and will provide me with many opportunities to give back. The BRBA, and specifically the Young Lawyers Section council, will provide me with many opportunities to actively participate in the community in a way many other organizations would not.

ATB: What are your leisure activities?

CGC: Just a few weeks ago, I was lucky enough to marry a fellow law school classmate and attorney, Christopher Caswell. While we haven't had much time for "leisure activities" between planning a wedding and attempting to turn our new house into our home, we both enjoy taking time to go to LSU football and baseball games, reading a good book, and visiting the Caswells' house on False River for some boating and (attempted) water skiing. I've also tried to pick up golf, but for some reason, my husband doesn't want to teach me.

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

CGC: I would be an all-star cheerleading coach. I had the most wonderful experience coaching many Baton Rouge girls for four and a half years at Louisiana Athletics. I loved every moment I was able to share with my girls and always cherish everything I learned from them.

ATB: What is your favorite BRBA activity or event?

CGC: Over the past two years, I have really enjoyed participating in Belly Up with the Bar as a member of Kean Miller's cooking team. It not only provides law firms the opportunity to spend time together internally, but also with other Baton Rouge attorneys and communities in a fun social setting — all while helping raise money for many of the BRBF's important programs.

Ignorance of the law is no excuse . . . or is it?

BY PRENTICE L. WHITE

Officers Williams and Sams were on patrol in the South Baton Rouge area, which is a known high-crime area.[1] Officer Williams was sitting in the front passenger seat when he noticed three men talking in front of a house at 1 a.m. Officer Williams motioned for Sams to slow the vehicle so he could observe the conversation. Williams then saw two of the men shake hands. Williams quickly exited the unmarked police vehicle and approached the men.[2] Two of the men walked into the house, while the third man briskly walked down the street. Officer Williams called for the man to stop, but the unknown male subject continued walking as if he did not hear anyone at all.

Officer Williams unbuckled his gun holster and ran behind the man until he got close enough to push him against the fence three houses away from where Officer Williams first saw the men talking. The unidentified man fell to his knees with his hands up, giving the inference that he knew he was being followed by a policeman. Officer Williams, with his gun drawn and pointed at this individual, asked for the man to slowly hand him his wallet and then to get on the ground face down. The man never moved from his submissive position.

By this time, Officer Sams parked the car and walked in front of the man. Sams then heard the man say something in a very slow drawl. Sams holstered his firearm and squatted down so the man could see him. Sams then motioned something to the man in sign language. The man responded in sign language. Sams told his partner that the man was deaf and could not hear Williams calling out to him. Both officers then helped the man to his feet. While Sams talked to the man using sign language, Williams noticed that the man was favoring his left foot. Sams asked him about his foot. The man took off his left shoe and three pills fell out. Williams shined his flashlight on the pills and realized that the three objects were hydrocodone pills. The man was arrested and charged with possession of illegal drugs.

Anyone acquainted with criminal defense will argue that the officers lacked probable cause to stop this man. In fact, most criminal-defense attorneys will argue that a credible argument could be made to suppress the hydrocodone pills from being admitted at trial because there was no possible way for the officers to see that the man had illegal drugs in his left shoe based on seeing him shaking hands with another man. This situation is commonly referred to as a mistake of facts. The fact that the man was deaf could explain why he continued walking away from Officer Williams. Despite the fact that a credible defense could be mounted for this deaf individual, the state would maintain a sizable degree of leverage in this case based on one word—reasonableness. Was it reasonable for an officer to exit his vehicle after seeing a hand-to-hand transaction in a high-crime area during the early morning hours? Would a reasonable officer then pursue this individual if the person refused to stop walking away? And, would it be reasonable for the officer to assume that the person he was pursuing refused to stop walking away because that person was deaf? Generally speaking, not one defense attorney in Louisiana would be surprised if the district court were to deny the motion to suppress given the facts of this case.

However, assume that the incident did not involve a mistake of facts, but, rather a mistake of law. Would the court still utilize the reasonableness shield when an officer was confused or ignorant of the specific law, but later discovered some form of criminal activity? Unfortunately, the answer would be "yes."

In *Heien v. North Carolina*,[3] the United States Supreme Court held that an officer's mistake of law can still justify an investigatory stop that resulted in the uncovering of criminal activity as long as the mistake of law was reasonable. In *Heien*, a police officer was patrolling Interstate 77 in North Carolina when he noticed a suspicious vehicle. He followed the vehicle for a short while until he noticed that the vehicle had only one functional brake light. The officer decided to pull the vehicle over and conduct an investigatory stop. Two men were inside the vehicle—the driver and a backseat passenger. The officer checked the license and registration and decided to issue only a warning ticket to the driver if a records check did not reveal any problems.

While the records check did not present any deficiencies with the driver's license or the registration,

the officer continued his investigation based on the passenger's behavior as the backseat passenger (*i.e.*, the defendant) remained lying down the entire time. The two men later gave the officer inconsistent answers about their intended destinations. The officer then saw an opportunity to conduct a search of the vehicle. The defendant consented—as it was his vehicle—and the search produced a sandwich bag containing cocaine that was found in the side compartment of a duffle bag.

The defendant was arrested and charged with attempted trafficking of cocaine. Defendant filed a motion to suppress the evidence, arguing a violation of the unreasonable search and seizure clause of the Fourth Amendment. The district court denied the motion, stating that the faulty brake light provided reasonable suspicion to initiate the stop. The defendant later pled guilty, but preserved his right to appeal[4] the district court's ruling on the suppression.[5]

The North Carolina appellate court reversed the defendant's conviction, finding that the statute on which the officer justified his investigatory stop required motor vehicles to have at least one or more operational brake lights. The appellate court concluded that because the defendant's vehicle had one operational brake light, the investigatory stop was invalid and any evidence derived therefrom should have been suppressed. The North Carolina Supreme Court disagreed and reinstated the defendant's conviction because the officer's interpretation of the law was reasonable as certain language in the statute made the officer's interpretation appropriate.

The United States Supreme Court granted the writ application and also found the officer's actions to be reasonable. In fact, the Supreme Court noted that reasonableness[6] is the cloak that drapes every decision made by a law-enforcement official entrusted with protecting and serving our communities. The Supreme Court then rationalized its decision by citing cases where the Court has found mistakes of fact to be reasonable. For example, it used a situation where police officers arrested the wrong individual because his clothing matched the suspect's description.

As the icing on its reasonableness cake, the Supreme Court used its holding in *Michigan v. DeFillippo*[7] as grounds to support this officer's decision. In *DeFillippo*, the city of Detroit had an ordinance that authorized police officers to stop and question any individual suspected of criminal activity, and it made it illegal for those individuals who were stopped to refuse to identify themselves or to produce evidence of their identity. Gary DeFillippo was stopped based on a report of public intoxication. When he refused to identify himself, he was arrested for violating the city ordinance, and a search incident to arrest uncovered illegal drugs in his possession. On appeal, the Michigan Court of Appeals reversed his conviction, finding the ordinance to be unconstitutional. However, the United States Supreme Court ordered DeFillippo's conviction reinstated because at the time of his arrest, the ordinance was presumptively valid and the officer had abundant probable cause to make the arrest.

Juxtaposing the *DeFillippo* decision with the holding in *Heien*, it appears to be terribly off point because in *DeFillippo* the officer used the actual language in the city ordinance to support his investigatory stop whereas the officer in *Heien* misinterpreted the language in the state statute to justify stopping a vehicle for having only one operational brake light.

Justice Sonia Sotomayor hammered the majority's decision, stating that the reasonableness of the officer's interpretation should not have been considered by the court—at all. Instead, Justice Sotomayor argued in her dissent that the language of the statute should be the court's only concern when an investigatory stop is made on a statutory violation. She continued by stating that a court's deference to an objectively reasonable officer's determination should be limited to his understanding of the facts,[8] not the law.[9] She further noted that when an officer misinterprets the law and decides to arrest an individual, that officer is protected by qualified immunity.[10] Yet a citizen who is the victim of the officer's error has no recourse in the law when that citizen has not engaged in any criminal activity at the time he is approached by the officer.

Justice Sotomayor concluded by saying that without giving the public a clear understanding of how to differentiate[11] a reasonable mistake of law from one that is not, the Court will, in essence, be creating a dangerous precedent that would leave the general public vulnerable to law enforcement officers who, with the Court's blessings, have virtually no boundaries.

Should the general public offer respect and support for the men and women in blue who have dedicated their lives to serving and protecting us and our property? Absolutely. Should we be more understanding that police officers are faced with life-threatening decisions on a frequent basis, many of which are not found in police manuals or discussed at the police academies? We definitely should. But should these officers be given full and absolute deference to any and every decision to stop, question, detain, arrest and shoot citizens simply because they are nice people draped in a blue uniform with a shiny badge? I hesitate to agree. Currently, our country is plagued with instances where officers may have breached their duty of care. Members of our society have been severely injured or killed by overzealous, well-meaning officers, but their mistakes have been costly. Police officers, like everyone else, should maintain various forms of checks and balances when split-second decisions are made—otherwise, public distrust will continue to swell exponentially. After all, we do not want the old adage "ignorance of the law is no excuse" to apply only to the public, and not to the public servants.

[1] The facts listed herein are not fictional, but are a compilation of facts from two cases that I have defended in my appellate practice.
[2] *See Illinois v. Gates*, 103 S. Ct. 2317, 2328 (1983) (defining reasonable suspicion and probable cause as common sense, non-technical conceptions that deal with factual and practical considerations of everyday life upon which reasonable and prudent men, not legal technicians, act).
[3] *See Heien v. North Carolina*, 2014-WL 7010684, ___ S. Ct.___ (12/15/14).
[4] In Louisiana, defendants are afforded the right to appeal all district court rulings rendered prior to entering their guilty pleas pursuant to *State v. Crosby*, 338 So.2d 584 (La. 1976).
[5] *See Davis v. United States*, 131 S. Ct. 2419 (2011) (stating that the exclusion of evidence does not automatically follow from the fact that a Fourth Amendment violation occurred; the remedy is subject to exceptions and applies only where its purpose is effectively advanced).
[6] *See Riley v. California*, 134 S. Ct. 2473, 2482 (2014).
[7] *See Michigan v. DeFillippo*, 99 S. Ct. 2627.
[8] *See Ornelas v. United State*s, 116 S. Ct. 1657 (1996) (finding that since a determination of reasonable suspicion or probable cause is a mixed question of law and facts, we only need the officer to provide the events that occurred leading up to the stop or search).
[9] *See Ornelas v. United States*, 116 S. Ct. 1657.
[10] *See Ashcroft v. al-Kidd,* 131 S. Ct. 2074, 2085 (2011) (holding that "[q]ualified immunity gives government officials breathing room to make reasonable but mistaken judgments about open legal questions").
[11] *See New York v. Belton*, 101 S. Ct. 2860, 2863 (1981) (declaring that an independent review by the appellate court is necessary to clarify legal principles for law enforcement and for the public as a whole).

Workers' Compensation Section Meeting

Tuesday, Feb. 10, 12 - 2 p.m.

Discussion Topic:
"WORKERS' COMP IN 2015 — WHERE ARE WE HEADED?"

Speakers:
THE WORKERS' COMP SECTION CHAIRS

Drusilla Seafood Restaurant
3482 Drusilla Lane

Call 225-344-4803 to register.
This meeting does not qualify as a CLE.

GAIL'S GRAMMAR

Forming the plural and plural possessive of a proper noun that ends in S confuses many people because often it just looks funny. The plural is formed by adding "es" to the end; the plural possessive by adding "es" and an apostrophe. So Mr. and Mrs. Estes are t*he Esteses* and their house is *the Esteses'* house.

Send suggestions for future Gail's Grammar columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at 225.771-4900 x 216.

THE Patterson RESOLUTION GROUP

W. Ross Foote • E. Phelps Gay • Michael A. Patterson • Michael W. McKay • Patrick S. Ottinger

Marta-Ann Schnabel has joined the Patterson Resolution Group. Her practice areas include professional liability, business and commercial litigation, construction disputes, insurance coverage, and casualty litigation. Her training as a mediator includes studies at the Straus Institute for Dispute Resolution, Pepperdine University. She is currently the Chair of the Louisiana Supreme Court's Judicial Oversight Committee and served as the first woman president of the Louisiana State Bar Association.

Thomas M. Hayes, III has also joined the Patterson Resolution Group. His practice has focused on product liability, redhibition, insurance coverage, industrial accidents, medical malpractice, lawyer's professional liability and professional responsibility, construction, architect and engineering liability, successions, real estate disputes, realtor issues, employment law, and worker's compensation. He has been designated as a Louisiana SuperLawyer in civil litigation and has been appointed Special Master by the Fourth and Eighth Judicial Districts.

Contact Mike Patterson at 866-367-8620 or visit the group's website at **www.pattersonresolution.com** for more information.

BATON ROUGE • NEW ORLEANS • LAFAYETTE • SHREVEPORT • MONROE

Holiday Star Project provides 900 children from 12 agencies with gifts and holiday cheer

In December 2014, almost 900 children received holiday gifts through the BRBF Holiday Star Project. As Holiday Star completed its 23rd year, members of the legal community provided presents to children who would not otherwise receive something during the holiday season.

The 2014 Holiday Star Committee was organized by Brandi Cole (chair), Kristi Richard (vice chair), Mackenzie Ledet (board liaison), and Susan Kelley (staff liaison). The Holiday Star Project worked with area agencies to acquire a list of disadvantaged children and their wish lists and clothing sizes. The agencies involved with this year's event were Children's Hospital, Family Services, Grandparents Raising Grandchildren, Gulf Coast Social Services, HAART, Louisiana School for the Visually Impaired, Metro Health, Resurrection Life, St. Anthony's, THRIVE Baton Rouge, VOA Special Services, and YWCA Early Head Start. It was suggested that volunteers support the "and a book" campaign, which encouraged inclusion of books in addition to the gifts requested by the children.

PHOTO BY PAMELA LABBE

Erik Kjeldsen, Joseph J. Cefalu III and Megan Bice are photographed loading Holiday Star Project gifts into the Diesel Driving Academy moving truck just outside of the Middleton Bar Center on gift distribution day, Dec. 10, 2014.

PHOTO BY SUSAN KELLEY

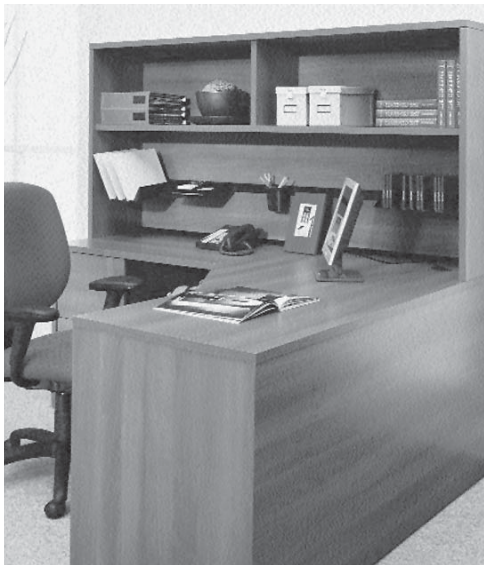
Tanya Ledoux with the Baton Rouge City Court dropped off donations for the BRBF Holiday Star Project.

Office Furniture World

Relocating or starting a new business?

New & pre-owned furniture

Locally owned



12944 Coursey Blvd. | Baton Rouge, LA | 225.751.4024

Coursey Blvd. at Stumberg Ln.

The Holiday Star Committee offers a special thanks to Diesel Driving Academy, who volunteered their truck and drivers on Dec. 10, 2014, to help deliver the gifts to the agencies. And the task would never have been completed without the volunteers who help load the bikes and presents into the truck.

The Committee also acknowledges the participation of the employees of the Baton Rouge City Court in this year's project with their second annual Holiday Market. The employees of the court donate items that they have made, and then everyone gets together for a market where the items are purchased or raffled. Tanya Ledoux informed the Committee that the Holiday Star Project would be, for the second consecutive year, the recipient of their City Court's fundraising efforts. The Committee greatly appreciates Lon Norris and his dedicated team!

Thank you to everyone who was involved with the Holiday Star Project this year. The project brightened the holiday season for many children on that special morning, and it could not have happened without you.

The BRBA 2015 bar leaders installation ceremony and reception was held Tuesday, Jan. 13

While Chief U. S. District Judge Brian A. Jackson presided over the ceremony, Judge John W. deGravelles installed section chairs, Judge Jim J. Brady installed the officers of the BRBA and Judge Robert J. Burns Sr. installed his son as the 86th president of the BRBA Tuesday, Jan. 13, 2015, at the Russell B. Long Federal Building. Outgoing president Darrel J. Papillion presented 2014 President's Awards to several individuals, the federal judges, the Publications Committee and the BRBA staff. The ceremony was followed by a reception, catered by Don Bergeron.

PHOTO BY PAMELA LABBE

Publications Committee members Christopher K. Odinet, Art Vingiello and Joseph J. Cefalu III accepted a 2014 President's Award from Darrel J. Papillion on behalf of the committee.

PHOTO BY PAMELA LABBE

Robert J. Burns Jr. was installed as the 86th president of the Baton Rouge Bar Association by his father, Judge Robert J. Burns Sr. (right), in a ceremony held at the U. S. District Court for the Middle District of Louisiana.

Darrel J. Papillion honored the judges of the federal bench with a President's Award, which was accepted by Chief U. S. District Judge Brian A. Jackson.

PHOTO BY PAMELA LABBE

Board Member Melanie Newkome Jones visits with Art Vingiello and David Bateman during the reception that followed the Bar Leader Installation Ceremony Tuesday, Jan. 13, 2015.

PHOTO BY PAMELA LABBE

Chelsea Gomez Caswell, Mackenzie Ledet and Katie Cicardo attended the Jan. 13, 2015, reception. Caswell and Ledet are 2015 YLS council members.

PHOTO BY PAMELA LABBE

YLS Chair Scott M. Levy presented Andrea K. Tettleton with the Judge Joseph Keogh Memorial Award in behalf of the Young Lawyers Section during the Bar Leader Installation Ceremony.

Past President Darrel J. Papillion presented (L to R) Jay Parker and Mike Clegg with President's Awards for their hard work and dedication to the 2014 Bench Bar Conference and silent auction.

Former Social Security Judge
Peter J. Lemoine

Social Security Disability Law

Offices in Alexandria, Baton Rouge, Cottonport

Adjunct Professor (1994-1997), Northwestern State University

MEMBER: American Bar Association, Louisiana State Bar Association, Baton Rouge Bar Association, Avoyelles Parish Bar Association, National Organization of Social Security Claimant Representatives, Legal Services for Purposes of Disability Committee (Louisiana State Bar Association).

PUBLISHED ARTICLES: "The Worn-Out Worker Rule Revisited," "Significant Work-Related Limitations of Function Under §12.05C," "Questionable Retirement and the Small Business Owner," "Crisis of Confidence: The Inadequacies of Vocational Evidence Presented at Social Security Disability Hearings."

225-922-4551

PHOTO BY PAMELA LABBE

Officers of the Federal Bar Association, Baton Rouge Chapter, are photographed above, including (L to R) Mark L. Barbre, Tara M. Madison, Chris Jones, Chase Tettleton, Catherine Maraist and John Parker Jr. The FBA officers were sworn in Dec. 4, 2014, during their meeting, which was held after the Introduction to the Federal Courts Ceremony.

PHOTO BY PAMELA LABBE

Attending the Dec. 4, 2014, reception held following the Introduction to the Federal Courts Ceremony at the U.S. District Court for the Middle District of Louisiana in the Russell B. Long Federal Building were Doran Drummond, Chris Jones and Judge James J. Brady.

Reception held Dec. 4 following the annual federal courts admission ceremony

The BRBA and the Federal Bar Association, Baton Rouge Chapter, held a joint admission of new lawyers ceremony, which was followed by a reception and a meeting of the Federal Bar Association officers Dec. 4, 2014, at the U.S. District Court for the Middle District of Louisiana in the Russell B. Long Federal Courthouse. The day started with a BRBA CLE titled "Practicing Law in Baton Rouge" and concluded with the reception.

FBA 2014 President Chase Tettleton handed the presidental baton to Tara M. Madison, who will preside in 2015. Chris Jones, who is a director at large with the BRBA board, now serves as president-elect of the FBA, BR Chapter.

Seeking new committee members for Law Expo

Michael Brassett will chair the 2015 Law Expo Committee, which is charged with planning the BRBA's annual fundraiser and tradeshow. A few new committee members are needed to assist with this year's event. Call Pamela Labbe at 225-214-5560 to join the committee.

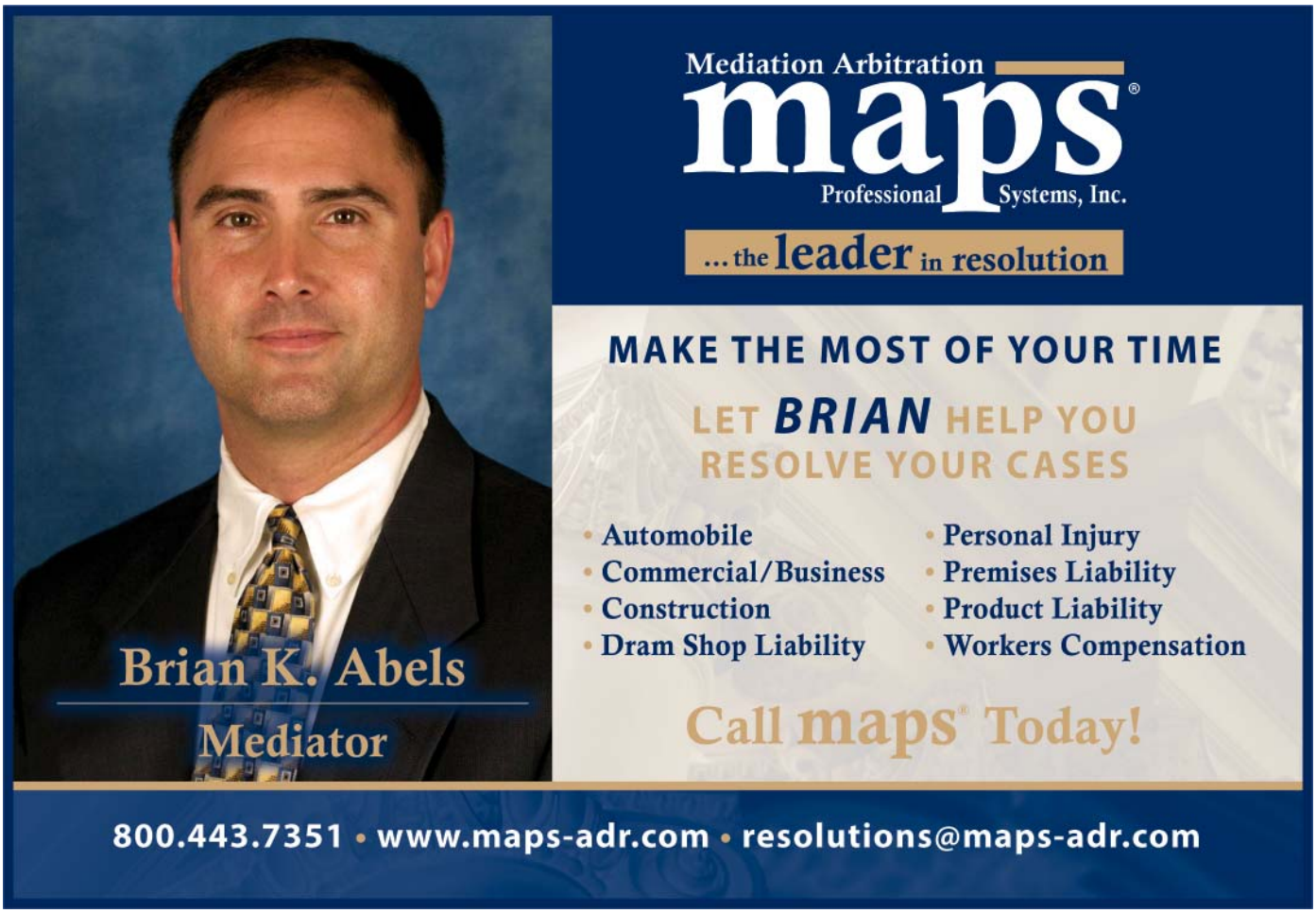


Photo sittings are currently being scheduled as part of BRBA member photo composite project

The last BRBA photo composite project was completed in 2001 during the Association presidency of E. Wade Shows, and it included more than 1,300 photos; the BRBA had 1,800 members at the time. Now the BRBA has 2,500 members, and a new photo composite is expected to be completed by mid- to late-2015. All BRBA members will definitely want to be a part of this project!

RCL Portrait Design will be at the Middleton Bar Center (the BRBA building) Feb. 2-6, and again March 2-13, 2015. Only BRBA members who have paid their 2015 membership dues will be included on the composite. The photos will also be used on the BRBA website and as file photos for the Association.

There are three ways to be included in this composite project: 1) take a new photo; 2) use the portrait RCL Portrait Design took of you in 2012; or 3) use an existing photo.

To schedule a new photo or to use your 2012 photo, contact RCL Portrait Design directly to make your photo-sitting appointment at no cost to you: 1-800-951-8712.

Choosing to use an existing photo not taken by RCL Portrait Design requires a $50 fee so that the photography company can digitally change the photo background to match the new photographs. Your photo must measure 4 in. wide by 5 in. tall and be 420 dpi, CMYK and be a JPEG (.jpg). To submit an exiting photo, please follow the above guidelines and email the photo to: pamela@brba.org. In the subject line, please include "Photo for Composite" and indicate in the text of the email to whom we need to send the $50 invoice.

For general questions, please contact the BRBA office at 225-344-4803.

PHOTO BY CHERYL SANCHEZ

A reception was held at The Family Court of East Baton Rouge Parish to honor the career of Judge Annette Lassalle in December 2014. Photographed are Judges Tony Graphia, Lisa Woodruff-White, Charlene Day, Pamela Baker, Annette Lassalle and Luke Lavergne. Judge Lassalle was presented with multiple awards during the event.

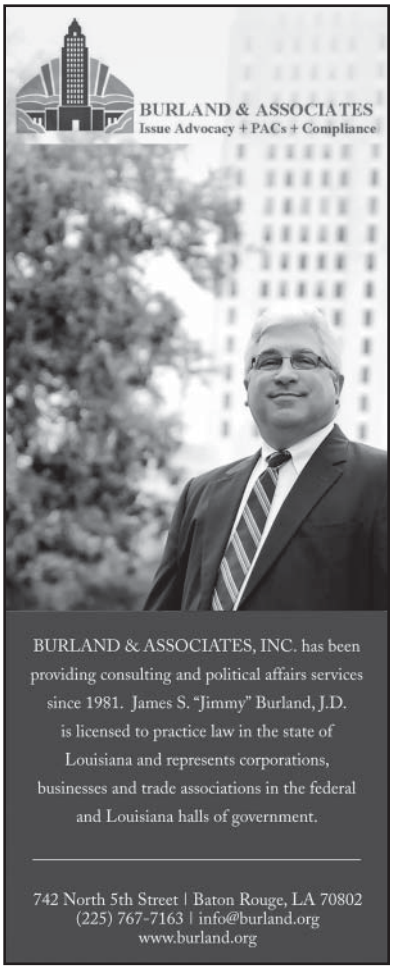
Mark Your Calendar!

BRBA Law Expo is

Thursday, Sept. 17

L'AUBERGE CASINO & HOTEL BATON ROUGE
777 L'Auberge Ave.

Contact Pamela Labbe at 225-214-5560 or pamela@brba.org for booth rental or sponsorship information.



TEEN COURT OF GREATER BATON ROUGE needs attorneys to volunteer to assist with the program.

To find out more, contact Donna Buuck at 225-214-5556 or donna@brba.org or R. Lynn Smith Haynes at 225-214-5564 or lynn@brba.org.

Teens Helping Teens
TEEN COURT of Greater Baton Rouge

Teen Court of Greater Baton Rouge is funded by the Louisiana Office of Juvenile Justice, the South Burbank Crime Prevention and Development District and the Baton Rouge Bar Foundation.

West's Jury Verdicts – Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
East Baton Rouge Parish			
Contracts	Monetary damages	Settlement	$200,000
Contracts	Monetary damages	Bench	$166,568
Medical Malpractice	Alveolar nerve	Settlement	$90,000
Vehicle Negligence	Spinal cord, torn rotator cuff	Settlement	$3,500,000
Vehicle Negligence	Shoulder, neck, back	Bench	$22,823

West's Case of the Month

Court Finds Plaintiff 20% at Fault for MVA on Hwy. 408 in East Baton Rouge Parish

Jessica Weaver v. State Farm Mutual Automobile Insurance Company and Marion J. Trahan

TYPE OF CASE:
Vehicle Negligence • Motor Vehicle v. Motor Vehicle

SPECIFIC LIABILITY: Motorist's vehicle was struck while traveling on the highway when another automobile failed to yield the right-of-way while exiting a private drive, resulting in motorist suffering personal injuries

GENERAL INJURY: Injuries to right shoulder, neck and back; medical expenses

COURT: District Court of Louisiana, Nineteenth Judicial District, Parish of East Baton Rouge

DOCKET/FILE NUMBER: 606078

RESULT: Plaintiff, $22,823; reduced to $18,258.40 per fault apportionment

RESULT DATE: February 04, 2014

JUDGE: William A. Morvant

ATTORNEYS:
Plaintiff: Mark D. Miley, Miley Law Firm, Baton Rouge, LA; Phil E. Miley, Miley Law Firm, Baton Rouge, LA
Defendants: Henry G. Terhoeve, Guglielmo, Marks, Schutte, Terhoeve & Love, Baton Rouge, LA

RESULT TYPE: Bench

Related Court Documents:
Plaintiff's petition: 2011 WL 11757178
Pretrial order: 2013 WL 8609484
Defendants' memorandum pertaining to exhibits: 2014 WL 2615298
Judgment: 2014 WL 2623965

SUMMARY OF FACTS:
Jessica Weaver was reportedly operating her 2001 Chevrolet Tahoe automobile north on Louisiana Highway 408 near its intersection with Louisiana Highway 3034 in the Parish of East Baton Rouge, La., Oct. 20, 2010. Weaver said as she was traveling on Louisiana Highway 408, a 2007 Toyota FJ Cruiser operated by Marion Trahan exited a private driveway and struck her vehicle. Weaver said she suffered personal injuries due to the collision, including injuries to her neck, back and right shoulder.

Weaver filed a petition for damages against Trahan and his reported automobile insurance provider, State Farm Mutual Automobile Insurance Company, in the Nineteenth Judicial District Court for the Parish of East Baton Rouge, Oct. 17, 2011. In her petition, the plaintiff asserted Trahan's negligence had caused the collision and her resulting injuries and damages.

The plaintiff asserted Trahan's vehicle had improperly entered her lane of travel on the highway; moreover, the plaintiff argued the defendant had failed to yield the right-of-way to oncoming traffic while exiting a private drive, failed to maintain control of his automobile and drove his vehicle inattentively. The plaintiff sought damages for her personal injuries, medical expenses, mental anguish, physical pain and suffering and loss of life enjoyment due to injuries she suffered in the accident.

The defendants admitted the plaintiff and Trahan were involved in an automobile accident and that State Farm provided Trahan with automobile insurance at the time of the collision; however, they generally denied the plaintiff's allegations. The defendants denied that Trahan was at fault in causing the accident; rather, they asserted the collision was caused exclusively by Weaver's own negligence.

The defendants also disputed the nature and extent of the plaintiff's injuries and damages caused by the collision. Specifically, they asserted that Weaver had been involved in a subsequent automobile accident, and that the injuries she complained of were due to that accident, rather than her collision with Trahan's vehicle.

The matter proceeded to a bench trial in January 2014 with Judge William Morvant presiding. In a judgment signed Feb. 4, 2014, Judge Morvant entered judgment in the plaintiff's favor against the defendants, awarding Weaver $20,000 for general damages and $2,823 for medical expenses.

However, Judge Morvant indicated that he had determined that the plaintiff was 20 percent at fault for the accident; as a result, the court entered judgment in Weaver's favor against State Farm and Trahan in the amount of $18,258.40, together with legal interest from the date of judicial demand until paid.

CASE CITE: 2014 WL 2726747

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foundation footnotes

PRO BONO, TEEN COURT AND JPA REPORTS — DECEMBER 2014

The Pro Bono Project is financially assisted by the Interest on Lawyers' Trust Accounts (IOLTA) Program of the Louisiana Bar Foundation; Southeast Louisiana Legal Services; Family, District and City Court Filing Fees and the Baton Rouge Bar Foundation.

PRO BONO PROJECT REPORT

We would like to thank all of Pro Bono Project volunteers for their December contributions.

The Thirst for Justice volunteers were **Fred Crifasi, Scott Gaspard** and **Byron Kantrow**. The Ask-A-Lawyer volunteer was **Todd Gaudin,** *Fenet Treadway Gaudin Lawyers*.

The Self Help Resource Center attorney volunteers were: **Steven E. Adams**, *Adams Law Office*; **Ryan Brown**, *Roedel, Parsons*; **Nicolette Colly; Deborah Gibbs; Dave Kemmerly, Tracy Morganti,** *Adams and Reese*; and **Judy Martin**, *Franciscan Legal Services*.

The Financial Literacy volunteers were: **Dwayne Murray**, *Murray & Murray*; and **Garth Ridge.**

The Pro Bono Project wishes to thank all volunteers who accepted pro bono cases in December: **Thomas Acosta; Denise Akers, Rebecca Wisbar,** *Akers & Wisbar;* **J. David Andress,** *Andress Law Firm*; **Shannon Battiste; Michael Betts; Erik Burns; Booker Carmichael,** *The Carmichael Firm*; **Benjamin Chapman,** *Avant & Falcon*; **Fred Crifasi; Arlene Edwards,** *Delatte, Edwards & Marcantel*; **Maria Finley; Ryan French, T. MacDougall Womack,** *Taylor, Porter, Brooks & Phillips*; **Deborah Gibbs; Nicole Gould**, *Breazeale, Sachse & Wilson*; **Jonathan Harris; Dave Kemmerly,** *Adams and Reese*; **Siobhan Leger**; **John London**, *Law Offices of John A. London, III*; **Paul Matzen; Andrea Morrison; Barrington Neil; Susan Raborn**, *Raborn Law;* **Andrew Saltamachia; Mary "Katie" Shoenfelt,** *The Rowe Law Firm*; **Sarah Thigpen; Rolando Urbina; James Vilas,** *Vilas Law Firm*; **Gregory Webb**; and **James Zito.**

TEEN COURT REPORT

Franz Borghardt, Yolanda Cezar and **Monica Vela-Vick** served as judges for the December Teen Court hearings. **Professor Paul Guidry,** *Baton Rouge Community College,* served as jury monitor.

JUNIOR PARTNERS ACADEMY

Southern University Laboratory School sixth-grade students held a mock trial in the Southern University Mini Law Lab Dec. 2, 2014. Southern Lab seniors served as witnesses for the mock trial. **Professor Wendy Shea** and *Southern University Law Center* students **Lindsay Linder and Jim Myers** prepped the sixth-grade attorneys, jurors and bailiffs.

On Dec. 10, 2014, **Professor Wendy Shea and Lynn Smith Haynes** held a Fish Tale presentation for Southern Lab second graders and a No Vehicles in the Park presentation for third graders.

Teen Court of Greater Baton Rouge is funded by the Louisiana Office of Juvenile Justice, the South Burbank Crime Prevention and Development District and the Baton Rouge Bar Foundation. The Youth Education Program is financially assisted by the Interest on Lawyers Trust Account (IOLTA) of the Louisiana Bar Foundation.

VOLUNTEERS ARE NEEDED FOR THE

LAW CLUB

FOR TEENS IN THE GARDERE AREA.

The "Future Legal Eagles" law club is funded by a grant from the South Burbank Crime Prevention and Development District.

We need lawyer volunteers to help with a law club the BRBF organizes for middle and high school students in the Gardere/South Burbank area. You will work with teens as they learn more about the field of law. To volunteer or for more information, please contact Lynn S. Haynes at lynn@brba.org or 225-214-5564.

February 2015

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

For classified or display ad rates,
contact Pamela at (225) 214-5560
or email: pamela@BRBA.org

*Unless otherwise noted, all meetings will be held at the Baton Rouge Bar office.

Duty Court Schedule

19TH JDC CIVIL COURT

Feb. 2-Feb. 6	Judge Johnson
Feb. 9-Feb. 20	Judge Caldwell
Feb. 23-March 6	Judge Fields

19TH JDC CRIMINAL COURT***

Jan. 30-Feb. 6	Judge Erwin
Feb. 6-Feb. 13	Judge Jackson
Feb. 13-Feb. 20	Judge Daniel
Feb. 20-Feb. 27	Judge Moore
Feb. 27-March 6	Judge Higginbotham

BATON ROUGE CITY COURT*

Jan. 26-Feb. 1	Judge Prosser
Feb. 2- Feb. 8	Judge Temple
Feb. 9-Feb. 15	Judge Wall
Feb. 16-Feb. 22	Judge Alexander
Feb. 23-March 1	Judge Ponder

FAMILY COURT**

Feb. 2	Judge Greene
Feb. 3	Judge Baker
Feb. 4	Judge Woodruff-White
Feb. 5	Judge Day
Feb. 6	Judge Greene
Feb. 9	Judge Greene
Feb. 10	Judge Baker
Feb. 11	Judge Woodruff-White
Feb. 12	Judge Day
Feb. 13	Judge Baker
Feb. 16	*(closed) Presidents Day*
Feb. 17	*(closed) Mardi Gras*
Feb. 18	Judge Woodruff-White
Feb. 19	Judge Day
Feb. 20	Judge Woodruff-White
Feb. 23	Judge Greene
Feb. 24	Judge Baker
Feb. 25	Judge Woodruff-White
Feb. 26	Judge Day
Feb. 27	Judge Day

JUVENILE COURT

Jan. 1-Jan. 31	Judge Taylor-Johnson

*NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified. *City Court's Duty Court schedule changes each Monday at 8 a.m. **Family Court's Duty Court schedule is completely different each day, rotating on Fridays ***19th JDC Criminal Court changes each Friday at noon.*

COURT HOLIDAYS

Monday, Feb. 16	Presidents Day
Tuesday, Feb. 17	Mardi Gras

Classifieds

JOIN THE LAW EXPO COMMITTEE!
Are you an event-planner at heart? Do you get a rush when you find new sponsors? If so, YOU really should join the BRBA Law Expo Committee. Contact Pamela Labbe at 225-214-5560 or pamela@brba.org for more information.

MOCK TRIAL IS FEB. 27-28
Would you like to volunteer to assist with the Region III High School Mock Trial Competition? Contact Lynn Haynes: 225-214-5564 or lynn@brba.org.

THE BRBF LAW DAY COMMITTEE NEEDS NEW MEMBERS!
Law Day is May 1, but lots of planning goes into a successful Law Day program. Contact Donna Buuck for more information: 225-214-5556 or donna@brba.org

VOLUNTEER TO HELP WITH TEEN COURT
Contact Donna Buuck for more information: 225-214-5556 or donna@brba.org.

BE A PART OF HISTORY BY HAVING YOUR PHOTO INCLUDED IN THE BRBA 2015 MEMBER PHOTO COMPOSITE.
Schedule your free photo sitting with RCL Portrait Design today by calling 1-800-951-8712. We have dates available in February and March, and most of the photo sittings will take place at the Middleton Bar Center, office of the BRBA.

MEETING ROOM FACILITIES AVAILABLE FOR DEPOSITIONS & MEDIATIONS

BRBA members can reserve conference rooms for $50 per day ($25 per half day) per room. Non-members receive a rate of $250 per day ($125 per half day) per room.

To book space or for more information, contact Meredith French at 225-344-4803 or meredith@BRBA.org.

544 MAIN ST. • BATON ROUGE, LA 70801
WWW.BRBA.ORG

Calendar

Ongoing: Every Wednesday & Thursday, 3-5 p.m., Thirst for Justice takes place at St. Vincent de Paul.

Ongoing: Every Tuesday & Thursday, 10 a.m.-2 p.m., Self Help Resource Center,19th JDC.

2 RCL Portrait Design: photo sittings

3 RCL Portrait Design: photo sittings

4 RCL Portrait Design: photo sittings

5 RCL Portrait Design: photo sittings

6 RCL Portrait Design: photo sittings

9 Publications Committee meeting, 8:30 a.m., at the offices of Walters Papillion Thomas Cullens;

Teen Court Hearing, Juvenile Court, 8333 Veteran's Memorial Blvd., 5:30-8:30 p.m.

10 Workers' Compensation Section meeting, 12 p.m.

11 Pro Bono Committee meeting, 12-1 p.m.;

Volunteer Committee meeting, 12-1 p.m., Phelps Dunbar

17 BRBA Office Closed — In observance of Mardi Gras;

Self Help Resource Center is closed

19 Ask-A-Lawyer, Catholic Charities, 9-11:30 a.m.;

YLS Council meeting, 12-1 p.m.;

Future Legal Eagles Law Club meeting, 5 p.m., 8435 Ned Ave., Apt. A

21 Ask-A-Lawyer, Carver Branch Library, 9:30-11:30 a.m.

23 Teen Court Hearing, Armed Forces Reserve Center, 6 p.m., 8110 Innovation Park Rd.

24 Black History Month Joint Meeting of the members of the BRBA, Martinet Society, BRAWA and FBA (BR Chapter), Renaissance Hotel, 11:45 a.m.

26 Teen Court Committee meeting, 12-1 p.m.;

Family Law Section CLE, Beausoliel, 12-2 p.m.

27 Law Expo Committee meeting, 8:30am.;

Mock Trial Competition, 19th JDC

28 Mock Trial Competition, 19th JDC

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Call Marriott Central Reservations at 1-800-544-9933 or book online at ***www.marriottgrand.com***. The hotel reservation room block code (July 22-27) for BRBA members is: **BTCBTCA**

- 12.5 hours of CLE
- Social events
- Interaction between the bench and the bar

CONTACT ANN K. GREGORIE TO SPONSOR: 225-214-5563 OR ANN@BRBA.ORG

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