Join Us: February Bar Luncheon

Joint Luncheon with BRAWA, FBA (BR Chapter) & Martinet Society:
Wednesday, Feb. 15
Save the Date

Baton Rouge Bar Association
2017 Bench Bar Conference

JULY 26-29

Sponsorships Available

Contact Ann K. Gregorie
at ann@brba.org
or 225-214-5563.

Thank you to our sponsors:

- Gilsbar
- Dr. Michael J. Goff/Louisiana Health & Injury Centers
- Total Care Injury and Pain Centers

Save the Date

Baton Rouge BaR Association
2017 Bench Bar Conference

July 26-29

Sponsorships Available

Contact Ann K. Gregorie
at ann@brba.org
or 225-214-5563.

Thank you to our sponsors:

- Gilsbar
- Dr. Michael J. Goff/Louisiana Health & Injury Centers
- Total Care Injury and Pain Centers

855.867.0057 • gilsbar.com/contactus

Term Life Insurance
- No Paramed Exam required with a clean application for some policies
- No dramatic rate increase for the life of the policy

Long Term Disability Insurance
- Competitive, unisex rates
- Trusted carrier partners

Business Overhead Expense Insurance
- Protect your business
- Competitive rates

Gilsbar
VOLUNTEERS ARE NEEDED TO HELP WITH THE REGION III HIGH SCHOOL

Mock Trial Competition

We need judges, timekeepers and competition judges for Friday, Feb. 17, and Saturday, Feb. 18.

To volunteer or for more information, please contact
Lynn S. Haynes at lynn@brba.org or 225-214-5564.
Conditional clauses state what must occur or not occur before something can happen. They start with words such as if, when and unless. Writing the conditional clause first emphasizes the condition and sets up the main point.

EXAMPLES:

If she accepts his proposal on Valentine’s Day, they’ll be married in June.

If you do not send a check by Feb. 28, I will file suit.

Leading with the conditional clause is a good rule to follow unless the clause is long and convoluted. If the sentence is more readable with the condition at the end, you might want to consider simplifying the clause.

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

For New Year’s Day, my family has a standing date with the family of my dear friend, Magistrate Judge Erin Wilder-Doomes (who dispenses with formality and permits us to address her as “Erin” in this casual setting). Erin’s maternal grandparents, Joe and Nathalia Douglas, are always there, visiting from Topeka, Kansas. We visit, eat cabbage and black-eyed peas, and watch football. It is a tradition I treasure.

Mr. and Mrs. Douglas always have wonderful stories about their early lives, and this time, those stories were especially relevant to my topic of Black History Month. You see, they grew up attending Topeka’s segregated schools. They lived through the initial desegregation efforts spearheaded by the landmark case of Brown vs. Board of Education of Topeka. Later, Mr. Douglas served as president of the Topeka School Board, even as the Brown vs. Board of Education litigation continued into its fourth decade.

But the stories did not match my expectations precisely. I had assumed that there would be a clear narrative about the progress made since those days of segregation. Weren’t we, a comfortably colorblind gathering of blacks and whites, evidence of that progress? Perhaps, and Mr. and Mrs. Douglas did say that, in many respects, things are better for black Americans today.

But what caught my ear were the stories of close interracial friendships they enjoyed as children, even living in a world with segregated schools. Apparently, we did not invent “comfortably colorblind” in the modern era. And Mrs. Douglas spoke of her feelings of great loss at the closing of Washington Elementary School, the segregated school she attended as a child, which was shut down as part of the desegregation effort. I was touched by these recollections of meaningful relationships that flourished in the midst of injustice.

I left with a sense that my happily colorblind life was worth cherishing. But not at the expense of turning a blind eye to the injustices that endure today. Black History Month gives us an opportunity to reflect on our nation’s long and difficult struggle to address the injustices perpetrated on black Americans. This reflection must give rise to a resolve to continue the fight. I know that the Baton Rouge Bar Association will continue to fight against injustice, wherever it manifests itself. Baton Rouge will be a better city for it.

I hope to see you Wednesday, Feb. 15, at the February Bar Luncheon.
The BRBA will hold its February Bar Luncheon Wednesday, Feb. 15, 2017, at Ruffino's at De La Ronde Hall, 320 Third St. This month’s luncheon is a joint meeting of the BRBA, the Baton Rouge Association of Women Attorneys, the Federal Bar Association (Baton Rouge chapter), and the Louis A. Martinet Legal Society.

Speaking at this month’s joint bar luncheon will be Mayor-President Sharon Weston Broome. Her journey as a public servant has spanned for over two decades, starting with the Metro-Council and culminating with her election as the first female elected mayor-president of Baton Rouge, East Baton Rouge Parish.

Broome spent two decades in the state Legislature, during which she served as a Representative (District 29) and a Senator (District 15). Through the legislation she authored, Broome leaves a legacy of empowering children, families and communities.

Members of the BRBA, BRAWA, FBA—BR chapter and Louis A. Martinet Legal Society may attend the February Bar Luncheon at Ruffino’s at De La Ronde Hall for $30 per person. Guest price is $40 per person. Please RSVP to Kelsie Bourgeois by noon Friday, Feb. 10, 2017. “No shows” will be invoiced.

Cancellations must be made by noon Friday, Feb. 10, 2017. Fax this form to 225-344-4805 or email it to kelsie@brba.org.

To register for this luncheon and pay by credit card, go to www.BRBA.org, select the EVENTS tab, then click on LIST and choose the appropriate meeting.
Mentoring is the theme that is most prevalent throughout the following interview with Ashley Greenhouse, the 19th president of the Louis A. Martinet Legal Society. In that role, she sets forth a new agenda for the growth and identity of the organization.

Greenhouse, a Louisiana State University Law Center graduate, discussed how it felt to be a new attorney when she passed the bar in 2009. Her goal is to help bridge the gap between new attorneys and established attorneys in the Martinet Legal Society. Greenhouse, 34, discussed her goals for her tenure as president, and the role of the organization after the events that occurred in Baton Rouge this past summer.

Greenhouse graduated from Louisiana Tech in Ruston in accounting. During her senior year in college she was mobilized to Fort Polk, where she served as a finance specialist. After graduating from Louisiana Tech, she attended the LSU Law Center. Greenhouse began practicing family law with the firm of Haley & Associates in 2009.

Greenhouse, a staff attorney at the 19th Judicial District Court, works with Commissioner Quintillis Lawrence. Although she said she enjoys the job she has now, Greenhouse found that working with juveniles was the most rewarding experience of her career. Greenhouse noticed that young people really benefit from someone who cares. Through her juvenile court experience she discovered that mentoring is needed, not just for juveniles but also for new attorneys.

**ATB:** Why did you go to law school after you graduated with an accounting degree?

**AG:** I always wanted to go to law school. When I went to Tech I really didn’t know what I was going to major in. Accounting was the first thing on the list and that’s why I went in accounting. I always tell people if aviation would have been before accounting, I probably would be flying planes today. I never practiced accounting.

**ATB:** So, you said you served in the Army reserves. Tell me about that.

**AG:** I gained all the confidence in the
world from my experience in the Army reserves. I always say my biggest regret was not staying in the Army longer. During senior year in college I was mobilized in support of Operation Enduring Freedom, where I served as a finance specialist. In that role, I had an opportunity to assist active-duty soldiers and their spouses as they prepared to go abroad. I served nine years in the Army reserves. My rank was staff sergeant when I got out, before I graduated law school.

ATB: What did you do after law school?

AG: Immediately after law school I practiced family law, forming Haley & Associates with Ronald Haley. At the time, I had the opportunity to do a lot of pro bono work at juvenile court, and it’s probably the most rewarding thing that I have done since I began practicing. You know, those kids are looking for someone to respect. I believe they are looking for someone to help re-direct them. It really was the best way that I could give back to the community and effect change.

It was a huge commitment, but it was really important to me and Ron (Haley), and so we did a lot over there. In family court, of course, I love to help folks. This is work for us, but for these folks, this is their real life. I try my best to give them the tools to effectively manage their existing relationships. I try to give them what they want while still maintaining a piece of respect for the other person. I never want to be the nasty lawyer. Most of our clients have to maintain some type of relationship with the opposing party.

ATB: Now you work as a staff attorney at the 19th JDC with Commissioner Lawrence. Tell the readers about that experience.

AG: I actually met Commissioner Lawrence when I was visiting his unit when I was a first-year law student. He tried to recruit me for the JAG Corps. I never imagined that I would have this opportunity to work for him. I have learned so much from him.

ATB: How did you get involved with the Louis A. Martinet Society?

AG: In law school I became involved with the Louis A. Martinet Society. The organization gave me an opportunity to network with attorneys who looked like me. I’ve just continued to be active since law school. In law school I was president of the local BLSA chapter and served on the regional board my third year. Those organizations were active with Martinet.

ATB: What are some activities that the organization sponsors?

AG: Martinet has been a staple for African-American attorneys by providing them with tools to be successful. In the past, organizations like Martinet were necessary to partner with African-American attorneys so that they could be successful in practice. While we are available for those things, there is less of a need for us in that capacity. Instead, we have opportunities to help the community...
with expungement days and we have a reading-from-the-start program, which brings attorneys into the schools to read with kids and have a presence in the schools. Something big that has happened recently is our contribution to the community with all the events that happened over the summer.

ATB: Tell me more about Louis A. Martinet’s contribution after the events from the past summer.

AG: In light of the Alton Sterling incident, we had so many people calling about Martinet’s response. Without making immediate comments, we decided to respond by just being lawyers. We knew people had the right to protest, so we decided to protect people’s right to protest. We chose, as an organization, to provide pro bono services for anyone who was arrested during peaceful protest. We worked closely with the National Lawyers Guild, which bonded people out. Our organization had attorney volunteers to take these cases. Additionally, as an affiliate of the National Bar Association, we partnered with other Martinet chapters around the state, 100 Black Men of Metro Baton Rouge and the Lawyers’ Committee for Civil Rights Under the Law, and brought in presenters from the “Black Movement Law Project” to provide training on legal observing and jail support. That’s what we contributed to our community. It was important and we needed to respond.

ATB: What are your goals for the organization under your tenure?

AG: My hope for the organization during my tenure is to have Martinet focus on a strong mentorship component. I want more seasoned attorneys to be there for the new attorneys. I want to increase participation and have offerings to meet the needs of the 21st century attorney. We plan to offer CLEs at every general body meeting. In fact, we held a Martinet Thanksgiving lunch, where we offered an hour of CLE training and professional headshots because we have so many solo practitioners. We are trying to have new and creative ideas to meet the needs of our members.
In April 1946, Thurgood Marshall called a special meeting in Atlanta with lawyers from several southern states that worked with the National Association for the Advancement of Colored People (NAACP) on suits through their local NAACP chapters. At the meeting, Marshall and the lawyers decided to file suits in 11 southern states and the District of Columbia, simultaneously, demanding equality in all public education facilities including professional and graduate schools.\(^1\) Among the many lawyers present were Alexander Pierre Tureaud, a 1925 graduate of Howard University Law School. He was a New Orleans native and the only regularly practicing black attorney in Louisiana between 1938 and 1947.\(^2\) Tureaud would go on to file most of the important civil rights litigation in Louisiana and in time earned the name “Mr. Civil Rights.”\(^3\)

Prior to the special NAACP meeting in April, Charles Hatfield III, a resident of New Orleans and a senior at Xavier University, wrote to the registrar at Louisiana State University seeking admission into the LSU Law School.\(^4\) Ten days later, Hatfield received a letter from LSU Law Dean Paul M. Hebert stating, “LSU does not admit colored students and Southern University, the principal State supported College for Negroes, is authorized by statute to establish a law school for Negroes.”\(^5\) Dean Hebert’s response provided the basis for a suit against the LSU Law School because, at the time, no law school existed at Southern University. On Oct. 10, 1946, Tureaud filed a suit on behalf of Hatfield.\(^6\)

Meanwhile, the LSU Board of Supervisors sent requests to the Louisiana State Board of Education strongly recommending the creation of a black law school at Southern University. On June 14, 1947, a budget of $40,000 was allocated to establishing such a law school.\(^7\) Southern University Law School opened in the fall of 1947 with four part-time professors lent from LSU and eight students.\(^8\) Unfortunately, Charles Hatfield never enrolled in the Southern University Law School. However, in May 2002, just one month before his death in June at the age of 87, he received Southern University Law Center’s first Honorary Juris Doctorate.\(^9\) The Hatfield case is extremely significant not only for the creation of Southern University Law School but for displaying the inequalities between the newly created law school and LSU Law School.
Approximately four years after the Hatfield case, on July 12, 1950, 12 black students applied for admission to the LSU Law School. The LSU Board of Supervisors denied their admission on the premise that Louisiana had established a law school for blacks at Southern. Tureaud and Marshall saw this as their chance to challenge the equality of the two schools as mandated by the 1896 Plessy v. Ferguson decision. They decided to sue LSU on behalf of one of the 12 plaintiffs, Roy Wilson, an Army veteran from Ruston who possessed all of the qualifications required for admission to the law school.

Federal District Judges J. Skelly Wright and Herbert Christenberry and U.S. Fifth Circuit Court of Appeals Judge Wayne Borah comprised the three-judge panel that heard Roy Wilson v. Board of Supervisors of LSU. In the suit, Tureaud and Marshall argued that the law school at Southern University failed in comparison and equality to the law school at LSU. After extensive testimony by the presidents and law school deans of both Southern University and LSU, the inequalities of the two schools were evident, especially in the operating budgets. LSU Law School had an annual operating budget of approximately $2,000,000; the entire amount appropriated for establishing the law school at Southern was only $40,000. Still, the attorneys representing LSU argued that all of the facilities at Southern were “excellent, including the library and other features and while the school did not have a special building, the building did have air-conditioning, LSU did not.”

Tureaud fought back by presenting evidence to the court that continued to prove the inequality between LSU and Southern University law schools. According to Tureaud, Southern Law School’s physical plant was worth only $3.5 million, approximately 10 percent of the value of LSU Law School’s plant, $34 million. Tureaud continued to expose the inequalities of the two law schools by comparing the libraries and faculty. He produced documentation showing that the law library at LSU contained more than 70,000 law books as opposed to the 12,300 law books in the Southern University law library. Tureaud also demonstrated that the Southern University Law School faculty members lacked advanced degrees or previous teaching experience consistent with their counterparts on the faculty at LSU Law School.

The attorneys for LSU, with nothing left to argue, stated that the court had no right to grant an injunction on a question only the LSU Board of Supervisors could decide. Marshall responded that he and Tureaud aimed was only to “remov[e] from that consideration the question of race,” and not to deprive the LSU Board of the right to consider who was admitted to the law school. According to Marshall, this suit prevented LSU Law School from putting into action the idea that regardless of qualifications, blacks should not be admitted.

The federal court decision stated that the law school at Southern University failed to provide the plaintiff educational advancements equal to those at LSU. Thus, it ordered Wilson to be admitted to LSU Law School. Wilson became the first black student admitted to the law school on Nov. 1, 1950. The LSU Board of Supervisors appealed the decision in Board of Supervisors v. Wilson, but the U.S. Supreme Court affirmed the ruling of the lower court without comment. While the U.S. Supreme Court reviewed the Wilson case, LSU opened an investigation into Wilson’s “character,” which led to his resignation from LSU on Jan. 17, 1951. Despite the outcome for Wilson, his case is both historic and significant because it opened the
doors of the LSU Law School to blacks who met all of the necessary qualifications for admission. In the fall of 1951 three black students, Robert F. Collins, Pierre S. Charles and Ernest N. Morial, were accepted into LSU Law School without prejudice, and in February 1954, LSU Law School graduated its first black student, Ernest N. Morial, who later went on to become the first black mayor of New Orleans.

4. Hatfield to Louisiana State University Registrar, Hatfield Papers, Amistad Research Center, Tulane University, New Orleans, La. Hatfield wrote to LSU’s registrar on 10 January 1946.
5. Board of Supervisors Records, RG#A0003, Report of a Meeting Representatives of LSU and Representatives of the State Board of Education held at the Louisiana State Capitol on 12 August 1946, Box 7 Folder 310. Louisiana State University Archives, LSU Libraries, Baton Rouge, Louisiana.
7. Wilson, “Justice in Louisiana.”
8. News Paper Clippings, Box 28-308, New Orleans Branch NAACP Papers, University of New Orleans, Special Collections.
12. News Paper Clippings, Box 28-308, New Orleans Branch NAACP Papers, University of New Orleans, Special Collections.
Every year, Americans flock to amusement parks and adventure-sport facilities to catch a thrill. Part of the allure of these activities is the chance to do something with a high perceived risk but in a manner where there is little actual risk. It is the perception of risk that triggers the “adrenaline rush” that makes these activities attractive. For most people, however, the chance for a thrill alone is not enough to get them on the ride or to do the activity. Rather, the mass appeal of these activities is tied to the participant’s belief that the ride or activity is set up to be done safely and that he or she will walk away uninjured. It is the illusion of danger, not actual danger, that makes amusement park rides and adventure sports so popular. Participants generally expect that they will be properly instructed, supervised and warned of any conditions or conduct that increases their risk of harm, and that they will be safe if they follow all instructions and warnings. In other words, they expect a controlled environment where they can feel the rush without the risk.

Unfortunately, participants do not always walk away unharmed. For example, during a five-day span in August 2016, the nation saw four amusement park accidents causing serious injuries, including the decapitation of the 10-year-old son of a Kansas lawmaker on the Verrückt waterslide at Schlitterbahn Kansas City. In the wake of these accidents, many questioned the safety, oversight and standards of amusement park rides and the industry as a whole. Similar questions have been raised with regard to adventure sports as the growth in their popularity in recent years has led to a steady rise in injuries from activities such as zip lining, parasailing and other endeavors that at one time were done almost exclusively by daredevils or experienced adventurers but are now commercialized and widely offered to the public at large for recreation. The rise in injuries from such activities have been dramatic enough to cause the medical community to “suggest the need for additional guidelines and regulations” governing zip line operators and prompt the publication of a special investigative report on parasailing by the National Transportation Safety Board. Against this backdrop, many question the safety standards of the amusement park and adventure-sport industries, especially when accidents occur.

Louisiana law recognizes that while facility operators are not required to remove every element of risk associated with a ride or adventuring activity, they are responsible for providing a safe, sound and secure environment free of unnecessary and unreasonable dangers. Under Louisiana law, operators of amusement parks and adventure-sport facilities owe a general negligence duty of reasonable care under the circumstances. Although not the insurers of a participant’s safety, facility operators owe “the duty of exercising reasonable care for the safety of persons on [their] premises and the duty of not exposing them to unreasonable risks of harm or injury.” Importantly, the duty owed “must be defined in terms of the special circumstances and the special dangers” presented by such facilities, including that, regardless of the risks involved, the public generally expects such facilities to be safe when patrons and participants follow the instructions and warnings provided to them. As such, operators “must use care commensurate with the dangers of the business”
- the more dangerous the activity, the greater the degree of care required of the facility operator. 7

Facility operators must adequately inspect and maintain the premises and equipment provided to ensure that it is in proper working order and reasonably safe for the purpose intended, identifying unreasonably dangerous conditions that are reasonably discoverable and either correcting them or providing an adequate warning. 8 They must also properly orient, instruct and supervise participants and facility personnel to ensure that safe and appropriate practices are followed. 9 This includes having appropriate rules, policies, procedures and standards in place and taking reasonable steps to ensure that both participants and facility personnel know and follow them. 10 The failure to do so may give rise to liability, particularly where facility personnel fail to meet industry standards or comply with the facility’s own internal standards. 11 Conversely, although compliance with applicable standards may be evidence that an operator acted reasonably, it will not, in all cases, insulate an operator from liability, particularly where the standards themselves are lacking or where despite compliance, the operator knew or should have known that certain conditions or conduct raised the risk of harm but failed to take action to protect participants. 12

One critical aspect of an operator’s duty of reasonable care is appropriate instruction and supervision of participants. In the amusement-park setting, this obviously includes fundamental safety concerns such as making sure that riders meet the requirements to get on the ride (e.g., height, age), are appropriately secured and know and follow safety rules for the ride. Beyond that, Louisiana courts have also held that amusement-ride operators have “a duty to reduce the risk of injury to riders by shutting down the ride when dangerous or unsafe activity is observed,” noting that “safety must be a foremost concern of operators” in such circumstances. 13

Instruction and supervision are just as critical, if not more so, in the adventure-sport context because whereas the amusement-park riders are passive participants relying almost entirely on the operator to control the ride and its risks, adventure-sport participants are actively engaged in the activity. Adventure-sport participants vary in experience, fitness, knowledge and skill, and each understand the set up and know how to properly use the equipment at that specific facility so as to avoid injury. 14 For example, what might be an appropriate anchor point at one facility may look the same but not be strong enough to be safe for use at another facility. All participants need to be shown exactly how the equipment is intended to be used at that specific facility so that their safety is not compromised. For that reason, it is prudent for facility personnel to demonstrate how to properly use the equipment, especially safety-related equipment, and show participants how to safely react if faced with threatening or challenging scenarios. After demonstration, facility personnel should also observe participants to ensure that they are using proper technique before allowing them to perform the activity unsupervised or under less supervision. Whether the operator did some or all of the foregoing may be determinative of liability should an injured participant pursue a claim. 15

One unique characteristic of adventure sports that is typically not seen with amusement parks is the use of written waiver forms. While such forms are commonly used in Louisiana, pursuant to Louisiana Civil Code article 2004, any clause that “in advance, excludes or limits the liability of one party for causing physical injury to the other party” is null. 17 Thus, under Louisiana law, the signing of a waiver of liability will not exculpate a facility operator from liability for personal injuries. 18 Although some operators attempt to circumvent article 2004 through choice-of-law or forum-selection clauses, such attempts may be suspect and subject to attack, particularly if the end result would be a waiver of liability given that such enforcement would contravene a strong public policy of Louisiana (that is, nullity of such provisions pursuant to article 2004). 19 Another tactic that facility operators use to try to limit liability is to include a mandatory arbitration provision in a waiver form. Notably, however, in Dubon facility has its own idiosyncrasies. The operator must take reasonable measures to ensure that each participant is capable of performing the activity safely and, if so, is adequately instructed in the proper techniques for doing so. 14 This includes orienting the participant to the equipment, procedures and rules for the specific facility regardless of the participants’ overall experience or skill level to be sure that they
v. Activelaf, LLC, a case involving an arbitration provision in a waiver form required by a trampoline park, the Louisiana Supreme Court recently found such a provision adhesionary and unenforceable. While the court noted that the enforceability of arbitration clauses is decided on a case-by-case basis and that its holding in Dubon was based on the specific facts of that case, it nonetheless provides insight for evaluating the enforceability of such provisions.

Conclusion

Operators of amusement parks and adventure-sport facilities are responsible for providing a safe, sound and secure environment for participants to enjoy the thrill of the activity free from unnecessary and unreasonable risks. This does not mean a risk-free environment. It does, however, require operators to take reasonable measures to reasonably reduce the risks of the activity or ride (and certainly not increase the risks) and make sure that all participants are adequately instructed, warned and supervised so that they do not needlessly compromise their safety or the safety of others. Notably, the degree of care required of the operator is defined by the nature of the activity: The more dangerous the activity, the greater degree of care and attention required. Operators who recognize this and make safety a priority can offer the perception of safety or the safety of others. Notably, the degree of care owed is that of reasonable and ordinary care, which includes the prior discovery of reasonably discoverable conditions on the premises that may be unreasonably dangerous, and correction thereof or a warning to the invitee of the danger).


4 See Downs v. E.O.M. Entertainment, Inc., 43,654 (La. App. 2 Cir. 10/22/08), 997 So.2d 125, 128-29.

5 Id.

6 U.S. Fidelity & Guaranty Co. v. Brian, 339 F.2d 881, 883 (5 Cir. 1964), judgment modified, 339 F.2d 602 (5 Cir. 1965).

7 Id.

8 Id.; Ravey v. Rockworks, LLC, 12-1305 (La. App. 3 Cir. 4/10/13), 111 So.3d 1187, 1190 (noting that duty owed “is that of reasonable and ordinary care, which includes the prior discovery of reasonably discoverable conditions on the premises that may be unreasonably dangerous, and correction thereof or a warning to the invitee of the danger”).

9 See Fecke v. Bd. of Supers. of LSU, 15-0017 (La.App. 1 Cir. 7/7/15), 180 So.3d 326, 342-343, aff’d in part, rev’d in part on other grounds, 15-1806 (La. 9/23/16), __ So.3d ____, 2016 WL 5390302 (defendant liable for failing to “properly instruct, demonstrate, and certify” that plaintiff “understood the proper techniques” for climbing an indoor rock climbing wall in accordance with facility rules manual); Pate v. Skate Country, Inc., 96-0364 (La.App. 4 Cir. 10/9/96), 682 So.2d 288, 291 (failure to follow industry regarding use of “floorguards” at roller rink supported finding of negligence against facility); Harvey ex rel. Bates v. T.H.E. Ins. Co., 99-1440 (La.App. 3 Cir. 6/28/00), 764 So.2d 334, 358-59 (operator breached duty to maintain amusement park ride by not having seatbelts in violation of manufacturer’s specifications notwithstanding the fact that independent third-party inspector certified the ride).

10 Id.

11 Id.

12 See e.g., Harvey, 764 So.2d at 358-59.

13 Id.

14 See Fecke, 180 So.3d at 342-43 (operator held liable for failing to properly instructed and supervise); cf. Ravey, 111 So.3d at 1191 (operator reasonable and not negligent where plaintiff was shown how to use equipment properly and staff observed plaintiff using equipment properly prior to accident).

15 Id.

16 Id.


18 Id. also Fecke, 180 So.3d at 342.


20 Dubon v. Activelaf, LLC, 16-0818 (La. 10/19/16), __ So.3d ____, 2016 WL 6123820.
The BRBA and the Baton Rouge Chapter of the Federal Bar Association hosted its annual Admission to the Federal Courts Ceremony Tuesday, Dec. 13, 2016. Judge John W. deGravelles presided over the ceremony wherein 34 attorneys were admitted to one or more of the federal courts including the U.S. District Court for the Middle District of Louisiana, U.S. District Court for the Eastern District of Louisiana, U.S. District Court for the Western District of Louisiana and the U.S. Fifth Circuit Court of Appeals.


December Bar luncheon held Dec. 7

On Dec. 7, 2016, bar members listened to Nathaniel Hearn, a young historian, discuss the importance of Pearl Harbor on the occasion of the 75th anniversary of this day of infamy.
BRBA launches an In-House Counsel Section

On Dec. 1, 2016, members of the newly formed In-House Counsel Section met to plan programming for 2017. Under the leadership of its chair, John Fenner, the section is planning quarterly meetings to discuss topics of interest. Membership in the section is open to all BRBA members serving as in-house counsel to area companies. Dues are $25 per year. To join, contact the Bar Office.

Family Law Section holds Christmas Party

The Family Law Section held its Christmas Party on Dec. 1, 2016, at Manasseh Gill Knipe Belanger PLC. Section members, judges and guests had a wonderful time enjoying the start of the holiday season. If you are interested in joining the Family Law Section, please contact Caroline Cooper at caroline@brba.org for more information.

NABT elects Baton Rouge attorney as National President and CEO

At the National Association of Bankruptcy Trustees (NABT) recent convention, Dwayne M. Murray was elected National President and Chief Executive Officer of the association. An SULC adjunct law professor and insolvency lawyer, Murray has served as a hearing officer for the U.S. Bankruptcy Court for the Middle District of Louisiana for 23 years.

NABT is a nonprofit association formed in 1982 to address the needs of chapter 7 bankruptcy trustees and to promote the effectiveness of the bankruptcy system as a whole. Membership in NABT is open to chapter 7 trustees, judges, employees of the Office of the U.S. Trustee, attorneys, accountants, auctioneers, appraisers, insurance agents, bankruptcy software providers and bankers.
Around the Bar

PRO BONO & TEEN COURT REPORTS — NOVEMBER 2016

The Baton Rouge Bar Foundation would like to thank all who volunteered in November.

ASK-A-LAWYER VOLUNTEERS: Jim Austin, Butler Snow; Barbara Baier, Louisiana Public Defender Board; and Thomas Acosta.

THIRST FOR JUSTICE VOLUNTEERS: Trey Dominique, Dudley DeBosier; T. MacDougal Womack, Charles Anzelmo, Thomas Gildersleeve, Scott Mansfield, Adam Thames, Taylor Porter; Scott Gaspard; Allen Posey; and Jimmy Zito.


ACCEPTING MEDICAL LEGAL PARTNERSHIP PRO BONO CASES: Victor Loraso, Carleton, Loraso & Hebert, LLC.

SELF HELP RESOURCE CENTER ATTORNEY VOLUNTEERS: Steven Adams, Adams Law Office APLC; Joseph Ballard, Entergy Services, Inc.; Janeane Gorczyca and Jennifer Prescott, Joubert Law Firm; Brett Sandifer, Sandifer Law Firm, LLC; Evelyn Wilson, Southern University Law Center; Sandra Ribes; and Jennipher Williams.

TEEN COURT: In November, Brittany Tassin and Jennipher Williams volunteered for the Teen Court hearing.

LAWYER IN THE CLASSROOM: Southern University Law Center Professor Wendy Shea and law student, Franchester Gibson, taught No Vehicles in the Park to third grade students at Southern University Lab School and Fish Tales to the second grade.

Comprehensive Counsel for Lawyers & Law Firms

McGlinchey Stafford attorneys are trusted advisors to lawyers and law firms, providing counsel on a variety of business and management issues. We have experience in a broad range of issues surrounding ethics and risk management, including:

- Lawyer engagement, from new matters to outside counsel guidelines
- Client conflicts and conflict waivers
- Counsel in the areas of ethics and professional responsibility
- Law firm insurance
- Lateral hiring
- Law firm dissolution and departing attorney procedures
- Representation of attorneys in disciplinary matters

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; Franciscan Ministry Fund; Family, District and City Court Filing Fees; W.K. Kellogg Foundation; Baton Rouge Area Foundation; and the Baton Rouge Bar Foundation. Teen Court of Greater Baton Rouge is funded by the Interest on Lawyers’ Trust Accounts (IOLTA) Program for the Louisiana Bar Foundation, a LANO Change Fund Grant and the Baton Rouge Bar Foundation. The Youth Education Program is financially assisted by the Interest on Lawyers Trust Account (IOLTA) of the Louisiana Bar Foundation.

THIS IS AN ADVERTISEMENT. Authorizing attorney: Dan E. West, Baton Rouge.
McGlinchey Stafford PLLC in AL, FL, LA, MS, NY, OH, TX, and DC. McGlinchey Stafford LLP in CA.

Dan E. West
Member, Baton Rouge
(225) 382-3619
dwest@mcglinchey.com

Christine Lipsey
Member, Baton Rouge
(225) 382-3683
clipsey@mcglinchey.com

Vicki Elmer
Of Counsel, New Orleans
(504) 596-2872
velmer@mcglinchey.com

mcglinchey.com

AL CA FL LA MS NY OH TX DC

Dan E. West
Member, Baton Rouge
(225) 382-3619
dwest@mcglinchey.com

Christine Lipsey
Member, Baton Rouge
(225) 382-3683
clipsey@mcglinchey.com

Vicki Elmer
Of Counsel, New Orleans
(504) 596-2872
velmer@mcglinchey.com

mcglinchey.com

AL CA FL LA MS NY OH TX DC
Classifieds

Baton Rouge Office Space:
Established firm; 201 Napoleon St., Downtown near 19th JDC and Federal courthouses, area for support staff, off-street parking, conference room, color copier, fax, internet, etc. Some over-flow work available. Call Scott Gegenheimer: 225-346-8722.

Baton Rouge Office Space:

Open for a Paralegal/
legal secretary at a Baton Rouge firm located downtown. Candidates should possess strong organizational, interpersonal and communication skills, and strong computer and case management software skills are a must. Knowledge in MS Office Suite and Adobe preferred. Email resume to KarenBran237@gmail.com. Benefits offered.

Volunteers Needed! Be part of something exciting and new.
The BRBF Arts Judicata Committee is planning an arts and music festival event to raise funds for the Baton Rouge Bar Foundation. All artists and performers will be lawyers / members of the BRBA. The event date is tentatively set for early fall. Contact Donna Buuck at 225-214-5556 or donna@brba.org for more information.

Mock Trial Volunteers Needed:
The Region III High School Mock Trial Competition will be held at the 19th Judicial District Courthouse Feb. 17-18, 2017. Volunteers are needed to act as judges, competition judges and timekeepers. Contact Lynn S. Haynes at lynn@brba.org to volunteer.

Calendar

Ongoing: Every Wednesday & Thursday, 9-11:30 a.m.; In-House Counsel Section CLE seminar, Lamar Advertising, 5321 Corporate Blvd., 11:30 a.m.-1 p.m.;

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

Mock Trial meeting, 3-4 p.m.

Ask-A-Lawyer, Main Library, 7711 Goodwood, 9:30-11:30 a.m.

Finance Committee meeting, 12-1 p.m.; (conference call)

Executive Committee meeting, Kean Miller, 8:15-9:15 a.m.; Pro Bono Committee meeting, 12-1 p.m.;

BRBA Board meeting, The Wine Room, 150 Third St., 6-8 p.m.

Community Section meeting, 12-1 p.m.

Workers’ Comp Section meeting, Juban’s Restaurant, 12-2 p.m.

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

Law Day Committee meeting, 12-1 p.m.;

BRBA Board meeting, The Watermark Hotel, 150 Third St., 6-8 p.m.

Family Law Section meeting and CLE, Juban’s Restaurant, 12-2 p.m.

Mock Trial Competition, 19th JDC, 9 a.m.-6 p.m.

BRBA Office Closed — Mardi Gras

February 2017

COURT HOLIDAYS
Monday, Feb. 20 Presidents’ Day
Monday, Feb. 27 Mardi Gras
Tuesday, Feb. 28 Mardi Gras

Volunteer Committee meeting, 12-1 p.m.
Ask-A-Lawyer, Charles R. Kelly Community Center, 9-11:30 a.m.;

In-House Counsel Section CLE seminar, Lamar Advertising, 5321 Corporate Blvd., 11:30 a.m.-1 p.m.;

Mock Trial meeting, 3-4 p.m.
Mock Trial Coaches meeting, 4-5 p.m.
Ask-A-Lawyer, Main Library, 7711 Goodwood, 9:30-11:30 a.m.
Finance Committee meeting, 12-1 p.m.; (conference call)
Executive Committee meeting, Kean Miller, 8:15-9:15 a.m.;
Pro Bono Committee meeting, 12-1 p.m.;

BRBA Office Closed — Mardi Gras

Volunteers Needed!

The BRBF Arts Judicata Committee is planning an arts and music festival event to raise funds for the Baton Rouge Bar Foundation. All artists and performers will be lawyers / members of the BRBA. The event date is tentatively set for early fall. Contact Donna Buuck at 225-214-5556 or donna@brba.org for more information.

Volunteer Committee meeting, 12-1 p.m.
Ask-A-Lawyer, Charles R. Kelly Community Center, 9-11:30 a.m.;

In-House Counsel Section CLE seminar, Lamar Advertising, 5321 Corporate Blvd., 11:30 a.m.-1 p.m.;

Mock Trial meeting, 3-4 p.m.
Mock Trial Coaches meeting, 4-5 p.m.
Ask-A-Lawyer, Main Library, 7711 Goodwood, 9:30-11:30 a.m.
Finance Committee meeting, 12-1 p.m.; (conference call)
Executive Committee meeting, Kean Miller, 8:15-9:15 a.m.;
Pro Bono Committee meeting, 12-1 p.m.;

BRBA Office Closed — Mardi Gras
Commitment & Compassion

Over 100 years combined legal experience.

WALTERS, PAPIILLION, THOMAS, CULLENS, LLC

Attorneys At Law

Automobile Accidents  |  Personal Injury
Professional Malpractice  |  Business Litigation

12345 PERKINS · BATON ROUGE, LA 70810
225-236-3636 · WWW.LAWBR.NET