

Around the Bar

THE MAGAZINE OF THE
BATON ROUGE BAR ASSOCIATION

No. 290, October 2014

**Doing Pro Bono
National Celebrate
Pro Bono Week: Oct. 19-25
Go Casual for Pro Bono: Oct. 24**



Inside:
New domestic violence legislation
Handling domestic violence cases
Review: *The Cottoncrest Curse*
Interview: Quintillis K. Lawrence
Stand up desks: Here to stay?



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On the cover:

While October is Domestic Violence Awareness Month, Oct. 19-25, 2014, is National Celebrate Pro Bono Week. This issue of *Around the Bar* is recognizing both.

Featured on the cover of the October 2014 issue of *Around the Bar* magazine are members of the BRBA Pro Bono Committee standing in front of the Galvez Plaza and Stage, located near the North Boulevard Town Square in downtown Baton Rouge.

Photographed are (L to R) Judge Lisa Woodruff-White, Pam Moran, Judge Laura Prosser, Sarah Campbell, Emily Phillips Ziober, Eric R. Miller, Judge Kathleen Richey, Judge Melvin Shortess (Ret.) and Talya Bergeron.

Cover artwork by Pamela Labbe.



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letter from the president

BY DARREL J. PAPILLION

Judges, Hungry Jack Baker and the Cintas tie

Nearly 20 years ago in the spring of 1996, I appeared before U.S. District Judge John V. Parker to try my first case as a lawyer. I was very excited. I was less than a year removed from clerking for Louisiana Supreme Court Justice Catherine Kimball and out of law school for only a couple of years. I was a defense lawyer in those days, and my clients were several Angola prison guards who had been accused in a federal lawsuit of mistreating inmates related to the construction of the prison's lethal injection gurney or "death bed." My opponent was "Hungry Jack" Baker, the *pro se* Angola inmate who had filed the suit.

My preparation for Hungry Jack's trial had been, shall we say, very thorough. I left nothing to chance. I prepared countless potential bench memos on evidentiary issues that "might" come up in the trial and long outlines for my witnesses containing thoughts on every question I or Hungry Jack could possibly ask at trial. In addition, a couple of days before my trial — against a man with no (formal) legal education who was representing himself — I went to watch Judge Parker try a case, so I could check out his courtroom demeanor. I probably should have called in advance because when I entered the courtroom, the trial he was conducting came to a halt like the vinyl records used to do after I would jokingly unplug my sister's record player when we were kids. Judge Parker wanted to know who I was and why I was entering the courtroom because the witnesses were sequestered, and he wanted to make sure I wasn't a witness in the trial. I sheepishly told him I was a young lawyer who'd not yet tried a case but would be trying one in his courtroom in a few days and wanted to watch. "In that case," he said, "come sit up front. I'm glad you're here."

In the trial of Hungry Jack — I've forgotten how Mr. Baker got that nickname — I got off to an aggressive start. Hungry Jack couldn't ask a non-leading question. "Objection. Leading," I said (over and over). When he didn't lead, Hungry Jack would provoke an objection from me like, "Objection, Your Honor. That calls for a hearsay response." At first, Judge Parker sustained my (technically correct, if somewhat obnoxious) objections and tried to explain to Hungry Jack how not to lead or ask objectionable questions, but after a few minutes of this,

Judge Parker turned to me and said something like, "Son, you're a lawyer. He's not. You went to LSU Law School. He didn't. I'm going to cut him a little slack," and then he chuckled as he said to me, "but I'm not cutting you any

when it's your turn." I really liked Judge Parker. He was always a very nice man, in my opinion. I promise my feelings have nothing to do with the fact that shortly after Hungry Jack rested, Judge Parker dismissed his entire case (the parts that had survived the pretrial motions he'd already granted in my favor) for failure of proof and other legal problems.

I was, sadly, reminded of the Hungry Jack trial a couple of months ago, when I wrote Judge Parker's son Mike to extend my condolences on the death of his father. It seems we've said goodbye to a number of Baton Rouge state and federal court judges over the past couple of years, and with each such passing, I remember the many cases, conferences, hearings, and trials in their courts. Many, like Judges Polozola and Tyson,

were cherished friends of my partners and me. Yet, each has been succeeded by a fine judge, and we are fortunate for that. Their jobs are incredibly important — they make critical life and death decisions, affecting the rights, privacy, freedom and fortunes of our clients. The best ones never forget how important their jobs are — and never forget what it was like to be a lawyer.

Ironically, just a few days after Judge Parker's funeral, I experienced something really special. I was at the Bench Bar Conference in Point Clear, when Ann Gregorie came into the CLE room and started motioning for me to come and talk with her: "Darrel, this is 'Top Secret,' you can't tell anyone, but they're going to be swearing in Judge John deGravelles here at the hotel in an hour, and you need to be there as President of the Bar."

Me: "In an hour? Ann, we're at the Bench Bar Conference! I am in shorts and boat shoes! I didn't bring a coat and tie!"

Ann: "You're fine as you are."

Me: (*thinking of another record player stopping sound when I would walk into an official federal court ceremony in short pants*) "Ann, are you sure?"

Ann: "Well, maybe you ought to at least put on some long pants if that'll make you feel more comfortable." As in most moments of uncertainty, I promptly called my



Darrel J. Papillion and the Cintas tie

law partner, Ed Walters, whom I knew was also attending the ceremony, and he confirmed that my suspicions were correct.

Ed: “I am wearing a suit and tie. A *dark* suit and a *conservative* tie. Johnny’s getting sworn in as a *federal judge*! What else would I wear?”

I dashed off to my hotel room. At least, I’d driven to Point Clear in semi-professional garb — dark slacks, a dress shirt and dress shoes — but I didn’t have a coat and tie! Norma Walters suggested I ask the hotel’s front desk. I did. No luck. I put on the slacks and dress shirt and headed to the secret location of the ceremony. I was nervous and dreading my too-casual entrance even more than singing my song as Bar President the following night. Where would I find a coat and tie?

Just then, I saw a guy — about my size — wearing a coat and tie and headed right toward me. And, more importantly, he was wearing a name tag! A hotel employee. “Excuse me, Sir. This is going to sound a bit strange, but I am about to go to the swearing in of a federal judge, and I really need a coat and tie. Do you have any idea where I could find a coat and tie — even if it’s your coat and tie?” His name was Drew, he was one of the Grand Hotel’s kitchen managers and he could not have been nicer. “Sure. How long will you need them?” Boom. I was covered. Drew and I wore the same size coat, and I’d never been happier to wear a Cintas tie! Moments later, I ran into

Mark Upton, our local federal public defender, who was headed where I was — also without a coat and tie. Mark pulled the same trick with a waiter who lent him a tuxedo jacket! We were both ready for federal court.

Properly clad, I had the great privilege of watching an awesome (and I use that overused word appropriately here) ceremony. Along with a handful of others, mostly federal judges, federal court personnel, and close friends and family of then soon-to-be Judge deGravelles, a lawyer I’d respected my entire career, I had the privilege of seeing our Chief Judge Brian Jackson administer Judge deGravelles his oath, after a Presidential appointment and unanimous confirmation by the United States Senate, as a new Article III judge. What a great moment for him — and all of us.

Judge deGravelles, as you succeed Judge Brady (who succeeded Judge Parker), may you be kind to young lawyers; may you cut slack when appropriate to the Hungry Jacks; may you be courageous; and may you never forget what it was like to be a lawyer. Keep sacred your oath, and do justice, my friend.

To all of us, as we go to the polls in the next few weeks and vote in elections for state court judges, let us all be mindful of the important work they do. Let us remember to elect or retain those who will honor their offices, be fair to all, and do what is right. Our system demands it. ■



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tales from the bar side

BY VINCENT P. FORNIAS

Those of you without a semblance of a life have followed my erstwhile family travel journals from the time my two daughters (D-1 and D-2) were veritable rug rats. Now it was time for The Next Generation, the daughters, ages 7 and 5, of D-1 (G-1 and G-2), based in New Orleans, to take their first turn. Along on the 700-mile road trip to our cabin in East Tennessee were our own trusty rescue pooches (P-1 and P-2). On arrival, we discovered that D-2 had had a change of heart and would also be flying in from Ft. Lauderdale with our third granddaughter, age six months (G-3). To the best of my knowledge, no other mammals inhabited our place. Below are the highlights.

Prologue — Less than two weeks before long-planned excursion, wife, in our travel wheels, gets up close and personal with motorcyclist, wrecking our travel wheels. My \$1,000 deductible long gone, I opt for OPEC of body shops, boutique place that promises return of wheels the day before planned departure. The afternoon of promised day, they come through.

Wednesday, 7/23/14, 6:32 a.m. — After systems check,

For the first time in forever

depart with P-1 and 2 in back seat, wedged in between empty kid booster seats, for estimated 8 a.m. rendezvous with D-1 at McD's in Pearl River for drop-off of G-1 and G-2. Contact made at 8:04. Not a bad start. Two Gs' luggage rivals in size anything seen on the QE-II. So much for rear view. Once Gs are boosted and belted in, the Ps rival anything seen on Gaza Strip, and ominous warfare commences before P-1 draws line of death, forcing P-2 under wife's legs in front seat for the duration. Things calm down promisingly, with each G sporting own i-Pad (these young parents just don't KNOW), and occasionally serenading us with tunes from their current favorite Disney flick, "Frozen." They both basically know entire score. G-2 is soon warned for first of many times to use her "indoor voice." G-1 shares with us re summer-day-camp gossip, including Sarah, who "gets all makeuppy" all the time. At 11:47, G-2 utters first "Are we there yet?" of trip. Each pit stop is plate-spinning act between excited Ps ready to cavort and keeping the Gs at bay from assorted moving vehicles. By early afternoon, first near crisis as G-2's i-Pad



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running dangerously low on juice. At next gas station, in Tuscaloosa, ask convenience store attendant if he happens to carry any i-Pad car chargers for sale. Miraculously, he reaches under counter and hands me one that another traveller left behind. There is a God. The G antsy quotient gets almost overwhelming as we hit 5 p.m., with almost three hours to go. Fifty miles away, P-2 has had it with the front floor accommodations and is having hissy fits of anticipated liberation. After reaching cabin, unpacking, engaging in missing “blankie” search for G-1 and mediating bunk bed arrangements, it is long-awaited time for tucking in — at which time stressed P-2 leaps on their bed and steadily relieves his bladder. Battle stations. Finally going upstairs to relax, discover I left crucial work briefcase in BR, and scramble to contact help to send it ASAP. Lights out at 11:18. “Tired” does no justice to condition.

Thursday, 7/24/14, 4:50 a.m. — Night ends with thunder and lightning storm resulting in both Ps leaping in bed (hopefully with non-bulging bladders). D-2 calls and announces she’s flying in with G-3 to join us over weekend, will arrive at nearest airport by afternoon. Scramble to assemble high chair, still in sealed box. After hike down to creek below cabin with G-2, on to Pigeon Forge Parkway where G-1 and 2 insist their parents had taken them to irreplaceable “Pancake Pantry,” featuring chocolate chip pancakes. Find every pancake house EXCEPT “Pancake Pantry.” Settle for “Reagan’s Pancake House.” No sign of Nancy. After meal, local waitress hands me check and adds, “Now you’uns kin bring that up to the register whenever yew take a notion.” Next off to shop for replacement “blankie” for disconsolate G-1. G-2 upgrades as well. While wife on grocery run, engage Gs in pingpong and checkers, and embark on impossible jigsaw puzzle, featuring The Blue Mosque. Then mandatory nap time (for all but Yours Truly), who is back on road for 80-mile mountain road round trip to pick up D-2 and G-3 at airport. Return drive is 112-mile round-trip (including wrong turn). Back at cabin, hooch cocktail is dinner fare for driver.

Friday, 7/25/14 — Escaped inside cabin to take work conf. call on porch to find tree service crew working on adjoining cabin. After massive logistical packing, head off to Smokies National Park for picnic and hike. Since no room left in back seat with the three Gs and various child-seat contraptions, D-2 volunteers to ride in back cargo compartment. Shortly after embark, she gets woozy around mountain curve, resulting in her old man crammed in fetal position with baggage, nervously turning over wheel keys to wife fresh off her

bagging BR biker. Forty long minutes later, picnic and wade into river and hike along Metcalf Bottoms to site of old time schoolhouse. G-2 insists on being called “Ethel” for rest of trip. At early dinner in Gatlinburg restaurant, while protecting wristwatch from grasps of G-3, G-2 inquires, “Why do you need to tell time in the mountains?” She has a point.

Saturday, 7/26/14 — Morning checkers match with G-1 culminates in her victory via magical kinging move that she claims is legal, and uses her other (absent) grandmother as authority. Google disagrees, but decide to buy peace. D-2 asks for date alone to Gatlinburg with her nieces, leaving us to care for G-3, who shows no interest in checkers or a nap. She texts a pic of “Pancake Pantry,” which she mercifully hid from Gs. After several hours D-2 returns to find G-3 stroller downhill in woods (guess who forgot about brakes?). G-2’s Gatlinburg booty includes souvenir shot glass. Realize again why 60-somethings can’t have babies.

Sunday, 7/27/14 — After Pancake Palace breakfast and Putt-Putt, back to cabin for G-3 nap and watch original *Tom Sawyer* movie, colorized version from 1930s. G-1 and G-2 love it, surprisingly. Struck by scene where “Injun Joe” brandishes knife for all to see during murder trial in courtroom. Must have been at the “old” courthouse. And don’t ask about depiction of Jim. Soon another 80-mile mountain round-trip to deposit D-2 and G-3 at

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airport. Return to call about tornado warning. Not watch. Warning. Off we go to basement. Find harmonica and serenade remaining Gs for duration of siege. Tomorrow? Worse than tornado; dreaded Dollywood.

Monday, 7/28/14 — Morning walk along crick (Tennessean for “body of water”) after heavy overnight rainfall reveals sights and sounds as soothing as South Seas sunset. Share some of it from back porch with G-1 and 2. If for nothing else, this is why we came. Then steel self for Dollywood. On arrival, obvious that TPA (“Tats Per Adult”) count is way over 1.0. Turns into pricey bust. After 1:31 inside gates, G-2 finally admits she’s getting sick and we head home. Tally amounts to \$3.06 per minute. Dolly “will always love” us. As G-2 recuperates, *Three Stoogesarama* on TV (new and amusing to Gs) is a lifesaver. Hard time explaining succession of different Curley Joes, but am grateful for no Shemp appearances.

Tuesday, 7/29/14 — G-1 finds original missing “blankie” wedged in laundry room. On mountain drive to Smoky Heritage Center she declares she prefers the city to the country, because “it’s so nice and beautiful, and you don’t have to worry about strange sounds and animals at night.” Obviously she has been spared Bourbon Street. G-2, still recovering, swills her medicine from her shot glass. Fresh from scoring dandy new moccasins, Gs’ argument back at cabin re taking back a traded Happy Meal prize is lectured by warning not to ever be an Indian giver, then

wince at its political incorrectness.

Wednesday, 7/30/14 — Embark at 8:45 a.m. for drive across state to Nashville, site of closest direct flight to NOLA for G-1 and 2 (we will stay at cabin considerably longer). Enroute, the off-key renditions from “Frozen” increase in volume and intensity as approach Nashville airport close to noon. Now in the terminal, they are bouncing off walls in anticipation of first plane trip alone. G-1 muses she will have her own personal flight attendant at her beck and call. As unescorted minors are summoned onboard, they are given quick tight hug and look surprised at the prospect of a male attendant each taking them by the hand as they go into the tunnel. Last sight is of stereophonic questions as he leads them into plane. He will never ever be the same. Think *Ransom of Red Chief*. As we depart terminal, note familiar popular billboard with camel traipsing thru office. Talk about “Hump DAY!” 432 miles later, arrive at cabin at 6:34 p.m. to grateful solitude.

Epilogue — I think back on past family trip journals and recall the constant application of at least three intangibles that I have referred to as The Three W’s (Wheels, Weather and Wellness). All three again played a part in our latest journey, but above all, there now appeared a fourth W (as in Wonder), the incredible wonder of how these decades, have sprinted swiftly by, producing precious images of past family voyages reflected in bulging family albums, and memories saved forever in our hearts. 

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GAIL'S GRAMMAR

While this isn't a legal topic, it seems appropriate for football season. In sports, “score” can be a noun or a verb. As a noun, it means the record of points made in a game. As a verb, it means to earn points. When neither side has made any points, there is still a score – 0 to 0. However, some people incorrectly say, “There is no score” when the game is tied 0 to 0. Instead, the proper phraseology is, “No one has scored.” Here’s hoping your favorite team has a good offense and you don’t have to use this tip.

*Thanks to Mary Thompson
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 (ext. 216).*

message from the chair

BY EMILY PHILLIPS ZIOBER

Do you feel burned out doing the same thing day after day? Are you adventurous? Try something out of your comfort zone using your current legal skills or learning new ones that can make a huge difference in your community.

As the saying goes, “You make a living by what you get, but you make a life by what you give.”¹ Volunteering is a way of giving that can better your own life as well as that of others. The Baton Rouge Bar Foundation Pro Bono Project, handling only civil cases, offers volunteer hours every day except Sunday at easily reached locations. Attorneys can develop practice skills in different areas of the law, have reduced-fee CLE as well as malpractice insurance through the Project, and positively impact another’s life.

You can create the time in your busy schedule for at least one of the following eight volunteer opportunities:

1. Pro Bono Attorney—Volunteers agree to accept two low-income client cases annually in areas of law they select.² Southeast Louisiana Legal Services Corporation refers the cases to the Pro Bono Panel.³

2. Ask-A-Lawyer—This walk-in legal clinic is offered two to three times monthly in East Baton Rouge, Livingston, and Ascension Parishes at Catholic Charities, Delmont Service Center, the Office of Family Services and the East Baton Rouge Parish public libraries. Hours are 9-11:30 a.m. on weekdays and 9:30-11:30 a.m. on Saturday.

3. Thirst for Justice—This clinic located at St. Vincent de Paul Bishop Ott Shelter is open Wednesday and Thursday from 3 to 5 p.m. Solo, small, and large firms fill the volunteer slots at this walk-in location. Ask-A-Lawyer and Thirst for Justice helped 860 clients in EBR, Ascension and Livingston parishes in 2013.

4. The Self Help Resource Center—It is the newest walk-in clinic dealing exclusively with family law and operating Tuesday and Thursday from 10 a.m. to 2 p.m. at the East Baton Rouge Family Court. Law students assist the *pro se* litigants with document preparation and filing. Attorneys in all areas of practice can volunteer to supervise and notarize documents but cannot offer legal advice. Clients are informed that they should hire their own lawyers. Training sessions are offered, although attorneys are not required to attend. Since the Pro Bono Project became involved with the program in 2012, more than 3,500 self-represented litigants have received assistance from 68 volunteer attorneys and 120 law students.⁴

5. Pro Bono Curator—Volunteers act as curators for adverse parties in pro bono cases, and the Bar Foundation reimburses advertising costs.

A win-win situation

6. Conflicts Panel—When Southeast Louisiana Legal Services represents an adverse party, a volunteer may serve as a conflicts attorney.

7. Wills for Heroes—This national initiative provides wills at no cost to first responders (law enforcement officers, firefighters and EMS), needing volunteer attorneys to prepare notarial wills, powers of attorney, and living wills at each event held twice a year. Sponsored by the Young Lawyers Section of the Louisiana State Bar Association, in cooperation with the Pro Bono Project, the events have assisted 173 first responders.

8. Financial Literacy—Education is offered periodically concerning finance and debt management.⁵ Approximately 141 participants have attended the seminars since the program’s inception in 2012.

Stop making excuses! The choice is yours. Make a difference. 

¹ Author unknown.

² Attorneys may reserve the right to turn down a case at any time and select from the following areas: consumer finance, education, employment, family law, health, housing, juvenile, Social Security, individual rights, wills, and small successions.

³ The program is financially assisted by the Interest on Lawyers’ Trust Accounts (IOLTA) Program of the Louisiana Bar Foundation, Southeast Legal Services, Family, District, and City Court filing fees, and the Baton Rouge Bar Foundation.

⁴ The Pro Bono Project received an outstanding achievement award in 2013 from the National Conference of Bar Foundations for the Self Help Resource Center and its partnership with Southeast Legal Services, the Louis A. Martinet Society, EBR Family Court, Southern University Law Center, and the LSU Law School.

⁵ Grant support from a local bank and the IOLTA program has made the Financial Literacy project possible.



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bar news

Bench Bar Conference 2014 auction earns more than \$10,000 for Bar Foundation projects

The 2014 Bench Bar Conference was held July 24-26, 2014, in Point Clear, Ala., at the Grand Hotel Marriott Resort, Golf Club and Spa. The superhero-themed conference hosted 150 attorneys and judges for a fun-filled three-day educational event.

This is the second consecutive year that an auction has been held at the Bench Bar Conference. Judge Tim Kelley and LaDonna Schexnayder served as chairman and vice chairman (respectively) of the Auction Committee. Jay Parker served as the chairman of the 2014 Bench Bar Conference Committee and oversaw the planning of the entire conference.

The silent auction, held July 25 at this year's BRBA Bench Bar Conference brought in more than \$10,815, which will be earmarked for Baton Rouge Bar Foundation projects, including the Pro Bono Project and the Youth Education programs.

Assisting more than 2,300 people annually, the Pro



PHOTO BY PAMELA LABBE

BRBA President Darrel J. Papillion continued the tradition of singing with the band at the Bench Bar Conference. In the photo above, Papillion sings with the V-Tones and performed a Rolling Stones song, *Honky Tonk Women*, Friday, July 25, 2014, at the Grand Hotel Marriott Resort, Golf Club and Spa.



PHOTO BY PAMELA LABBE

"The DWI Mythbusters: DWI vs. Myth" interactive CLE seminar, led by Lance Platt and Master Trooper Greg Marchand, required several volunteers. Photographed are some of the volunteers (L to R): Franz Borghardt, Shannon Fay Borghardt, Heather Hood, Judy Moore Vendetto, Hayden Moore, Michelle Sorrells and Judge Pam Moses-Laramore.



12345 Perkins Road, Building One
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www.lawbr.net

welcomes Jennifer Wise Moroux



Walters Papillion Thomas Cullens, LLC, is pleased to announce that Jennifer Wise Moroux has joined the firm as its newest attorney. Jennifer is a graduate of Louisiana State University (B.A. 2002) and the Paul M. Hebert Law Center (J.D. 2007), where she graduated Order of the Coif. She was the recipient of the CALI Award for Highest Grade in Torts, Legal Research and Writing, Admiralty, Legal Profession and Administration of Criminal Justice II. She will be working on the firm's civil litigation matters.

Jennifer Wise Moroux

jmoroux@lawbr.net
Phone: 225.236.3636
Fax: 225.236.3650

Bono Project provides legal assistance to the indigent in East Baton Rouge and surrounding areas, which helps lessen the disparity in justice for the less fortunate in our area.

The Youth Education programs impact annually about 1,600 school-aged youths enrolled in public, private, charter, parochial, charter and home schools. The programs include Law Day, High School Mock Trial Competition and Junior Partners Academy. 



PHOTO BY PAMELA LABBE

Chris Jones co-chaired the conference golf tournament along with Jeff Watson. Photographed above are Jones with the two-man team of Malcolm Dugas and Judge Pegram Mire (Ret.). Rathmann Chiropractic Clinic was the major sponsor of the 2014 Bench Bar Conference golf tournament.



16th Annual "Belly Up with the Bar" Entry Form

Cook-off & Brewfest

Event takes place Friday, Nov. 7, 2014

The 16th Annual "Belly Up with the Bar" is a cook-off, brewfest and outdoor party with live music—sponsored by the Young Lawyers Section of the Baton Rouge Bar Association. Proceeds from this event will benefit the BRBF's Youth Education Program. Team and individual entries are welcome. Judges will select winners in a variety of categories. Advance general admission tickets are \$25 per adult, \$20 per law student, \$10 per child ages 12 to 17, and FREE admittance to children ages 11 and under. Prices at the door are \$30 per adult or law student, and \$10 per child, so buy 'em now!

LOCATION: Live Oak Arabian Stables, 6300 Jefferson Hwy., Baton Rouge, LA 70806 in the sheltered arena.

DATE: Friday, Nov. 7, 2014, 5 p.m. - 9 p.m. — *mark your calendars NOW!*

WHO CAN ENTER: Anyone who's willing to cook and serve enough to feed/water our local bar. The entry fee, which is \$125 per team (up to 5 members per team), gets you:
 (1) in the door to try all the fabulous food and drinks
 (2) all the beer you care to drink, and
 (3) the chance to show off your culinary talents

THINGS YOU'LL NEED TO BRING:

- Enough food to serve roughly 300 "sample size" portions
- Any cooking/heating/brewing equipment necessary to serve your entry
- A team of no more than 5 members
- A sign to indicate what you're making
- Serving bowls (serving size), cups or plates

THINGS WE'LL PROVIDE: Forks and spoons; beer, live music . . . and fabulous prizes

ENTRY FORM — PLEASE FILL OUT THIS FORM AND FAX IT TO: (225) 344-4805 OR MAIL IT ASAP

To: Baton Rouge Bar Association, ATTN: YLS, P. O. Box 2241, Baton Rouge, LA 70821. **Registration Deadline: Oct. 7, 2014.**

**(CHECKS SHOULD BE MADE PAYABLE TO "BRBF - BELLY UP WITH THE BAR."
 CREDIT CARD INFORMATION CAN BE PROVIDED BELOW.)**

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TEAM CAPTAIN'S NAME: _____

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CAPTAIN'S EMAIL: _____

CAPTAIN'S CITY/STATE/ZIP: _____

WHAT YOU'LL BE SERVING: _____

**FOR "BELLY UP WITH THE BAR" TICKET INFORMATION,
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"If you are unable to participate or attend, but you wish to make a donation for the BRBF's award-winning Youth Education Program, please make your check payable to the BRBF."

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Book Review:

Michael H. Rubin's *The Cottoncrest Curse* REVIEW BY ED WALTERS JR.

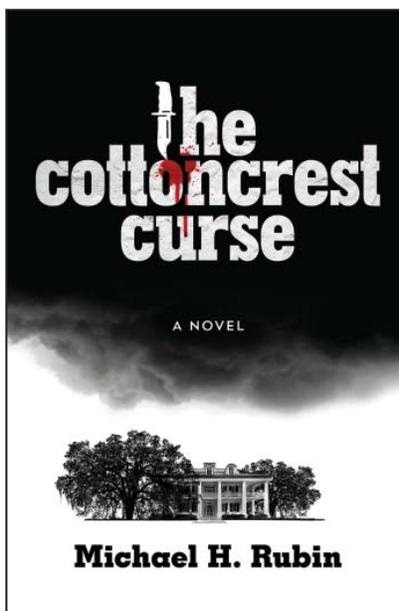
So it's a murder mystery, but not your classic murder mystery.

Although this incident happens at the Cottoncrest Plantation in 2012 (in fictitious Petit Rouge Parish), this novel juxtaposes the lives of the families of the Cottoncrest Plantation from 1893 to 2012, and questions whether the events of 1893 are causally linked to a 2012 murder.

Intrigued?

Just wait.

As this story unfolds we get a deep insight into plantation life in the late 1800s and how it affected these families for generations. Without spoiling anything, we find out early on (like on page 1) that the Cottoncrest Plantation is cursed, or, rather, the people who have lived there for generations are cursed. There are various twists and turns throughout the 100+ years of this



“curse,” and we study the impact of the main character, one Jake Gold (formerly Yaakov Gurevich), a “Jewish peddler man” who sold his wares (especially razor-sharp German knives) to the Cajuns and slaves in South Louisiana and became close to the families involved.

The book reveals, using surprisingly blunt and colorful language at times, life during the days of slavery and the degree of racial, ethnic and religious prejudice in the Plantation South.

Not often do we read a novel by a lawyer who “gets it right” — but that is expected from Mike Rubin, isn't it?

What we Louisianians will find enjoyable is the abundant use of Louisiana names, like Trosclair Thibodeaux, Tante Odille Etienne, Tee Ray and Dr. François Cailleateau (I'd love to hear someone from the Midwest pronounce that one), and French terms like *loup-garou* and *pandre de perlainpainpain*. Fortunately, our author doesn't force us to rush for our French-English dictionaries.

As a Louisiana lawyer, you will also enjoy how the intricacies of Louisiana law play an important role in this case.

The extreme degree of detail enhances the enjoyment, but the best parts of the book are the storytelling and the character development, and one character in this book even hired the lawyer Louis Martinet!

I can't wait for the movie.

“Dr. Cailleateau knew how to keep secrets.”

C'est bon.

This book is now available at LSU Press, lsupress.org. ISBN: 978-0-8071-5618-6. e-book available. 📖

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New protections for domestic violence

Domestic violence victims in Louisiana can now obtain immediate divorce, ongoing spousal support, expedited entry of protective orders into the state registry, greater penalties for violation of those orders and exemplary financial awards in suits arising from injury. (Acts 315, 316 and 317 of the 2014 Regular Session.)

Two circumstances previously listed in Louisiana Civil Code article 103.1(1) that formerly triggered the 180-day waiting period, rather than the longer 365-day period for obtaining a divorce decree, have now become grounds for immediate divorce. Proof of physical or sexual abuse of a spouse or a child of either spouse, whether prosecuted or not, or the existence of an injunction for protection of a spouse or a child of either spouse, whether by consent decree or contradictory hearing, are now the fourth and fifth grounds for immediate judgment of divorce under article 103.

Focusing on lack of resources, the Achilles heel that hampers many victims trying to escape their dangerous situations, a new section of article 112 mandates a final award of spousal support, leaving to the court's discretion only whether it be periodic or lump sum, and adds the "existence, effect, and duration" of domestic violence, whether prosecuted or not, to the list of considerations for setting the amount and duration of final support. The requesting spouse must still be free of fault before the petition of divorce is filed, and in need of support. Another addition to article 112 allows the court to set an award in excess of the one-third of the obligor's net income, overriding the limit otherwise imposed.

A new section to article 113 makes an exception to the current termination of interim support either upon judgment of divorce, or upon judgment on a final spousal support claim or 180 days from divorce judgment, whichever comes first. Newly added Section C allows spousal support at the highest set amount if judgment of divorce is rendered pursuant to article 103(4) or (5). If the final spousal support award does not exceed the interim support award, the interim award is extended to at least 180 days from rendition of divorce judgment, and the final support obligation begins only after interim support terminates.

Louisiana R.S. 9:327 provides that when determining domestic abuse for spousal support, the court must consider "any criminal conviction of the obligor spouse for an offense committed against the claimant spouse during the course of the marriage," and, in the absence of criminal conviction, allows the court to order "an evaluation of both parties" when determining "the existence and nature of the alleged domestic abuse." The evaluation must be conducted "by an independent court-appointed mental health professional who is an expert

in the field of domestic abuse," and who has no family, financial, or prior medical relationship with any party or attorney of record. The evaluator must provide the court and the parties with a written report of findings. The legislature has neither identified nor designated funds for payment of these court-appointed evaluators, but the Legislative Fiscal Office "anticipates" that the court will assess the cost of evaluation to the litigants "based on some financial means determination" or provide the evaluation "at no cost to indigent litigants."

Article 118 specifies that failure to file for divorce or final spousal support shall in no way affect the right of the party to seek other remedies provided by law.

"Exemplary damages," in addition to general and special damages, are authorized by Louisiana Civil Code article 2315.8.A, with proof that injuries upon which the action is based were caused by "a wanton and reckless disregard for the rights and safety of a family or household member" through acts of domestic abuse resulting in "serious bodily injury or severe emotional and mental distress," whether or not the defendant was prosecuted. However, if the court determines that any action alleging domestic abuse is frivolous or fraudulent, section B allows the court, on its own motion or motion of a party, to award court costs, reasonable attorney fees and "any other related costs" to the defendant, and to order any other sanctions and relief requested pursuant to Code of Civil Procedure article 863. That article requires pleadings to be signed by an attorney of record or a party, and treats the signature as certification that the pleading is warranted and not for an improper purpose such as to harass.

Louisiana R.S. 9:366.A now requires a judge who signs a Uniform Abuse Prevention Order to "immediately" forward it to the clerk of court for filing "on the day that the order is issued" and requires the clerk to transmit the order electronically or by fax to the Judicial Administrator's Office of the Louisiana Supreme Court for entry into the Louisiana Protective Order Registry. By the same means, the clerk must send a copy to the chief law enforcement officer of the parish where the protected person resides "as expeditiously as possible, but no later than the end of the next business day after the order is filed."



ence victims

BY ANITA WHITE



Added to the duties and power of law enforcement officers previously enumerated in R.S. 46:2140 is the mandate to “immediately arrest” the abusing party when the officer has reason to believe that a family or household member or dating partner has been abused and the abusing party is in violation of a protective order.

In an impressively concerted effort, the legislature further addressed the problem of violence against women and children by expanding criminal law regarding human trafficking and increasing requirements for posting national hotline information. (Acts 564, 554, 565 and 569.)

The Louisiana Women’s Policy and Research Commission 2013 Report states that Louisiana is ranked ninth in the nation for homicides of women by men. According to the Louisiana Coalition Against Domestic Violence (LCADV), their member programs provided almost 91,000 nights of emergency shelter in 2012 and documented more than 1,800 incidents of unmet needs due to low staff and lack of shelter beds.

It is heartening, therefore, to see state and local government acknowledge and make concerted protective responses to the real and tragic danger of violence in intimate relationships where there should be care and protection. Especially to be commended are members of the bench, attorneys, court personnel and law enforcement officials who are educating themselves about domestic violence. ■

Handling domestic violence cases

BY WENDY L. EDWARDS

As the Baton Rouge area grapples with an increasing number of domestic violence incidents — some resulting in murder — I was encouraged when earlier this year our local judges, attorneys and mental-health professionals endeavored with local law enforcement to educate the legal and mental-health community about how we, as members of the bar, can impact these cases. In June, the Baton Rouge Bar Association and the Louisiana Chapter of the Association of Family and Conciliation Courts presented a CLE seminar titled “Domestic Violence in Our Community: Impact and Intervention.” The goal of the workshop was to help others understand the importance of domestic violence training and to ensure that the victim does not get further victimized through our court system. By providing training to everyone who encounters domestic violence victims throughout the process, from court employees and staff, to officers, judges and attorneys, they could then recognize the danger inherent in these situations; be able to explain to victims the services available to them; and identify the behaviors that both domestic violence abusers and victims exhibit after an incident.

How the victim and the abuser present in court was one of the seminar’s main focus areas. Victims of domestic abuse do not always react the way that one might expect. They may not cower or break down when they see their abuser in court. For instance, a man (we will assume that the man is the abuser, although this is not always the case) who has been abusive to his wife is usually a master manipulator. People are going to find him to be congenial. He is going to present well publicly, while privately controlling his wife and ostracizing her from her friends and family. By the end of their relationship, she will have become estranged from her support group.

When they come to court, one type of victim is probably anxious, depressed, scared about what might happen and may come across as irrational, so much so that her parental competency is called into question because of her apparent emotional instability or histrionic presentation. The abuser, meanwhile, looks stable, but is hiding what some might call a congealed pathology. We as attorneys/judges must recognize that her emotional state is situational and due to the abuse he has caused, and may still be causing just by his presence next to her in the courtroom, thereby ratcheting up her level of anxiety.

article continued on page 22



Interview with Quintillis K. Lawrence, Commissioner, 19th Judicial District Court, East Baton Rouge Parish

BY GAIL S. STEPHENSON

ATB: Tell me a little about your background.

QKL: I was born in Saginaw, Mich. My aunt lived in New Orleans. She wanted me to come down and attend college here when I graduated high school. I've been here ever since.

ATB: Where'd you go to college?

QKL: Southern University, at New Orleans, and then straight to law school at Southern University Law Center. I graduated in 2001.

ATB: Tell me a little about your experience in law school.

QKL: If I had to do it over again, I probably would, but only with the same people. I made a lot of friends. It was different from what I have experienced as an attorney. As an attorney, you learn so much about what you could have focused on in law school if you knew a little bit more about this or that, like procedure. If I had known then what I know now, I would have studied this, I would have taken that, I would have kept that outline. But my experience was very fun.

ATB: You're the commissioner. Tell us a little about what the commissioner does.

QKL: Nicole Robinson and I handle the post-conviction relief for the 19th JDC, except for first-degree murder cases, and we handle the inmate lawsuits throughout the State of Louisiana. If they are suing the Department of Corrections, we handle it. We handle parole revocation appeals and executory process for the 19th JDC, and we also handle unopposed expungements. We also sit *ad hoc* for the criminal judges sometimes to deal with status conferences, probation reviews, arraignments or sign warrants when they are in trial or out of town, such as at the Bench Bar Conference. We cannot sit for civil judges because, for the most part, what they do will result in final decisions, and we can only make recommendations, not final determinations. When we make a recommendation, the opposing party gets the opportunity to traverse it. The district court judge has to say yea or nay on our recommendations. That's what happens on post-conviction relief and prison litigation.

ATB: Tell us a little about handling the prisoner matters.

QKL: Any time a prisoner files a grievance through the Administrative Remedies Procedure Claim process, we handle it after the warden has made a decision and it's been appealed to the Secretary of Corrections. After Mr. LeBlanc makes a decision, the prisoners have 30 days to ask for judicial review. We make a recommendation, the prisoner has 10 days to traverse it, and the judge decides whether to go along with our recommendation.

ATB: What's the most interesting prisoner case you've handled so far?

QKL: Actually, it was a very simple case. A prisoner wanted the bottom bunk. The prisoners have the opportunity to ask whatever they want in the grievance procedures. He felt that was a prison condition he had a right to make a grievance about, and we made sure he got judicial review.

ATB: So did he get the bottom bunk?

QKL: No, you can't just get the bottom bunk. The bottom bunk might be guaranteed at your house, but not with the wardens at the serious prisons.

ATB: You've been the commissioner for two years [since July 2012]. What did you do before becoming commissioner that prepared you for that position?

QKL: Nothing! When I was going through the interview process, they asked me how I was going to deal with having 15 bosses. I thought my military experience would help with that. But honestly, the judges don't bother us. They let us do our job. When we see one of them, they greet us and tell us we're doing a good job.

Only attorneys with the DOC and a few lawyers in town deal with prison litigation. I was prepared for dealing with post-conviction relief because I have been the subject of post-conviction relief, having been a public defender. That was easy to move into. But prison litigation, which is the majority of what we do, nothing prepared me for that. There's not a plethora of case law on prison litigation, at least not reported. There are cases that we live and die by, and I assume that if I stay there a while, there will be more.

I always go back and look at the original grievance. If they've added, "by the way, I want \$10,000 because I was put in lockdown for two days," we don't handle that. If

a prisoner wants to file an ordinary action, he has to use ordinary procedure and it goes to one of the civil judges.

ATB: Tell me about your military background.

QKL: Currently I'm a JAG officer. Before that I was a noncommissioned finance officer, and before that, an administrative soldier. I was enlisted for 13 years, and then after law school and after my deployment, I took my commission and became a JAG officer. I'm currently a major. I'm in the 377th Theater Sustainment Command out of Belle Chasse.

Recently I've been nominated, but not yet certified by The Judge Advocate General of the United States Army, as a special victim's counsel. From the day I was nominated, it's been weighing heavy on my mind. It's serious. It's dealing with victims of sexual assault. In this climate we're dealing with today — well, it's important every day, but with the high profile cases that have been in the news, the political attention it has received ... not that any of that matters to a lawyer because our client is the only thing that matters.

ATB: Is this something you sought out?

QKL: No, it came to me. My deputy staff judge advocate

asked me if it was something I'd be interested in. I took a couple days before I answered her. I think I made a good decision.

ATB: Tell us about your deployment.

QKL: I was deployed once, to Iraq. We were the finance team that counted all of the money found in Saddam Hussein's palaces. At first when we saw all that money we were like, wow, but after counting that money — 72 cases with about \$4 million in each one, American money, in \$20 bills — it was a job. It was all a blur, watching that money go through the counting machines. We had to take security measures — go in wearing physical training uniforms, the MPs would search us going in and going out to make sure no one had stashed a 20 in his sock. We were more concerned with doing our job and getting time off so we could eat, go to the gym, and write home. We had Internet because there were generals there, so we could email home. It was kind of like being at Fort Polk without having the opportunity to go home ever.

We gave that money back to the people of Iraq to stimulate the economy. We went from Kuwait to Iraq and provided money to the Iraqi oilfield workers, the doctors, the judges, and other state employees. We didn't actually pass out money, as I was the NCO in charge of staffing



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the missions for soldiers from our command to take the money to the Iraqis and the U.S. Liaison. I arranged security, transportation, and communications.

ATB: You were also a public defender. What was the time frame?

QKL: 2007 to 2012.

ATB: What was your most memorable case?

QKL: I couldn't say. Unlike being a prosecutor, which I was before that, you get to know the defendant. Saying one case was the most memorable would be like picking one favorite among your children. In our society today, we look at people based on the crime they are accused of committing, not as a person who has a mom, brother, sister, children. He's somebody's baby. I think about my children and I think, "The defendant at one time was the age of my baby, and somebody loved him the way I love my child." You have to look at the defendant as that little boy who has just grown up and humanize him.

ATB: What was the most serious crime you had to defend?

QKL: Murder.

ATB: Did you do any capital cases?

QKL: No, by the time Mr. Mitchell decided I was ready to handle those cases, the application process was so onerous, I just never got around to filling out the application. They wanted a writing sample, blood sample, your mother's maiden name, your left arm, your right leg — they wanted everything! Rightfully so, because when you're representing someone in a capital case, his life is literally on the line. They want to know that you're the best person for the job.

ATB: Tell me about your family.

QKL: I'm married to the former Brandi Littles. We have a son, Jackson, who is eight, and a daughter, Nahtalie, who is four.

ATB: What do you do when you're not in court?

QKL: A lot of military stuff. My wife, Brandi, doesn't like that too much. We go to the park, go to the movies, just try to have fun. I try my best not to take any work home. I try to play golf, but I'm not very good. I've made par a

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,"
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"Crisis of Confidence: The Inadequacies of Vocational Evidence Presented at Social Security Disability Hearings."

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few times — it's an ugly par, but I've made it.

ATB: I'm sure my students will be reading this. What advice would you give law students and the lawyers who will be reading this interview?

QKL: Always be prepared. I'm not perfect. There have been times when I've gone to court when I could have been more prepared. Sometimes you go to court and you're as prepared as you can be, and sometimes you may not feel you were that prepared because you kind of get spanked. Sometimes you think, "I could have pulled a couple more cases, I could have explained that a little better." Preparation is key. If you don't have the best argument, just be prepared on the argument that you have. If you're working for an organization or entity that wants you to argue a position that's not the greatest, just argue it the best you can and be prepared.

The lawyers who appear before me on post-conviction evidentiary hearings are appointed by us, and I can say they are heads and tails above the rest. If you get appointed by the commissioners, it's an honor. I try to appoint lawyers that I would want representing me. My advice to lawyers is always, be prepared. Sometimes there is zero to nothing on the post-conviction relief claims — because they are so old, and it's usually ineffective assistance of counsel, and there aren't too many cases that say, "Yes, that was a terrible lawyer." But some cases are coming out now, like [the U.S. Supreme Court case] *Lafler*, that held that you can't tell your client that he can't be convicted of attempted murder because he shot the victim in the leg. That's bad advice, and the defendant is looking to you for advice. For the most part, though, the cases give the lawyers wide latitude in what is effective assistance. Just because the lawyer's strategy wasn't successful is not an indicator of whether the lawyer's assistance was ineffective. It's not as hard as it used to be to show ineffective assistance, but I'm not sure there are too many lawyers in our jurisdiction giving just outright bad advice.

ATB: Anything you wish to add?

QKL: Those out there who know me know I'm just a laid back kind of guy. I don't take myself too seriously. My quote is, "If you take yourself too seriously, nobody else will take you seriously." Just relax and do

your job. I'm a purist in the law. I enjoyed my time as a prosecutor. While in law school, I had the opportunity to hear a former U.S. Attorney speak on jury nullification — he believed that jury nullification was appropriate in drug cases for users and abusers. In law school you usually don't learn about jury nullification; you learn pure law. That was mind blowing, to hear someone in his position say that it was okay to say someone wasn't guilty because he was an addict. It opened my eyes to the fact that the law is not just what we see on the paper in terms of black letter law nor the opinion from the court. It's the people. The people are the players in the law. No matter how perfect our system of law is, we're always going to have the players. The players make the law. ■

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Stand up and be healthy!

BY GRACELLA SIMMONS

We live in a health conscious world filled with more opportunities than ever to be healthy and fit, yet many of us continue to be overweight, out of shape and generally in a state of decline. With this consciousness comes revolutionary opportunities to enhance our fitness. One of those opportunities is finding its way into mainstream society. And that is the stand up desk.

There is an obesity epidemic in our country. Understandably, this current obesity epidemic has, in part, been attributed to reduced physical activity. Research suggests that the benefits of working out are eliminated by sitting all day at work or all night at home, and certainly that is a lifestyle that belongs to many of us. We spend all day sitting down at the office and at night, we sit down to watch television, to eat a meal, to read or to do many other activities.

It is interesting that humans have evolved from a



very physical, active lifestyle to one in which we work very hard to buy the devices that keep us from being active, and then often pay money to join health clubs and hire trainers!

Various studies and research forcefully suggest that “sitting” is a public-health risk. “People need to understand that the qualitative mechanisms of sitting are completely different from walking or exercising,” according to University of Missouri microbiologist Marc Hamilton. “Sitting too much is not the same as exercising too little. They do completely different things to the body.”

The stark reality is that the negative effects of a sedentary lifestyle cannot be eliminated by regular trips to the health club.

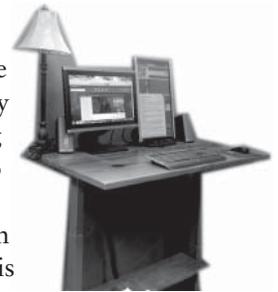
Data suggests that people who move around have a significantly lower mortality rate than those who are “sitters,” who have higher rates of hypertension, high blood triglycerides, low HDL cholesterol and high blood sugar.

As a result of research and studies, a concept has been

developed that has garnered a large following and may certainly become the norm rather than the exception. That concept is the stand up desk. As with any other concept, the design has evolved from a rudimentary concept to various sophisticated desks. In the beginning people would place their computer on a kitchen counter, fashion a shelving for the computer on boards supported by various contraptions, use a computer propped up by a lectern, or other creative methods of creating a means to stand up while on the computer or, in fact, while doing any office work.

Now on the market are very sophisticated options. I chose the Geek desk. It is an automated desk that is raised or lowered by the use of a button. Breaks from standing can be easily taken as indicated. My partner Drew Blanchfield also purchased a Geek desk. But he had a desk top made of pine, which matched the other furniture in his office. Ed Walters has a stand-up cotton broker’s desk made of cross-cut pine.

Making a choice to get a stand up desk of whatever kind you choose may be one of the best choices you can make for your health! 



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Meanwhile identifying that he remains cool and collected because he has been manipulating people for so long. By realizing what the actual situation is, coaching our clients on how to best tone down the level of histrionics and hysteria in the courtroom, we can prevent them from being further victimized. After all, what would be worse than having your children taken away from you and given to the man who has abused you because you could not effectively communicate the situation to a judge? As attorneys, we have the ability to work with mental-health professionals and receive training in how to handle these types of situations and to counsel our clients about what to expect and how to act in a courtroom.

Another type of victim is one who has been empowered by leaving and wants nothing more than for the judge, and everyone else, to hear her story. She does not present as a cowering wallflower, but more like a raging activist. She may have post-traumatic stress disorder or another anxiety disorder, but her language and movements are all going to be well over the top of what you might expect when confronting the accused. She wants to see him pay. She is fierce. She is woman, hear her roar. She has also managed to alienate most of the law enforcement personnel who try to aid her.

In court, although instructed to just answer the questions about what happened each time she called the police, she engages in long emotional tirades. She tells the judge her story, but looks unstable in the process. At one point she almost gives up. But, in the end, she has climbed the mountain and faced her abuser.

Nevertheless, as an attorney, you realize all the victim receives is just a piece of paper. And that is when it hit me; these victims need help before court, not once they see a judge. I urge every one of you to reach out to these women and arrange counseling with one of the various groups we have here in Baton Rouge who are better equipped to handle these situations, like the Iris Domestic Violence Center 1-800-541-9706; STAR, the Sexual Trauma Awareness and Response Program 225-383-RAPE; or the Children's Advocacy Center 225-343-1984..

Help matters. Support matters. A protective order matters. A conviction matters. What matters most, however, is for you to realize that that seemingly unstable person in your office is not crazy. She just needs your help — and you have the tools available to give her the help she needs. ■

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Charles Moore, Steve Thompson & Layne Lee are responsible for the content of this advertisement.

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West's Jury Verdicts – Baton Rouge

| Venue/Case Type | Major Injury | Trial Type | Result |
|--------------------------------|-----------------------------|------------|----------|
| <u>East Baton Rouge Parish</u> | | | |
| Insurance | Back, neck, left arm | Bench | \$48,014 |
| Insurance | Monetary damages | Bench | Defense |
| Premises Liability | Back, elbow, ankle | Settlement | \$20,000 |
| Vehicle Negligence | Back, neck, right arm, hand | Jury | \$11,411 |
| Vehicle Negligence | Back, neck, right leg | Bench | \$29,905 |

West's Case of the Month

Invitee on Property Fell Through Alleged Rotted Floor; Parties Settle for \$20K

Johnson v. Juderjahn

TYPE OF CASE:

Premises Liability • Slip/Trip & Fall

SPECIFIC LIABILITY: Individual was invited onto property to use the restroom and subsequently fell through the bathroom floor, which was rotted due to leaking water

GENERAL INJURY: Injuries to back, elbow, ankle; medical expenses; lost income

COURT:

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

DOCKET/FILE NUMBER: 607,930

RESULT: Plaintiff, \$20,000

RESULT DATE: Sept. 24, 2013

JUDGE: Wilson Fields

ATTORNEYS:

Plaintiff: Howard P. Elliot Jr., Baton Rouge, La.

Defendant: Hoai T. Hoang, Voorhies & Labbe, Lafayette, La.

RESULT TYPE: Settlement

EXPERTS:

Plaintiff: None mentioned.

Defendant: None mentioned.

Related Court Documents:

Plaintiff's petition: 2011 WL 11531361

Plaintiff's reply pretrial memorandum on liability: 2013 WL 6537491

Joint pretrial memorandum: 2013 WL 6537493

Motion and order of dismissal: 2013 WL 6637619

SUMMARY OF FACTS:

Anthony J. Johnson was reportedly invited onto property owned by Alan Juderjahn to use the restroom facility, Nov. 23, 2011. Juderjahn's home was reportedly located on Underwood Avenue in Baton Rouge, La.

Johnson asserted when he was using the restroom facilities on the property, he fell through the bathroom floor, which was reportedly rotted due to leaking water. Johnson claimed to have suffered injuries to his back, elbow and ankle in the form of contusions, abrasions and bruising as a result of the accident.

Johnson filed a petition for damages in the Nineteenth Judicial District Court for the Parish of East Baton Rouge against Juderjahn. In his petition filed Dec. 27, 2011, the plaintiff asserted the defendant's negligence had caused the accident and his resulting injuries and damages.

Specifically, the plaintiff said the defendant acknowledged he knew the floor was rotten; however, he had failed to remedy or warn him of the potential safety issue.

The plaintiff argued Juderjahn had failed to remedy a known defective condition on his premises, placed invitees to his home in danger by failing to timely and properly repair water leaks on the bathroom floor, failing to timely replace the rotten floor or post signs warning of the floor's danger, failing to warn him or place barricades around the area where the bathroom floor had rotted out and failing to take the bathroom out of commission until repairs to the floor had been completed and inspected.

The plaintiff requested damages for his personal injuries, medical expenses, pain and suffering, mental anguish, loss of sleep, loss of quality of life, loss of mobility and loss of income, together with legal interest and all costs of court.

The defendant generally denied Johnson's allegations and argued the bathroom had been repaired in October 2011 and he believed the bathroom was structurally sound. He denied having any knowledge of the rotted floor.

Additionally, Juderjahn disputed the nature and extent of the plaintiff's injuries and damages caused by the accident, arguing any injury Johnson may have suffered pre-existed the accident.

The parties agreed to settle the dispute in September 2013 for \$20,000, which, according to court documents, included medical expenses.

In a motion and order of dismissal signed Nov. 14, 2013, Judge Wilson Fields ordered, pursuant to the settlement agreement, that all the plaintiff's claims against the defendant be dismissed with prejudice, and further ordered the defendant to pay all costs of court.

CASE CITE: 2013 WL 6916843

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The Patterson Resolution Group offers dispute resolution services in complex cases to businesses and individuals across Louisiana and the Gulf South. Group members include four former presidents of the Louisiana State Bar Association and a retired district court judge. The members have substantive experience in disputes in areas such as:

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|-------------------------------|-------------------------------|
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| Commercial Real Estate | Employment |
| Oil and Gas | Insurance |
| Maritime | Healthcare |
| Construction | Professional Liability |
| Products Liability | Governmental |

Contact Mike Patterson at 866-367-8620. Or visit the group's website at www.pattersonresolution.com for more information and the article, "Getting Your Client and Yourself Ready for Mediation."

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The Young Lawyers Section Holiday Star Project

Sign up to sponsor a child. Please fill out the form below and fax it to the Bar office at (225) 344-4805.

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Address: _____

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Phone: _____ Fax: _____

Email: _____ # of stars you wish to sponsor: _____

The Baton Rouge Bar Foundation will mail your star and child's wish list directly to you, along with instructions. Should you have any questions, call Susan Kelley at (225) 214-5559.

foundation footnotes

PRO BONO REPORT — JULY 2014;
TEEN COURT, JPA & SUMMER INSTITUTE REPORTS — MAY & JUNE 2014

PRO BONO PROJECT REPORT

We would like to thank all of our Pro Bono Project volunteers for their contributions in July.

The Thirst for Justice volunteers were **Fred Crifasi; Scott Gaspard; Deborah Gibbs; Thomas Gildersleeve, Taylor, Porter, Brooks & Phillips, LLP; C. Kevin Hayes, Adams & Reese; Byron Kantrow; Alexis Luker, PPC Mechanical Seals; Allen Posey; Stephen Strohschein, McGlinchey Stafford, PLLC; and James Zito.**

The Ask-A-Lawyer volunteers were **Terry Bonnie; Monica Doss, La. Dept. of Revenue; and Emily Ziober.**

The Self Help Resource Center attorney volunteers were **Joseph Ballard, Todd Manuel, Entergy Services, Inc.; Ryan Brown, Roedel, Parsons; Nicolette Colly, La. Dept. of Justice; Melissa Grand, Scott Levy, Tracy Morganti, Adams and Reese; Greg Hughes, Southeast Louisiana Legal Services; Denise Lee, Louisiana Workforce Commission; Alexis Luker, PPC Mechanical Seals; Judith Martin, Franciscan Legal Services; John Obebe; Annette Peltier, Phelps Dunbar; and Jennifer Prescott, deGravelles, Palmintier, Holthaus & Frugé.**

The following volunteers accepting pro bono cases in July: **Harold Adkins, Hammonds, Sills, Adkins, Guice, LLP; Rodolfo Aguilar, McGlinchey Stafford, PLLC; Michael Breaux; Christopher Cascio; Michael Clegg; Gary McKenzie, Steffes, Vingiello & McKenzie; Catherine Cocchiara, Nancy Sue Gregorie, PLC; Donald Hodge; Lauren Nero, Associated Professional Educators of Louisiana; Rosalyn Ruffin-Duley; Rolando Urbina; and Kathryn Watson.**

The Pro Bono Project wishes to thank our summer interns: **DeJean Cleggett, Paul M. Hebert Law Center; Donna Fields, Kendra L. McCray, Southern University Law Center.** ■

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.

TEEN COURT REPORT



Yolanda Cezar, Raveen Hills, Melanie Newkome Jones, Monica Vela-Vick and Tavares Walker served as judges for the May, June and July Teen Court hearings. **Dejean Cleggett and Sheji LaDay, LSU Law Center,** and **Cynthia Vance** served as jury monitors. **Curtis Nelson, Courtney Myers, Raveen Hills and Jessica Elliott** presented at the June 7, 2014, Teen Court training session. **Commissioner Quintillis Lawrence** presided over the swearing-in ceremony. **Kevin Clement** also assisted with the training session.

JUNIOR PARTNERS ACADEMY

In May, **Steve Carleton, Preston J. Castille Jr., Christie Chapman, Melanie Fields, Lisa Freeman, Gail Grover, Jamie Gurt, Raveen Hills, Wendy Shea, Lykisha Vaughn, Judge Trudy M. White and Sirena Wilson** gave presentations at Dalton Elementary and Southern University Laboratory School.

SUMMER YOUTH LEGAL INSTITUTE

In June, **Kim Brooks, James d'Entremont, Amanda Darby, Judge Douglas Dodd, David Fleshman, Gail Grover, Darius Henderson, Raveen Hills, Commissioner Quintillis Lawrence, Dwayne Murray, Deidre Roberts, Wendy Shea, Rachel Smith, Hanna Thomas, Monica Vela-Vick and Tavares Walker** assisted with creating materials and gave presentations during the Summer Youth Legal Institute. **Dejean Cleggett and Sheji LaDay, LSU Law Center,** and **Cory Alford, SU Law Center,** also assisted. ■



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Teen Court of Greater Baton Rouge is funded by funding from the Louisiana Office of Juvenile Justice, the South Burbank Crime Prevention 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.



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

October 2014

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| 19 | 20 | 21 | 22 | 23 | 24 | 25 |
| 26 | 27 | 28 | 29 | 30 | 31 | |



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

Duty Court Schedule

19TH JDC CIVIL COURT

Sept. 22-Oct. 3 Judge Clark
 Oct. 6-Oct. 17 Judge Bates
 Oct. 20-Oct. 31 Judge Caldwell

19TH JDC CRIMINAL COURT***

Sept. 26-Oct. 3 Judge Erwin
 Oct. 3-Oct. 10 Judge Jackson
 Oct. 10-Oct. 17 Judge Daniel
 Oct. 17-Oct. 24 Judge Moore
 Oct. 24-Oct. 31 Judge Johnson
 Oct. 31-Nov. 7 Judge White

BATON ROUGE CITY COURT*

Sept. 29-Oct. 5 Judge Alexander
 Oct. 6-Oct. 12 Judge Ponder
 Oct. 13-Oct. 19 Judge Prosser
 Oct. 20-Oct. 26 Judge Temple
 Oct. 27-Nov. 2 Judge Wall

FAMILY COURT**

Oct. 1 Judge Day
 Oct. 2 Judge Lassalle
 Oct. 3 Judge Woodruff-White
 Oct. 6 Judge Baker
 Oct. 7 Judge Woodruff-White
 Oct. 8 Judge Day
 Oct. 9 Judge Lassalle
 Oct. 10 Judge Day
 Oct. 13 Judge Baker
 Oct. 14 Judge Woodruff-White
 Oct. 15 Judge Day
 Oct. 16-Oct. 17 Judge Lassalle
 Oct. 20 Judge Baker
 Oct. 21 Judge Woodruff-White
 Oct. 22 Judge Day
 Oct. 23 Judge Lassalle
 Oct. 24 Judge Baker
 Oct. 27 Judge Baker
 Oct. 28 Judge Woodruff-White
 Oct. 29 Judge Day
 Oct. 30 Judge Lassalle
 Oct. 31 Judge Woodruff-White

JUVENILE COURT

Oct. 1-Oct. 31 Judge Richey

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BELLY UP — FRIDAY, NOV. 7
 Get your cooking team together and dust off your prize-winning recipes! Register your cooking team for Belly Up with the Bar. Friday, Nov. 7, 2014, at Live Oak Arabians Stables. Or to just attend, you can buy your ticket in advance or at the door! Contact Donna for more information: 225-214-5556 or donna@brba.org.

MEETING ROOM FACILITIES AVAILABLE FOR DEPOSITIONS & MEDIATIONS

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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 HOLIDAY

Monday, Oct. 13 Columbus Day

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

- 1** Volunteer Committee meeting, 12-1 p.m.
- 6** Teen Court Hearing, EBR Parish Juvenile Court, 5:30-8 p.m.
- 8** Finance Committee meeting, 7:30-8 a.m.;
Executive Committee meeting, 8-9 a.m.
Pro Bono Committee meeting, 12-1 p.m.
- 11** Ask-A-Lawyer, Jones Creek Library, 9 - 11:30 a.m.
- 15** Ask-A-Lawyer, Catholic Charities, 9-11 a.m.;
YLS Council meeting, 12-1 p.m.;
Board of Directors meeting, Juban's, 6-8 p.m.
- 16** Family Law Section meeting & CLE seminar, Beausoleil Restaurant & Bar, 12-1:30 p.m.
- 17** Law Expo Committee Wrap-Up meeting, 8:30 a.m.
- 21** Construction Law Section Lunch & Learn, 11:50 a.m.-1 p.m.;
Belly Up with the Bar Committee meeting, 12-1 p.m.
- 23** LRIS Committee meeting, 12-1 p.m.;
Teen Court Committee meeting, 12-1 p.m.
- 24** Public Law Section CLE seminar, 11:45 a.m.-1 p.m.;
Go Casual for Pro Bono
- 28** Past President's Dinner, 5-9 p.m.
- 29** Ask-A-Lawyer, 10-12 p.m., Donaldson Senior Center
- 30** Swearing In of New Attorneys, New Orleans

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