

Around the Bar

THE MAGAZINE OF THE
BATON ROUGE BAR ASSOCIATION

No. 258, June 2011

**Bar Luncheon:
Thursday, June 2**

Inside:
Mediation and
Workers' Compensation

Attorney spotlight:
Joseph "Buddy"
Stockwell III

Lessons learned from
Judge Alvin Rubin

In memoriam:
Arthur "Art" Boudreaux III

Nuts & Bolts

Baton Rouge Bar Association 2011 Summer CLE Seminar Series

This series of continuing legal education seminars promotes the building of your law practice, learning new skills and recession-proofing your practice.

LIMITED SEATING AVAILABLE: Sessions are limited in size to 25 attendees and are designed to be hands-on.

PARKING: Included in the seminar price.

OPTIONAL LUNCH AND Q&A AVAILABLE: This is an optional opportunity for you to ask the presenters additional questions.

CORE CURRICULUM OFFERINGS: Ethics or Professionalism will be offered during each 4-hour seminar, of which there are six in the 2011 Summer CLE Seminar Series – the first of which took place May 6, 2011.

Pricing — INDIVIDUAL SEMINAR PRICING

Early registration is available for seminar registrations received by the Friday prior to each seminar. After that date, late registration rates apply.

Member rates—Early registration: \$100; Late registration: \$125;

Non-member rates—Early registration: \$160; Late registration: \$180.

CONVENIENT LOCATION: Middleton Bar Center, 544 Main Street (Baton Rouge Bar Association Building)

SEMINAR SCHEDULE

ALL SEMINARS ARE 8:00 A.M. TO 12:30 P.M.

Friday, June 10, 2011 — Hanging Out Your Shingle, Part II CLE Credit: 4

Friday, July 8, 2011 — Communication Skills in Trial Advocacy CLE Credit: 4

Friday, Aug. 5, 2011 — Nuts & Bolts of a Personal Injury Case CLE Credit: 4

Friday, Aug. 12, 2011 — Nuts & Bolts of a Succession CLE Credit: 4

Friday, Aug. 26, 2011 — Nuts & Bolts of Estate Planning CLE Credit: 4

REGISTRATION FORM

PLEASE SELECT THE SEMINARS YOU PLAN TO ATTEND & YOUR DESIRED PRICING:

Optional Lunch:

YES, I plan to stay after the CLE for the Lunch and Q&A.

CLE Seminars:

Hanging Out Your Shingle, Part II
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 Nuts & Bolts of a Personal Injury Case
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Each seminar is designed to teach interviewing skills and document design, and to provide forms to add to your tool box. For more information about the Nuts & Bolts Baton Rouge Bar Association 2011 Summer CLE Seminar Series, contact Ann Gregorie Scarle at 225-214-5563 or ann@BRBA.org. Cancellations received within 48 hours of each seminar may be subject to penalty. "No shows" will be billed. Fax completed form to 225-344-4805.

If paying by credit card, please include the following:

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On the cover:

This month's cover image features an underwater photo of Melissa and Joseph "Buddy" Stockwell III, who sailed around the world for more than five years after closing up shop on Buddy's law practice and selling their home. In this photo, the Stockwells are scuba diving near the island of Bonaire. Buddy Stockwell (in cover photo on right) is the newest executive director of the Louisiana Lawyers' Assistance Program.



Cover photography provided by Melissa and Buddy Stockwell.

4	Contributors
5	Letters
6	Letter from the president "Barber shops and 'The Shawshank Redemption'" BY PRESTON J. CASTILLE JR.
7	Bar luncheon
8	YLS corner "Sizzlin' summer ahead" BY AMANDA STOUT
9	Tales from the bar side "Coming clean" BY VINCENT P. FORNIAS
12	"Mediation: An approved means to resolve disputed workers' comp claims" BY JUDGE SHERAL C. KELLAR & JUDY STEWART FRANKLIN
13	Gail's grammar
14	"Judge Alvin Rubin: Lessons in ethics and professionalism" BY ANTHONY M. DILEO
17	In memoriam "Arthur 'Art' Boudreaux III" BY JUDGE JEWEL "DUKE" WELCH
18	Attorney spotlight "Interview with LAP Director Joseph 'Buddy' Stockwell III" BY CHRISTINA GIRAU
20	West's Jury Verdicts – Baton Rouge
21	Bar news
25	Foundation footnotes

— JOE MURRAY —
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Judy Stewart Franklin is an attorney, a statewide mediator for the Louisiana Workforce Commission and a contributing writer.

Christina Girau served as the BRBA Spring 2011 public relations intern.



Judge Sheral C. Kellar, the Workers' Compensation Chief Judge, is a contributing writer.

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Gail S. Stephenson, an assistant editor of *Around the Bar*, is the director of legal analysis and writing and an associate professor of law for the Southern University Law Center.

Amanda Stout of McGlinchey Stafford is the 2011 chair of the BRBA Young Lawyers Section Council.

Judge Jewel "Duke" Welch, a Louisiana First Circuit Court of Appeal judge, is a contributing writer.



Anthony M. DiLeo is an active practitioner who serves frequently as an arbitrator and mediator.



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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.



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letters

Today's experience [at the April Bar Luncheon] truly proved to me that I want to join the profession of law. It is my opinion that, under the topics broached today, the school system is the essential piece of the "triangle" that men and women, like you and the other attorneys at the luncheon today, can help. I believe that extracurricular activities keep kids off the streets, and Baton Rouge's Mock Trial is a good program for high school kids to get into. Out of the three years I have participated in Mock Trial, Baton Rouge hosted the largest number of participants and was the most organized. [The BRBF] has a real good chance to improve the livelihoods of teenagers through mock trial, and it seems that there are lawyers ready to step in and help society. As members of the community who are concerned, it is our job to get involved and make a difference. The work that [Lynn Haynes], Lauren Reed, and all of the men and women involved in mock trial are doing is superb, and for attorneys this is the way they can help. I ask the bar association to ask its attorneys to get involved with this program, and to volunteer their

The BRBF Mock Trial Competition took place Feb. 25-26, 2011, at the 19th Judicial District Court. The winning team was honored at the April 7 bar luncheon.

time to the public schools that do not normally have this wonderful program. I would like to personally thank Mrs. Lynn for putting up with my constant e-mails, and I look forward to competing in your regional tournament next year, and then winning the state title for our region for my school, and to take the platform and attempt to spread this program to the public schools of Louisiana. We must train the future, for they will solve the problems we have today. My generation is the future, and my generation needs programs like mock trial to keep them away from trouble. This region is succeeding in doing this, and once again I thank you.

Sincerely,

Justin DiCharia

Mock Trial Competition participant from St. Paul's School (the 2011 Region III winning team).

Editor's note: Justin DiCharia received the Best Attorney award for his outstanding mock trial participation.

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letter from the president

BY PRESTON J. CASTILLE JR.

Barber shops and “The Shawshank Redemption”

My son Trey and I enjoy going to the barber shop. He gets a haircut and, well, I just watch, as I rarely need one these days. But, we really enjoy the barber shop because of all of the trash talking that goes on: men pontificating and prevaricating about everything from politics and the economy to families, relationships, sex, race and crime. We usually just listen and exchange glances. Lies and swearing are often abundant, and seldom is anyone politically correct. A real guy place!



Preston J. Castille Jr.

A few weeks ago one of the regulars told us about a high school buddy who had spent 16 years in jail. He said his old friend, I'll call him John, had no idea how to transition back into the free world. When John went to prison, there were no cell phones, e-mail or GPS devices. Unsurprisingly, he could not find a job because no one would hire an unskilled, poorly educated ex-con. He said John was like Morgan Freeman's character from "The Shawshank Redemption." Unable to adapt, he began looking for opportunities to commit another crime so that he could return to prison – a world where he knew how to survive.

As we left the barber shop, I recounted a case of a clean-cut young man who came into city court to get a bench warrant recalled. One of the other judges had sentenced him to take a class at a local church. Not only did he not take the class, he was kicked out of the program. Disturbed and wanting to shake him up a little, I tersely admonished him that I could find him in contempt and sentence him to jail because he failed to complete the class.

His response was shocking, "How many days would I get?"

I shot back, "Ten days in jail," thinking I'd really rattle him.

"Hum, that's all," the guy remarked. "If I take the jail time, do I still have to take that class?"

Totally floored, I paused, "Okay, stop. Now I am confused. You've got to help me understand why you are even considering jail time as an option. Have you been to jail before?"

He responded, "Oh yeah." Instinctively, I asked, "Why then would you take 10 days in jail?"

Yep, you know what's coming. He said, "With 10 days, I get 'two for one' and only have to serve five days. And besides, I get three hot meals a day, a free place to sleep, and I get to work out every day. It's really not all that bad."

Trey, stunned, replied, "I wouldn't take one day in jail!" Dad was happy to hear that, but what a sad commentary on our society and system of justice. The fact that incarceration is preferred by some young men over all the freedom and liberties this country has to offer is unconscionable.

Before we head off to the beaches and our favorite summer vacation spots, the Young Lawyers Section will host another provocative panel discussion at this month's Bar Luncheon and Community Justice Symposium on "The State of Our Correctional Institutions." A critical question is why is business booming at the big house? And, will the booming business bust our economy? I applaud the Young Lawyers Section for taking on this topic and look forward to another lively discussion. Have a great summer and enjoy the trash talk at your barber (or beauty) shop! 🍷

june bar luncheon

THURSDAY, JUNE 2, 2011

2011 COMMUNITY JUSTICE SYMPOSIUM: The State of Our Correctional Institutions

The BRBA will hold its June Bar Luncheon and Community Justice Symposium at 11:45 a.m. **Thursday, June 2, 2011**, at De La Ronde Hall. Amanda Stout, chair of the BRBA Young Lawyers Section, will moderate a panel discussion of **our correctional institutions**, which will feature Warden Burl Cain (Louisiana State Penitentiary) and Warden Jim Rogers (Louisiana Correctional Institute for Women). The June Bar Luncheon is sponsored by the Young Lawyers Section.

Admittance to the bar luncheon is \$20 per BRBA member and \$30 per non-BRBA member. We accept payment in advance and at the door.



Warden Burl Cain
Louisiana State Penitentiary



Warden Jim Rogers
Louisiana Correctional Institute for Women

VISA, MasterCard and American Express are accepted. Fax this form to 225-344-4805 before 12 p.m. **Friday, May 27, 2011**, to register. Checks are payable to the BRBA, P.O. Box 2241, Baton Rouge, LA 70821.

The day after the bar luncheon – Friday, June 3, 2011 – the YLS is planning a tour of the Louisiana State Penitentiary. Space is limited and attendees are responsible for their own transportation. Please indicate on the form below if you would like to participate or contact Susan Kelley at 225-214-5559 or susan@brba.org.

SCHEDULE OF FUTURE COMMUNITY JUSTICE SYMPOSIUM & BAR LUNCHEONS:

WEDNESDAY, SEPT. 7, 2011 — SEPTEMBER BAR LUNCHEON & 25TH ANNIVERSARY LAW EXPO

This all-day event, which will feature informational and CLE seminars, exhibitors and lunch, will be held at the **Baton Rouge River Center**. Professionalism and Ethics CLE seminars will be available. Luncheon speaker: H. Alston Johnson III.

Later that evening (5 - 7 p.m.), plan to attend a reception at the Middleton Bar Center.

THURSDAY, OCT. 6, 2011 — OCTOBER BAR LUNCHEON — Joint Luncheon with the BRBA, Louis A. Martinet Legal Society and BRAWA

11:45 a.m. at De La Ronde Hall. PANEL DISCUSSION TOPIC: **THE STATE OF LEGAL EDUCATION**, featuring LSU, SU, Loyola and Tulane Chancellors: Chancellor Jack Weiss, Chancellor Freddie Pitcher, Dean Kathryn Lorio and Dean David Meyer. Moderator: Preston J. Castille Jr.

Please fax this page to the Baton Rouge Bar Association, (225) 344-4805, by 12 p.m. Friday, May 27, 2011.

Bar Roll No. _____ Please check applicable boxes: BRBA member non-member guest

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YES, register me for the **JUNE BAR LUNCHEON** at DE LA RONDE HALL taking place Thursday, June 2, 2011, at a cost of \$20 per BRBA member, and \$30 per nonmember. Reservations may be transferred, but not canceled, after 12 p.m. **Friday, May 27, 2011**. "No shows" will be billed.

YES, I want to attend the **TOUR OF ANGOLA**, planned by the Young Lawyers Section for BRBA members and law clerks Friday, June 3, 2011. Tour begins at 10 a.m. and will be followed by lunch in the Angola Cafeteria. Lunch cost is \$3; cash only. Members are invited to bring their children over the age of 14. Attendees are responsible for their own transportation to and from the Louisiana State Penitentiary; however, a few members are making plans to meet at the BRBA office and caravan to Angola that morning. Details will be sent to those who register.

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yls corner

BY AMANDA STOUT, YLS COUNCIL CHAIR

Sizzlin' summer ahead

The heat of summer in South Louisiana is upon us, and the YLS summer activities are in full swing! We recently sponsored a successful Side Bar luncheon with Judge Toni Higginbotham at the Louisiana First Circuit Court of Appeal and hosted a well-attended (and much needed) Thirsty Thursday.

This month, we are sponsoring the June Bar luncheon Thursday, June 2, featuring an outstanding panel that will discuss the state of our prison system, and a group tour of Angola Friday, June 3.

The next big event is our annual Summer Sizzlin' CLE, which will be held at the Middleton Bar Center Friday, July 15, 8 a.m. - 12 p.m. (*See form on page 16.*) We will offer four fantastic presentations specifically geared toward young lawyers that also will be useful for the the not-so-young lawyer. Four hours of CLE credit are available, including professionalism. Special rates are available for YLS members and early registrants. Look for an e-mail from your YLS representative with more info about the hottest CLE in town this summer! 

SUMMER SIZZLIN' CLE SCHEDULE

FRIDAY, JULY 15 – 8 A.M. TO 12 P.M.

SOCIAL MEDIA FOR LAWYERS,
ETHICAL CONSIDERATIONS
Speaker: Kyle Ferachi

HOW TO SURVIVE AND THRIVE
AS A SOLO OR SMALL FIRM
Speaker: David Ogwyn

WHAT CAN A LAWYER UNFAMILIAR
WITH CRIMINAL LAW EXPECT WHEN A FRIEND
OR FAMILY MEMBER CALLS AT 2 IN THE MORNING
BECAUSE JUNIOR IS IN JAIL?
Speaker: Cliff Ivey

PROFESSIONALISM
Speaker: Judge Guy Holdridge



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tales from the bar side

BY VINCENT P. FORNIAS

Among my limitless number of pet peeves is sitting through TV law shows that insult the real world of the practice of law. Either a case goes from initial client visit to trial in the span of a week or else all cases end in a dramatic jury verdict. No such thing as a boring appeal exists in TV land. And don't get me started on something called "Fairly Legal."

Alas, Danny Atkinson recently became the exception to my rule. He actually and officially encountered his very own "Perry Mason moment." Danny was defending an industrial accident claim in which plaintiff, as verified by "Henry," his co-employee, asserted he was struck by a pipe dropped from above, a pipe that apparently would have to defy the laws of physics to have made it through various scaffolds to reach the small of plaintiff's back – the very area where he subsequently underwent lumbar surgery. Henry had written a post-accident report that the pipe's landing point had conveniently left a "rust mark" on plaintiff's back.

Coming clean

Danny did a little background checking on Henry and hit pay dirt with a criminal history. Then he scheduled his deposition. By the time Danny was done, Henry was imitating the reticence of the fabled Sgt. Schultz from the old sitcom, "Hogan's Heroes." Read on:

* * *

Q. Well, Henry, you told me that as a response to a question, and my question was whether you picked that pipe up and pushed it on his back to make a rust mark. Did you do that?

A. Let me see – when I picked it up, you say if I picked it up?

* * *

Q. Henry, all we want to do is get to the truth here. That's all we want to do. And I don't want to get you in trouble for anything, but we just need to know what happened. Now, if he asked you to do it, he asked you to do it. If he

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didn't, he didn't. All I want to know is: Did you handle that pipe and touch his back with it so that that rust mark was put on his back?

A. No.

Q. *Why did you hesitate to answer that question?*

A. *No, because – I am saying that – no, I didn't do it. No, no, no.*

Q. *Did he do it?*

A. *Huh?*

Q. *Did [plaintiff] do it?*

A. *I don't know – I don't know that. I don't know. I didn't see nothing. I didn't see – like I told you, I was working, and when the pipe came down, he was down. I don't know what happened. I really don't know.*

Q. *Why are you telling me you don't think he really got hurt? You saw something to make you believe that. I want to know what that is.*

A. *What I saw? I ain't saw nothing. I didn't see nothing. I don't know. I don't know if he got hurt or not. Put it better than that on the record, I don't know if he got hurt or not. That's what I can say. I don't know. I didn't see it – I didn't see. Put it better than that. I would put it as I didn't see – I shouldn't be here. I don't know nothing. I don't – I didn't see nothing. My head was turned. I am telling the truth. My head was turned.*

Q. *Now, you understand if you are telling me that and it is not the truth, that that's perjury. Do you understand?*

A. *Yes. All right. Perjury –*

Q. *If you are telling me that you didn't see anything and you feel like you are getting out of this thing by saying, "I didn't see anything" and that's not true, that's perjury. Do you understand that?*

A. *All I got to do is tell the truth. That's the deal.*

Q. *That's all I need.*

A. *I mean, I can't – I mean, like the truth?*

Q. *The truth?*

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A. *The truth is we was in the hole – to go back just – all right – and we was in the hole. The pipe dropped.*

Q. *Okay.*

A. *And the truth is he told me to put it on his back. I ain't going to lie. I am telling the truth. I ain't going to jail behind no craziness because I am just a witness.*

* * *

Q. *Why would you get suckered into doing something like that?*

A. *I don't even know my own self. And getting nothing – he just asked me to do it, and I don't know him that well to even do it. I don't know why I even did it, and that is the truth. I don't – wasn't promised nothing. Wasn't supposed to get nothing, ain't none of that. I didn't know all this was going to happen. That's – raise my right hand to God. I didn't even know.*

Q. *So the truth is –*

A. *All – he made all that up.*

Had this gone any farther, no doubt Atkinson would have extracted from Henry both the kidnapping of the Lindbergh baby and hiding behind a grassy knoll in Dallas in 1963.

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*For more information about
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or about the September Bar
Luncheon, contact the BRBA
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MEDIATION:

AN APPROVED MEANS TO RESOLVE DISPUTED WORKERS' COMP CLAIMS

BY JUDGE SHERAL C. KELLAR & JUDY STEWART FRANKLIN

The Hearings Section of the Louisiana Office of Workers' Compensation (OWCA) is created to resolve and / or adjudicate disputed claims filed with the OWCA. In 1991, the Hearings Section established mediation as a means to resolve these disputed claims. The disputed claim for compensation, or LDOL-WC 1008, is a lawsuit filed by a party requesting workers' compensation benefits, controverting the entitlement to benefits or other relief under the Workers' Compensation Act. Attorney mediators are employed by the OWCA to exclusively mediate workers' compensation claims. They are specially trained in the mediation process and resolution techniques. Mediators assist the parties to a workers' compensation dispute, employees, employers, insurers, doctors and their lawyers in settling these lawsuits before they are heard by



a workers' compensation judge. Frequent changes in legislation have altered the character of workers' compensation mediations over the years. These changes range from requiring mandatory appearance at mediation conferences to voluntary mediation conferences scheduled only at the request of the parties. The most recent

change to workers' compensation mediation occurred as the result of Act 53 of the 2010 Regular Legislative Session.

Act 53 amended La. R.S. 23:1310.3, transforming workers' compensation mediations to an almost exclusively voluntary process. The amendment, which became effective Aug. 15, 2010, creates three separate and distinct types of workers' compensation mediations: pre-1008, post-1008 and court-ordered. Pursuant to the amended statute, the

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GAIL'S GRAMMAR

When *same* is used to mean *identical*, it is redundant to describe something as *exactly the same* and even worse to say *exact same*. Bryan Garner describes *exact same* as "a lazy truncation" of *exactly the same*. When *same* is used to mean *in a similar manner*, *exactly the same* adds precision, but precision could instead be achieved by using the word *identical*.

Thanks to Professor Cynthia Picou for suggesting this topic. Send suggestions for future Gail's Grammar columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at 225.771.4900 x 216.

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parties, upon joint written request, may request a mediation conference before and/or after filing a 1008 or at any time prior to the trial on the matter. The parties' participation in a pre-1008 mediation conference does not interrupt the running of prescription. While Act 53 essentially creates a voluntary mediation system, it does not completely strip the judges of the Office of Workers' Compensation of all power in this regard. Workers' compensation judges retain the power and authority to order a mediation conference in any claim in which they believe mediation is appropriate and may result in resolution of the disputed claim.

When requesting mediation, the parties may choose any one of the 11 Office of Workers' Compensation mediators whose services are paid for by the state, or they may elect to use a private mediator at their cost. Parties seeking the professional services of an Office of Workers' Compensation mediator are required to submit their request in writing on a Mediation Request Form. On the date scheduled for mediation, the parties are required

to have available, either in person or telephone, a representative with authority to enter into negotiations in a good faith effort to resolve the issue in dispute. Upon mutual consent, the parties may participate in the mediation by telephone. However, in-person mediation conferences are preferred and encouraged.

Mediation conferences held before any of the Office of Workers' Compensation mediators are held in the respective district office of the mediator selected by the parties. Mediation conferences held by a private mediator are conducted at a location mutually agreeable to the parties. If the parties choose to use a private mediator, they must certify to the court, after the private mediation, that a conference has occurred and the results thereof.

On March 20, 2011, a Notice of Intent to amend the Hearing Rules, specifically the rules regarding mediation, but not necessarily limited thereto, was published in the *Louisiana Register*. Inquiries concerning the proposed amendment and reenactment may be directed to Wes Hataway, Assistant Secretary, Office of Workers' Compensation Administration,

Louisiana Workforce Commission, P.O. Box 94040, Baton Rouge, La. 70804-9040. Following a comment and review period, the Hearing Rules should be officially promulgated June 20. This will be the first revision of the Hearing Rules since 2007. These are much needed amendments that will assist the Office and the practitioners in implementing the changes in the Act that have occurred. 

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JUDGE ALVIN RUBIN: Lessons in ethics and professionalism¹

BY ANTHONY M. DILEO

“When the student is ready, the teacher will appear.”²

As the legal profession struggles to maintain its professionalism in the face of business pressures and competition, a prime counterweight is the appreciation for the debt we owe to our mentors,³ who exhibited the tradition of teaching and mentoring to bring us along, transforming fresh graduates of law schools while instilling the values of service. Here I would like to share a few stories of my clerkship for Judge Alvin Rubin and how he mentored me.



I worked for Judge Rubin as a law clerk for 18 months in the federal district court in New Orleans. During those months he decided to make me into a better lawyer, and a better person—whether I wanted to be or not. But today I am grateful for his mentorship.

Candor to the court

When I clerked for Judge Rubin in 1971 and 1972, all motions were set for oral argument on a set motion day. On those days, the court would be nearly filled with lawyers. On one motion day I remember, the most senior named partner of a major firm argued from his memorandum. Judge Rubin interrupted, saying he had read the memoranda of all counsel. He then went on to ask this prominent attorney about a particular case cited in his memorandum. The judge said to the attorney: “You cite *Smith v. Jones* and you say, without qualification, that this case supports your Motion to Dismiss. I’ve read *Smith v. Jones*, every word of it, twice, and I don’t see anywhere where it says that or anything that could fairly be argued to support your motion. Can you explain your position to me?” Instead of retracting, this attorney pressed on and asserted that a reasonable interpretation of the case, in fact, did support his argument. The judge asked him what words or sentences he was pointing to for that position. The attorney responded, “The case as a whole, in the context of all of the jurisprudence.” The judge continued: “I’m asking you to tell me where in that case there is language in that opinion that supports your argument or even a reasonable extension of the law.” Counsel responded: “It’s simply in the context of all of the jurisprudence.” The judge asked: “What jurisprudence are you pointing to that refers to this case as supporting your argument?” Again, the attorney’s response was “the case law as a whole.” (I believe this colloquy *only* went on this long, because of the judge’s respect for a noted and respected member of the Bar and

because the courtroom was filled with lawyers.) The judge took a deep breath and said: “I rely upon you and all the lawyers in this courtroom to accurately cite authority for your arguments. I do not have the time to read every case cited by every lawyer in every memorandum. I accept as accurate a citation by counsel for a proposition, though I know argument is expected and you may place a fair interpretation upon an opinion. Here, I’ve seen none.” His voice became sterner.

“Now we have two choices, you can show me where in that case there is a sentence or even a phrase to support your argument, or we can sit here in silence until you do. But we’re going to sit here until you either show me where that case supports your argument or you tell me it was mis-cited.” Silence filled the room. There was a flipping of pages, a shifting of body position. An uncomfortable time passed. Finally the attorney said, “Your Honor, I believe that the case may have been inadvertently mis-cited for this proposition.” “Thank you,” Judge Rubin said.

Does it serve the cause of justice?

In the early ’70s, all motions were argued in federal court and, therefore, on motion day dozens, scores of lawyers, would fill the courtrooms. The next several hours would provide a young lawyer with a continuing legal education that should have qualified for course credit as to presentation of argument, style and advocacy.

On one particular morning Judge Rubin said to me, “Please put motion number 14 first.” This was a bad omen for one of the lawyers in number 14. I called that motion first. An attorney took the podium and argued that the claim of the plaintiff should be dismissed, because the plaintiff had sued, by mistake, John T. Smith instead of John R. Smith. Judge Rubin asked the attorney how granting such a motion could promote the cause of justice. Rather than promptly withdrawing the motion and asking opposing counsel for a simple amendment, the moving attorney pressed on, insisting that this was a standard motion widely accepted in the courts. This regrettable strategy by that attorney led to a lengthy explanation of what the court system and lawyers do in the most basic way, and then to an instruction to reread certain basic statutory, ethical and procedural rules. The message was that law was not just about strategy and tactics, but about something bigger. The audience understood.

Ethics in negotiations

In his noted article on ethics in negotiation, Judge Rubin argued, “The lawyer may not accept a result that is unconscionably unfair to the other party.”⁴ There are clear ethical duties in negotiation.

An example is in the story of his representation of the client in a sale of a business and merger. It was apparent from his discussions with opposing counsel that the *other attorney* thought this merger would be a tax-free reorganization, and Alvin felt strongly that it would not be. He felt he could not go forward knowing the other lawyer’s error, so he gave his client two choices: he could quietly resign without explanation and discontinue representation, or he could tell the other lawyer that it was a taxable transaction. The client agreed to let him advise the opposing counsel that it was taxable, after which the transaction terminated, saving much conflict down the road. Alvin would not countenance playing a part in a transaction in which the other party had a significant misunderstanding. The duty to the law was above the duty to the client.

Loyalty to his law clerks

While listening to one of his clerks present a paper at a conference, Alvin saw the audience was resistant to the ideas being presented.⁵ Alvin took the podium as the next speaker. Clearly, he felt that the young lawyer had something to transmit to the audience, but the audience was not listening. He began his presentation with the following story: “In front of my building on Royal Street is an empty base of an obelisk where a statue of Edward Douglas White used to stand. Then they moved the Louisiana Supreme Court to Loyola Avenue and took that statue with them. Royal Street in the ’60s and ’70s became a haven for the counterculture, and one day a bearded guru dressed in flowing white robes sat in the lotus position on the empty marble base and began to preach to his



Judge Alvin Rubin

followers. He said, ‘My followers, life is but a cloud and nothing more.’ One of his sycophants in disbelief challenged him and said, ‘Oh leader, how can life only be a cloud. Isn’t it more?’ The guru responded, ‘My son, have you come to learn or to argue?’” The message to the audience was clear.

The Socratic Method

He listened *carefully*. We were subjected to ceaseless in-office debates over legal principles, cases, statutes and precedents. Then, this Talmudic-like exercise would merely move locations from the courtroom to the dinner table to the tennis court, and most frequently, to Mena’s Palace, where an even larger group would gather around at lunch time. The young and unwise would in his presence make

an absolute unqualified statement such as: “That case is clearly wrong.” His response was: “Really? And tell me more about that.” And, “Have you considered this? And, what about that?” “No, I hadn’t thought of that.” This was a humbling lesson in thinking before speaking.

Openness to other view points

I interviewed with him two or three times. In my last interview, he gave me a hypothetical and asked how I would rule. After I answered he commented: “That’s interesting. I ruled exactly the opposite way yesterday.”

Training for stressful negotiation

Alvin’s leadership and problem solving did not stop with law clerks. After visiting Mrs. Rubin in the hospital late one evening, he was walking to his car when a young man approached him with a gun in hand. Seeing the problem, Alvin began to comfort him and said: “Just stay calm. I am going to give you what you want. Be careful with the gun so no one gets hurt.” Several years later I found myself in the same situation. I remembered his words and repeated them with the same result.

“ *He listened carefully. We were subjected to ceaseless in-office debates over legal principles, cases, statutes and precedents. Then, this Talmudic-like exercise would merely move locations from the courtroom to the dinner table to the tennis court, and most frequently, to Mena’s Palace, where an even larger group would gather around at lunch time. The young and unwise would in his presence make an absolute unqualified statement such as: ‘That case is clearly wrong.’ His response was: ‘Really? And tell me more about that.’* ”

The book

Though he set challenging standards for others, he set even higher standards for himself. When Judge Rubin and I were completing the Federal Law Clerk Handbook in about 1977,⁶ I asked him what his plans were for his compensation from the Federal Judicial Center, who was paying us both to write the book. Judge Rubin answered that he “was already an employee of the United States Government and, of course, he could not accept any additional payment.” Though I would not have thought of it before, I decided to follow suit and delivered my check to my law firm.

Watering the plants

Alvin Rubin believed we should strive for excellence in everything we do. A small example proves this point. He asked me to housesit while he traveled. I was to water all of the many plants. But, I asked, how would I know when to water them? He said: “It’s easy. Each plant has a painted tongue depressor in the soil. Blue means water Monday, Wednesday, Friday; Pink means Tuesday and Thursday; Yellow means Saturday; Green means Sunday; and White means only when it rains.” Need I say more?

Leading by example

Culturally, we are taught what is valuable, what to pursue, what standards we hold ourselves to. The Buddhist aphorism is, “When the student is ready, the teacher will appear.” And, when we “are ready” (or we are fortunate enough that someone thinks we are ready), we can find mentors, too.

Albert Schweitzer said, “Example is not the main thing

influencing others. It’s the only thing.” Alvin Rubin led by example. (This was easy when you could do everything better.) He worked longer and harder. He was there when I arrived, and there when I left. He took on many projects without compensation in the education of young lawyers, both as a teacher and as an author. He taught many courses at LSU Law School, to which I drove him, and part of my uncredited, but deserved CLE was the weekly two-hour drive to and from Baton Rouge.

For Alvin Rubin, there was no wasted time. During a jury trial break, I watched him scribbling on notepaper a few words and asked what his notes were. He said: “I’ve always been interested in haiku, you know, where you have five syllables, followed by seven syllables, followed by five syllables.”

Alvin even made a list of what he believed his failures were. “Patience” was at the top, and he wrote that word in large letters on a paper that he slid under the glass on his desktop. He looked at that every day. Perhaps after all, that was a lesson I helped teach him. ■

¹ This article is an abbreviated version of a lecture presented at the 18th Annual Judge Alvin B. Rubin Symposium on May 13, 2010. The full article is available as a PDF at www.TonyDiLeo.com.

² Buddhist proverb.

³ The Louisiana Bar has established a formal program to encourage and enlist mentors. See LSBA News, June 3, 2009, “LSBA Seeks Mentors for New Lawyers.”

⁴ Alvin B. Rubin, *A Causerie on Lawyer’s Ethics in Negotiation*, 35 La. L. Rev. 577, 591 (1975).

⁵ The speaker’s premise was clarity and structure in writing.

⁶ Anthony M. DiLeo and Alvin B. Rubin, *Federal Law Clerk Handbook* (Federal Judicial Center 1977).

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SEMINAR SCHEDULE

Social Media for Lawyers, Ethical Considerations — Speaker: Kyle Ferachi

How to Survive and Thrive as a Solo or Small Firm — Speaker: David Ogwyn

What Can a Lawyer Unfamiliar with Criminal Law Expect When a Friend or Family Member

Calls at 2 in the Morning Because Junior Is In Jail? — Speaker: Cliff Ivey

Professionalism — Speaker: Judge Guy Holdridge

COST: \$50 for BRBA members age 39 or younger; \$100 for all other BRBA members; \$150 for non-BRBA members.

“No shows” will be billed. Reservations may be transferred but not canceled after noon on Wednesday, July 13, 2011.

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in memoriam

BY JUDGE JEWEL "DUKE" WELCH

Arthur "Art" J. Boudreaux III

Baton Rouge City Court doesn't quite feel the same after its Chief City Prosecutor, Arthur "Art" J. Boudreaux III, lost his battle with cancer Feb. 24, 2011.

Art was reared in rural St. Mary Parish and was the only child of "Pop" and "Momma Goldie." In Franklin High School, Art was not only a "Stepford student," but he was also a good athlete. After high school Art attended LSU for undergraduate studies, and there he met lifelong friend Walton J. "Ty" Barnes II. Both completed their undergraduate studies and continued to law school at LSU. While in law school, Art clerked for the Barnes law firm, and he joined the firm upon graduation. He always joked that he got sworn in to the practice of

law at the Louisiana Supreme Court on a Monday and was back arguing a case at the Louisiana Supreme Court on Thursday. Coincidentally, his future wife Susan was also employed at the firm.

In the early 1980s, Art became a solo practitioner, and yes—Susan soon followed. It was amazing to watch the two of them work together because they each knew exactly what the other was thinking without having to say a word. Art enjoyed business litigation and handled all the claims for the general contractor for the construction of the original Baton Rouge Governmental Building. He also represented everyone from oil moguls to people who just wanted to change their name simply because the new name fit their lifestyle better. He was kind, generous and represented people who could not afford to hire a lawyer.



Arthur "Art" Boudreaux III

In the early 1990s, Art's career and life changed. He discovered that he loved fishing for "Reds & Specks" and duck hunting with his friend John Pace, and he also became an Assistant Baton Rouge City Prosecutor. Oh yes – and he married his soul mate and best friend Susan. Art quickly rose through the ranks at the City Prosecutor's office, and in 2005, he was appointed Chief City Prosecutor by E. Wade Shows, the East Baton Rouge Parish Attorney.

Art was perfectly suited for this job – as he oversaw the prosecution of thousands of cases each year. He worked closely with the City Court judges, law enforcement officers and his fellow attorneys to ensure that everything ran smoothly and efficiently. Art was

compassionate and instrumental in implementing a pre-trial diversion program to give people a second chance. However, if they did not take advantage of the program, he could be very stern. As Chief City Prosecutor, he had one standing rule – if a dangerous weapon of any kind was involved in a crime, then that weapon had to be destroyed. This resulted in thousands of guns being removed from the streets of Baton Rouge.

Art was one of the "old school" attorneys – your word was your bond and you should say what you mean and mean what you say. He personified ethics and professionalism.

Yes – Baton Rouge City Court will never be quite the same. Art may be gone, but he will never be forgotten. ■

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attorney spotlight

BY CHRISTINA GIRAU

PHOTOS PROVIDED BY MELISSA & BUDDY STOCKWELL

Interview with LAP Director Joseph “Buddy” Stockwell III

After sailing the Americas from the Caribbean to Cape Cod and covering 18,793 nautical miles over five-and-a-half years, Joseph “Buddy” Stockwell III is embarking on a new adventure as the executive director for the Louisiana Lawyers’ Assistance Program (LAP).

As fate would have it, Stockwell first heard that Bill Leary – longtime executive director of LAP – soon would be retiring when Stockwell and his wife Melissa were in Ft. Lauderdale trying to sell their catamaran, Indigo Moon. Within weeks Stockwell had sold the boat and settled into his new life in Mandeville, officially assuming Leary’s position Jan. 1, 2011.

While on the open water, Stockwell learned many lessons that are applicable to his new position. He learned that even with an immense amount of planning there can be unforeseen surprises that change your daily routine. For example, Stockwell didn’t foresee finding a six-foot red-tailed boa constrictor sunbathing atop his bedroom cabin while anchored off the jungles of Panama. After photographing their new friend and making multiple attempts to move the snake (ending with success), Melissa immediately insisted that the task of “daily snake patrol” be added to her husband’s list of responsibilities.

In a less frightening event, Stockwell learned to interact with people from different cultures. After Stockwell saved one of their boats from sinking by using epoxy putty to plug a leak, the Stockwells were openly welcomed by the Kuna Indians located on the San Blas islands of Panama. As soon as they anchored off the island, boats of Kuna women and children boarded the Indigo Moon. The ship quickly turned into a marketplace where the Kuna women sold molas, a traditional textile art with colorful designs, while the children ran around the deck playing.

Another lesson Stockwell learned was that some things, like sailing, are tougher than one might think. “People back home sipping coffee and looking at gray winter days of snow and ice, all while reading dreadful local stories in their morning newspaper, prefer the cruising dream to appear as a Jimmy Buffett-inspired mirage, where there is no pressure and everything is warm and wonderful. It’s the grass is greener syndrome on steroids,” Stockwell said.

Working day and night aboard the Indigo Moon is an example of Stockwell’s strong work ethic. “The truth



In photos above: Joseph “Buddy” Stockwell III swims in the Caribbean; a sea turtle; and a sunbathing six-foot red-tailed boa constrictor.

is that daily life aboard a boat is extremely challenging and requires serious effort and industry to keep things floating, literally. We did not have anywhere near the idle time we envisioned,” Stockwell said. Doing simple tasks such as obtaining clean water and purchasing groceries were a hefty task in Third World countries. Day-to-day responsibilities, such as boat maintenance and repair, kept the couple busy. For more about the Stockwell’s adventures, see www.indigomoon.us.

Stockwell has been an active member of the LSBA’s Committee on Alcohol and Drug Abuse for more than 15 years. Additionally, he currently holds more than 120 hours of accredited course work in substance abuse counseling and has been a part of the recovery community



Melissa and Buddy Stockwell are scuba diving near the island of Bonaire.

for more than 28 years. "In light of my background and extensive experience with LAP, the position was a perfect fit for me and vice versa," Stockwell said.

LAP is an independent nonprofit corporation, and its mission is to serve the public, the bar and the profession by assisting, on a confidential basis, lawyers or judges whose professional impairment may stem from alcohol/drug abuse, gambling addiction, depression or any other mental health problems.



According to a recent Johns Hopkins study of 105 different professions, the legal profession suffers the highest rate of depression by far. Other studies have shown that 20 percent of lawyers and judges struggle with alcoholism and drug addiction – twice the rate of the general population.

"Louisiana LAP is part of a nationwide effort of programs across the nation to address the epidemic of depression, mental illness, alcoholism, drug addiction, gambling addiction and other problems that beset our profession at alarming rates," Stockwell said

All calls to LAP are confidential by law. For more information visit www.louisianalap.com or www.lsba.org or call (866) 354-9334. ■

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West's Jury Verdicts - Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
<u>East Baton Rouge Parish</u>			
Contracts	Monetary damages	Bench	\$83,579
Real Property	Monetary damages	Bench	\$23,992
Vehicle Negligence	Neck, back, spine, leg	Jury	Defense
Vehicle Negligence	Neck and back	Bench	\$42,210
Vehicle Negligence	Eye, migraines	Bench	\$28,270

West's Case of the Month

Plaintiff Awarded \$42.2K Due To Rear-End MVA on Brightside Lane in Baton Rouge

Morrow v. Allstate Ins. Co.

TYPE OF CASE:

Vehicle Negligence • Motor Vehicle v. Motor Vehicle
 Vehicle Negligence • Rear-End
 Vehicle Negligence • Parked/Stalled/Stopped Vehicle
 Vehicle Negligence • Excessive Speed
 Vehicle Negligence • Inattention
 Insurance • Automobile Policy

SPECIFIC LIABILITY:

Motorist's vehicle was struck from behind while stopped for traffic

GENERAL INJURY:

Neck and back injuries; medical expenses; lost wages; lost earning capacity

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

DOCKET/FILE NUMBER:

571,832

JUDGMENT:

Plaintiff, \$42,210.00

JUDGMENT DATE:

Nov. 29, 2010

JUDGE:

Kay Bates

ATTORNEYS:

Plaintiff: Joseph J. Long, Baton Rouge
Defendants: Jeff Valliere, Baton Rouge

TRIAL TYPE:

Bench

BREAKDOWN OF AWARD:

\$25,000.00 to plaintiff from Allstate Insurance Company and Whitman for general damages
 \$17,210.00 to plaintiff from Allstate Insurance Company

and Whitman for medical bills

SUMMARY OF FACTS:

Michael Morrow was reportedly driving his vehicle on Brightside Lane in Baton Rouge, La., Oct. 25, 2007, when he stopped for traffic. Morrow said his vehicle was subsequently rear-ended by a vehicle operated by Allison Whitman.

Morrow said he sustained personal injuries in the collision, which included injuries to his neck and back, as well as contusions and aggravation of pre-existing conditions.

Morrow filed a petition against Whitman and her automobile insurance provider, Allstate Insurance Company, in the Nineteenth Judicial District Court for the Parish of East Baton Rouge. The plaintiff asserted Whitman's alleged negligence had caused the accident in question.

Among his negligence allegations, the plaintiff argued the defendant had failed to maintain a proper lookout, operated her vehicle in an inattentive and distracted manner, failed to stop, failed to maintain a safe distance from other vehicles and drove at an excessive rate of speed under the circumstances.

Morrow further asserted Whitman had operated her vehicle in a wanton and reckless manner with no regard for others' safety.

The plaintiff sought damages for physical pain and suffering, mental anguish and distress, medical expenses, loss of life enjoyment and lost wages.

The matter proceeded to a bench trial with Judge Kay Bates presiding. In a judgment signed Nov. 29, 2010, the court entered judgment in Morrow's favor against Allstate and Whitman, awarding \$17,210 for medical bills and \$25,000 for pain and suffering, for a total award of \$42,210, together with interest running from the date of judicial demand and all court costs.

CASE CITE:

West's J.V. La. Rep., Vol. 6, Iss. 7, p. 9 (2010); 2010 WL 5493791

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bar news

BY CHRISTINA GIRAU

Mark your calendar for the BRBA Nuts & Bolts Summer CLE Seminar Series

Several CLE seminars will be held this summer featuring the basics of law practice, from communication skills to estate planning. The date of the next seminar is June 10. The registration form is on page 2 of this issue. If you have additional questions, contact the bar office at 225-344-4803.

Next Beer @ da Bar event is Tuesday, Aug. 23

Come grab a pint with fellow BRBA members Tuesday, Aug. 23, 5-6:30 p.m. at the Middleton Bar Center for the quarterly Beer @ da Bar networking series. All BRBA members are invited to attend. For more information, call 225-344-4803.

Law Expo to be held Sept. 7 at the BR River Center

The 25th Anniversary Celebration of Law Expo and the BRBA September Bar Luncheon will be held at the



PHOTO BY PAMELA LABBE

Susan G. Komen for the Cure® Baton Rouge Affiliate Executive Director Janet Dewey-Kollen stands with BRBA member Lindsay Watts Sanchez (center) and Lucie Agosta, president of the Baton Rouge Affiliate. Sanchez, an associate of Tyler & Possa, was present during the Affiliate's grant and awards ceremony held April 4, 2011. Tyler & Possa won first place for having the largest company Race team with less than 100 employees. Stephanie Possa, team captain of Tyler & Possa's Race team, "is the reason for our amazing participation and our award," Sanchez said.

Baton Rouge River Center Wednesday, Sept. 7, 2011, from 8 a.m. to 2 p.m. Luncheon speaker H. Alston Johnson III of Phelps Dunbar will present his annual legislative update.

A reception will follow the Expo from 5 to 7 p.m. at the Middleton Bar Center, 544 Main Street. For sponsorship or other information, contact Pamela Labbe at 225-214-5560 or pamela@brba.org.

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BRBA members receive LSBA Pro Bono Publico & Children's Law awards May 24

Ayn W. Stehr, Doreen A. Taravella and Cleveland M. Patterson III are the LSBA Pro Bono Publico & Children's Law Award winners from Baton Rouge. The winners were honored May 24, 2011, at the Louisiana Supreme Court.

Stehr received the 2011 Career Public Interest Award. She's dedicated 29 years of her life to public interest work, evidenced by her years of service – first as the executive director of Capital Area Family Violence Intervention Center, Inc., and later as its director of legal services.

Taravella, a solo practitioner, received the 2011 Pro Bono Publico Award. She works as a volunteer attorney with the Capital Area Family Violence Intervention Center, Inc. / Battered Women's Program and is a practicing psychotherapist.

Patterson, an intern with the Baton Rouge Bar Association and a second-year student attending Southern University Law Center, was honored with the 2011 Law Student Pro Bono Award.



PHOTO BY PAMELA LABBE

The winning 2011 Mock Trial Competition Region III team from St. Paul's School from Covington, La., was honored during the April 7, 2011, Bar Luncheon at De La Ronde Hall.



PHOTO BY PAMELA LABBE

The BRBA April Bar Luncheon & Community Justice Symposium featured a panel discussion moderated by WAFB's George Sells. Photographed above are BRBA President Preston J. Castille Jr., District Attorney Hillar Moore III and Sells.

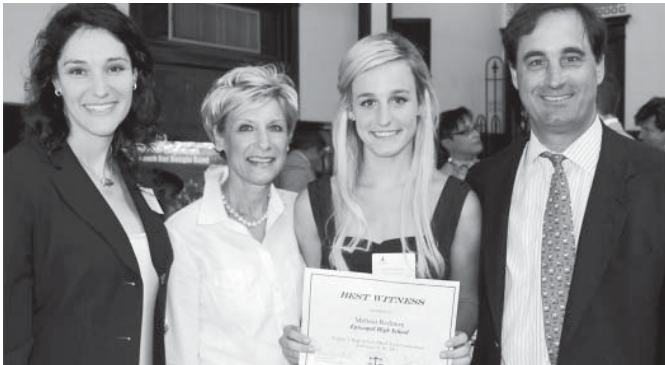


PHOTO BY PAMELA LABBE

Melissa Redmon from Episcopal High School was presented Mock Trial's "Best Witness" award April 7, 2011. Standing with Redmon are Mock Trial Committee chair Lauren Byrd Reed (left) and Melissa's parents, Missy and Marshall Redmon.



PHOTO BY PAMELA LABBE

Coby Jenkins from Southern University Laboratory School received the "Best Witness" award. Photographed with Jenkins are his teacher-coach Anrea Williams and Mock Trial Committee chair Lauren Byrd Reed.

IT'S TIME TO START
PRACTICING FOR
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FRIDAY & SATURDAY
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Charles J.
Duhe, Jr.



Frank A.
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Vincent P.
Fornias



Paul
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Michael W.
McKay



Hon. Freddie
Pitcher, Jr.
(Ret.)

Free monthly breakfast CLEs
7:45am - 8:45am

BATON ROUGE:

8550 United Plaza Blvd. • 1st Floor Training Room

July 29, 2011: Structured Settlements

Speakers: Keith M. Christie & Wayne Wagner

August 26, 2011: Workers' Compensation Update

Speaker: Charles J. Duhe, Jr.

Like us on Facebook

See MAPS' website and the MCLE calendar for a complete listing of our seminars.



Danny McGlynn (in the plaid tie) and Joe Donahue attended the U.S. Supreme Court hearing in *Pliva v. Mensing* March 30, 2011. McGlynn Glisson & Mouton are lead trial counsel in the *Mensing* case, which will determine whether generic drug manufacturers can be sued for defective warnings under state tort law or whether such claims are preempted by federal law. A decision is expected by late June.

Lawyers needed to volunteer for Ask-A-Lawyer

Volunteers are needed to answer legal questions and provide counseling at future Ask-A-Lawyer workshops. The BRBF Pro Bono Project will hold Ask-A-Lawyer workshops 9:30-11:30 a.m. Saturday, June 4 at Port Hudson Library, 13600 Pride-Port Hudson Road.;

Wednesdays, June 15 and July 20 at Catholic Charities, 1800 S. Acadian Thruway, 9-11:30 a.m.; Saturday, June 18 at Greenwell Springs Library, 11300 Greenwell Springs Road., 9:30-11:30 a.m.; and Monday July 23 at Carver Library, 720 Terrace St., 9:30-11:30 a.m.

Ask-A-Lawyer is part of the BRBF Pro Bono Project and is financially assisted by the Interest on Lawyers' Trust Accounts (IOLTA) Program of the Louisiana Bar Foundation. To volunteer, contact Trang Ngyuyen at 225-214-5558 or trang@brba.org.

SULC introduces Alumni Judicial Wall of Fame

Portraits of eight alumni judges were unveiled April 7, 2011, at the new Alumni Judicial Wall of Fame at the Southern University Law Center.

The portraits currently displayed are of Judge Judi Abrusley, Oakdale City Court; Judge Alvin Batiste, 18th Judicial District Court; Judge Michael Bellamy, Alabama District Court, Circuit 26; Judge Curtis L. Calloway (Ret.), 19th Judicial District Court; Judge John Robin Free, 18th Judicial District Court; Judge Louis Moore Jr., U.S. Magistrate, Eastern District of Louisiana; Judge Freddie Pitcher Jr. (Ret.), First Circuit Court of Appeal; and Judge Wayne Salvant, Criminal District Court, Tarrant County, Texas.

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LSU 100 honors several law firms

LSU honored the top 100 fastest growing businesses of LSU graduates April 8, 2011, during the first LSU 100 Awards Luncheon.

The honorees included six Baton Rouge law firms and one mediation/arbitration firm, including Joubert Law Firm, APLC; Kean Miller Law Firm; Perry Dampf Dispute Solutions; Perry, Atkinson, Balhoff, Mengis & Burns, LLC; Roedel Parsons Koch Blache Balhoff & McCollister; Sexton & Hebert Law Firm; and Taylor Porter. Joubert Law Firm was recognized as one of the top 10 highest growth firms in the listing.

The LSU 100 celebrates the success of LSU graduates, recognizing the impact of LSU on the local, regional and national economies. Postlethwaite & Netterville verified the information submitted and compiled the winners.

Hamilton presented with LBF award

Leo C. Hamilton, a partner of Breazeale, Sachse & Wilson LLP, received the Louisiana Bar Foundation's President's Award from Herschel Richard. Hamilton is a past president of the BRBA.



Members of the United States Attorney's Office volunteered to make Easter baskets to be given out as part of the BRBF Easter Eggstravaganza the week of April 18-21, 2011.



PHOTO BY CAROLE MCGEHEE

BRBA Volunteer Committee members organized Easter egg hunts for local elementary students. Photographed above are Teresa Hatfield, Rev. Michael L. Thompson (S.S.J. Pastor) of St. Francis Xavier, and Christie Chapman, along with Easter Eggstravaganza Project co-chairs Erik Kjeldsen and Jeanne Rougeau.

BRBF Easter Eggstravaganza provides multiple Easter egg hunts for local school children

The BRBF's Volunteer Committee held its annual Easter Eggstravaganza April 18-21, 2011, providing appearances by the Easter Bunny and Easter egg hunts for more than 700 children at four inner-city schools – The Dufrocq School, Buchanan Elementary School, St. Francis Xavier Catholic School and University Terrace Elementary.

Attorneys, law firms and volunteers helped donate more than 7,000 candy-filled Easter eggs and 90 baskets prior to the event. The decorative baskets were filled with Easter goodies and donated to Family Services of Greater Baton Rouge, benefitting children affected by AIDS.

Erik Kjeldsen, Attorney at Law, and Jeanne Rougeau of the EBR District Attorney's office co-chaired the event. BRBA staff member Carole McGehee coordinated the collection drive and the Easter egg hunts. ■

Save the date!

**BALL MAUL
GOLF TOURNAMENT
2011**

**MONDAY,
NOV. 7, 2011
UNIVERSITY CLUB**

For more information, contact
Ann G. Scarle at 225-214-5563
or ann@brba.org.

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foundation footnotes

PRO BONO PROJECT & TEEN COURT APRIL REPORTS

PRO BONO PROJECT REPORT

We would like to extend a special thanks to all of the volunteers who donated time to the Pro Bono Project in April.

Solo practitioners volunteering for Thirst for Justice were **Terry Bonnie**, **Byron Kantrow**, **Judge Melvin Shortess (Ret.)** and **Emily Ziober**.

Thirst for Justice volunteers from firms were **Michael Busada** and **Robert Wooley**, *Adams & Reese*; **Elisabeth Prescott**, *Baker Donelson Bearman Caldwell & Berkowitz, PC*; and **Mac Womack**, *Taylor, Porter, Brooks & Phillips, LLP*.

The law student intake volunteers were: **Jessica Allain**, **Justin Bello**, **Jennifer Dietz**, **Melanie Johnson**, *LSU Paul M. Hebert Law Center*; and **William Stephens**, *Southern University Law Center*.

The Baton Rouge Bar Foundation interns were **Randi Pena**, *LSU Paralegal Studies Program*, and **William Stephens**, *Southern University Law Center*.

The Ask-A-Lawyer volunteers were **Jim Austin**, *Adams and Reese*; **Todd Gaudin**, *Kuehne, Foote & Gaudin, APLC*; **Samantha Ackers**; **Scott Gaspard**; and **Emily Ziober**.

The following volunteers accepted cases in April: **Ronnie Berthelot**, *Shows, Cali, Berthelot & Walsh, LLP*; **Melanie Newkome Jones**, *Attorney at Law*; **Henry King**, *Henry King & Associates*; **La'Gretta Lazard**, *Law Office of La'Gretta F. Lazard*; **John Samaha**, *Attorney at Law*;

Philip Shaheen, *Attorney at Law*; **Anita White**, *Attorney at Law*.

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

TEEN COURT REPORT

A total of 20 teen volunteers completed the Teen Court training session on Saturday, April 19, 2011. The session was conducted by **Lindsay Watts Sanchez** and **Curtis Nelson**. **Judge Darrell White (Ret.)** performed the swearing-in ceremony. **Barbara Baier**, **Lindsay Watts Sanchez** and **Crystal Losey French** served as judges and jury monitors for April 11, 2011, hearing. Teen Court defendants assisted the Baton Rouge Bar Foundation Volunteer Committee's Easter Eggstravaganza project April 12, 2011.

Volunteers are needed to serve as judges for the Teen Court hearings and to assist with training sessions. If you are interested in volunteering, please contact Donna Buuck at 225-214-5556 or via e-mail to donna@brba.org.

Teen Court of Greater Baton Rouge is funded by a grant from the Louisiana Office of Juvenile Justice (formerly the Office of Youth Development), a grant from the Louisiana Bar Foundation's IOLTA program and from the Baton Rouge Bar Foundation. This project is also supported in part by Grant No. 2009-JF-FX-0059 awarded by the Office of Juvenile Justice and Delinquency Prevention, Office of Justice Programs, U.S. Department of Justice. Points of view or opinions in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

BATON ROUGE BAR FOUNDATION PRO BONO PROJECT CLE PALOOZA JUNE 23, 2011 • LSU PAUL M. HEBERT LAW CENTER • CALL 225-344-4803 TO REGISTER

The Baton Rouge Bar Foundation is dedicated to improving equal access to justice for all. Our Pro Bono Project volunteers provide critical legal services for poor people in our community struggling with some of life's most difficult problems: family disintegration, loss of housing, loss of income through disability and domestic violence. Recognizing that there is no "one-size-fits-all" approach to pro bono and that attorneys have varying interests and needs, the Baton Rouge Bar Foundation, with generous support from the LSU Paul M Hebert Law Center and the LSBA Leadership Class, is sponsoring this Pro Bono CLE Palooza offering a variety of ways to match our volunteers' time and talent with our community's need for pro bono representation.

The Pro Bono CLE Palooza is offered free of charge. Select the Track that interests you and agree to accept two cases from the Pro Bono Project between July 1 and Sept. 30, 2011, and you will be able to earn up to 4.0 hours of CLE credit FREE. Attorneys not wishing to accept two pro bono cases between July 1 and Sept. 1, 2011, may attend at a cost of \$200.

COURSE OFFERINGS:

TRACK 1

1:00 - 2:00 **Keeping a Roof Overhead – Housing and Eviction** — Speakers: Judge Laura Davis & Jeff Wittenbrink

2:15 - 4:15 **Helping Families through Divorce and Custody – Navigating Family Court in Pro Bono Cases** — Speakers: Judge Lisa Woodruff-White, Laurie Marien & Keith Friley

TRACK 2

1:00 - 2:30 **Restoring Dignity When One's Debt to Society Has Been Paid – Criminal Expungements** — Speakers: Judge Tony Marabella & David Rozas

2:45 - 4:15 **Bringing Them Out of the Shadows – Protecting Immigrant Victims of Crime and Domestic Violence** — Speaker: Homero Lopez

TRACK 3

1:00 - 4:15 **Maze to Labyrinth – Walking through the Social Security Disability Claim** — Speakers: Elaine DeLoach, Janice McAlpine & Eric Miller

TRACK 4

1:00 - 4:15 **Protecting the Vulnerable from Abuse – Representing Victims of Domestic and Dating Violence in Civil Protective Order Cases**
— Speakers: Ayn Stehr & Judge Pamela Baker

GENERAL CLOSING SESSION

4:30 - 5:30 **Overcoming the Obstacles to Attorney Pro Bono Participaton (Ethics)** — Panelists: Justice Kitty Kimball, Chris Jones & Patricia McMurray.
Moderator: Preston J. Castille Jr.

5:30 p.m. **Networking Reception Sponsored by LSU Paul M. Hebert Law Center** — Honoring BRBF Pro Bono Project Century Club award recipients and LSBA Pro Bono award winners from Baton Rouge.



June 2011



For classified or display ad rates, contact Pamela at (225) 214-5560 or e-mail: pamelabrba.org

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19	20	21	22	23	24	25
26	27	28	29	30		

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

Duty Court Schedule

Calendar of Events

19THJDC CIVIL COURT

May 23-June 3	Judge Clark
June 6-June 17	Judge Bates
June 20-July 1	Judge Caldwell
July 4-July 15	Judge Fields
July 18-July 29	Judge Morvant
Aug. 1-Aug. 12	Judge Kelley
Aug. 15-Aug. 26	Judge Hernandez
Aug. 29-Sept. 9	Judge Clark

19TH JDC CRIMINAL COURT***

May 27-June 3	Judge Erwin
June 3-June 10	Judge Jackson
June 10-June 17	Judge Daniel
June 17-June 24	Judge Moore
June 24-July 1	Judge Johnson
July 1-July 8	Judge White
July 8-July 15	Judge Marabella
July 15-July 22	Judge Anderson
July 22-July 29	Judge Erwin
July 29-Aug. 5	Judge Jackson
Aug. 5-Aug. 12	Judge Daniel
Aug. 12-Aug. 19	Judge Moore
Aug. 19-Aug. 26	Judge Johnson
Aug. 26-Sept. 2	Judge White

BATON ROUGE CITY COURT*

May 30-June 5	Judge Ponder
June 6-June 12	Judge Davis
June 13-June 19	Judge Temple
June 20-June 26	Judge Wall
June 27-July 3	Judge Alexander
July 4-July 10	Judge Ponder
July 11-July 17	Judge Davis
July 18-July 24	Judge Temple
July 25-July 31	Judge Wall
Aug. 1-Aug. 7	Judge Alexander
Aug. 8-Aug. 14	Judge Ponder
Aug. 15-Aug. 21	Judge Davis
Aug. 22-Aug. 29	Judge Temple
Aug. 29-Sept. 4	Judge Wall

FAMILY COURT**

May 30-June 3	Judge Lassalle
June 6-June 10	Ad Hoc
June 13-June 17	Judge Baker
June 20-June 24	Judge Woodruff-White
June 27-July 1	Judge Day
July 4-July 8	Judge Lassalle
July 11-July 15	Judge Baker
July 18-July 22	Judge Woodruff-White
July 25-July 29	Judge Day
Aug. 1-Aug. 5	Judge Lassalle

Duty Court Schedule

Aug. 8-Aug. 12	Judge Baker
Aug. 15-Aug. 19	Judge Woodruff-White
Aug. 22-Aug. 26	Judge Day
Aug. 29-Sept. 2	Judge Lassalle

JUVENILE COURT

June 1-June 30	Judge Richey
July 1-July 31	Judge Taylor-Johnson
Aug. 1-Aug. 31	Judge Richey

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 changes at 4 p.m. each Friday

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

COURT HOLIDAYS

Monday, May 30	Memorial Day
Monday, July 4	Independence Day

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.



- 1** Law Expo Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 2** Ask-A-Lawyer workshop, Delmont Service Center, 9-11:30 a.m.; June Bar Luncheon, 11:45 a.m., De La Ronde Hall, Sponsored by the Young Lawyers Section; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 3** Tour of the Louisiana State Penitentiary at Angola, 9 a.m.
- 4** Ask-A-Lawyer workshop, Port Hudson Library, 9-11:30 a.m.
- 5** LSBA Summer School, Sandestin, Fla.
- 6** Teen Court Hearings, EBR Juvenile Court, 5:45 p.m.;
- 7** LSBA Summer School, Sandestin, Fla. YLS Council meeting, 12 p.m.;
- 8** LSBA Summer School, Sandestin, Fla. Pro Bono Committee meeting, 12 p.m.;
- 9** LSBA Summer School, Sandestin, Fla. Thirst for Justice, St. Vincent de Paul, 3-5 p.m. Volunteer Committee meeting, 12 p.m.;
- 10** Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 13** Nuts & Bolts CLE Seminar
- 15** Operations & Finance meeting, 3:30 p.m.; Executive Committee meeting, 4 p.m.
- 16** Ask-A-Lawyer workshop, Catholic Charities, 9-11:30 a.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 18** Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 20** Ask-A-Lawyer workshop, Greenwell Springs Library, 9-11:30 a.m. CLE Committee meeting, 12 p.m.;
- 22** Teen Court Hearings, EBR Juvenile Court, 5:45 p.m.
- 28** Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 29** Youth Education Committee meeting, 12 p.m.
- 30** Thirst for Justice, St. Vincent de Paul, 3-5 p.m.



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July 2011

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24	25	26	27	28	29	30
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*Unless otherwise noted, all meetings will be held at the Baton Rouge Bar office.

Classifieds

Calendar of Events

ATTORNEYS OR JUDGES WHO BELIEVE they have problems with alcohol and/or drugs are welcome to attend meetings with other similarly situated attorneys/judges held Tuesdays at The City Club, 355 North Blvd. Contact number: 225-753-3407. Thursday meetings are held at Bocage Racquet Club, 7600 Jefferson Hwy. Contact number: 225-928-5053. Both meetings are dutch treat and are from 12 to 1 p.m. Strict anonymity is observed outside these 12-Step Meetings.

— CLE PALOOZA —

June 23, 2011

FREE CLE to benefit Pro Bono

Call the BRBA for more information: 225-344-4803.

LAW OR PROFESSIONAL. Small office available for rent in Moore, Thompson building, 6513 Perkins Road. Waiting room with receptionist, access to various size conference rooms. Call Pam at 225-766-1100.

LAW EXPO COMMITTEE MEMBERS are needed to help plan the BRBA's only fundraiser/event to benefit the Association. The September bar luncheon and Law Expo event will be held Wednesday, Sept. 7, 2011. Contact Pamela Labbe at 225-214-5560 or pamela@brba.org for more information.

MEETING ROOM FACILITIES AVAILABLE FOR DEPOSITIONS & MEDIATIONS

For more information, contact Margaret Johnson at the

Baton Rouge Bar Association:

225-344-4803

Classifieds

BATTER-BATTER-BATTER, SWING! The annual BRBA Softball Tournament will be held Friday, Aug. 19 and Saturday, Aug. 20, 2011. You still have plenty of time to select your team and practice prior to the team registration deadline! Call the BRBA office with any questions: 225-344-4803.

SEPTEMBER BAR LUNCHEON & 25TH ANNIVERSARY OF THE BRBA LAW EXPO:

Wednesday, Sept. 7
8 a.m. - 2 p.m.
Baton Rouge River Center

Sponsorships and Exhibit rentals are available. Contact Pamela Labbe at 225-214-5560 for more information on Law Expo sponsorships.

More information to come about the available CLE and informational seminars.

BEER @ DA BAR QUARTERLY RECEPTION:

TUESDAY, AUG. 23, 2011
5 - 6:30 P.M.

Middleton Bar Center
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ALL BRBA MEMEBERS ARE INVITED.

Check out the new website of the Baton Rouge Bar Association at www.BRBA.org

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July

- 4 Office Closed — Independence Day
- 5 Young Lawyers Section Council meeting, 12 p.m.
- 6 Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 7 Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 8 Nuts & Bolts CLE, 8 a.m.-12:30 p.m.
- 11 Community Outreach Committee meeting, 12 p.m.; Publications Committee meeting, 12 p.m.
- 12 Member Services Committee meeting, 12 p.m.
- 13 Pro Bono Committee meeting, 12 p.m.; Operations & Finance meeting, 3:30 p.m.; Executive Committee meeting, 4 p.m.
- 14 Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 15 Volunteer Committee meeting, 12 p.m.
- 18 YLS Summer Sizzlin' CLE, 8 a.m.-12 p.m.
- 20 CLE Committee meeting, 12 p.m.
- 21 Ask-A-Lawyer workshop, 9-11:30 a.m., Catholic Charities; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.; BRBA Board meeting, Mansurs on the Boulevard, 6 p.m.
- 23 Public Law Practice Section meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 26 Ask-A-Lawyer workshop, 9-11:30 a.m., Carver Library
- 27 Youth Education Committee meeting, 12 p.m.
- 28 Teen Court Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 28 Bylaws & Elections Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.

August

- 5 Nuts & Bolts CLE Seminar
- 12 Nuts & Bolts CLE Seminar
- 18 FLS meeting, Carrabas, 12 p.m.; Construction Law Section meeting, 12 p.m.
- 19 Annual BRBA Softball Tournament, BREC Highland Park, 6 p.m.
- 20 Annual BRBA Softball Tournament, BREC Highland Park, 9 a.m.
- 23 Beer @ da Bar reception, 5-6:30 p.m.
- 26 Practicing in City Court CLE Seminar, Room 348, Baton Rouge City Court

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