

# Around

THE MAGAZINE OF THE  
BATON ROUGE BAR ASSOCIATION

No. 286, April 2014

# the Bar



**Inside:**  
**Title III Wiretaps**  
**Interview with**  
**Col. John Dunlap**

**Lawyers as superheroes**  
**Bench Bar: July 24-26**

# BRBA BENCH BAR CONFERENCE JULY 24-26, 2014

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## ★ CONFERENCE HIGHLIGHTS ★

FIRST-TIMER REGISTRATION PRICE IS \$325 – DEADLINE: JUNE 20  
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## 12.5 HOURS OF CLE

On-site registration begins Thursday, July 24 at 10 a.m.

CLE seminars begin Thursday, July 24 at 2 p.m.

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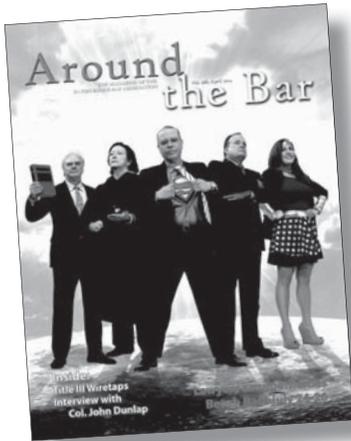
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The Baton Rouge Bar Association thanks the many law firms, organizations, and corporate sponsors that help make its annual Bench Bar Conference a success each year.  
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On the cover:

Featured on the cover of the April 2014 issue of *Around the Bar* magazine are a few of the superheroes of the BRBA Bench Bar Conference. Pictured are (L to R) Judge Tim Kelley, Judge Pamela Moses-Laramore, BRBA President Darrel J. Papillion, Jay Parker (Bench Bar Committee chair) and Hayden A. Moore.

The Bench Bar Conference will take place in Point Clear, Ala., July 24-26, 2014. This year's theme is *Join the League of Justice*, and our cover models are imitating an iconic Justice League pose (but, of course, any comic book fan will recognize the pose). We appreciate all legal superheroes and keepers of justice.

Cover photography by Mathew Hodgkins, Manager of Production with 1st Co Inc. Video Productions, Around Town Studios ([www.FirstConcept.tv](http://www.FirstConcept.tv)).

**Superman isn't the only one fighting for truth, justice and the American way! Join the League of Justice at the Bench Bar Conference in Point Clear, Ala.**

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**Time to Hop into Action — Easter Eggstravaganza!**

Please assist the BRBA Volunteer Committee in hosting its annual Easter Eggstravaganza.  
Donate plastic eggs filled with individually wrapped candy to the BRBA office by Thursday, April 10, 2014.

**We need 10,000 eggs!**

Volunteer to participate at Easter Egg Hunts at three elementary schools:

April 15, 2014	1:30 p.m.	University Terrace
April 16, 2014	10:30 a.m.	St. Francis Xavier
April 17, 2014	2:00 p.m.	Dufrocq



Volunteer to wear the Easter Bunny costume during the three Easter egg hunts.  
Contact Carole McGehee at the BRBA office at [carole@brba.org](mailto:carole@brba.org) or 225-214-5557.

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

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# TEEN COURT

of Greater Baton Rouge

AROUND THE BAR supports participation of the membership in its production. We encourage the submission of articles and letters to the editor. Articles should be less than 1,800 words, typed and single-spaced. A Word file should be emailed as an attachment to: pamela@BRBA.org.

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## letters

Dear BRBA Volunteer Committee:

Thank you for your volunteer service to Habitat for Humanity of Greater Baton Rouge on Nov. 2, 2013.

Your group was very hard working and open to tackling any task we asked for help with. Norvel and Takarri's home looks beautiful, thanks to the amazing painting and door framing that day. We truly appreciate your dedication to helping us build this home for Norvel and Takarri's family.

Habitat appreciates the generosity of volunteers like all of you who help to fulfill our mission of ending poverty housing. Again, thank you for making the dream of homeownership a reality for our homeowners.

### The Staff of Habitat for Humanity of Greater Baton Rouge

The article by Vincent P. Fornias in the most recent issue of *Around the Bar* reminded me of an experience my wife and I had with Justice Blanche.

After the Louisiana Bar Association meeting in Paris, France, we took a bus tour throughout Spain. Because it was more than 35 years ago, I have forgotten the names of

most of the people on the trip, but it was a very congenial group of Louisiana judges, lawyers and spouses. I know that it included Justice Blanche and his wife and also Judge Jimmy Gulotta and his wife.

We were touring the Alhambra in Grenada, Spain, with a local guide and she was explaining how wonderful the acoustics were in a particular area of the Alhambra that we were visiting. She invited anyone who wanted to sing to come forth so that we could experience the acoustics, and Justice Blanche without very much urging broke into an Italian aria. Surprisingly, at least to me, was that he had such a good voice and that he could sing in Italian.

When he finished, all of us, particularly the lawyers — after all, he was a Louisiana Supreme Court Justice — applauded. Then the Spanish guide said that she had been conducting tours for years and that Justice Blanche had the best voice, but the worst Italian accent, that she had ever heard.

This is a very pleasant memory of a long ago trip with some of the older lawyers and judges from Louisiana.

**Jerry A. Brown**

*Judge, United States Bankruptcy Court* 

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## letter from the president

BY DARREL J. PAPILLION

I could never sleep well the night before summer vacation trips with my family when I was a child. I was too excited! I remember going lots of places with my parents and two younger sisters, but the beach was my favorite. “The Beach” in our house, at least in the 1970s, meant Galveston. Growing up in Southwest Louisiana, we didn’t go to the Gulf beaches in Florida or Alabama until I was a teenager. For years, I thought all the water in the Gulf of Mexico was brown, like it is in Galveston.

I remember the three kids in the back seat of our parents’ Chevy or Mercury sedan being excited about swimming in the Gulf or the hotel pool, making sandcastles on the beach, renting the odd-looking four-wheeled, bench-seat bicycles the whole family could ride along the seawall, and just getting to do a lot of things we wouldn’t be allowed to do at home.

I couldn’t wait to disgorge my pockets of weeks’ worth of allowance money by coming home with a large haul of various “priceless souvenirs” sold, in my mind, only at the gift shops along the Galveston seawall. By the time I got home, I usually had an assortment of plastic snakes, sharks, water guns, swords, and — always — what would now be called, by any Baton Rouge lawyer who’s been to the Bench Bar Conference, a “Judge Luke LaVergne (Captain’s) hat.” My eight-year-old mind was convinced that if I wore the hat in the hotel restaurant or while sightseeing with my family, the good people of Galveston and its assorted visitors would naturally assume I must be a sea captain. Where else would I get such a hat? And, I’d wear it proudly until — cardboard and thin cotton — it fell apart on a Louisiana baseball diamond or in our backyard a few weeks later. In fact, all my priceless souvenirs were usually gone within a few weeks because, as we all know, the cheap beach town souvenirs that delight children usually only survive a few weeks.

One of the things you may not know is that a strict publication committee schedule requires that I write this letter several weeks before its publication in *Around the Bar*. It may be April to you, but as I write this month’s letter, Baton Rouge is still recovering from the “Sneauxmageddon of 2014.” You remember the Sneauxmageddon, right? The temperature plummeted to somewhere in the high 20s. The courthouses, schools, interstates, our law offices, and practically everything else in Baton Rouge closed. As I write this, the possibility of more “snow days” remains at least plausible, but when you read this letter in April, the winter should be behind us, and we should be enjoying spring weather as we begin to make plans for summer.

Darrel (right front) with his sister and cousins at Galveston Beach in 1976.



## Summertime

Summer? That’s right. It’ll be here before you know it. That’s what made me think of my sisters and me in the backseat of our parents’ car, chock full of beach gear headed to Galveston for summertime fun. Over time, my family’s beach trips developed little rituals. My mother always made the same picnic lunch — fried chicken that she’d carefully package in an insulated container, along with chicken salad sandwiches — that we’d have with potato chips and soft drinks on the first day of our trip to the beach. I’ve had the good fortune of going on all kinds of vacations that some would say should far exceed the excitement of the trips I took as a boy with my family to the beach, but I usually sleep very well the night before a vacation these days, and few places I visit ever offer as much enjoyment as piling into the family car for summertime fun in the 1970s.

For more than 25 years, the BRBA Bench Bar Conference has given Baton Rouge lawyers and their families an outstanding opportunity to get together for some warm weather fun. Our children and families all look forward to it. They may not come home with a box full of plastic sharks and a captain’s hat, but whether the conference is at the Grand Hotel in Point Clear (where it will be this year), or at the Perdido Beach Resort (where it was last year), local lawyers and their families are making the kinds of memories I made with my family years ago. Our children have all learned their way around the beach, pool, and arcade at the Perdido Beach Resort as well as the “beach,” pool, bike paths and grounds at the Grand.

This year’s Bench Bar Conference will be held July 24-26, 2014. Chairman Jay Parker and his committee are working to put together an outstanding conference in Point Clear. The conference will provide 12.5 hours of high quality CLE, an opportunity to spend time with other members of our local legal and judicial community in a relaxed, informal setting, and — way down the list of exciting things — an opportunity to watch this year’s Bar President, in accordance with a longstanding tradition, make a fool of himself by “singing” a song at the Friday night dance and party.

Please contact the BRBA or go to [www.brba.org](http://www.brba.org) for conference information. Hotel reservations can be made by calling Marriott Central Reservations at 800-544-9933 or at [www.marriottgrand.com](http://www.marriottgrand.com). I hope to see you July 24 in Point Clear. ■

## West's Jury Verdicts – Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
<u>East Baton Rouge Parish</u>			
Contracts	Monetary damages	Bench	\$45,581
Labor & Employment	Knee	Bench	Defense
Premises Liability	Thoracic spine fracture	Jury	\$134,200
Real Property	Monetary damages	Jury	Defense
<u>West Baton Rouge Parish</u>			
Vehicle Negligence	Lumbar spine	Bench	\$162,202

## West's Case of the Month

### **Court Finds Defendants Not Liable for Plaintiff's Alleged Work Place Injury**

#### *Butler v. Litchfield*

**TYPE OF CASE:**

Labor & Employment • Work Place Injury

**SPECIFIC LIABILITY:**

Sheriff's office obstacle course was defective and collapsed when employee attempted to scale a chain link fence, causing injuries

**GENERAL INJURY:**

Knee injuries; medical expenses; lost wages

**COURT:**

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

**DOCKET/FILE NUMBER:** 549,926

**RESULT:** Defendants, \$0

**RESULT DATE:** April 3, 2013

**JUDGE:** R. Michael Caldwell

**ATTORNEYS:**

*Plaintiffs:* Keith P. Richards, Richards Law Firm, Baton Rouge, La.; Keith P. Richards, Keith P. Richards APLC, Baton Rouge, La.; Scott. T. Gegenheimer, Scott. T. Gegenheimer Attorney at Law, Baton Rouge, La.  
*Defendant (Phares):* Mary G. Erlingson, Tara L. Johnston and Mary E. Colvin, Erlingson Banks PLLC, Baton Rouge, La.  
*Defendants:* Mary G. Erlingson and Tara L. Johnston, Erlingson Banks PLLC, Baton Rouge, La.

**RESULT TYPE:** Bench

**BREAKDOWN OF AWARD:** \$0

**EXPERTS:**

*Plaintiffs:* Andrew J. Scott III, law enforcement, AJS Consulting, Boca Raton, Fla.  
*Defendants:* None mentioned.

**SUMMARY OF FACTS:**

Connie Butler reportedly was a commissioned reserve deputy with Elmer Litchfield, Sheriff of East Baton Rouge Parish, La. Lt. Col. Fabian Blanche apparently issued a memorandum requiring all deputies certified to carry a firearm to participate in the East Baton Rouge Parish Sheriff's Office (EBRSO) training course, Jan. 26, 2005. Butler said she reported to the EBRSO obstacle course located on Irene Road to complete in-service training exercises, Dec. 3, 2005. The obstacle course allegedly was owned and maintained by EBRSO and the city of Baton Rouge.

Butler apparently was required to scale a four foot tall chain link fence as part of the obstacle course. She reportedly was advised by the course instructor, Lt. Pauline Carter, to place her foot in a juncture in the course's chain link fence. After placing her foot in the juncture, Butler apparently struggled to get her foot out and the fence allegedly gave in. As a result, Butler reportedly fell to the ground and sustained an injury to her knee. According to Butler, the EBRSO personnel failed to provide any medical treatment and she was treated by a fellow reserve deputy instead.

Connie Butler and her husband, Carl Butler, filed a lawsuit against EBRSO and the city of Baton Rouge, Parish of East Baton Rouge, in the Nineteenth Judicial District Court for the Parish of East Baton Rouge in December 2006. In the plaintiffs' petition for damages, they alleged the defendants were negligent for failing to repair the chain link fence and failing to adequately warn about the dangerous condition, proximately causing their injuries and damages.

Connie sought damages for pain and suffering, mental anguish, physical injury, loss of enjoyment of life, medical expenses and lost wages. Additionally, Carl sought damages for the loss of his wife's love, services and companionship.

The defendants generally denied the plaintiffs' allegations. According to the pretrial order, the defendants asserted Connie was sitting at the top of the fence with her legs dangling down when she jumped off, landed on her feet and fell immediately to the ground.

Connie allegedly informed Carter she heard something pop in her knee. Following this, the defendants asserted Connie was given an ice pack and bandages by Carter, was treated by Vincent Shaw, MD, and was subsequently taken to the hospital by her husband.

The defendants claimed the fence was neither defective nor in a dangerous condition. Moreover, the defendants denied the fence presented a foreseeable risk of harm. Additionally, the defendants claimed Greg Phares, former Sheriff of East Baton Rouge Parish, was entitled to qualified immunity; moreover, they asserted Connie was comparatively at fault for the accident.

**CASE CITE:** 2013 WL 2390738

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# tales from the bar side

BY VINCENT P. FORNIAS

Recently my associate Tom Foutz, a fellow ADR professional, sent me a tip that shows indisputably that he has even less of a life than yours truly.

Just as Tom had cited it to me, there it was, deeply embedded in my very own dust-layered Louisiana Civil Code, starting at article 3109 (“Of Arbitration”) — an entire section dealing with arbitrators and something called, tantalizingly, “amicable compounders.” The visceral vision was that of your typical glad-handing, pie-in-the-sky-promising investment professional, fresh out of business school and offering a wide array of commission-generating financial products involving little risk and limitless lucre for your hard earned investment. But then I read further, and found that article 3110 was even more deliciously intriguing in describing the awesome-sounding powers entrusted to such individuals. As contrasted with mere arbitrators (who “ought to determine as judges, agreeably to the strictness of the law,”) amicable compounders “are authorized to abate something of the strictness of the law in favor of natural equity.”

Now I was hooked. Was this a long hidden Civil Code recognition of the rumored rulings of certain panels of the Third and Fourth Circuit Courts of Appeal? Or of certain city court fiefdoms in outlying parishes? Were our Code’s redactors explicitly recognizing that justice rendered with a wink and a nod and the knowing grin of a Cheshire Cat has a venerable Civilian pedigree?

Alas, dear reader(s), your author’s piqued curiosity was left largely unsated. The immediate question coming to mind, of course, was “how do you get a gig as an amicable compounder?” No Craig’s List category was found to be a palpable fit. Resorting then to Google and even Wikipedia, all we found were listings for “chemical compounders” (no doubt a boon in Greater Albany’s burgeoning meth lab industry) and “flavor compounders,” described as persons who “set up and operate equipment that mixes or blends ingredients used in the manufacture of food products.” Isn’t this a long way to go to say “chef?”

## Compound interest

Reflecting further on the legal repercussions of such an occupation, unanswered questions kept popping up:

- Is an “amicable” compounder, being the proverbial nice guy by job description, prohibited from holding his subjects in contempt of court?
- Does he conclude all his rulings and decrees with “Have a Nice Day?”
- And what about the less-than-amicable judge played by the immortal Fred Gwynne in “My Cousin Vinny?” Was he a Grumpy Compounder? And is that synonymous with federal judge??
- Most important of all — can I please get MCLE credit for authoring this significant legal tome? 📖

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# bar news

BY PAMELA LABBE

## BRBF Law Day to take place Thursday, May 1

Ryan Brown is the chair of this year's Law Day, which is expected to attract more than 1,000 middle and high school students from around Baton Rouge. The event will take place Thursday, May 1, 2014, at the River Center Theatre, the 19th Judicial District Court and Baton Rouge City Court. A separate naturalization ceremony will be held beginning at 9:15 a.m., and it will be followed by the Law Day opening ceremony at 10 a.m.

This year's theme is: "American Democracy and the Rule of Law: Why Every Vote Matters." The BRBF is holding essay, poster and video contests for local students who wish to participate. Contest winners will be recognized on stage during the Law Day ceremony.

Staff Liaison to the Law Day Committee Donna Buuck is in need of volunteers to assist on the day of the event with the courtroom sessions, which occur from 10:30 a.m. to 12 p.m. Contact Donna at 225-214-5556 or donna@brba.org to help.



PHOTO BY PAMELA LABBE

Young Lawyers Section Chair-elect Scott Levy assists YLS Chair Laranda M. Walker as she lights the ceremonial candle during the Opening of Court, Memorial & New Member Ceremony, which was held Wednesday, Feb. 19, 2014, at the 19th Judicial District Court.

## SLLS names new director and re-elects board

The Board of Directors of Southeast Louisiana Legal Services named Laura Tuggle as its new executive director at its Feb. 12, 2014, meeting. Longtime Executive Director Brian Lenard will retire in May.

Also, the SLLS Board of Directors re-elected officers to their positions for 2014 during its Feb. 12, 2014, meeting.

The officers are Chairman of the Board R. Patrick Vance (Jones Walker LLC); First Vice-President Warren McKenna (McKenna Law Firm LLC); Second Vice-President Regina Joseph (Client Board Member); Treasurer Vivian Guillory (Retired Chief Administrative Law Judge with the State of Louisiana); Assistant Treasurer Lila Arsan (Client Board Member); and Secretary Jay Jalenak (Kean Miller).

SLLS is the largest non-profit provider of civil legal services to Louisiana's poor serving 22 parishes in six locations.

## Fall Expo 2014 set for Sept. 11

The Fall Expo & Conference is Thursday, Sept. 11, 2014, at L'Auberge Casino & Hotel Baton Rouge. The Law Expo Committee, chaired by Michael Brassett, is planning the event, which serves as a fundraiser for Association projects. This year's event will sport a patriotic theme.

H. Alston Johnson III will provide his annual legislative update and will serve as the luncheon speaker, at which you can earn CLE credit.

To sponsor or exhibit at this year's Fall Expo & Conference, contact Pamela at 225-214-5560 or pamelal@brba.org.

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## BRBA Website features member spotlights

The BRBA website ([www.BRBA.org](http://www.BRBA.org)) features a member spotlight section that highlights a different member at least twice a month. Names of members are selected at random, and those selected are emailed a brief questionnaire. Responses to our list of questions are used to create member spotlights, and each spotlighted member has his or her photo featured on the [www.BRBA.org](http://www.BRBA.org) during his or her article's tenure. Our website even has an archive feature, so if you hadn't noticed the member spotlight section before, you can check it out!

## Volunteer Committee needs candy-filled plastic eggs to make Easter egg hunts for kids a reality

The Volunteer Committee is getting ready for its annual Easter Eggstravaganza of Easter egg hunts, which will take place the week of April 14, 2014. A volunteer is needed to wear the bunny suit. Also, plastic eggs, individually wrapped candies to stuff the eggs with and volunteers to assist during the Easter egg hunts are needed. Drop off candy and eggs at the Middleton Bar Center, 544 Main Street. Contact Carole McGehee for more information at 225-214-5557 or [carole@brba.org](mailto:carole@brba.org).



Partners and associates of Walters Papillion Thomas Cullens, LLC, attending the February BRBA Joint Luncheon included (L to R) Abboud Thomas, J. E. Cullens, Hayden A. Moore, BRBA President Darrel J. Papillion, Monica Vela-Vick and Ed Walters.



Attending the Opening of Court, Memorial & New Member Ceremony reception were (L to R) Gordon Polozola, Valerie Judice and Judge Toni Higginbotham. The reception, which was sponsored by the Louisiana State Bar Association, provided BRBA members with an opportunity to have an updated LSBA membership card made for free.

# Volunteers Needed for LAW DAY 2014 Courtroom Sessions

The Baton Rouge Bar Foundation will celebrate **LAW DAY** on **Thursday, May 1, 2014**. Following the Opening Ceremony, middle and high school students will converge on Baton Rouge City Court and the 19th Judicial District Court for interactive courtroom sessions from 10:30 a.m. to noon. **This is where WE NEED YOUR HELP!**

All volunteers will receive a script and instructions. Your participation will help students develop a deeper understanding of our legal system, and volunteering is fun!

*To volunteer, please complete the form below and fax it to 225-344-4805; email it to: [donna@brba.org](mailto:donna@brba.org); or call Donna at 225-214-5556.*

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PHOTO BY PAMELA LABBE

Chris Hebert, Judge Janice Clark and BRBA President Darrel J. Papillion were photographed after the Feb. 27, 2014, luncheon. Judge Clark (center) spoke to the membership of the BRBA, BRAWA, FBA-Baton Rouge Chapter, and Louis A. Martinet Legal Society.



PHOTO BY PAMELA LABBE

Volunteer Committee 2014 co-chairs Francisca Comeaux (left) and Erik Kjeldsen (right) present a plaque of appreciation to outgoing co-chairs Jeanne Rougeau and Mackenzie Smith Ledet.



PHOTO BY PAMELA LABBE

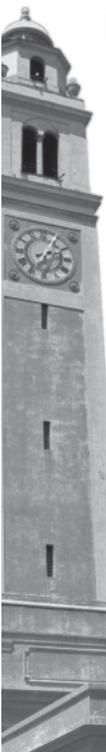
Ed Walters, Judge Robert Downing (Ret.), Judge Bonnie Jackson and Frank A. Fertitta attended the Feb. 27, 2014, joint luncheon at Juban's Restaurant.



PHOTO BY PAMELA LABBE

Louis A. Martinet Legal Society President Chris Hebert, SULC Chancellor Freddie Pitcher Jr. and Harry J. "Skip" Phillips Jr. attended the Opening of Court, Memorial & New Member Ceremony, Wednesday, Feb. 19, 2014.

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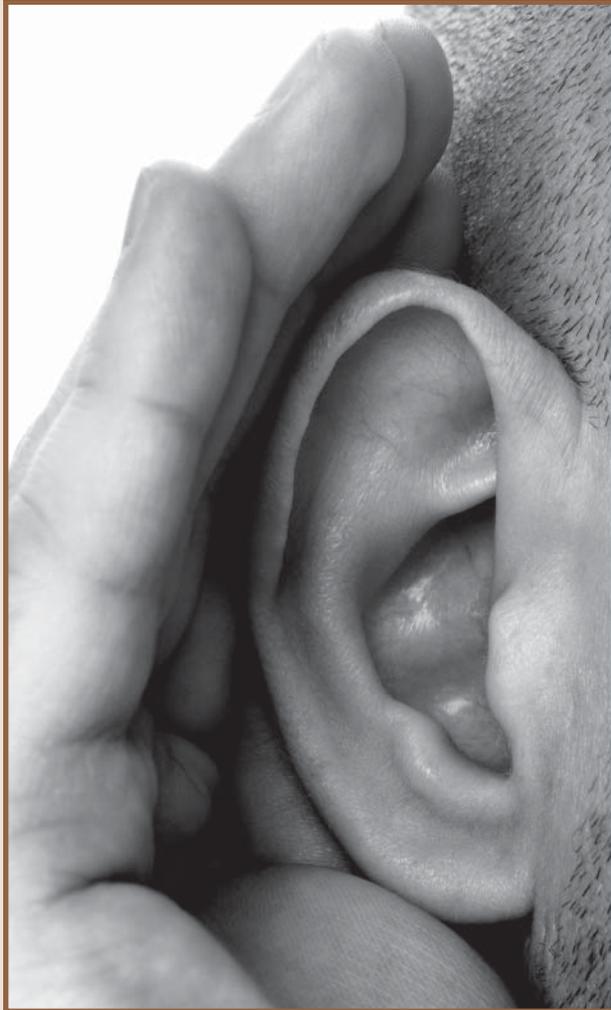
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# Who's Listening?

## Title III Wiretaps

BY JOHN McLINDON



**B**etween the years 2002 and 2012, state and federal judges across the United States received 23,925 applications for wiretaps. All but seven were granted.<sup>1</sup> In 2012, applications for wiretaps increased 25 percent from 2011. Based on past years, it appears use of wiretaps by state and federal prosecutors will continue to expand. With these numbers, it is crucial that defense counsel familiarize themselves with the Federal and State Wiretap Acts, and explore every possible defense.

The Federal Wiretap Act is found at 18 U.S.C. §§ 2510-2522. It was passed by Congress in 1968 as the Omnibus Crime Control and Safe Streets Act.<sup>2</sup>

In general terms, the legislation prohibits electronic surveillance by all but a select group of law enforcement

officers and agencies. The use of wiretaps by these agencies is limited to specific crimes enumerated in 18 U.S.C. § 2516(1). Although the statute lists many crimes for which wiretaps are appropriate, the overwhelming majority of the wiretaps are for narcotics-related investigations.<sup>3</sup>

As originally passed, the Act covered only wire and oral communications. In 1986, the statute was amended to add “electronic communications” as a new category of communications covered by the law. Electronic communications include text messages, emails, faxes and other non-voice Internet traffic and communications. *See* 18 U.S.C. § 2510(12). Law enforcement usually refer to these wiretaps as “Title III” or “T-III” wiretaps because these particular statutes were found in the third title of the 1968 Act.<sup>4</sup>

The predecessor to the Wiretap Act was the Federal Communications Act of 1934. Based on academic criticism of and general dissatisfaction with this Act, in 1968 Congress created the current Wiretap Act. Another important factor in the creation of the Wiretap Act was a series of Supreme Court decisions that addressed the constitutionality of wiretapping. In *Berger v. United States*, 388 U.S. 41 (1967), the Court struck down a New York state wiretapping statute, finding it unconstitutionally broad in scope. Another decision in 1967, *Katz v. United States*, 389 U.S. 347 (1967), also influenced the drafting of the Wiretap Act. In *Katz*, FBI agents placed an electronic eavesdropping device outside a public telephone booth from which Mr. Katz (a bookie) conducted his business. The Supreme Court rejected the idea that the Fourth Amendment protected only private property, holding: “The Fourth Amendment protects people, not places.” *Berger* recognized that although wiretapping is a more expedient form of investigation, expediency in law enforcement must ultimately yield to the requirements of the Fourth Amendment.

It should be remembered that Congress actually intended to increase protections for individuals against surveillance and recording in enacting Title III. One Senate report stated: “Title III has as its dual purpose (1) protecting the privacy of wire and oral communications, and (2) delineating on a uniform basis, the circumstances and conditions under which the interception of wire and oral communications may be authorized.”<sup>5</sup>

Against this backdrop, Congress passed Title III, which authorizes the use of wiretap surveillance in the context of a criminal case.

In order to intercept conversations between private persons, law enforcement officers must apply to a judge for authorization. Title III was designed to make wiretaps a law enforcement investigation of last resort. The law requires several steps that the government must go through prior to obtaining these wiretaps.

18 U.S.C. § 2516 provides that the Attorney General of the Department of Justice or a properly designated subordinate must authorize an Assistant United States Attorney's application for a wiretap before submitting it to a judge. The DOJ official that authorizes the application must be specifically identified in the application, and the ultimate wiretap order must also specify this person. Several reported cases uphold suppression where a wiretap application was not approved by a statutorily designated official. *See, e.g., United States v. Giordano*, 416 U.S. 505 (1974).

The real meat of the Wiretap Act is found at 18 U.S.C. § 2518, which sets forth the requirements that law enforcement must have in the application to the federal judge. These requirements include:

- 1) The identity of the law enforcement officer making the application and the identity of the DOJ official who approved the application;
- 2) A full and complete statement of the facts and circumstances relied on by the applicant to justify his belief that an order should be issued. This statement of facts must include details of the particular offense, and a particular description of the nature and location of the facilities from which, or the place where, the communications are to be intercepted. The application must also have a particular description of the type of communications sought to be intercepted, and identity of the person, if known, committing the offense, and whose communications are to be intercepted;
- 3) The application must have a full and complete statement as to whether other investigative procedures have been tried and failed, or why they reasonably appear to be unlikely to succeed if tried, or to be too dangerous;
- 4) The application must give a statement of the period of time for which the interception is required

to be maintained. This initial period cannot be longer than 30 days per 18 U.S.C. § 2518(5); and 5) The application must have a complete statement of all previous applications made to any judge for authorization to intercept communications.

The judge may also require the applicant to furnish additional testimony or documentary evidence in support of the application.

18 U.S.C. § 2518(3) provides that the judge must determine on the basis of the facts submitted by the applicant that there is probable cause to believe that an individual is committing, has committed or is about to commit a particular offense enumerated in Section 2516, and that the particular communications concerning that offense will be obtained through such interception. The judge must also find that normal investigative procedures have been tried and have failed, or reasonably appear to be unlikely to succeed or too dangerous.

As noted earlier, no order may authorize the interception of any communications for a period longer than 30 days. Extensions can be granted, but only upon a new application. Extensions cannot exceed 30 days. If the application is for the extension of an existing order, there must be a statement setting forth results obtained thus far. *See* 18 U.S.C. § 2518(5).

The orders, and any extensions, shall contain a provision that the authorization to intercept shall be executed as soon as practicable. Title III also requires that wiretaps be monitored so as to minimize interception of calls that are irrelevant or fall outside the scope of the wiretap authorization. Specifically, 18 U.S.C. § 2518(5) provides that every order shall contain a provision that the authorization to intercept shall be conducted in such a way as to minimize the interception of communication not otherwise subject to interception under this chapter. The interceptions must also terminate upon attainment of the authorized objective.

Finally, the judge who signs the order may require that reports be made to the court showing progress has been made toward the authorized objective and the need for continued interception. *See* 18 U.S.C. § 2518(6).

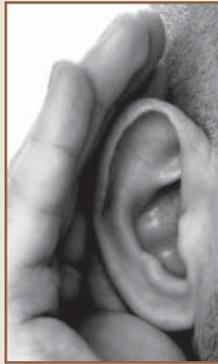
The contents of any communication intercepted, or evidence derived therefrom, shall not be received in evidence at any trial or hearing unless each party, not less

**In order to intercept conversations between private persons, law enforcement officers must apply to a judge for authorization. Title III was designed to make wiretaps a law enforcement investigation of last resort.**

than 10 days before the trial or hearing, has been furnished with a copy of the court order and the accompanying application. *See* 18 U.S.C. § 2518(9). Counsel should always request an earlier production date for the intercepted communications.

Recently in *United States v. North*, 728 F.3d 429 (5 Cir. 2013), the Fifth Circuit Court of Appeals reversed a district court's denial of a motion to suppress evidence obtained via Title III – wiretaps.

The government had obtained authorization to intercept phone calls of Mr. North. Mr. North was pulled over by law enforcement and questioned for more than three hours. After he was released, within minutes, he called a friend on his phone. This call lasted for just over an hour. Government agents listened in. North moved to suppress the evidence, arguing that the government did not engage in the required minimization. Specifically, North argued that the listening agents conducted uninterrupted monitoring of a conversation that had no objective connection to the drug smuggling investigation. The government argued that the listening agents stopped listening in on the call eight separate times for a total of six minutes and 17 seconds. The trial court



denied the motion to suppress, but the Fifth Circuit reversed. The court held that it could find no evidence to support the government's contention that the phone call was minimized. Moreover, even if minimization did occur, the court did not find the effort was objectively reasonable. The court found that the agents did not stop listening when it was made clear that the conversation was not criminal in nature.<sup>6</sup>

As noted above, the application for the wiretap must contain, and the issuing court must find, that other investigative procedures have been tried and failed, or why they reasonably appear to be unlikely to succeed if tried or too dangerous. Counsel should thoroughly explore this element. Because wiretaps are so extraordinarily invasive, Congress intended that the procedure be used only when absolutely necessary — that is, when traditional investigative methods have tried and failed. *See Giordano, supra*, at 515. The government could use a host of other investigative techniques prior to obtaining a wiretap. These efforts include search warrants, grand jury testimony/subpoenas, trash runs, financial investigations, phone records, witness interviews, cooperating informants, controlled buys and surveillance.

## GAIL'S GRAMMAR

Writers often struggle with the proper punctuation of and use of participial phrases. A participle is a verb form used as an adjective. Present participial phrases always end in "ing"; past participles have the same ending the past tense of the verb would have. The participle phrase should be set off with a comma. When used at the beginning of a sentence, the participial phrase must refer to the grammatical subject.

So what does all this English teacher talk mean? Simple: Don't make your reader guess which noun or pronoun the phrase modifies and use commas where you'd naturally pause.

### CORRECT:

Finding a genuine issue of material fact, the judge denied the motion for summary judgment.

The court granted the motion for summary judgment, finding no genuine issue of material fact.

### CONFUSING:

Exhausted after eight hours of deliberation, the bailiff watched the jury reach a compromise verdict. (Who was exhausted – the jury or the bailiff?)

*Send suggestions for future Gail's Grammar columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at 225-771-4900 (ext. 216).*

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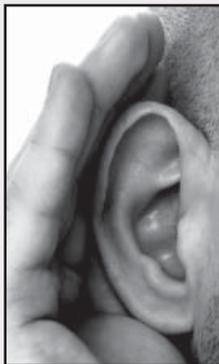


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Long ago the Supreme Court in *Olmstead v. United States*, 277 U.S. 438, 475-76, (1928), held:

The evil incident to invasion of privacy of the telephone is far greater than that involving tampering with the mails. Whenever a telephone line is tapped, the privacy of the persons at both ends of the line is invaded, and all conversations between them, upon any subject, and although proper, confidential, and privileged, may be overheard. Moreover, the tapping of one man's telephone line involves the tapping of the telephone of every other person whom he may call, or who may call him.



With the phenomenal growth of wiretap applications, and the denial of virtually none of them, defense counsel should be vigilant and ensure that all of the mandates of the Wiretap Act have been followed.<sup>7</sup> ■

<sup>1</sup>See [www.uscourts.gov/statistics/wiretapreports](http://www.uscourts.gov/statistics/wiretapreports). See also [www.epic.org](http://www.epic.org). This website purports to have kept statistics on all Title III wiretap applications from 1968 to date.

<sup>2</sup>Louisiana has its own wiretap statute, which can be found at La. R.S. 15:302-1316 *et seq.* This article does not examine the requisites of that statute. However, state wiretap laws must at a minimum comply with the requirements of the Federal Wiretap Act. See 18 U.S.C. §§ 2516(2).

<sup>3</sup>See n 1. From 2010-2012, 85 percent of applications were for narcotics cases.

<sup>4</sup>The Foreign Intelligence Surveillance Act of 1978 allows wiretapping of aliens and citizens in the United States based on the finding of probable cause to believe that the target is a member of a foreign terrorist group or an agent of a foreign power. 50 U.S.C. §§ 1801-1862

<sup>5</sup>See *United States v. Jones*, 542 F.2d 661 (6 Cir. 1966), quoting. Rep. No. 1097, reprinted in US Code Cong. & Admin. News 1968.

<sup>6</sup>In reversing the trial court, the Fifth Circuit also found that the district court did not have the requisite territorial jurisdiction for the wiretap. The *North* decision also contains a good discussion on jurisdiction as it relates to mobile devices. The topic of "roving" wiretaps will be the subject of a follow-up article.

<sup>7</sup>In addition to researching the statutes and case law, the author of this article relied on three other articles of note: 1) "Uncle Sam Is on the Line: A Title III Wiretap Primer," by Josh A. Cohen and Gail Shifman, both attorneys in San Francisco, California, presented at a NACDL seminar in Las Vegas, Nevada in 2011; 2) "Challenging Wiretap Applications as Unconstitutionally Overbroad and Lacking Particularity: The Ill-defined Amorphous Organization," The Champion, November 2011, by David Sabitz, attorney in Denver, Colorado; and 3) "Is Title III Dead? The Future of Wiretap Challenges in the Wake of *Rajaratnam*," The Champion, September 2013, by Josh A. Cohen.

# FORMER SOCIAL SECURITY JUDGE PETER J. LEMOINE

## Social Security Disability Law Offices in Alexandria, Baton Rouge, Cottonport

Adjunct Professor (1994-1997), Northwestern State University

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

**PUBLISHED ARTICLES:** "The Worn-Out Worker Rule Revisited,"  
"Significant Work-Related Limitations of Function Under §12.05C,"  
"Questionable Retirement and the Small Business Owner,"

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

# 225-922-4551



## Interview with Col. John Dunlap

BY JEFF WITTENBRINK

*When I originally met up with John Dunlap for this interview, he had been mobilized with the National Guard for hurricane preparations. He met me with a broad smile and open hand, dressed in his camo fatigues. His dress was a stark contrast to the rest of the office, where lawyers, secretaries and paralegals scurried around in their civilian clothes. He is a partner in the law firm, Dunlap Fiore, LLC.*

*John is 51 years old, and is a full Colonel in the Louisiana National Guard. John is the father of three girls, Elizabeth, Emily and Camille. Elizabeth is 21 and a chemical engineering major at Vanderbilt. Emily, who is 19, goes to Greater Baton Rouge Hope Academy. His youngest daughter, Camille, is 14. She is a freshman at St. Joseph's Academy.*

**ATB: How long have you been practicing law?**

JD: Since 1989.

**Q: Where did you go to school?**

JD: Loyola School of Law; I went to LSU undergrad.

**ATB: Were you in the active Army?**

JD: When I graduated from law school, I went on active duty with the Army Judge Advocate General's Corps. I spent three years on active duty, from '89 to '92. While I was on active duty, I was stationed in Ansbach, Germany, with the 1st Armored Division. I was a prosecutor for the attack helicopter brigade of the 1st Armored Division.

**ATB: What did you do on your tour?**

JD: I had a really, really interesting tour of duty. About a year into my assignment we were alerted when Saddam Hussein invaded Kuwait in August 1990, and immediately began preparations for overseas movement to Saudi Arabia for Operation Desert Shield. The division was the largest tank division in the army, and was going to be a key element of what became Operation Desert Storm, the invasion of Iraq.

We deployed to Saudi Arabia in December 1990, set up a forward operating base, and then in February 1991 we invaded Iraq. The famous 100-hour war. My unit fought the largest tank battle ever in military history, the Battle of Medina Ridge.

**ATB: How many tanks did they have?**

JD: It was a 2nd Brigade of the 1st Armored Division versus the Medina Division of the Republican Guard. I don't want to guess on the record as to how many vehicles there were; someone will correct me.<sup>1</sup>

There were lots of tanks, and you throw in the Armored Fighting Vehicles, those Bradleys, and the helicopters; it was a great battle from the standpoint of the U.S. versus the Iraqis using the Soviet T72, their newest and best tank, and we were using our M1 Abrams tanks. The U.S. armor slaughtered the Iraqi armor. That deployment, which was roughly six months, was a significant event in my life, and taught me a lot about myself and about people and service to your country. I learned a lot about the need for attorneys on the front and the battlefield.

**ATB: Let me ask you about that. Why do you think we need lawyers on the battlefield? I don't think the average person thinks about lawyers on the battlefield.**

JD: We actually have a core function in the JAG Corps called "Operational Law" now. One of the key responsibilities that we have in the JAG Corps is establishing a rule of law in nations where we are currently conducting operations, and so, operational law is a big deal in the JAG Corps. Operational law is everything from the rules of engagement, to detainee operations, to enforcement of the laws of the Geneva Convention. Contingency contracting is a huge part of it. You move a force into another country, you need to buy food, you need to buy pure water, you need to contract for waste disposal, you know, for hygiene, laundry services, maintenance of the vehicles, you've got to buy gas. All of these things have got to be contracted and all those contracts need to be written and given a legal review.

**ATB: How did they used to do it? I mean, before you had lawyers doing this stuff? In WWII, did we go into the Battle of the Bulge and have to stop to buy gas and carry all that stuff with us?**

JD: As a matter of fact, we did. The armies of old had huge logistical trains behind them; that's why Napoleon was unsuccessful invading Russia. He couldn't sustain his army with that long of a logistical tail. In today's world, we contract for that; either with U.S. contractors that support the force in the field, or with local nationals. So, contracting is a big deal. And, also, when I was in Iraq a second time, Iraq reconstruction, my unit did \$970 million dollars in Iraq reconstruction work. Having \$970 million dollars under your management is a significant amount of work for a lawyer.

Commanders always struggle with the rules of engagement, and in Afganistan they've had the most complicated rules of engagement we've ever had in our history. In preplanned combat missions attorneys have the

opportunity to participate with the operations officers who are planning the mission, and do a legal review of the operation, to make sure that the unit understands the rules of engagement. All the targets of the operation must be vetted and cleared and are declared lawful targets. It is against the law to target, for instance, a hospital. By law commanders have to plan to minimize collateral damage, and attorneys help commanders weigh the proportionality of the weapons systems they want to use in the mission. So, if you can accomplish the mission with a rifle, then you don't use a howitzer. Right?

**ATB: Right.**

JD: Because of the collateral damage that might occur. So, if you're shooting at somebody, and behind that person is an orphanage, and you're using a heavy machine gun and the bullets are going past that person, then you've got a collateral damage problem. So, commanders have to think about of all these rules.

If you capture people you have to have a plan for detainee operations. All of the laws of war are in effect with respect to the Geneva and Hague Conventions. And soldiers have be trained on how to do that; they don't just know it automatically, and lawyers do that training on rules of engagement, Geneva Convention, detainee operations.

**ATB: The National Guard has been mobilized for our major storms as well?**

JD: Yes. There were full mobilizations for Hurricanes Katrina, Rita, Gustav and Ike.

**ATB: What kind of legal issues come up in Emergency Preparedness?**

JD: They're endless, Jeff. It tends to be very heavy lifting for the lawyers in domestic operations. Domestic operations is another area of practice in the JAG Corps, and we have now a domestic operational law handbook.

One interesting aspect of domestic operations law has to do with the funding of National Guard operations. The governor has the option to request DOD funding, which he did for the oil spill. And the Secretary of Defense agreed to fund our operations. When that occurs the status of the forces is very important in the legal analysis when something goes wrong. If we are being funded by the federal government, then any negligent acts resulting in damage to other persons are processed under the Federal Tort Claims Act, and we are indemnified by the federal government for our activities. If our operations are not being funded by the federal government and we are on a state active duty status, then if we get into an accident, that is risk litigation handled by the state Attorney General.

**ATB:** How does it work, if you've already got a declared emergency and there is an another declared emergency? So, an emergency within another emergency.

**JD:** Yes those are two separate emergencies under federal law. Emergencies have to be viewed through something called the Stafford Act. The Stafford Act is the federal law that created FEMA. It has measurements for funding emergency responders, reimbursing state and local government for their emergency response and all the other things that FEMA does, but the reimbursement itself goes to the governor's office, which mobilizes the National Guard. When we are in state active-duty status, then the state gets reimbursed from that 80 percent under the Stafford Act.

If the event is large enough, the governor can ask the Secretary of Defense to fund National Guard operations. If Louisiana needs another state's National Guard to assist and it becomes a multi-state response, then it is likely that the federal government will fund under Title 32 of the U.S. Code. Louisiana will then borrow guardsmen from other states. For instance, in Katrina, which was federally funded, all 50 states sent National Guard troops to Louisiana. I am going to say there were 40,000 to 44,000 guardsmen in Louisiana. That was after Katrina, from all 50 states. It was the largest domestic mobilization of state

militias since the Civil War.

*At this point our conversation was interrupted by planes flying by overhead — roaring by. John was looking out the windows for the planes and explained, "We have an F-15 fighter wing stationed in Belle Chase, La. The 159th Fighter Wing of the Louisiana Air National Guard."*

**JD:** When you conduct deliberate military-mission planning, you develop multiple courses of action. Normally my boss would brief the governor on multiple courses of action available to him and the sources of funding for those courses of action. Then when the governor chooses a course of action, we have done all of the work.

I completely missed Katrina, I didn't get home from Iraq until the day before Hurricane Rita hit.

**ATB:** The National Guard has a really big mission. You guys are off doing foreign wars along with the regular Army and Marines and everything else and you are here doing domestic emergencies and hurricanes. And, I suppose, if there was any kind of military, you know if we were invaded by Mexico ...

**JD:** Obviously we would be involved if there were another terror attack so, yes, the National Guard has a huge

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homeland security and homeland defense mission. For example, the President sent the National Guard to our Mexican Border as part of a border security mission and into airports after 9/11 as part of operation Noble Eagle. The President cannot use active duty military forces for police work because of something called the Posse Comitatus Act. But when the President uses the Guard for federal domestic operations, it gets complicated because of the notion of state sovereignty, so Congress developed an arrangement that allows the President to fund National Guard operations without the governor losing command and control of his state's military forces.

**ATB:** As opposed to ...

**JD:** Putting us under the command and control of the President.

**ATB:** So, when the President sends active duty troops to assist in a disaster, he's not going to be in command of those troops.

**JD:** Right, he's just funding them. The governor is in command. One of the other things we do in domestic operations that requires a lot of oversight is a federally funded counter-drug program where we use our helicopters

and night vision to assist local law enforcement, and their counter-drug programs. That's everything from interdicting drug smugglers, to identifying drug deals happening out on the street corner of a city or town.

**ATB:** Do you have to do that a lot?

**JD:** We do have a fairly significant counter-drug program in the Louisiana National Guard. We have an asset forfeiture arrangement with the state and federal partners so that we get some of the asset forfeiture. That all requires legal review.

**ATB:** So how does all this work out with being a regular lawyer in private practice?

**JD:** I have two full-time jobs.

**ATB:** Is the National Guard actually considered a full-time job?

**JD:** No, it's not. I am considered a weekend warrior, but because of my position, I have to do a lot during the week. I supervise five full-time Judge Advocates who work in Baton Rouge and New Orleans and 17 part-time Judge Advocates who are in units across the state from Pineville

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#### Contact:

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to Lafayette to Baton Rouge to New Orleans.

JD: I am very passionate about JAG Corps, about having the best lawyers that we can recruit and providing the best legal advice to our commanders and our soldiers and Airmen because they deserve it. And I have a very, very low tolerance for sloppy legal work in the military. Lives are at stake.

**ATB:** What about your partners in your private practice? What kind of issues arise when you have to go off and be gone?

JD: Everybody in the law firm is very supportive of my military practice. They have to be prepared for me to leave the office with little or no notice and pick up the slack. I was gone from my law practice for 18 months in 2004–2005 when I was deployed to Iraq.

*Dunlap Fiore, LLC, has seven lawyers. They are a boutique commercial litigation law firm concentrating in business and construction disputes. A growing area of their practice nationally is representing federal contractors and sureties in contract disputes with the federal government*

*before appeal boards and U.S. Court of Claims. Still in the National Guard, Colonel Dunlap is now in his 25th year of service. Dunlap received his Master's degree in Strategic Studies from the U.S. Army War College in 2012. He is the recipient of numerous awards and decorations including the Combat Action Badge and the Bronze Star Medal (two awards).*

*We concluded our interview over the phone, much later. It was not until I asked that he admitted that he was in New York City at the ABA Surety Law section meeting. He is heavily involved in surety work when the federal government is an obligee, and had just finished lunch at Del Frisco's with a bunch of claims managers. John is also a member of ABA Surety Law Section, the National Bond Claims Association and Surety Claims Institute.■*

<sup>1</sup> The Battle of Medina Ridge is reportedly the largest tank battle in U.S. history. The 1st Armored Division, commanded by Major General Ron Griffith, consisted of some 3,000 vehicles including 348 M1A1 Abrams tanks. [http://en.wikipedia.org/wiki/Battle\\_of\\_Medina\\_Ridge](http://en.wikipedia.org/wiki/Battle_of_Medina_Ridge).

**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](mailto:donna@brba.org)  
or R. Lynn Smith Haynes  
at 225-214-5564  
or [lynn@brba.org](mailto:lynn@brba.org).



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# foundation footnotes

PRO BONO & TEEN COURT REPORTS — FEBRUARY 2014

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

## PRO BONO PROJECT REPORT

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

The Thirst for Justice volunteers in February were Terry Bonnie; Scott Gaspard; C. Kevin Hayes, *Adams & Reese*; Byron Kantrow; J. Eric Lockridge, *Kean, Miller*; Glenn Marcel; Allen Posey; T. MacDougall Womack, *Taylor, Porter, Brooks & Phillips, LLP*; and James Zito.

The Ask-A-Lawyer volunteers were James Austin, *Adams and Reese*; Terry Bonnie; John Hopewell, *Certain Title*; Denise Lee, *Louisiana Workforce Commission*; and Paul Matzen.

The Self Help Resource Center attorney volunteers were Steve Adams; Joseph Ballard, Todd Manuel, *Entergy Services, Inc.*; Roy Bergeron, *Phelps Dunbar*; Ryan Brown, *Roedel, Parsons*; Nicolette Colly, *Louisiana Dept. of Justice*; Jennifer Gauthreaux Prescott, *deGravelles, Palmintier, Holthaus & Frugé*; Kellen Mathews, Rebecca Smith, *Adams & Reese*; Cody Passman, *Postlethwaite & Netterville, CPA*; and Sarah Thigpen.

The following volunteers accepted pro bono cases in February: Jason Bonaventure, *Dunlap Fiore*; Siobhan Leger, *Legacy Center of Louisiana, LLC*; Victor Loraso, *Carleton, Loraso & Hebert, LLC*; Gary McKenzie, *Steffes, Vingiello & McKenzie*; Robert Reiger, *Adams & Reese*; Amanda Stout, *McGlinchey Stafford, PLLC*; Sarah Thigpen; M. Janice Villarrubia, *Law Office of M. Janice Villarrubia, LLC*; Aub Ward, *Naquin & Ward*; and James Zito. ■



## TEEN COURT REPORT

Raveen Hills and Monica Vela-Vick served as judges for the February Teen Court hearing. Raveen Hills and Curtis Nelson presented an overview of the juvenile justice system Feb. 18, 2014, including an interactive lesson on "The Case of Gerry Gault" to teens at the Family and Youth Service Center.

## JUNIOR PARTNERS ACADEMY

Steve Carleton, Melanie Fields, Gail Grover, Jamie Gurt, Raveen Hills, Wendy Shea, Lykisha Vaughan and Sirena Wilson, along with *Southern University Law Center* volunteers Ebony Morris and Ericka Jackson met with seven classes Feb. 21, 2014, at Dalton Elementary School. Presentations included *Brown v. Board*, *Plessy v. Ferguson* and The Civil Rights Act of 1964.

Wendy Shea gave presentations to the second- and third-grade classes at Southern University Lab School on Feb. 18, 2014. ■

*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.*

**VOLUNTEERS ARE NEEDED  
FOR A NEWLY FORMED  
LAW CLUB  
FOR TEENS IN THE  
GARDERE AREA.**

We need lawyer volunteers to help with a law club the BRBF is starting for middle and high school students in the Gardere area. You will be working with teens as they learn more about the field of law.

**To volunteer, please contact  
Lynn Haynes at [lynn@brba.org](mailto:lynn@brba.org)  
or 225-214-5564.**



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# April 2014

		1	2	3	4	5
6	7	8	9	10	11	12
13	14	15	16	17	18	19
20	21	22	23	24	25	26
27	28	29	30			



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

## Duty Court Schedule

### 19<sup>TH</sup> JDC CIVIL COURT

March 24-April 4 Judge Bates  
 April 7-April 18 Judge Caldwell  
 April 21-May 2 Judge Fields

### 19<sup>TH</sup> JDC CRIMINAL COURT\*\*\*

March 28-April 4 Judge Marabella  
 April 4-April 11 Judge Anderson  
 April 11-April 18 Judge Erwin  
 April 18-April 25 Judge Jackson  
 April 25-May 2 Judge Daniel

### BATON ROUGE CITY COURT\*

March 31-April 6 Judge Wall  
 April 7-April 13 Judge Alexander  
 April 14-April 20 Judge Ponder  
 April 21-April 27 Judge Prosser  
 April 28-May 4 Judge Temple

### FAMILY COURT\*\*

March 31 Judge Baker  
 April 1 Judge Woodruff-White  
 April 2 Judge Day  
 April 3 Judge Lassalle  
 April 4 Judge Baker  
 April 7 Judge Baker  
 April 8 Judge Woodruff-White  
 April 9 Judge Day  
 April 10 Judge Lassalle  
 April 11 Judge Baker  
 April 14 Judge Baker  
 April 15 Judge Woodruff-White  
 April 16 Judge Day  
 April 17 Judge Lassalle  
 April 18 GOOD FRIDAY  
 April 21 Judge Baker  
 April 22 Judge Woodruff-White  
 April 23 Judge Day  
 April 24 Judge Lassalle  
 April 25 Judge Lassalle  
 April 28 Judge Baker  
 April 29 Judge Woodruff-White  
 April 30 Judge Day

### JUVENILE COURT

April 1-April 30 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 is completely different each day, rotating on Fridays \*\*\*19th JDC Criminal Court changes each Friday at noon*

### COURT HOLIDAYS

Friday, April 18 Good Friday  
 Friday, April 25 Professional Development Day (offices closed to public)

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**BATON ROUGE OFFICE SPACE:** Established firm; 201 Napoleon St., Downtown near 19th JDC and Federal courthouses, area for support staff, off-street parking, conference room, copier, phone, fax, internet, etc. Some over-flow work available. Call Scott Gegenheimer: 225-346-8722.

### VOLUNTEERS NEEDED FOR COURTROOM SESSIONS

## Law Day - May 1, 2014

Contact Donna Buuck for more information: 225-214-5556 or donna@brba.org.

## Calendar of Events

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

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

- 2** Ask-A-Lawyer, 9:30-11:30 a.m., Livingston Parish Council on Aging; Law Day Committee meeting, 12 p.m.
- 9** Pro Bono Committee meeting, 12 p.m.
- 10** Annual Spring Judges' Conference; Teen Court Session, 4-8:30 p.m.
- 11** Annual Spring Judges' Conference; Youth Education Committee, 12 p.m.; Louisiana Bar Foundation 2014 Gala, Hyatt Regency New Orleans
- 14** Publications Committee meeting, 8:30 a.m., Walters Papillion Thomas Cullens, LLC
- 15** Bench Bar Comm. meeting, 12-1 p.m.
- 15** Easter Egg Hunt, University Terrace, 1:30 p.m.
- 16** Finance Committee meeting, 7:30 a.m.; Executive Committee meeting, 8 a.m.; Ask-A-Lawyer, 9-11:30 a.m., Catholic Charities; Easter Egg Hunt, St. Francis Xavier, 10:30 a.m.
- 17** Family Law Section Meeting & CLE, Juban's, 12-1:30 p.m.; Easter Egg Hunt, Dufrocq, 2 p.m.
- 18** BRBA Office Closed — Good Friday
- 23** YLS Council meeting, 12 p.m.; Board of Directors meeting, Juban's, 6 p.m.
- 24** Teen Court Committee meeting, 12 p.m.
- 26** Ask-A-Lawyer, 9:30-11:30 a.m., Central Branch Library; Volunteer Committee Activity, JDRF Gala, 6-8 p.m.
- 28** Teen Court Hearing, Armed Forces Reserve Center, 8110 Innovation Park Dr.

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<b>Construction</b>	<b>Professional Liability</b>
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## 2014 BRBA VOLUNTEER COMMITTEE PROJECTS

*Chaired by Francisca Comeaux  
and Erik Kjeldsen*

**April 14-17**

*Assist with Easter  
Eggstravaganza Project*

**April 26**

*Juvenile Diabetes  
Research Foundation  
(assist at Denim  
and Diamonds  
gala to raise funds for  
Juvenile Diabetes)*

**June**

*Summer Reading  
Program (dates TBA)*

**August**

*Louisiana Public  
Broadcasting (LPB)  
project (date TBA)*

**November**

*Braveheart*

*Call Carole McGehee  
for more information:*

**225-344-4803**

**SAVE THE DATE:  
*CLE on the GEAUX***

at the

**Houston, Texas  
(Sept. 5, 2014)  
LSU v. Wisconsin game**

**For more information,  
contact Ann K. Gregorie  
at 225-214-5563 or [ann@brba.org](mailto:ann@brba.org)**

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