

Around

THE MAGAZINE OF THE
BATON ROUGE BAR ASSOCIATION

No. 251, November 2011

the Bar

**Bar Luncheon:
Thursday, Nov. 3**

Inside:
Attorney / client
communications during
deposition breaks

Social engineering

Attorney spotlight:
Victor R. Loras III

Judicial interview:
Judge Robin J. Free

In memoriam:
Eddie Anderson

**Technology Committee
unveils new website**





CLE BY THE HOUR 2011 AT THE CROWNE PLAZA HOTEL

LOCATION: Crowne Plaza Hotel, Baton Rouge, La. — 4728 Constitution Ave.

EARLY REGISTRATION: \$30/hr. for BRBA members; \$45/hr. for non-members by 5 p.m., Friday, Nov. 18, 2011.

REGULAR REGISTRATION: \$45/hr. for BRBA members; \$60/hr. for non-members after 5 p.m., Nov. 18, 2011.

LATE REGISTRATION: \$55/hr. for BRBA members; \$70/hr. for non-members beginning Dec. 7, 2011. "No Shows" will be billed. To be considered registered, both payment and registration must be received by the BRBA office. It is the policy of the BRBA CLE Committee that no refunds will be given for cancellations received within 48 hours prior to each seminar. Time is allowed for lunch on your own each day from 12:31 to 1:39 p.m. **Wireless access is available in the meeting room. Materials will be made available online in advance of the seminar. Register online at www.BRBA.org.**

*Ethics; **Professionalism, ~Law Office Management

Please check your requested seminars.

Thursday, Dec. 8, 2011

TIME	CREDIT	TOPIC	PRESENTER
<input type="checkbox"/> 8:00-9:00 am	1.0	Professionalism**	Gene Groves
<input type="checkbox"/> 9:10-10:10 am	1.0	Ethics*	Richard Lemmler
<input type="checkbox"/> 10:20-11:20 am	1.0	Recent Developments in Successions and Donations	Joseph Mengis
<input type="checkbox"/> 11:30am-12:30 pm	1.0	Sustainable Development and the Commercial Transaction	Randy Roussel
<input type="checkbox"/> 1:40-2:40 pm	1.0	Selected Issues in Home Improvement Contractor Fraud	Mark Moreau
<input type="checkbox"/> 2:50-3:50 pm	1.0	Small Successions Affidavits & Clearing Property Title	R. Paul Tuttle
<input type="checkbox"/> 4:00-5:00 pm	1.0	Medicare Set Asides: Practical Effects of a Highly Technical Law	Greg Bodin

Friday, Dec. 9, 2011

TIME	CREDIT	TOPIC	PRESENTER
<input type="checkbox"/> 8:00-9:00 am	1.0	Workers' Comp	Charles Davoli
<input type="checkbox"/> 9:10-10:10 am	1.0	Real Estate Acquisitions & Closings	Clay Tanner
<input type="checkbox"/> 10:20-11:20 am	1.0	An Overview of the IRS Collection Process: What Happens When you Owe the IRS and Are Unable To Pay in Full	Ardis Agosto
<input type="checkbox"/> 11:30am-12:30 pm	1.0	Tax Advocacy in IRS Disputes	David S. Gunn
<input type="checkbox"/> 1:40-2:40 pm	1.0	Family Law	Michael Aaron
<input type="checkbox"/> 2:50-3:50 pm	1.0	Ethical Considerations in Corporate Criminal Investigations: A Primer for Civil Practitioners*	David R. Dugas
<input type="checkbox"/> 4:00-5:00 pm	1.0	Professionalism**	Kelly Legier

Thursday, Dec. 15, 2011

TIME	CREDIT	TOPIC	PRESENTER
<input type="checkbox"/> 8:00-9:00 am	1.0	An Overview of the 19th JDC Drug Court; Sentencing in the 19th JDC	Hon. Anthony Marabella
<input type="checkbox"/> 9:10-10:10 am	1.0	Ethical Considerations in Jury Selection*	Amy Groves
<input type="checkbox"/> 10:20-11:20 am	1.0	Business Valuation Update	Ralph Stephens
<input type="checkbox"/> 11:30am-12:30 pm	1.0	Professionalism**	Hon. Jay Zainey
<input type="checkbox"/> 1:40-2:40 pm	1.0	High Profile Cases and Media Relations	Mary Olive Pierson
<input type="checkbox"/> 2:50-3:50 pm	1.0	Family Law	Jack Dampf
<input type="checkbox"/> 4:00-5:00 pm	1.0	Why a Hospital ER Can't Turn You Away and What Happens If It Does: EMTALA & Enforcement Actions	Emily Grey

Friday, Dec. 16, 2011

TIME	CREDIT	TOPIC	PRESENTER
<input type="checkbox"/> 8:00-9:00 am	1.0	TBA	Jason MacMorran
<input type="checkbox"/> 9:10-10:10 am	1.0	Section 529 Qualified Tuition Programs	Robert Schmidt
<input type="checkbox"/> 10:20-11:20 am	1.0	Assisting the Veteran: Pension Benefits/Other Problems & Solutions	Howard Bushey & Marcus Foote
<input type="checkbox"/> 11:30am-12:30 pm	1.0	Administrative Procedures for Enforcing Special Education Rights	Danielle Munro
<input type="checkbox"/> 1:40-2:40 pm	1.0	Professionalism: Don't Believe the Headlines!**	Billy King
<input type="checkbox"/> 2:50-3:50 pm	1.0	Ethics: Recent Developments in Disciplinary Proceedings*	Robert S. Kennedy
<input type="checkbox"/> 4:00-5:00 pm	1.0	Professionalism**	Hon. John Michael Guidry

Thursday, Dec. 29, 2011

TIME	CREDIT	TOPIC	PRESENTER
<input type="checkbox"/> 8:00-9:00 am	1.0	Ethics in Employment Law*	Murphy Foster III
<input type="checkbox"/> 9:10-10:10 am	1.0	Professionalism: Alcohol & Drug Abuse in the Legal Profession**	Joseph E. Stockwell III
<input type="checkbox"/> 10:20-11:20 am	1.0	Hydraulic Fracturing: Legal Issues	Keith Hall
<input type="checkbox"/> 11:30am-12:30 pm	1.0	Class Action Update	J. R. Whaley
<input type="checkbox"/> 1:40-2:40 pm	1.0	Cross Examination	John McLindon
<input type="checkbox"/> 2:50-3:50 pm	1.0	Identity Theft: Protecting Your Client's Information~	Robert Woosley
<input type="checkbox"/> 4:00-5:00 pm	1.0	Deepwater Horizon: an Update after 20 Months	Michael Palmintier

Friday, Dec. 30, 2011

TIME	CREDIT	TOPIC	PRESENTER
<input type="checkbox"/> 8:00-9:00 am	1.0	Professionalism**	TBA
<input type="checkbox"/> 9:10-10:10 am	1.0	Ethical Voir Dire on the Unspeakable: Addressing Complex and Uncomfortable Topics during Jury Selection*	Franz N. Borghardt
<input type="checkbox"/> 10:20-11:20 am	1.0	Billions in Baby Boomer Retirement Benefits: Time of Boggs A-Changin'?	Todd Gaudin, Marcus Foote & Bruce Kuehne
<input type="checkbox"/> 11:30am-12:30 pm	1.0	Attorney Audit Techniques Guide	Brandon Lagarde
<input type="checkbox"/> 1:40-2:40 pm	1.0	Ethics*	Hon. Douglas Dodd
<input type="checkbox"/> 2:50-3:50 pm	1.0	Ethics*	Johanna Averill
<input type="checkbox"/> 4:00-5:00 pm	1.0	Professionalism**	TBA

THREE WAYS TO REGISTER: MAIL this entire page, along with your payment, to: BRBA, P.O. Box 2241, Baton Rouge, LA 70821; REGISTER AND PAY ONLINE by credit card at www.brba.org; FAX registration form and credit card information to 225-344-4805.

I am registering for _____ hours @ _____ per hour = \$ _____ Total amount due

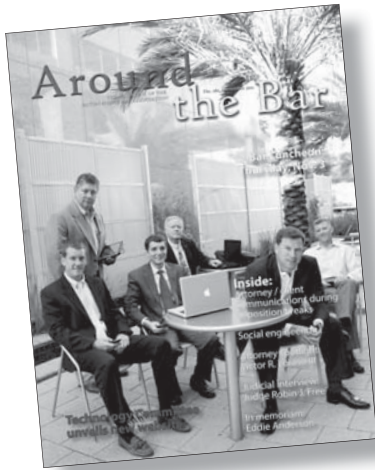
Name: _____ Firm: _____ Bar Roll #: _____

Address: _____ City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____ E-mail: _____

Credit Card Account No.: _____ Expiration: _____ Type of Card: (circle one) MC VISA AmEx Discover

Security Code: _____ Name on Card: _____



On the cover:

This month's cover image features the 2011 Technology Committee. The new BRBA website (www.BRBA.org) is now live, and the Technology Committee played a major role in making the BRBA's vision become a reality. Photographed are (L to R) Michael Platte, Richard Sherburne (standing), Bryan G. Jeansonne, Jim Murray, Stephen Babcock (vice chair) and Adrian Nadeau (chair). Pamela Labbe is the staff liaison to the Technology Committee.

The photo was taken on the outdoor patio of the downtown II City Plaza building, home to the Kean Miller Law Firm and Phelps Dunbar, and future home to Zolia Bistro & Enoteca.

Cover photography by Pamela Labbe.

Jerry F. Pepper, a long-time past chair of the Technology Committee, is photographed viewing the BRBA website on his Blackberry Playbook by RIM. Be sure to check out the new website at www.BRBA.org.



- 4 Contributors
- 5 Letter from the president
"Meet the Fockers rewind" BY PRESTON J. CASTILLE JR.
- 6 Bar luncheon
- 7 Message from the chair
"The more you give, the more you get" BY ZELMA M. FREDERICK
- 8 Gail's grammar
- 9 Tales from the bar side
"Reading between the lines" BY VINCENT P. FORNIAS
- 10 "The cream rises to the top" BY CHRISTOPHER K. JONES
- 12 "The threat of social engineering" BY DAN GARDINER, CPA, MBSS
- 15 In memoriam
"Remembering Eddie Anderson" BY ROBERT COLLINS
- 16 "Attorney / client communications during deposition breaks in federal court: Privileged or open for discussion?" BY BRANDI COLE
- 19 Attorney spotlight
"Interview with Ball Maul Chair Victor R. Loras III" BY CHLOE EUSTON
- 20 Judicial interview
"Interview with Eighteenth Judicial District Court Judge Robin J. Free" BY RACHEL L. EMANUEL
- 24 Bar news
- 27 West's Jury Verdicts – Baton Rouge
- 28 2012 Slate of nominees
- 30 Foundation footnotes

CORRECTION:

The October 2011 *Around the Bar* cover photo identification information on page 3 incorrectly listed ALVIN WASHINGTON, a member of the BRBF Pro Bono Committee, as someone else. We apologize for the misidentification.

Scan this code with your smart phone. If you don't have a QR code reader for your smart phone, you can download one for FREE at www.beetag.com. If you don't have a smart phone, enter www.BRBA.org to view our new website.



contributors



Preston J. Castille Jr., a partner with Taylor, Porter, Brooks & Phillips, is the 2011 president of the Baton Rouge Bar Association.

Brandi Cole, an associate with Phelps Dunbar, LLP, is a contributing writer.



Robert Collins, general counsel for the Louisiana Office of Inspector General, is a member of the Publications Committee.

Rachel L. Emanuel, director of communications and development support for the Southern University Law Center, is a member of the Publications Committee.



Chloe Euston served as the Summer 2011 BRBA communications intern.

Vincent P. Fornias, an assistant editor of *Around the Bar*, is a solo practitioner whose practice focus is alternative dispute resolution.



Zelma M. Frederick, an associate with McGlinchey Stafford, is the vice chair of the Holiday Star Committee.

Dan Gardiner, CPA, MBSS, a director in the consulting department of Postlethwaite & Netterville, is a contributing writer.



Christopher K. Jones, a partner with Keogh, Cox & Wilson, is the co-chair of the 2011 Athletic Committee.

Pamela Labbe is the communications coordinator of the Baton Rouge Bar Association.

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



Published by the Baton Rouge Bar Association
P. O. Box 2241, Baton Rouge, LA 70821
Phone (225) 344-4803 • Fax (225) 344-4805
www.brba.org

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.

OFFICERS

Preston J. Castille Jr., President387-3221
Gail S. Stephenson,
President-elect771-4900, ext. 216
Michael S. Walsh, Treasurer344-0474
Darrel Papillion, Secretary236-3636
Fred T. Crifasi, Past President766-0014

DIRECTORS AT LARGE

Robert "Bubby" Burns Jr. Linda Law Clark
Jeanne Comeaux Karli Glascock Johnson
Kyle Ferachi Amy C. Lambert
Laurie Marien, Ex Officio
Nina Hunter, Ex Officio
Amanda Stout, Ex Officio

ABA DELEGATE Emily Black Grey

APPELLATE SECTION

Eugene Groves.....Chair

CONSTRUCTION LAW SECTION

Jason Bonaventure.....Chair
Steven Loeb.....Past chair

FAMILY LAW SECTION

Laurie Marien.....Chair
Wendy L. Edwards.....Chair-elect
Thomas Hessburg.....Secretary
Melanie N. Jones.....Past Chair

PUBLIC LAW PRACTICE SECTION

Nina Hunter.....Chair
Henry Graham.....Chair-elect
Lenore Heavey.....Secretary
Kelly Haggard.....At Large
Kacy Collins.....Judicial Branch Rep.
Leticia Mabry.....Executive Branch Rep.
Kimberly Robinson.....Private Attorney Rep.
Deidre Deculus Robert.....City Government Rep.
Sannetria Pleasant.....Attorney General Rep.
Sheri Morris.....Past chair

WORKERS' COMPENSATION SECTION

Robin L. Krumholt.....Co-Chair
Debra T. Parker.....Co-Chair
Michelle M. Sorrells.....Co-Chair
Judge Pamela Moses Laramore

YOUNG LAWYERS SECTION OFFICERS

Amanda Stout, Chairman382-3693
Jamie Hurst Watts, Chairman-elect922-5110
Lyla N. DeBleux, Secretary382-3166
Catherine S. Giering, Past Chair.....343-5290

YOUNG LAWYERS SECTION COUNCIL

Sebastian Caballero Ashton Adam Thames
Scotty Chabert Laranda Moffett Walker
Victor J. Suane Jr.

BATON ROUGE BAR ASSOCIATION STAFF

Ann Gregorie Scarle, Executive Director 214-5563
Donna Buuck, Youth Education Coordinator 214-5556
Emily Chambers, Pro Bono Coordinator 214-5558
Meredith French, Administrative Assistant 344-4803
R. Lynn S. Haynes, Asst. Teen Court Coordinator 214-5564
Robin Kay, Pro Bono Coordinator 214-5561
Susan Kelley, Office Manager 214-5559
Pamela Labbe, Communications Coordinator 214-5560
Carole McGehee, Lawyer Referral Coordinator 214-5557
Julie Ourso, Bookkeeper 214-5572

PUBLICATIONS COMMITTEE

Editor: Edward J. Walters Jr.— 236-3636
Assistant Editors:
Vincent P. Fornias — 769-4553
Gail S. Stephenson — 771-4900, ext. 216
Graphic Design / Ad Sales: Pamela Labbe — 214-5560

Robert Collins Kate Bailey Labue Katie E. Sumner
Amy E. Counce Dale Lee Art Vingello
Lani Durio John McLindon Jeff Wittenbrink
Rachel Emanuel Christopher K. Odinet Robert A. Woosley
Greg Gouner Jessica Orgeron Monika Wright
Marshall Grodner Darrel Papillion
Lexi Holinga Gracella Simmons

All Rights Reserved • Copyright ©2011

JOE MURRAY

EXPERIENCE DOES MATTER!

- Trial lawyer for 29 years • Mediator since 1993
- AV rated • Over 3,000 mediations conducted
- Selected by peers to be included in *The Best Lawyers in America* in the field of Alternative Dispute Resolution

TOLLFREE 800.884.9939
MEDIATE@ADRINCORPORATED.COM • WWW.ADRINCORPORATED.COM

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 2,000 words, typed and single-spaced. A Microsoft Word file should be e-mailed as an attachment to: pamela@BRBA.org.

For advertising information call Pamela Labbe at 225-214-5560. Display ads should be e-mailed as a high-resolution attachment as a .PDF, and classified ads as text only. Publication of any advertisement shall not be considered an endorsement of the product or service involved. The editor reserves the right to reject any advertisement, article or letter.

Copyright © by the Baton Rouge Bar Association. All rights reserved. Reproduction in whole or part without permission is prohibited. To request permission or for more information, contact Pamela Labbe at 225-214-5560 or pamela@BRBA.org.

letter from the president

BY PRESTON J. CASTILLE JR.

Meet the Fockers rewind

As you now know from the cover of this magazine, the BRBA Technology Committee has launched our new website – another reminder of how the world has changed. Most of you now know my son, Trey, who is a high school junior at Randolph Macon Air Force Academy in Virginia. He attended flight camp and football camp a few weeks before the school year started, but that wasn't nearly as important as the new girlfriend he met over the summer. (Yes, he's given me permission to tell this story.) Ordinarily, this would be no big deal, except she lives in Philadelphia.



Preston J. Castille Jr.

Actually, most parents would think, "Great, the longer the distance, the fewer the distractions from school work. How fast can a long distance relationship develop?" Well, welcome to the 21st century of parenting. "Okay, so they have cell phones and will text each other way too much," I thought. "No big deal. They live states apart from each other."


As Trey and I sat in our hotel room the night before registration, I witnessed the new frontier in teenage dating. As my son sat on the bed across from mine, there was no cell phone and certainly no pen and paper to send a love note. Instead, flipped open was a laptop and ear buds in his ears. I suddenly realized I was eavesdropping on my teenager's conversation with the new girlfriend. Minutes passed and he stopped using the ear buds, and now I could hear both of them. A clever parent, I continued to play it cool and acted like there was nothing unusual about this.

Then he started talking to me as he was talking to her and before I knew it, he had turned the laptop around and there I was on "ooVoo." Yep, if you have no idea what ooVoo is, you are not cool and not prepared for teenage dating. So much for inviting the girlfriend over for dinner to meet the parents. After a few minutes of awkward conversation in these uncharted cyber waters, I said goodbye, and she and Trey resumed their video conversation.

Moments later the mother of the girlfriend walked into her daughter's room. Seizing the moment, both kids spun their laptops around and "bam," the parents "meet." Parenting as we knew it again took a quantum leap as the mother and I awkwardly said, "Uh, hello." The notion that parents will meet long after the relationship has grown and with much coordination and planning was certainly gone.

Unlike Ben Stiller's planning and anxiety in the hilariously funny movie, *Meet the Fockers*, in an instant, it had happened. Scary!

Enjoy the new world we live in. I found myself shortly afterward asking my son to help me set up Skype videoconferences with new clients, and then parlayed that newfound tech-savviness into conducting law clerk interviews via video conference with law students from around the country. Oh, lawyer-of-the-21st-century, technology is not just for dating and "meeting the Fockers." Rather, welcome to the new medium for client consultations, partnership meetings and court proceedings brought to you by "GoToMeeting.com," "Skype" and "ooVoo."

Not to be left behind by the Y and Z generations, our new website not only has a new look, but an assortment of nifty features we hope will please even the most tech-savvy lawyer. Please check out the upgrades, enjoy our progress and welcome to our brave new world! 

november bar luncheon

COMMUNITY JUSTICE SYMPOSIUM TOPIC: Access to Justice for All



Moderator
Patricia A.
McMurray



Judge Brian A.
Jackson



Robert Lancaster



Brian Lenard



Judge Anthony
Marabella



John K.
Pierre



Michael A.
Patterson

The BRBA will hold its Community Justice Symposium and November Bar Luncheon beginning at 11:45 a.m. **Thursday, Nov. 3, 2011**, at De La Ronde Hall.

A panel discussion of Access to Justice for All will take place. Patricia A. McMurray will moderate the panel discussion, which will feature Judge Brian A. Jackson, Robert Lancaster with the LSU Law School, Brian Lenard with Southeast Louisiana Legal Services, Judge Anthony Marabella, John K. Pierre with the Southern University Law Center and Michael A. Patterson.

The LSBA Crystal Gavel Awards will be presented to Gail Adkins Grover and Beau James Brock.

In addition, the BRBA will recognize Thirst for Justice and its 10 years of service, Judge Melvin Shortess (Ret.) and Pro Bono Project Century Club recipients.

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

Three ways to register: (1) Register online at www.BRBA.org; (2) fax this form to 225-344-4805 before 12 p.m. **Friday, Oct. 28, 2011**; or mail this form in with your check payable to the BRBA, P.O. Box 2241, Baton Rouge, LA 70821.

THE ANNUAL BRBA HOLIDAY LUNCHEON WILL TAKE PLACE DEC. 1.
THURSDAY, DEC. 1, 2011 — DECEMBER BAR LUNCHEON — 11:45 a.m. at De La Ronde Hall. RSVP by Wednesday, Nov. 23.

Please check all appropriate options below and fax this entire page to the BRBA, (225) 344-4805, by 4:30 p.m. Friday, Oct. 28, 2011.

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

Name _____ Firm _____

Address _____

City _____ State _____ Zip _____

Phone _____ Fax _____

E-mail _____ What law school did you attend? _____

LUNCH — **YES**, register me for the **NOVEMBER BAR LUNCHEON** at DE LA RONDE taking place THURSDAY, NOV. 3, 2011, at a cost of \$20 per BRBA member, and \$30 per nonmember. Lunch will be served at 11:45 a.m. Reservations may be transferred, but not canceled, after 4:30 p.m. **Friday, Oct. 28, 2011.** "No shows" will be billed.

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

If paying by credit card, please include the following:

Name on credit card _____
Type of card: (circle one): MC VISA AmExp Discover
Card Number: _____
Exp. Date: _____ Security code: _____

message from the chair

BY ZELMA M. FREDERICK, 2011 HOLIDAY STAR COMMITTEE VICE CHAIR

Since the day I heard Bing Crosby's song "God bless you!" playing on my in-laws' record player several Christmases ago, it has become my favorite holiday song. Aside from the fact that Bing Crosby's songs are always crowd pleasers, this particular song resonates with me because it expresses a very important sentiment to remember during the holiday season. In case you aren't familiar with this classic, here are a few lines:

*"Christmas is a coming and the bells begin to ring,
the holly's in the window and the birds begin to sing.
I don't need to worry, and I don't need to fret,
and the more you give at Christmastime the more you get.
God bless you, gentlemen, God bless you!
The more you give at Christmastime the more you get."*

The BRBF Holiday Star Project has taken Bing's adage to heart as it celebrates its 20th year of providing gifts to underprivileged children in the Baton Rouge area. Some of the children benefitting from this program are physically

The more you give, the more you get

or mentally challenged, while others are either infected with HIV/AIDS or are living with a family member who is infected. Notably, the Holiday Star Project has been recognized by both the American Bar Association and the LSBA as a model project.

Although the Project began by serving 200 children, I am proud to report that the number has grown every year, and currently about 1,000 children benefit from the generosity of local judges and attorneys, and their paralegals and secretaries each year. The Holiday Star Project has provided gifts to more than 12,000 children in all.

Certain agencies, like Baton Rouge Youth and St. Anthony Catholic Church, have consistently participated with the Holiday Star Project, and over the years, the program has expanded to serve additional agencies, such as the Louisiana School for the Visually Impaired. This year, the Holiday Star Project is working with 12 local agencies, including the agencies previously mentioned as well as various programs of the YMCA Early Headstart Program, Metro Health, VOA-Special Services, Resurrection Life,

CAMELOT CLUB

FOR YOUR MEETING WE OFFER

- on-staff professional event planner
- personalized menus
- nine different meeting rooms
- buffet or plated menu options
- camelot club's professional attentive service
- flexible room arrangements
- audio video equipment
- panoramic views of baton rouge


451 FLORIDA ST. 21ST FLOOR CHASE TOWER SOUTH. BATON ROUGE LA, 70801

WWW.CAMELOTCLUBBR.COM

YWCA Center for Family Empowerment, HAART, Children's Outpatient Center of BR, Family Service of Greater Baton Rouge and Gulf Coast Teaching Family Services. With your help, an estimated 1,000 deserving children will receive gifts this Christmas.

For the past few years, I've adopted a Star or two to buy gifts for through the program, and each year I am rewarded greatly during a time that is all about giving. Several of my co-workers use the Holiday Star Project as an opportunity to teach their children about the importance of giving to the less fortunate. Since I've been involved in the project, I have yet to meet someone who has participated and not been reminded of the true meaning of the holiday season.

As the holiday season approaches, I encourage you to make the extra effort to adopt a Star through the Holiday Star Project so that a child who might otherwise receive nothing at the "most wonderful time of the year," can benefit from your generosity. Should you take my advice and participate in this worthy program, I can assure you that Bing's words will ring true for you, too – "the more you give at Christmastime, the more you get!"

To participate with the BRBF's Holiday Star Project, contact Susan Kelley at 225-214-5559 or susan@brba.org, or simply fill out the form on page 15 and fax it to the BRBA office. 

GAIL'S GRAMMAR

Your fourth grade teacher made a lasting impression when she said to *NEVER end a sentence with a preposition*. When you asked your mother, "Where are my shoes at?" she reinforced that rule by answering, "Between the A and the T!" Your mother was right; you should *avoid unnecessary prepositions at the end of sentences*. Your teacher, however, was perpetuating a grammar myth.

Maybe because the word *preposition* literally means "position before," some grammarians have argued that the *preposition* must come before its object. But great writers end sentences with *prepositions* when to do otherwise would sound stilted or pompous. If your sentence ends in a *preposition*, ask yourself whether the sentence still makes sense without the last word. If so, delete the *preposition*. If the word is necessary and the sentence flows naturally, however, the final *preposition* is not something to worry about.

*Thanks to Judge Jennifer Luse (Ret.) for suggesting this topic.
Send suggestions for future Gail's Grammar columns
to Gail Stephenson at GStephenson@sulc.edu,
or call Gail at 225.771.4900 x 216.*

Experience you can recognize.

Our experienced professionals offer a full range of services for attorneys, including:

BUSINESS VALUATIONS

Marital Dissolutions · Estate and Gift Matters
Charitable Contributions · Spin-offs and Reorganization
Business Dissolutions · Buy-Sell Agreements
Sales, Mergers and Acquisitions · Bankruptcy and Reorganization

EXPERT TESTIMONY, CONSULTING AND LITIGATION SUPPORT

Economic Loss Analysis · Damages Computations
Marital Dissolutions · Due Diligence
Forensic Accounting Services · Income Tax Analysis
Trust Accounting · Disbursing Agent · Settlement Funds

P&N Postlethwaite & Netterville

Contact William C. Potter, CPA, JD
Ralph J. Stephens, CPA, JD, ABV, CFF
Jason MacMorran, CPA/ABV, CFF, CVA, MS
Brandon Lagarde, CPA, JD, LLM



Tel: 225.922.4600

www.PNCPA.com

tales from the bar side

BY VINCENT P. FORNIAS

Every commercial law firm has its necessary evils: demanding clients, timesheets, demanding clients, software license fees, demanding clients – and responding to your law partners’ incessant ethical conflict checks.

Different lawyers respond differently to these necessary inquiries, depending on the lunar cycle. Those who make their living at finding hidden and dastardly meanings in every syllable of every word (a.k.a. Loophole Lawyers) tend to respond in uber-anal fashion. And anyone who knows Mike Robinson knows all too well that his index of exasperation is as testy as the Dow Jones. So when Mike was confronted with yet another conflict inquiry, and he was copied with a certain tax partner’s impeccably tax-lawyerly response – well, let’s just say Mike’s medication had yet to kick in:

Reading between the lines

Subject: RE: Conflict Check

Importance: High

None Currently Known.

Capitalized terms used herein shall have the following meanings:

“NONE” means to no extent; in no way; not at all.

“CURRENTLY” means 10:04 a.m., Baton Rouge, Louisiana time, July 28, 2011.

“KNOWN” means the actual, conscious knowledge of John Michael Robinson Jr., an individual of the lawful age of majority, and resident of the City of Baton Rouge, State of Louisiana, United States of America.

Alas, it becomes painfully obvious from Mike’s response that he did not quite make it to the Hallmark card display – in the “I Hate Being a Lawyer, but the Circus Ain’t Hiring” section. ▣

Louisiana State University

Paralegal Studies Program

Paralegal Program Approved by
the American Bar Association

*Helping lawyers
find paralegals
for full-time,
part-time, permanent,
and short-term
employment.*

For more information about
our placement services,
call LSU Legal Studies
at 225/578-6760.

www.outreach.lsu.edu



Want to Settle Your Case By Year End?

Call Now:

PERRY D DAMPF
DISPUTE SOLUTIONS

- Top-Notch Mediators & Arbitrators Working Statewide
- Friendly, Prompt Service
 - Neutral Office Sites Available
 - Multitude of Available Dates

Perry Dampf Dispute Solutions
721 Government St., Suite 102
Baton Rouge, LA 70802

Phone: 225-389-9899

Fax: 225-389-9859

Toll free 866-389-9899

Baton Rouge Panel:

- Daniel J. Ballhoff
- Robert J. Burns, Jr.
- Robert S. Dampf
- Jay Dardenne
- Caprice Ieyoub, Ph.D.
- Glen Scott Love
- John S. McLindon
- Doug Moreau (Ret.)
- John Perry
- Michael E. Ponder (Ret.)
- Myron “Mike” Walker, Jr.

Visit www.perrydampf.com for more information

The cream rises to the top

Usual Suspects claims softball championship

BY CHRISTOPHER K. JONES



They say that absence makes the heart grow fonder. For the Usual Suspects, it has been three years since they found themselves atop the Baton Rouge Bar Association softball tournament heap. But this year, they returned to the championship game with vengeance and took the crown with a walk-off championship, winning home run in the bottom of the last inning.

Like past years, this year's tournament was hot. Many wonder why the annual tournament is played on the hottest day of the year. Some speculate it is to get us ready for football tailgating. Others simply say the snowballs would not taste as good if the thermometer read less than 100 degrees. Luckily, for the most part, it was dry. With a slightly smaller field of teams, this year's tournament proceeded with fairly few disagreements or disputes – quite an accomplishment for a tournament full of lawyers.

The Usual Suspects, past champions of the tournament, blew through the winners' bracket with multiple 10-run rule wins, including one over the defending champions, Breazeale, Sachse & Wilson. By winning its first four games, the Usual Suspects received the benefit (or curse) of sitting out two games and resting, to await the emergence of its opponent from the loser's bracket.

The championship game between the Usual Suspects and the DA's office began like the last few championship games for the Usual Suspects, characterized by its inability to get on base or score any runs. Through the first few innings, the team scored only one run. We have all heard

stories like this: Team is down, things are not looking good, players are despondent, a loss is clearly on the horizon and then something miraculous or awe-inspiring happens to turn the momentum around. Think D-Day invasion, think the tight-end reverse against Alabama last year, think Mr. Miyagi's hot hands rub to cure Daniel-san.

For the Usual Suspects, this event was a mopsy-haired 83-pound, cross country running pre-teenager doing donuts in the gravel parking lot adjacent to the field during the championship game. Maybe it was frustration, maybe he was just being protective of his kids and the others in this kid's path, but Mike Lutgring, unbeknownst to him and the rest of us at the moment, was then responsible for our Karate-kid moment.

To summarize the results of that exchange between Mike and our now legendary rally-leader, you can assume that kid will never again go off-roading in his 1998 Civic coupe in the parking lot at Highland Road Park and may never again drive his vehicle in the 70810 zip code during daylight hours. More importantly, much like Daniel-san's miraculous recovery, the Usual Suspects roared back to life and rallied to come within one run of tying the score.

Batting as the home team in the bottom of the last inning as the result of a newly enacted rule, the Usual Suspects came to bat in the last inning with the top of its order. Leading the way was Wes Hataway. Apparently, playing for three different teams in three consecutive



PHOTO BY PAMELA LABBE

Swing, batter batter, swing!



PHOTO BY PAMELA LABBE

Kyle Ferachi barbeques hotdogs for the hungry crowd.



PHOTO BY PAMELA LABBE

Kris Perret pitches.

years makes one a traitor. For us, he was money, and he promptly led the inning off with a double to right field. Then, the ageless Dana Brown knocked a single, bringing in the tying run with no outs. After a ground out, the big MO had now fully swung its head directly in Lutgring's direction. With one out, the winning run on first base, and a hazy image of the punk kid doing donuts in the parking lot in his head, Lutgring strode to the plate with a single thing on his mind.

Wearing shoes this year, and a prior home run on the "big" field to his credit in this tournament, Mike was a likely hero for this year's championship. There were few players on that field who did not expect what was about to occur. A few seconds later, his game-ending walk off home

run was soaring over the outfield fence, and he was met promptly by his celebrating teammates. A fitting end to a championship returning the Usual Suspects to the top.

Special thanks go to Ann G. Scarle and the BRBA staff, and the others who helped make this tournament great again this year. Thanks also to Judge Bill Morvant, Kyle Ferachi, and our fearless leader Preston J. Castille Jr., for braving the heat to cook burgers and provide us the nourishment needed to make it through the day. And of course, many thanks again to Don Luther with his snowball stand. I know several kids who may have rioted without their endless supply of snowballs, including my own son who was covered head-to-toe in red stains, likely caused by several different snowball flavors. 🍷

Gilsbar's
gotcha
covered.

Gilsbar is a licensed agent with the largest and most competitive carriers in the State of Louisiana. No need to call various agents or search online for the best quote. Call Gilsbar to access the following:

- New York Life (endorsed programs)
- Blue Cross Blue Shield
- Humana
- United Healthcare
- Assurant
- Mass Mutual
- MetLife
- Principal
- Guardian
- Unum
- And More!

**Group & Individual
Health • Term Life • Long Term Disability**

INDIVIDUAL QUOTES WITHIN ONE HOUR!

1.866.605.6775

www.gilsbar.com/lbsa

Gilsbar is the recommended insurance agency of the LSBA.



The threat of social engineering

BY DAN GARDINER, CPA, MBSS

Let's say that your firm's IT systems are handled externally by Company XYZ. One day you receive an email from Joe at Company XYZ. In the message, Joe says that it appears your computer has been infected with a virus, and that if you install a particular tool from them, it will eliminate the virus from your computer.

You're probably not an IT expert, but you're tech-savvy enough to know that a computer virus is not a good thing—so you download the tool as directed. Little do you know that the real purpose of this tool is not to eliminate your computer virus, but to give a stranger access to your computer and any data stored on it.

And now, the security of not only your personal passwords and information, but also your clients' sensitive information, has been compromised. You have become a victim of social engineering.

Increasingly, businesses are becoming more and more dependent on network information systems to store and organize their most critical and sensitive data. Your firm probably spends tens of thousands of dollars annually to ensure your information is protected by the most comprehensive network security systems available. However, an often-overlooked risk in any IT security strategy is the people who deal with and have access to that information. People are generally the weakest point—and thus, the greatest threat—to any security system.

What is “social engineering”?

Social engineering refers to the act of obtaining confidential information by manipulating people with access to that critical information. Perpetrators use techniques such as spoofing attacks, Trojan horse programs and phishing attempts to extract confidential information, like company passwords or account numbers, from your employees.

Social engineering is often referred to as “the human side of hacking.” Hackers understand that network security software is complex and difficult, if not impossible, to penetrate by traditional hacking methods, so they go after a more vulnerable access point—your people. Hackers manipulate people into giving up sensitive information that is necessary to gain access to a network and by-pass the complex security software.

What are social engineering tools and techniques?

Social engineers may use a variety of tools or techniques, whether it's through email, phone, text messages or direct contact, to accomplish their task of getting critical information from you. These tools and techniques include:

- **Spoofting (through email or phone calls):** Email spoofing is the process of sending emails to people using an altered email header to make it appear as though the email originated from someone other than the actual source. For example, this can be used to send an email that appears to be from an employee's IT Director or



Network Administrator, but is actually from a malicious hacker. Caller ID spoofing is the process of calling a person from one phone, but having an alternative phone number appear as though it is actually calling from another person. This ensures that the recipient of the call does not realize the phone calls are made by social engineers.

- **Phishing:** Social engineers may pose as a legitimate company, and attempt to con you into surrendering sensitive information through a web form. They may send you an email or text message (or occasionally even paper mail) directing you to a website form to complete or update with personal information, such as passwords, credit card information, Social Security numbers or account numbers.

- **Trojan horse programs:** Social engineers may try to convince you to download and run a malicious program that can automatically send emails to the attacker with files from your computer, from shared networks to which you belong or from information you enter into the program. Trojan horse programs can also be used to modify information on your computer.

- **Quid pro quo:** Using a *quid pro quo* strategy, social engineers try to offer employees something in exchange for something else. For example, a social engineer may ask you to complete a form or survey in exchange for something of little value (let's say, a pen or t-shirt) or a chance to win something of higher value. A *quid pro quo* attack can also involve a social engineer pretending to work for technical support, calling employees until he/she finds one who actually needs IT help. The attacker may request important personal information to give them access to

the system, or may ask the employee to type commands, download software or follow other instructions to allow the attacker access.

- **Dumpster diving:** Using this simple technique, social engineers literally dig through your trash to gather important data. A few pieces of discarded paper can actually provide them with enough information to attack your firm.

You may think that everyone in your firm is careful enough not to surrender confidential information, but think about this: How many times have you held open your building door for a stranger without making sure he has a pass? If you got an email from your IT Director instructing you to download a software update, would you do it? What if the Help Desk called you and asked you for your password? Have you ever thrown away an employee list instead of shredding it?

Consequences of social engineering attacks

Think social engineering attacks can't or won't happen to you? According to the Anti-Phishing Working Group's (APWG) Global Phishing Survey, last year there were more than 115,000 phishing attacks worldwide. This means that the threat of an attack affecting your firm is very real. Social engineering attacks can damage your firm, harm

employees and tarnish your reputation. As an attorney, you deal with sensitive information daily. Clients expect that their information is secure and won't find its way into anyone else's hands. As a provider of professional services, it's not only your information that you must worry about, but that of your clients as well.

Once a social engineer has an employee's password, he can easily sift through the firm's network to access any sensitive information on either your firm, or on any of the firm's clients. Even if attackers don't find sensitive information on your clients, they may be able to gather enough information on your clients to attack them separately.

How your firm and your clients can protect themselves

There are some basic steps your firm can take to avoid being the victim of a social engineering attack:

- **Educate your employees and clients:** Employees and clients should understand that social engineering exists, the tactics most commonly used and the risks. And as technologies continue to develop and evolve, so do social engineering methods, meaning that awareness training should be continuous and up-to-date.


- **Block spam:** Phishing emails are a major source of social engineering attacks, but good spam blockers make it more difficult for the malicious emails to get to your employees.

- **Turn on phishing filters:** Internet Explorer, Mozilla Firefox and many other web browsers include anti-phishing filters—all you have to do is turn it on. This is an easy and inexpensive way to help block malicious websites.

- **Implement password management:** Providing directions for creating or changing passwords can also help secure information. This can include guidelines for the number and type of characters that passwords must include, or even how often passwords must be changed. Even a simple reminder not to share passwords with anyone can help reduce risk.

- **Guard your information:** Perpetrators will gather information any way they can—even if it means digging through the dumpster for sensitive documents. Make sure employees know that they must shred sensitive documents (not simply throw them away in the regular trash), and provide secure physical and electronic storage spaces so that employees can protect sensitive information. It may also be helpful to communicate what types of information are considered sensitive. Controlling access to your building or office is another way to physically safeguard your information.


STRENGTH — STABILITY — SERVICE



Hannis T. Bourgeois, LLP

Certified Public Accountants

A Tradition of Excellence Since 1924



- * **Fraud and forensic investigation**
- * **Business valuations**
- * **Claims settlement administration**
- * **Lost profits and income projections**
- * **Personal injury claims**
- * **Marital property settlements**
- * **Bankruptcy matters**
- * **Business insurance claims**

*Add an experienced
litigation consultant
to your team.*

Baton Rouge

(225) 928-4770

Denham Springs

www.htbcpa.com

Metairie

- Set up a reporting process: You may want to designate one certain person through whom all IT communications should go. Inform employees that all IT instructions and announcements will come from this person. Make sure employees know what actions to take and where to report any activity that seems suspicious to them. Let them know that they will never get in trouble for reporting something they found suspicious.

- Think twice about the information you make public: Posting too much information on your website about your firm or people within your firm could make you susceptible to an attack. Also encourage employees to think carefully about posting company information on social networking sites or discussing company information with people they don't really know.

- Ask for help: With evolving technologies and increasing reliance on IT tools, keeping up with IT security risks can be overwhelming. There are professional resources available that can help identify your firm's greatest risks, and can work with you to develop customized plans to test and strengthen your security.

In conclusion

Even with the latest network monitoring software, firewalls and authentication processes, your firm is still susceptible to intruders if one of your employees inadvertently gives up key information to a social engineer.

Social engineering attacks are subtle and manipulative and can have substantial consequences for your firm and your clients. Creating a firm culture that is aware of social engineering threats is the best defense against compromising the security of your information. By understanding the threat and techniques of social engineering and implementing a few simple policies and procedures, you can help take a significant step toward protecting your firm against these costly attacks. ■

Digital Video Depositions • Video Transcript Synchronization • High Definition Capabilities
Format Conversions • On-site Editing Available • Fast Delivery

Visit www.legalvideosolutions.net to schedule your next deposition!



8738 Quarters Lake Road, Suite 12, Baton Rouge, LA 70809
info@legalvideosolutions.net
Phone 888.475.1523

CCVS & CLVS CERTIFIED

LOUISIANA OWNED & OPERATED SINCE 2008



Register Today for the BRBF's Ball Maul 2011

Make checks payable to **Baton Rouge Bar Foundation** and mail to: P. O. Box 2241, Baton Rouge, LA 70821
Fees payable via cash, check or credit card.

Monday, Nov. 7, 2011, at The University Club

Lunch / Registration: 11 a.m. • Shotgun Start: 12 p.m.

Name _____
Firm _____
Address _____
City / State / Zip _____
Phone _____ Email _____
Handicap _____

*Proceeds benefit Baton Rouge Bar Foundation projects

PLEASE CHECK APPROPRIATE PER PERSON FEE (Early Registration by 10/21/11):			
Registration:	Early	Late	
Single	\$135	\$160	<input type="checkbox"/>
Twosome	\$270	\$320	<input type="checkbox"/>
Threesome	\$405	\$480	<input type="checkbox"/>

*The Mulligan Package costs \$25 per person and includes one (1) Mulligan, one (1) Sandy, one (1) Red Blast and one (1) Poker Run.

Sign up individually or as a team:

Player 1: _____ Ph#: _____ Handicap: _____ Mulligan*: Y or N
Player 2: _____ Ph#: _____ Handicap: _____ Mulligan*: Y or N
Player 3: _____ Ph#: _____ Handicap: _____ Mulligan*: Y or N

Credit Card Information: Type of card: (circle one) MC VISA AmExp Discvr
Name on card: _____ Exp. Date _____
Card Number: _____
Signature: _____ Security code _____

Under IRS regulation, \$90 of your fee is not deductible as a charitable deduction. Non-members: Please contact the BRBA office for information, (225) 344-4803. Your registration includes your greens fees, a cart, a box lunch, a gift and a post-tournament awards ceremony.

in memoriam

BY ROBERT COLLINS

Remembering Eddie Anderson

“Few men had ever shown as much kindness or taught me as much.” — Ken Bruen, *The Killing of the Tinkers*

On Aug. 19, 2011, Baton Rouge lost a good lawyer and a good man, Eddie Anderson. For the last three decades, Eddie practiced law in Baton Rouge, most of that time heading the local office of attorneys for Allstate. I had only one case with Eddie, but it was my good fortune to have known him outside the courtroom. Way outside.

A dozen years ago, I bumped into Eddie’s wife Janet. Knowing that Eddie and I both enjoyed hiking, Janet suggested that he and I go backpacking sometime. Before I knew it, we had put together what turned out to be the first of many outdoors trips together. I came to learn that Eddie had acquired his lifelong love of the outdoors from being with his dad on Boy Scout hikes, hunting and fishing trips while growing up in North Louisiana.

I also came to learn that Eddie and I held diametrically opposed positions on almost every political issue. But, none of those differences ever kept us from enjoying each other’s company.

On a visit to Big Bend in Texas, our first day saw us hike from 5,000’ to 7,000’ up an eight-mile mountain trail. At the end of that day, I managed to bring my right hand down squarely on the spike of a dagger cactus. While I winced in pain from my puncture wound, Eddie expertly patched it up. After three days on the challenging Chisos Mountain trail, Eddie then talked me into rafting down



Eddie Anderson

the Rio Grande inside the park. Although, I had not wanted to go rafting, that part of the trip proved unforgettable. Particularly the stretch of river where our guide let me take the oars, and it took all I could muster just to keep the raft from running aground.

Another person in Baton Rouge who knew Eddie well was fellow lawyer and internationally published poet John Lambremont Sr. I’ll let John have the last words here, with this poem he wrote on the occasion of Eddie’s passing.

EDDIE ANDERSON (in acrostic memoriam)

Earnest in demeanor and diminutive in size,
Death did not once daunt him, a true hero in our eyes;
Did his best to live his life in calm and genteel style
In his work and in the woods; in both, he traveled miles;
Even now, we see his face and miss his gentle smile.

Allstate was his client, but to do right his concern,
Never did he break his word or do an untoward turn;
Diplomatic in his choice of words, and always kind,
Educated past the law, an intellectual mind.

Rest in peace, dear brother, you are not forgotten here;
Sadness can’t dispel in us good times we shared for years;
Of our friends, you were the one whose faith was ever strong;
Now you are in Heaven, which is just where you belong. ■



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.

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

E-Mail: _____ # 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.

Attorney/client communications during deposition breaks in federal court proceedings: Privileged or open for discussion?

BY BRANDI COLE

It seems to be the norm during a long day of depositions. You walk outside on a break with your client and the topic of conversation naturally becomes what that crazy opposing lawyer just asked, what you think your client may have misunderstood or what a great job your client is doing. Of course, when you are on the other side of the table, and a witness completely changes his answer to a question after chatting with his attorney at lunch, you are justifiably suspicious that improper coaching occurred during that recess. So are these communications privileged? In courts throughout the nation, the answer to this query is not exactly clear.



a. Federal Rules do not speak to the issue

As a starting point, we should always open our Federal Rules of Civil Procedure. Unfortunately, the Federal Rules do not address this scenario. Rule 30 states that the “examination and cross-examination of a deponent proceed as they would at trial under the Federal Rules of Evidence.” Fed. R. Civ. Proc. 30(c)(1). Rule 30 also provides the court with authority to impose sanctions for certain conduct during depositions, and particularly only against a person “who impedes, delays, or frustrates the fair examination of the deponent.” *Id.* at (d)(2).

You return from a break and opposing counsel asks your witness: “What did you discuss with your attorney on the break?” So, what do you do? Can you instruct your witness not to answer based on privilege? Must your witness divulge the information? What will the judge say if you call him to resolve the conflict?

There are basically three schools of thought on whether conferencing is allowed and/or absolutely privileged during breaks in depositions. First, some courts have found that private conferencing is not privileged or allowed, except to determine whether the requested information is privileged. Second, some courts view these conferences as privileged no matter what. Third, and perhaps the most reasonable

approach, is that conferencing is allowed only if no question is pending. U.S. courts are divided on this issue.

b. No conferencing allowed

Some courts have found that once the deposition clock begins ticking, a witness’s communications with his attorney are subject to questioning with only one exception – when the witness and counsel are deciding whether privilege should be asserted. In a case often cited for the strict approach of “no

conferencing allowed,” *Hall v. Clifton Precision*, 150 F.R.D. 525 (E.D.Pa. 1993), a Pennsylvania court held that a witness and his attorney may not confer during the course of the deposition, including recesses, except for the purpose of determining whether a privilege should be asserted, which must be stated on the record; and further that the witness and counsel are not entitled to confer about a document shown to the witness during the deposition before the witness provides an answer. “Once the deposition has begun, the preparation period is over and the deposing lawyer is entitled to pursue the chosen line of inquiry without interjection by the witness’s counsel. Private conferences are barred during the deposition and the fortuitous occurrence of a coffee break, lunch break, or evening recess is no reason to change the rules.” *Id.* at 529.

In a recent case that received some attention from the American Bar Association, a New Jersey District Court affirmed a magistrate judge’s ruling that questioning a witness about her conversation with her attorney during a break was appropriate. In *Chassen v. Fidelity National, Inc.*, 2011 WL 723128 (D.N.J. Jan. 13, 2011)(unpublished), the plaintiff, a proposed class representative for a putative class action, first testified in her deposition that she would not be available for trial because of work. After a break in the deposition, she changed her answer and stated that she could attend the trial as long as she had advance notice. This was clearly a critical area of questioning because

she was a candidate to serve as class representative. The magistrate judge granted defendants' motion to compel the witness to testify about the discussions with her attorney on the break that prompted her to change the answer to this question.

As the district court noted in affirming the magistrate judge's order, the questioning was appropriate "[s]ince improper coaching of a deponent during a short deposition break may undermine the truthfulness of the deposition testimony." *Id.* The court noted in its order that because attorney-client communications are generally privileged, the court should consider the least onerous means possible to discover whether there was improper coaching of the witness, and an *in camera* hearing could be used to accomplish this, as the magistrate judge had originally suggested for this case.

This is obviously a strict approach, but attorneys should certainly be aware if the presiding judge or magistrate judge is known for this approach before proceeding with a deposition. If you are in a new jurisdiction, one good place to start is the local rules of the court or the judge's special rules. For instance, South Carolina has a local rule adopting this strict approach, which basically prohibits conferences between counsel and deponents during breaks and recesses, except to determine privilege, make objections or move for a protective order. The rule also requires counsel in a conference with a deponent to report the results on the record, and permits counsel to inquire about the conference date.

c. Communications allowed when question not pending

Many district court judges take the view that as long as a question is not pending, a witness's communications with his attorney on a break are protected by attorney/client privilege. In the case of *In re Stratosphere Corp. Securities Litigation*, 182 F.R.D. 614 (D.Nev. 1998), in a situation where the attorney did not request the break, the court limited the no-conference rule to scenarios where a question was pending. The court also noted that any attorney who instructs a client not to answer during a deposition because of a claim of privilege after a conference with the client should put on record that a conference was held, the subject of the conference and the decision regarding whether to assert privilege. As stated by the Court, "[t]his Court will not preclude an attorney during a recess that he or she did not request, from making sure that his or her client did not misunderstand or misinterpret questions or documents, or attempt to help rehabilitate the client by fulfilling an attorney's ethical duty to prepare

a witness." *Id.* at 621. *See also McKinley Infuser, Inc. v. Zdeb*, 200 F.R.D. 648, 650 (D.Colorado 2001) (noting that the "truth finding function" of a deposition is protected as long as deponents are prohibited from conferring with counsel while a question is pending, but other consultations during periodic breaks, luncheons and overnight recesses are typically appropriate).

Although the right to counsel is clearly a very important constitutional right that encompasses privileged communications, depositions should be utilized as truth-finding functions, and therefore, courts do want to discourage improper coaching of the deponent by counsel. Therefore, one should find that many courts agree with this middle-of-the-road approach.

d. Fifth Circuit's approach

As stated in Rule 30 of the Federal Rules of Civil Procedure regarding conduct during depositions, the rules for depositions essentially align with the Rules of Evidence for trial. Therefore, it is important to note that the Fifth Circuit has held that communications during overnight recesses at trial between an attorney and his client are protected by the Fifth Amendment right to counsel.

In *Potashnick v. Port City Construction Co.*, 609 F.2d 1101 (5th Cir. 1980), *cert. denied*, 101 S.Ct. 78 (1980), the Fifth Circuit found that an attorney may confer with his client on a break or recess during questioning at trial. In this case, Judge Hand had instructed the parties that while a witness was being questioned and until his testimony was complete, he could not communicate with his attorneys, even on breaks or recesses. However, the Fifth Circuit found that this instruction was not appropriate under the Federal Rules. Noting that the Fifth Amendment of the U.S. Constitution establishes that a civil litigant has a right to retain hired counsel, the court found that the prohibition of communication between the testifying party and his attorney during an overnight recess in the party's testimony impinges on that right, and reversed the court's decision. *Id.* at 1118. Applying the same reasoning to a deposition, communications during overnight recesses would clearly be privileged communications. This case also indicates that the Fifth Circuit holds the attorney/client relationship in high regard, and therefore, would likely find most conferences on deposition breaks to be protected, at least when a question is not pending.

The local rules for the district courts in Louisiana do not speak to conferences during depositions. However, this may often be covered by an order governing the case. For instance, the following pretrial order from the Eastern

“... depositions should be utilized as truth-finding functions, and therefore, courts do want to discourage improper coaching of the deponent by counsel.”

District is instructive:

Private consultations between deponents and their attorneys during the actual taking of the deposition are improper, except for the purpose of determining whether a privilege should be asserted. Unless prohibited by the Court for good cause shown, conferences may be held during normal recesses, adjournments, or if there is a break in the normal course of interrogation and no questions are pending.

In re Vioxx Products Liability Litig., 2005 WL 928538 (E.D.La. 4/15/05)(unpublished).

In accordance with the Fifth Circuit case law and the above-referenced pretrial order language, it is likely that many district court judges within the Fifth Circuit would follow some version of the approach that as long as there is no question pending, conferences with counsel during breaks in the deposition are allowed.

e. What to do when the law is not clear?

Like so many areas of the law, the answer to the question of whether conferences are allowed and privileged during depositions is not clear and will not always be the same, even if you are dealing with judges within the same circuit. So what to do?

First, always start with the local rules and any special rules provided by a particular judge. Although we do not have this guidance from the local rules of Louisiana district courts, it is always a good starting point. Further, the pretrial order governing your case (or a uniform pretrial order) may directly speak to the issue. Also, ask around to see if your colleagues have dealt with the issue before in front of this particular judge. Many of my colleagues have always understood the rule to be that as long as no question is pending, conferences on breaks are privileged, which is probably accurate with many judges within the Fifth Circuit. Indeed, a magistrate judge from the Middle District recently instructed a *pro se* plaintiff in a case handled by a coworker that the defendants could communicate with their lawyers as much as they wanted on deposition breaks, and she was not entitled to interfere. However, it is a good idea to see if your coworkers have ever gone to battle over this issue and how it came out.

Further, do not coach your witness on a break in a manner that encourages him to change his answer. This may be a situation where even a middle-of-the road judge would require the witness to divulge his conversations with his attorney, and the judge would have the power to impose sanctions for such conduct under Rule 30. If it is a situation where you are truly concerned that your witness misunderstood a question, then simply be careful about how you address this. If he does change his answer after going back on the record, the battle over privilege versus improper coaching may begin.

And another blatantly obvious piece of advice based on the courts' interpretation on the deposition rules – do not ever ask for a break when opposing counsel has asked a question that is still pending, and do not allow your deponent to make that request either. There is one caveat to this. If privilege is not asserted prior to answering a question, it is typically considered waived. *See Nguyen v. Excel Corp.*, 197 F.3d 200, 206-07 (5th Cir. 1999). Therefore, if you believe that opposing counsel is asking for privileged information and need to make this evaluation through conversing with your client, you should ask for a break to make such determination before your witness answers. The assertion that privilege may be an issue would aptly be made on the record before taking this break. ■







Mediation Arbitration
maps
Professional Systems, Inc.

... the **leader**
in resolution

866.769.4553 Two United Plaza • Suite 904 Website: www.maps-adr.com
Baton Rouge, LA 8550 United Plaza Blvd. E-mail: resolutions@maps-adr.com

Experience Counts!


Baton Rouge Panel

					
Hon. Robert Downing (Ret.)	Charles J. Duhe, Jr.	Frank A. Fertitta	Vincent P. Fornias	Paul Marks, Jr.	Hon. Freddie Pitcher, Jr. (Ret.)


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

BATON ROUGE:
8550 United Plaza Blvd. • 1st Floor Training Room

December 16, 2011
Topic: Mediation Advocacy
Speaker: Michael J. Moran

 Like us on Facebook

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



attorney spotlight

BY CHLOE EUSTON

Interview with Ball Maul Chair Victor R. Loras III



PHOTO BY PAMELA LABBE

Victor R. Loras III

Victor R. Loras III, chair of the 2011 Ball Maul Committee, has an unrequited love for the game of golf. “I love the game, but the relationship is not reciprocal.”

Loras said golf is about adapting from mistakes. “Golf requires vision, goals and the ability to constantly work on improving your performance, despite your limitations. Golf, like trial litigation, requires you to accept that you will make mistakes,” he said

Loras grew up in a suburb on the Westbank of New Orleans, spending most days playing baseball for the Terrytown Fighting Irish. He didn’t start playing golf until college. “The problem with growing up swinging a bat is that golf doesn’t reward a really strong swing unless one has really good form,” Loras said.

Ball Maul is a golf tournament that raises funds for the Baton Rouge Bar Foundation. Loras said the tournament is a fun and easy way to raise funds that help indigent individuals get legal representation through the Pro Bono Project.

According to Loras, the challenge of improving performance despite limitations extends well beyond the sand traps. “I defend maritime, products and premises liability claims in the morning, solve business-related challenges in the afternoon, and fill the evening with learning how to do it better,” Loras said. Some of the challenges inherent in Loras’s work involve unraveling complicated agreements in maritime claims and battling the pre-formed opinions of friends and family while defending law enforcement officers. He said he also has a case that could be dubbed “cyber litigation,” which challenges him to understand Flintstone-ish principles with Jetson-ish ideas.

Loras is a partner of Carleton Loras, LLC. He graduated from Louisiana State University in 2002 with a degree in political science, and he received his law degree from Southern University Law Center in 2007.

Loras has been in a member of the BRBF Ball Maul Committee for two years, and he has served on the Athletic Committee for three years. He has also coached a Baton Rouge Magnet High School in the regional High School Mock Trial Competition each year since 2007. ■

Sexton ~ Hebert, Attorneys at Law

*Four decades of experience in the
resolution of State Ethics, Campaign Finance
and Lobbyist Registration issues and general Construction Law*

R. GRAY SEXTON

TODD HEBERT

10715 N. Oak Hills Parkway
Baton Rouge, LA 70810
225-767-2020
www.sextonhebert.com



Interview with Eighteenth Judicial District Court Judge Robin J. Free

BY RACHEL L. EMANUEL

In 1996, Judge J. Robin Free ran for judge in the Eighteenth Judicial District Court and won in the primary against three candidates. Judge Free was the youngest candidate at the age of 34 and began serving in 1997. He has presided over a number of cases that have attracted much notoriety, including, but not limited to, Louisiana serial killers Derrick Todd Lee and Sean Gillis. He has also presided over two capital murder cases, which resulted in one death penalty conviction. Judge Free is married to Renee Fontenot Free, a division administrator for the Attorney General's office. They have two children, Cydney and Corey. Judge Free was recently inducted into the Southern University Law Center Hall of Fame and became one of the inaugural alumni judges to have their portraits hung in the Law Center's Judicial Wall of Fame.

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

JRJF: I am a native of Iberville Parish and have been a resident of West Baton Rouge Parish for most of my life. I earned my bachelor's degree from LSU and a J.D. from Southern University Law Center in 1989. I am proud to have graduated *magna cum laude*.

ATB: What impressed you most about your legal education at Southern University Law Center?

JRJF: In addition to providing an excellent legal education, the Southern University Law Center experience taught me well about dealing with people from all walks of life. That school is giving law students everything they need in a legal education.

ATB: How did your parents feel about you becoming a lawyer and how might they feel about you serving as a judge?

JRJF: I was the first in my immediate family to graduate from college. I believe my parents are proud of the fact that I persisted in earning a law degree and pursued my goals of being a legal professional.

ATB: Describe your legal career up to your present position as judge.

JRJF: My first legal position was as a law clerk for the Eighteenth Judicial District Court from 1987 until 1991. I began a solo practice in 1991 until I was elected judge. I have served as counsel for the West Baton Rouge Parish Police Jury and as city prosecutor for the Port Allen City

Court. I enjoyed my work as an assistant district attorney under the leadership of Richard Ward Jr., a fellow Southern University Law Center graduate.

ATB: Who has been your role model?

JRJF: My aunt was married to Judge Jack T. Marionneaux, who became my role model. Watching him really showed me that as a judge you can have significant input in giving back to the community and helping those in need get back on the right path.

ATB: Why did you decide to run for a seat on the bench?

JRJF: I always wanted to be a judge because I always thought I could make a difference in the court. I wanted to bring a new frame of mind to the court and I wanted to make the court more "public-friendly."

Today, we are reaping what we have sowed. We need to correct some mistakes of the past. We sowed a good-ole-boy system, with those who were at liberty to determine how someone would be treated in the court system based on "who you know."

The judge was at liberty to decide how someone would be treated. Take for instance, I was held to a different standard because of my lack of money. Someone like me would not have been a judge. I was not of the elite society. When I was elected I brought diversity in social class. I was breaking the mold.

ATB: Describe your thoughts about being elected to the bench?

JRJF: When elected, I felt honored and believed that the voters had entrusted me with a lot of responsibility. I was overwhelmed at my swearing in ceremony. I marveled at the magnitude of the job in which I was entering. People had trusted me to carry the values that I was reared with in my service on the bench. There were those who were at first concerned about my age. It was my job to show them there was no need for concern. It's been 15 years now and I am proud of the work I've done.

ATB: Of that work, what is the most rewarding?

JRJF: I wanted to get to know the young people. We trust and feel comfortable with each other. When you get to know them they are embarrassed to have to come into your court, because they feel that they have let you down.

I now can discern those who have just made a mistake and, most likely, will not be back and those who need real

help to straighten out their lives.

ATB: Many lawyers and jurists agree that a good judge is compassionate, has a good temperament, is fair, respectful and kind. How do you feel you stack up?

JRJF: Justice requires that everyone be treated the same. When I wake up each morning and prepare to go to work, my message to myself is to remember to be fair. With that said, I have brought more compassion because of what I've seen in life. An understanding of the diversity in our experiences that causes us to be somewhat different in our attitudes, outlooks and circumstances, makes me respect others and show kindness toward others.

I value zero tolerance. People should know what is expected of them and what will not be tolerated.

ATB: How do you divide your time in the work required as a judge?

JRJF: My job is always and foremost serving the public. Some parts of the day I must serve the public on the "judicial side," my time on the bench. I must be knowledgeable, prepared and efficient.

Some parts of the day I call the business, non-judicial side, when I am returning telephone calls, doing public speaking, meeting with people in my office and preparing

for my cases. I must be understanding, trustworthy and helpful. At the end of the day, I know the citizens I serve are asking, "Is my judicial system working?"

ATB: Describe the human element of being a judge versus the rule of law and quest for justice.

JRJF: I was high strung when I first got on the bench; now I've become more mellow in my increased years on the bench. Guilty or not guilty, everyone deserves a fair trial. My job is to be just and fair. I personally make the decision to do so each day.

ATB: Describe the challenges of serving in the court.

JRJF: It was challenging for me to develop the changes in mindset in my roles as defense attorney, prosecutor and now mediator/referee.

ATB: How do you feel about privatizing state prisons?

JRJF: I strongly believe that prisons should never be a for-profit venture. However, there should be a way that the jail system can support itself.

ATB: In serving such a small, close-knit community, do you feel more vulnerable when going about town?



LITIGATION GROUP, LLC
Discovery To Verdict™

Court Reporting

- Experienced & Certified Court Reporters
- Highly Qualified Realtime Court Reporters (Will provide laptop for hookup)
- Daily/Overnight Transcript Delivery
- Courtroom Realtime/Daily Copy
- On-line Scheduling
- Internet Repository (24/7 web-based access to transcripts)

Videography

- Digital Videography
- Live Video & Text Streaming via Internet with LiveNote Stream and Courtroom Connect
- Videoconferencing
- Video-To-Text Synchronization
- Trial Presentation

Mention this ad and your first realtime session is complimentary

Other Services

- Internet Text Streaming
- Exhibits Scanned & Hyperlinked to Transcript
- Master Exhibit Binder for Document-Intensive Cases
- Document Imaging & Photocopying
- Case Management Toolbox Supports any Legal Software
- Paperless Digital Delivery
- We're "Glocal" - covering the entire Gulf States Region



New Orleans • 504.722.1801
Baton Rouge • 225.291.6595

setdepo@lexlitigation.com
www.lexlitigation.com

Lafayette • 337.266.2102
Houston • 713.805.9249

JRJF: I don't feel a problem with security. I believe I can handle myself against anyone I may encounter.

ATB: *How do you feel about elected versus appointed judges and term limits for judges?*

JRJF: Election by the people is the best merit selection. The best gauge is the wise voters. They even determine term limits. Unlike when I first was elected to the bench, I have a record now and I've shown that I stand for something. There's nothing I can do to sway the voters; either they like it (my record) or they don't. I do believe that a person can experience too much and become indifferent toward societal problems. When one feels like that, even judges, then it is time for us to go.

ATB: *What do you feel is the foremost part of your duty when you serve on the bench?*

JRJF: Fair and impartial, I'm the referee. My expression can prejudice the jury. So many times I consciously make an effort to look preoccupied and start doing research on my computer. I am listening very carefully, but I don't want to make a look on my face as if something that I heard has aroused my interest one way or another.


ATB: *What do you want others to know about your community's court system?*

JRJF: Although we live in a small, rural parish, what goes on in the courtrooms of the Eighteenth Judicial District is just as important as any courtroom in the country. We don't lack any services to our citizens. I went to the same schools, took the same bar exam and practice under the same laws.

ATB: *What would you like to be your legacy as a lawyer and on the bench?*

JRJF: Our citizens can feel that they are safe and protected, and the court system is doing a good job. I want the public to know that I was firm, but fair.

ATB: *What are your favorite pastimes?*

JRJF: I'm a blue jean kind of guy. I work out in my yard every week. It's some eight acres. I like horses. I like fishing, and I'm a people person. 



Make your visit even quicker with our
new online check-in at LakeQuickCare.com

Because feeling bad is a liability.

▶ Quick

No long waits and no appointments needed

▶ Affordable

Covered by most insurance plans

▶ Convenient

Open 8 am – 6 pm,
Monday – Friday

Your time is valuable.

Get seen and get back to work.

Our nurse practitioners are specially trained to treat common illnesses, skin conditions and more.

Lake Quick Care is not intended for major emergencies. If you are experiencing a life- or limb-threatening situation, please dial 911 or go to the nearest hospital emergency room.



LakeQuickCare
Get seen. Get well.

307 Third St. Downtown Baton Rouge
(225) 400-9921 • LAKEQUICKCARE.COM

bar news

BY PAMELA LABBE

Beer @ da Bar reception to take place Nov. 10

The next Beer @ da Bar reception will be held Thursday, Nov. 10, 2011, from 5 to 6:30 p.m. at the Middleton Bar Center. Several honorees will receive beer mugs from BRBA President Preston J. Castille Jr., including pro bono volunteers Ken Mayeaux, Garth Ridge and Judge Melvin Shortess (Ret.); bar luncheon celebrity moderators Jim Engster, George Sells, Kimberly Robinson and Kristy Davis; and Technology Committee leaders Adrian Nadeau and Stephen Babcock. All BRBA members are invited to attend to enjoy beer and pizza.

Cocktails with the Court to be held at the Baton Rouge City Club Nov. 17 from 5 to 7 p.m.

The YLS Cocktails with the Court reception will be held Nov. 17, 2011, 5-7 p.m. at the City Club. This event provides young lawyers with the opportunity to meet local judges and their law clerks. Sponsors of this year's event include Citizens Bank & Trust, City Club, Louisiana State Bar Association and Saunders & Chabert.

Construction CLE to be held Nov. 10

The BRBA Construction Law Section will hold its next CLE Thursday, Nov. 10, 2011, at the Middleton Bar Center. The speaker will be Ed Hardin Jr. Online registration is available. For more information, contact Meredith French at 225-344-4803 or meredith@brba.org.

Seminars on practicing law in the 19th JDC and BR City Court to be held

Two BRBA CLE seminars will be held in November dealing with the practice of law in local courts. One titled Practicing Law in the 19th Judicial District Court will be held Nov. 4, 2011, at the 19th Judicial District Court, 300 North Blvd.

The other, titled Practicing Law in the Baton Rouge City Court, will be held Nov. 18, 2011, in the Baton Rouge City Court, 233 St. Louis Street. Registration for both seminars are available online (www.BRBA.org) for both of these CLE seminars. Contact Ann G. Scarle at 225-214-5563 or Meredith French at 225-344-4803.



Laura Hopes, Judge Michael Guidry and Janis Kile attended the brief reception after the Appellate CLE, held at the Louisiana First Circuit Court of Appeal Friday, Sept. 16, 2011.



BRBA Executive Director Ann G. Scarle, Chief Judge Burrell J. Carter and Gene Groves attended the Appellate CLE, held Sept. 16. Groves is chairman of the BRBA Appellate Section.

PHOTO BY PAMELA LABBE

PHOTO BY PAMELA LABBE

OFFICE FURNITURE WORLD

Affordable
Quality
New & Used
Office Furniture



Your office can look like a million dollars with premium quality furniture at savings of 45% to 65% less than the standard retail cost.

Serving Baton Rouge Since 1990
Locally Owned

225-751-4024
12944 Coursey Boulevard
Baton Rouge, LA

COURSEY BLVD. AT STUMBERG LN.



PHOTO BY PAMELA LABBE

September Bar Luncheon speaker H. Alston Johnson III, BRBA President Preston J. Castille Jr., BRBA President-elect Gail Stephenson and Law Expo Chairman Michael Platte were photographed during Law Expo 2011.



PHOTO BY PAMELA LABBE

Linda Law Clark, Law Expo Committee Member Alesia Ardoin and Jimmy Burland toasted the completion of another successful Law Expo event at a reception following the Law Expo, held at the Camelot Club of Baton Rouge, Wednesday, Sept. 7, 2011.



PHOTO BY PAMELA LABBE

Vincent P. Fornias, Judge Michael McDonald and Ed Hightower attended the Sept. 7, 2011, Law Expo reception at the Camelot Club.



PHOTO BY PAMELA LABBE

Photographed above are Kari Behan, Lori Cobb and Law Expo Committee member Bryan Jeansonne. Behan and Cobb represent LEX Litigation Group, LLC, a reception sponsor.

BRBA holds 26th annual Law Expo event Sept. 7 at Baton Rouge River Center and Camelot Club

The BRBA held its 26th annual Law Expo and September Bar Luncheon at the Baton Rouge River Center Wednesday, Sept. 7, 2011, 8 a.m. - 2 p.m. The tradeshow featured more than 35 companies and organizations, three hours of CLE seminars and several informational seminars provided by sponsoring businesses. Special thanks to this year's seminar speakers – Aaron J. Chaisson Jr., Dr. Gavin W. Manes and Judge Guy Holdridge.

H. Alston Johnson III of Phelps Dunbar provided his annual legislative update during the luncheon. In addition, during the luncheon Christopher K. Jones received a customized championship bat from Marrucci Bat Co. for his team's win at this year's softball tournament, which took place Aug. 19-20, 2011.

The reception that followed the Law Expo was held at the Camelot Club of Baton Rouge, 5 - 7 p.m. This year's event followed a nautical theme and featured live jazz from the John Gray Jazz Trio.

Many sponsorships were involved in making both of these events happen. Major sponsors of Law Expo 2011 were (platinum level) Camelot Club of Baton Rouge, Postlethwaite & Netterville / P & N Technologies; (gold level) Image Tek of Louisiana, LLC, Transformyx; (silver level) Kay E. Donnelly & Associates, Inc.; (bronze level) Applied Business Concepts, LLC/I Docs Next Copy, Automated Filing Systems, Inc., Avansic E-Discovery & Forensics, Community Health & Rehabilitation Center, Electronic Business Systems, Inc., MAPS, Inc.; (corporate level) Court Reporters of Louisiana, LLC, Quality Litigation Support, Inc.; and (premier level) West, a Thomson Reuters business.

Special thanks to all reception sponsors: Dunlap Fiore, LLC; Camelot Club of Baton Rouge; Electronic Discovery of Baton Rouge; Firefly Sweet Tea Vodka; Legal Video Solutions, LLC; LEX Litigation Group, LLC; and Mockler Beverage Co. In addition, thanks to the ladies of Last In Concepts, who provided lots of fun door prizes for both the Law Expo and the reception. Last In Concepts manages Happy's Irish Pub, The Roux House, Schlitz & Giggles and Walk-On's.

Other companies donating door prizes distributed at the Law Expo and reception were Acme Oyster House; Capital City Grill; CC's Community Coffee House; Churchill's; Davoli, Krumholt & Price; DiGiulio Brothers Italian Cafe; Jimmy John's Gourmet Sandwiches; LEX Litigation Group, LLC; LSU Law Center Alumni Relations; Manship Theatre at the Shaw Center for the Arts; McLavy Ltd.; Poor Boy Lloyds; U.S.S. Kidd Veterans Memorial; and Varsity Sports.

This year's Law Expo and reception was chaired by Michael Platte, an associate with Dunlap Fiore, LLC, and was organized by the BRBA Law Expo Committee and staff liaison Pamela Labbe.

Volunteer Committee holds annual food drive

Members of the BRBA Volunteer Committee collected canned goods at WalMart on Highland Road and Lee Drive Saturday, Sept. 24, 2011, bringing in 1,367 pounds of food, filling 15 barrels and collecting \$208 in donations.

Special thanks to all the volunteers who assisted, including Donna Lee, *Louisiana First Circuit Court of Appeal*; Grant Guillot; Amber Guillot; Melody Guillot; Sara Lambremont, *Ezell Law Firm, LLC*; Sallie DuPont, *Wray & Pierce, LLP*; Ashley Johnson, a paralegal with *Wray & Pierce, LLP*; Summer Miller, *SULC*; Sarika King, *SULC*; Danielle Metoyer, *SULC*; and Charles Watkins, *LSU Law*. Also, thanks to Phelps Dunbar, which collected food and donations as well. This year's event chair was Sallie Dupont and the Volunteer Committee chair is Donna Lee. Carole McGehee is the staff liasion to the Volunteer Committee.

Ball Maul to be held Nov. 7 at University Club

The BRBF's golf tournament and fundraiser, Ball Maul, will kick off at 10 a.m. Monday, Nov. 7 at the University Club. This year's major sponsor is Dr. Michael J. Goff/Louisiana Health & Injury Centers. Hole sponsors include Electronic Discovery of Baton Rouge; LEX



Volunteering to help with the BRBA annual canned good collection drive Saturday, Sept. 24, 2011, were (L to R) Sharika King, Summer Miller, Sallie DuPont, Donna Lee, Amber Guillot and Grant Guillot.

Litigation Group, LLC; Perry Dampf Dispute Solutions; Postlethwaite & Netterville; Prendergast Law Firm, LLC; Dr. Thomas J. Rathmann; and Strictly Legal. Verbatim Reporting LLC is the Poker Run sponsor and Dr. Jay Perniciaro with Total Care Pain & Injury Centers is the driving range sponsor. Manda Fine Meats will provide lunch at this year's tournament.

Victor R. Loraso III of Carleton Loraso LLC is the chair of the Ball Maul Committee. Contact Ann G. Scarle at 225-214-5563 for more information. ■

AVANSIC
E-Discovery & Digital Forensics

Data Preservation
E-Discovery
Digital Forensics
Online Review
Expert Services

Evidence at your fingertips.

**Full Service
ESI PROCESSING**

\$75 - \$250 per
uncompressed
gigabyte
(including TIF)

www.avansic.com
504-265-1426

West's Jury Verdicts - Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
<u>East Baton Rouge Parish</u>			
Breach of contract	Monetary damages	Jury	\$599,500
Breach of contract	Monetary damages	Bench	\$102,992
Negligence	Lung and chlorine inhalation injuries	Jury	\$152,954
Vehicle Negligence	Lumbar sprain with radiculopathy	Jury	\$8,389
Vehicle Negligence	Unspecified personal injuries	Bench	Defense

West's Case of the Month

Swimmer Recovers \$153K For Chlorine Inhalation Injuries

Dickey v. YMCA of The Capital Area

TYPE OF CASE:

Negligence-Other
Recreational Activities • Swimming
Vicarious Liability

SPECIFIC LIABILITY:

Swimmer was injured when a large amount of chlorine was released into the pool in which he was swimming

GENERAL INJURY:

Lung injuries; chlorine inhalation injury; severe hypoxia; chest pains; medical expenses; loss of income

COURT:

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

DOCKET/FILE NUMBER: 545,042

VERDICT: Plaintiff, \$152,954.10

VERDICT DATE: Dec. 1, 2010

JUDGE: William A. Morvant

ATTORNEYS:

Plaintiff: Richard S. Thomas and Bobbie Monroe Bankston, Thomas Law Firm, Baton Rouge
Defendants: Albert D. Giraud, Ungarino & Eckert, Baton Rouge

TRIAL TYPE: Jury

EXPERTS:

Plaintiff: None mentioned
Defendants: None mentioned
Unspecified: Susan L. Richarme, MD, geriatric medicine, Baton Rouge; Claude Tellis, MD, pulmonologist, Baton Rouge; William H. Hines, MD, pulmonologist, Baton Rouge; Lee A. Surkin, MD, cardiologist, Williamston, N.C.; Harold Clausen, MD, cardiologist, Baton Rouge

BREAKDOWN OF AWARD:

\$85,000.00 to plaintiff for physical pain and suffering
\$25,000.00 to plaintiff for mental anguish
\$30,954.10 to plaintiff for past medical expenses
\$2,000.00 to plaintiff for future medical expenses
\$10,000.00 to plaintiff for loss of enjoyment of life

SUMMARY OF FACTS:

Bradley Dickey said he was an invitee and guest of the YMCA in East Baton Rouge Parish, La., Feb. 22, 2006. Dickey was reportedly swimming laps in the pool when large amounts of chlorine were allegedly released into the pool.

When Dickey came up for air, he apparently inhaled large quantities of chlorine. As a result of the chlorine inhalation, Dickey claimed he suffered damage to his lungs, including shortness of breath, chest pain, and burning in the throat.

Dickey filed a lawsuit against YMCA of the Capital Area and its insurer, XYZ Insurance Agency, in the Nineteenth Judicial District Court for the Parish of East Baton Rouge in July 2006. In later court documents, YMCA's insurance provider was identified as New Hampshire Insurance Company.

In his petition, the plaintiff alleged the defendants were negligent for releasing large quantities of chlorine resulting in hypochlorous acid and hypochloric acid. The plaintiff claimed YMCA workers stated at the scene they had turned off the pool pump for maintenance, but the chlorine solution pump was left on, thereby causing elevated chlorine levels in the well.

When the workers turned the pool pump back on, the plaintiff asserted stronger chlorine was emptied into the pool, which in turn resulted in the acid and off-gassing experience.

The plaintiff sought damages for his personal injuries, medical expenses, loss of income, disability, physical pain and suffering, loss of enjoyment of life, psychological injuries, and mental pain and anguish.

The defendants generally denied the plaintiff's allegations. The defendants asserted that Dickey was offered oxygen via an oxygen mask by representatives of the YMCA immediately following his inhalation of the chlorine gas, but he refused that offer. They argued the plaintiff's refusal of oxygen amounted to a failure by him to mitigate his injuries and damages.

The matter proceeded to a jury trial in November 2010 with Judge William A. Morvant presiding. Jurors returned a verdict in early December 2010, finding in favor of the plaintiff. The jury awarded the plaintiff \$85,000 for physical pain and suffering, \$25,000 for mental anguish, \$30,954.10 for past medical expenses, \$2,000 in future medical expenses, and \$10,000 for loss of enjoyment of life.

In a judgment signed Dec. 21, 2010, Judge Morvant entered judgment pursuant to the jury's verdict. The court awarded the plaintiff judicial interest on the award from the date of filing, July 10, 2006, to the date of payment.

CASE CITE: West's J.V. La. Rep., Vol. 7, Iss. 3, p. 6 (2011); 2010 WL 7371959

Copyright © 2011 Thomson Reuters/West. All rights reserved. Reprinted with permission. To submit your jury trial, bench trial, settlement, and arbitration results for publication in *West's Jury Verdicts - Louisiana Reports* and possible selection for *Around the Bar*, visit <http://www.westsjuryverdicts.com/BRBA/> To request a free case report for any case listed above, call 800-689-9378.

2012 SLATE OF NOMINEES: BRBA Board of Directors

The following officers for the 2012 Board of Directors were elected without opposition: **Gail S. Stephenson, president; Michael S. Walsh, president-elect; Darrel J. Papillion, treasurer; and Robert "Bubby" Burns Jr., secretary. Preston J. Castille Jr. is the immediate past president.** Seven BRBA members are running for six positions as Director-at-Large. Ballots have been mailed to all regular members of the Baton Rouge Bar Association. In order to vote for the 2012 officers, your 2012 dues must be paid by Monday, Nov. 14, 2011.

DIRECTORS AT LARGE (CHOOSE 6)

SHELTON DENNIS BLUNT

Law School: Southern University Law Center and Emory University School of Law. Year: 1992. Law Firm: Phelps Dunbar LLP. Seeking first term, Director. Activities: CLE Committee (past member; past chairman). Past member of the Membership, Law Day and Law Expo committees. Volunteer: Has spoken on behalf of the BRBA for the Youth Education Committee at a number of Baton Rouge schools. Member: ABA, National Bar Association, Louisiana Association of Defense Counsel (past board member), Louis A. Martinet Legal Society (past president). Served as first president of the Martinet Foundation. Other: Served on LSBA committees and as a presenter for past LSBA and BRBA CLE seminars. Currently is an SULC adjunct professor.



LINDA LAW CLARK

Law School: LSU Paul M. Hebert Law Center. Year: 1993. Law Firm: DeCuir, Clark & Adams LLP. Seeking fourth term, Director. Member: Family Law and Public Law sections; served 15 years on the following BRBA committees: Pro Bono (chair); Membership (chair), Law Expo (co-chair), Law Day, Youth Education and Volunteer. Volunteer: Thirst for Justice and Junior Partners Academy. Sponsor of Belly Up, Holiday Star, Bench Bar Conference. Awards: 2010 BRBA Century Club (900+ hours); 2005 BRBA David Hamilton Pro Bono Award; 2000 President's Award; 2003 LSBA David Hamilton Lifetime Achievement Award; LSU Order of the Coif; LSU Law Review; LSU Law Center Hall of Fame. Other membership: Federal Bar Association; BRAWA; Louisiana Bar Foundation (Fellow); Girl Scouts Louisiana East (First Vice President); Habitat for Humanity Woman Build; Leadership Baton Rouge; and AAUW.



JEANNE C. COMEAUX

Law School: LSU Paul M. Hebert Law Center. Year: 1994. Law Firm: Breazeale, Sachse & Wilson LLP (partner). Seeking sixth term, Director. Activities: Bench Bar Conference (chair 1999; member for 16 years); 75th Anniversary Event (co-chair 2004). Awards: BRBA President's Award: 1999, 2004. Member: ABA Antitrust and Healthcare Antitrust Sections; Louisiana Association of Defense Counsel member; National Association of Auto Dealers member. Louisiana Auto Dealers Association co-general counsel. Board member, The Hospice of Baton Rouge.



KYLE FERACHI

Law School: LSU Paul M. Hebert Law Center. Year: 2001. Law Firm: McGlinchey Stafford, PLLC (partner). Seeking third term, Director. Activities: 2009 chair YLS Section Council; past YLS Council chair-elect and secretary; board liaison to Technology and Personnel committees (2010). Ex-officio member of BRBA Board of Directors; 2005 President's Award recipient; past chairman of Belly Up with the Bar and Ball Maul committees; Thirst for Justice volunteer. Other Activities: LSBA YLS chair-elect; LSU Paralegal Studies Instructor; Greater Baton Rouge Community Tennis Association president; Adult Literacy Advocates Board of Directors; and LSBA Public Service Committee chair.



KARLI GLASCOCK JOHNSON

Law School: LSU Paul M. Hebert Law Center. Year: 1999. Law Firm: Partner, Kean Miller, LLP. Seeking fourth term, Director. Activities: Young Lawyers Section Council chairperson (2008); board liaison to the Law Day, Youth Education and Pro Bono committees (2010). Member: Youth Education, Holiday Star and Belly Up with the Bar committees; Law Day Essay Contest Subcommittee (2001, 2003); Regional High School Mock Trial Coach for St. Joseph's Academy (1999-2003); Law Day volunteer. Member: ABA, LSBA Environmental Section, Executive Women International; LSBA Statewide High School Competition Committee Chair (2003-04).



AMY C. LAMBERT

Law School: LSU Paul M. Hebert Law Center. Year: 1996. Law Firm: Taylor Porter. Seeking third term, Director. Activities: Pro Bono volunteer; Law Day volunteer; past chair of BRBA Young Lawyers Section Council (2005); past Publications Committee member; pro bono volunteer. Activities: selected in Baton Rouge Business Report "Top 40 Under 40" (2005); inducted into the LSU Law Center Hall of Fame; selected for inclusion in "The Best Lawyers in America" 2011 and 2012; former member, Executive Committee for Wex Malone Inns of Court; past president Board of Directors, Playmakers of Baton Rouge; and active member of St. Aloysius Catholic Church.



LAURIE NELSON MARIEN

Law School: LSU Paul M. Hebert Law Center. Year: 2006. Law Firm: Downs, Saffiotti & Boudreaux. Seeking first term, Director. Activities: Family Law Section Chair (2011). Member: Holiday Star Committee, Membership Services and Luncheon & Symposium committees; Belly Up with the Bar Committee (past member); Planning & Zoning Commissioner for East Baton Rouge City Parish.



2012 SLATE OF NOMINEES: Young Lawyers Section Council

The following officers for the 2012 Young Lawyers Section Council were elected without opposition: **Jamie Hurst Watts, chair; and Scotty E. Chabert Jr., chair-elect. Amanda Stout is the past chair.** The positions of **secretary/treasurer (1)** and **council member (5)** will be selected during the election.

Two BRBA members are running for the one position as YLS Secretary / Treasurer. In addition, eight BRBA members are running for five positions as YLS Council Members. Ballots have been mailed to all regular members of the Baton Rouge Bar Association and to members of the Young Lawyers Section. In order to vote for the 2012 officers, your 2012 dues must be paid by Monday, Nov. 14, 2011.

SECRETARY / TREASURER (CHOOSE 1)

BRYAN G. JEANSONNE

Law School: Loyola University New Orleans School of Law. Year: 2008. Law Firm: Christensen Dore Jeansonne & Shahla, PLC. Seeking first term on YLS Council as secretary/treasurer. Member: Law Expo Committee and Technology Committee. Other: Loyola University New Orleans Alumni Association Baton Rouge Chapter – Young Alumni Coordinator, FBI Citizens' Academy graduate, City Club of Baton Rouge member, Krewe of Orion Float Lieutenant.



LARANDA MOFFETT WALKER

Law School: LSU Paul M. Hebert Law Center. Year: 2007. Law Firm: Phelps Dunbar LLP. Served three terms as YLS council member; seeking secretary/treasurer position. Member: Belly Up with the Bar Committee (2009-10). Other: Member of 2010-11 LSBA Leadership Class; member of LSBA Public Information Committee; member of LBF Annual Fellows Gala Committee.



COUNCIL MEMBERS (CHOOSE 5)

JODI BAUER

Law School: LSU Paul M. Hebert Law Center. Year: 2007. Law Firm: Crawford Lewis, PLLC. Seeking first term, council member. Member: BRBA Construction Law Section. Participated with: YLS events, such as Thirsty Thursdays, bar luncheons and Belly Up with the Bar. Other: Member of Junior League of Baton Rouge (Triple Crown Committee) and Forum 35 (Reindeer Run Committee).



LOREN D. SHANKLIN

Law School: LSU Paul M. Hebert Law Center. Year: 2010. Law Firm: McKernan Law Firm. Seeking first term, council member. Member: Volunteer Committee and Belly Up with the Bar Committee. Other: Teacher at Westdale Middle School (2005-07); LSU Law Student Bar Association Executive Director of Programming (2010).



KARA B. KANTROW

Law School: LSU Paul M. Hebert Law Center. Year: 2007. Law Firm: Law Office of Kyle Marionneau, LLC. Seeking first term, council member. Attended various BRBA-sponsored events. Member of: Electric Cooperative Bar Association, LSBA Public Utility Section, American Bar Association. Admitted to practice in all federal Louisiana districts.



VICTOR J. SUANE JR.

Law School: Southern University Law Center. Year: 2007. Law Firm: Kean Miller, LLP. Seeking second term, council member. Member: YLS Council (Appointed September 2011); Belly Up with the Bar Committee (2008-present, 2011 chair). Past Volunteer: Easter Eggstravaganza and Holiday Star Project. Other memberships: American Bar Association, Louis A. Martinet Legal Society Board of Directors; Cancer Services of Greater Baton Rouge; Louisiana School for the Deaf Foundation (current president).



SCOTT M. LEVY

Law School: LSU Paul M. Hebert Law Center. Year: 2010. Law Firm: Adams & Reese, LLP. Seeking first term, council member. Student representative for LSU for 2009 Belly Up with the Bar; presenter at 19th JDC CLE Seminar. Other: Former law clerk to Judge Tim Kelley.



BRAD TATE

Law School: LSU Paul M. Hebert Law Center. Year: 2009. Law Firm: The Shaw Group, Inc. Seeking first term, council member. High School Mock Trial Judge; Belly Up with the Bar participant. Other: LLM in Taxation Candidate; 2011-12 LSBA Leadership Class member; 2011-12 LSBA Access to Justice Committee; 2011-12 LSBA Diversity Committee member.



MICHAEL E. PLATTE

Law School: Southern University Law Center. Year: 2008. Law Firm: Dunlap Fiore, LLC. Seeking first term, council member. Member: Volunteer, Law Expo and Technology committees; 2011 BRBA Law Expo Committee chairman.



TAVARES A. WALKER

Law School: Southern University Law Center. Year: 2008. Law Firm: Southern University Law Center. Member: Teen Court of Greater Baton Rouge Committee member; Mock Trial Committee Vice Chair (2011). Volunteer: Pro Bono. Other memberships: Louis A. Martinet Legal Society of BR; American Inns of Court; Delta Theta Phi Law Fraternity; National Bar Association - Region V.



foundation footnotes

PRO BONO PROJECT & TEEN COURT AUGUST REPORTS

PRO BONO PROJECT REPORT

We would like to thank all of our Pro Bono Project volunteers for their contributions during the month of August. The Thirst for Justice solo practitioner volunteers were **Terry Bonnie, Byron Kantrow, Allen Posey, Judge Melvin Shortess (Ret.) and Emily Ziober.**

Thirst for Justice volunteers practicing with firms were **Melissa Grand, Adams and Reese; Eric Miller, The Kullman Firm; Elisabeth Prescott, Baker Donelson Bearman Caldwell & Berkowitz, PC; Michael Malinowski, The Lucky Law Firm, PLC; and Mac Womack, Taylor, Porter, Brooks & Phillips, LLP.**

Interning with the Baton Rouge Bar Foundation were **Ben Mcdonald; and Cleveland Patterson III, Southern University Law Center.**

Ask-A-Lawyer solo practitioners who volunteered in August were **Samantha R. Ackers, Durward Casteel, Meredith Durham, Scott Gaspard, Andrea Morrison and Emily Ziober.**

Ask-a-Lawyer volunteers from firms were **Todd Gaudin, Kuehne, Foote & Gaudin APLC; and Barbara Baier, Louisiana Department of the Treasury.**

The following volunteers accepted cases in August: **Ronnie Berthelot, Shows, Cali, Berthelot & Walsh, LLP; Booker Carmichael, The Carmichael Firm; Gary McKenzie, Steffes, Vingiello & McKenzie; Wendra Moran; Rokeya Morris; Arthur Vingiello, Steffes, Vingiello & McKenzie; and Anita White.**

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

Matthew Belser, Tavares Walker and Jeff Wittenbrink served as judges for the August hearing. **Tina Brown and Samantha Mallet, Southern University Law Center** students, served as jury monitors.

Otha "Curtis" Nelson Jr., Gail Grover, Matt Belser, Samantha R. Ackers, Jeff Wittenbrink, Erika Green, Tina Brown and Samantha Mallett conducted the Teen Court training session Aug. 26, 2011. **Judge Kelli Terrell Temple** performed the swearing-in ceremony.

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

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

ANNOUNCEMENT FOR SOUTHEAST LA. LEGAL SERVICES

Sarah Campbell is the managing attorney for the Baton Rouge office of Southeast Louisiana Legal Services.

1520 Thomas H. Delpit Dr.
Baton Rouge, LA 70802
Toll Free: 855-512-3980
Local: 225-448-0331
Fax: 225-383-1197

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

To find out more, contact Donna Buuck
at 225-214-5556 or donna@brba.org

or

R. Lynn Smith Haynes at 225-214-5564
or lynn@brba.org.





November 2011



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

		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

19THJDC CIVIL COURT

Oct. 24-Nov. 4	Judge Morvant
Nov. 7-Nov. 18	Judge Kelley
Nov. 21-Dec. 2	Judge Hernandez

19TH JDC CRIMINAL COURT***

Oct. 28-Nov. 4	Judge Marabella
Nov. 4-Nov. 11	Judge Anderson
Nov. 11-Nov. 18	Judge Erwin
Nov. 18-Nov. 25	Judge Jackson
Nov. 25-Dec. 2	Judge Daniel

BATON ROUGE CITY COURT*

Oct. 31-Nov. 6	Judge Temple
Nov. 7-Nov. 13	Judge Wall
Nov. 14-Nov. 20	Judge Alexander
Nov. 21-Nov. 27	Judge Ponder
Nov. 28-Dec. 4	Judge Davis

FAMILY COURT**

Oct. 31-Nov. 4	Judge Baker
Nov. 7-Nov. 11	Judge Woodruff-White
Nov. 14-Nov. 18	Judge Day
Nov. 21-Nov. 25	Judge Lassalle
Nov. 28-Dec. 2	Judge Baker

JUVENILE COURT

Nov. 1-Nov. 30	Judge Taylor-Johnson
----------------	----------------------

NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified.
**City Court's Duty Court schedule changes each Monday at 8 a.m.*
***Family Court's Duty Court schedule changes at 4 p.m. each Friday*
****19th JDC Criminal Court changes each Friday at noon*

COURT HOLIDAYS

Tuesday, Nov. 1	All Saints Day
Friday, Nov. 11	Veterans Day
Thursday, Nov. 24	Thanksgiving Day
Friday, Nov. 25	Acadian Day

Classifieds

LAW OR PROFESSIONAL office suites available in well known Perkins Road building. Waiting room with receptionist. Access to various size conference rooms. Area 1 - Large office, with 2 separate rooms for staff. Area 2 - approx. 8 x 10 office. Call Pam at 225-766-1100 for more information.

ATTORNEY NEEDED: Healthcare Attorney with 2-4 years of experience needed to join a Baton Rouge-based law firm. This associate position is located in the Baton Rouge office. We offer competitive salaries and comprehensive benefits. If interested, please forward your resume to humanresources3197@gmail.com.

YOUTH EDUCATION PROGRAMS SEEKING VOLUNTEERS: The BRBF has a number of programs that work with youth in Baton Rouge. In case any attorney is interested in volunteering to make a difference, you can volunteer to work with the Teen Court of Greater Baton Rouge program or the Junior Partners Academy. The Law Day, Mock Trial and Youth Education committees need more volunteers as well. Contact Donna Buuck at donna@brba.org or Lynn Haynes at lynn@brba.org for more information.

A SWEARING IN CEREMONY WILL BE HELD FOR THE EASTERN, MIDDLE & WESTERN DISTRICTS OF LOUISIANA AND THE FIFTH CIRCUIT COURT OF APPEALS ON

DEC. 6, 2011

PLEASE NOTE: APPLICATION DEADLINE IS NOV. 15

Contact Ann G. Scarle at 225-214-5563 or ann@brba.org for more information.

Calendar of Events

- 1** YLS Council Meeting, 12 p.m.
- 2** Law Day Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 3** November Bar Luncheon, De La Ronde Hall, 11:45 a.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.
- 4** Practicing Law in the 19th JDC CLE, 8:30 a.m., 19th Judicial District Court
- 5** Teen Court Training Session, EBR Parish Juvenile Court, 9 a.m.-3 p.m.; Ask-A-Lawyer workshop, Jones Creek Library, 9-11:30 a.m.
- 7** Ball Maul Golf Tournament, University Club, 10 a.m.
- 8** Workers' Comp Section meeting, 12 p.m.
- 9** Pro Bono Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.; Operations & Finance, 3:30 p.m.; Executive Committee, 4 p.m.
- 10** Construction Law Section meeting, 11:30 a.m.; FLS meeting, 12 p.m., Carrabba's; Volunteer Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.; Beer @ da Bar reception, 5 - 6:30 p.m.
- 11** Office Closed — Veterans Day Holiday
- 14** CLE Committee meeting, 12 p.m.; Publications Committee meeting, 12 p.m.
- 16** Ask-A-Lawyer, Catholic Charities, 9-11:30 a.m.; Board of Directors meeting, Mansur's, 6 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.;
- 17** JPA, Dalton Elementary, 8 a.m.; Bar Governance Comm. meeting, 12 p.m.; Thirst, St. Vincent de Paul, 3-5 p.m.; Cocktails with the Court, City Club, 5 p.m.
- 18** Practicing Law in the Baton Rouge City Court CLE, BR City Court, Rm. 348
- 22** Youth Education Committee, 12 p.m., Location: TBA
- 23** Teen Court Meeting, 12 p.m., Location: TBA; Thirst, St. Vincent de Paul, 3-5 p.m.
- 24** Office Closed — Thanksgiving Holiday
- 25** Office Closed — Acadian Day Holiday
- 30** Thirst, St. Vincent de Paul, 3-5 p.m.

Baton Rouge Bar Association
P.O. Box 2241
Baton Rouge, LA 70821

Return Service Requested

PRSR STD
U.S. POSTAGE PAID
BATON ROUGE, LA
PERMIT NO. 746



**“THE PARTNERS
FIGURED THEY
COULD GIVE ME
MORE WORK NOW.
TURNS OUT
THEY’RE RIGHT.”**

BRENT KIMBALL, ASSOCIATE
GREENSPOON MARDER, P.A.
ORLANDO

WestlawNext™

One reason WestlawNext™ helps you get more done is that it’s powered by our new search engine – WestSearch™, which leverages the Key Number System and other West assets to streamline the search process. In fact, it helps **reduce your research time by up to 64 percent**, while still assuring that you haven’t missed anything important. Hear what Brent and other customers are saying – and see details of the efficiency study yourself – at WestlawNext.com.



THOMSON REUTERS™