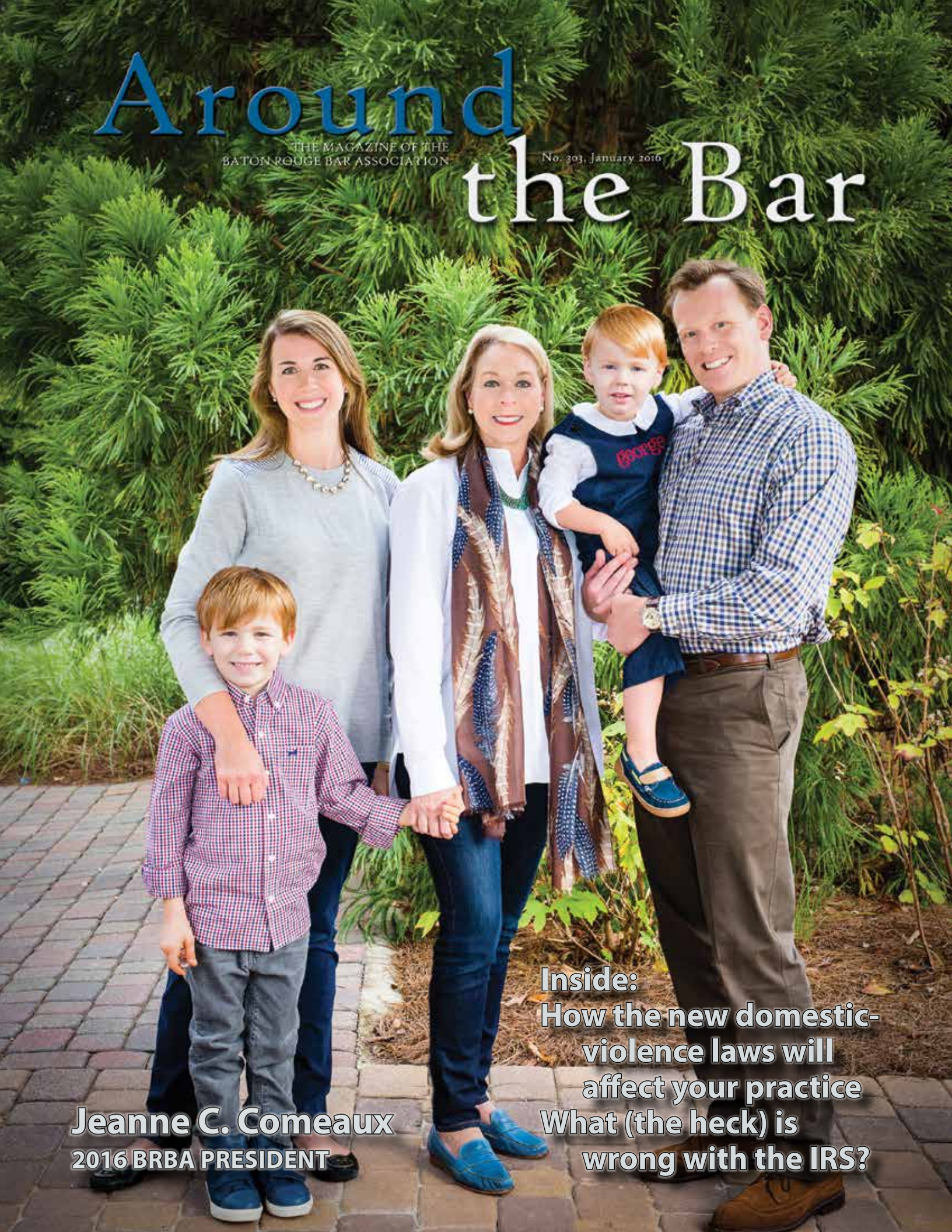


Around

THE MAGAZINE OF THE
BATON ROUGE BAR ASSOCIATION

No. 303, January 2016

the Bar



Jeanne C. Comeaux
2016 BRBA PRESIDENT

Inside:
How the new domestic-
violence laws will
affect your practice
What (the heck) is
wrong with the IRS?



OPENING OF COURT, MEMORIAL & NEW MEMBER CEREMONY

Wednesday, Jan. 27, 2016

19th Judicial District Court,
11th Floor, Ceremonial Courtroom

REGISTRATION: 8 A.M.; CEREMONY BEGINS AT 8:30 A.M.

*The following members of the Baton Rouge Bar
who passed away in 2015 will be remembered:*

Emmett E. Batson
Frank Cangelosi Jr.
Bryant Wayland Conway
Judge David Irvin Couvillion
George Rew Covert
Earl Harrison Sr.
L. Kenneth Krogstad
Cheney Cleveland Joseph Jr.
David LeClere
Joseph "J. B." Olinde Sr.
Stephanie M. Schexnayder
Charles K. Watts
Dennis Whalen
Rosemary Haas Williams
Nathan E. Wilson
Hany Zohdy

**Contact Ann Gregorie for more information:
225-214-5563 or ann@brba.org**





On the cover:

Featured on the cover of the January 2016 issue of *Around the Bar* magazine is the 87th president of the Baton Rouge Bar Association, Jeanne C. Comeaux, and her family. Photographed (L to R) are Comeaux's daughter, Sarah Morgan Bonham with Preston Bonham, Jeanne C. Comeaux (center), and her son-in-law, Matt Bonham, who is holding George Bonham.

Cover photography by Jeannie Frey Rhodes.



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VOLUNTEERS ARE NEEDED TO HELP WITH A MONTHLY

LAW CLUB

FOR YOUTH IN THE GARDERE AREA.

*We need lawyer volunteers to help with a law club for middle and high school students in the Gardere/South Burbank area.
You will work with teens as they learn more about the field of law.*

To volunteer or for more information, please contact Lynn S. Haynes at lynn@brba.org or 225-214-5564.

*The "Future Legal Eagles" law club is funded by a grant from
the South Burbank Crime Prevention and Development District.*

contributors



Robert J. Burns Jr., a partner in the Perry, Atkinson, Balhoff, Mengis, Burns & Ellis firm and a managing partner of Perry Dampf Dispute Solutions, was the 2015 president of the Baton Rouge Bar Association.

Jeanne C. Comeaux, a partner in the Baton Rouge office of Breazeale, Sachse & Wilson, LLP, is the 2016 president of the Baton Rouge Bar Association.



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GAIL'S GRAMMAR

Rein and *rein* sound alike and are frequently confused in expressions such as "free rein" and "rein in." Reins are used to guide a horse. To give "free rein" is to allow the animal to move as it pleases by holding the reins loosely, and to "rein in" is to restrict movement. *Reign* means to dominate, rule or exercise a monarch's power. It's easy to understand how writers confuse a monarch's power with an animal's ability to move freely, but "reign in" doesn't make much sense.

EXAMPLES:

The judge sought a way to *rein* in the attorneys' improper behavior.

The judge allowed the attorneys free *rein* in closing arguments.

The Louisiana Supreme Court has stated that simplicity and uniformity should *reign* in the administration of justice.

Send suggestions for future *Gail's Grammar* columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at 225.771-4900 x 216.

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

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

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installation ceremony & reception

New bar leaders to be sworn in at the U. S. District Court for the Middle District of La.

The BRBA will hold an Installation Ceremony & Reception at 3 p.m. **Wednesday, Jan. 13, 2016**, at the **U. S. District Court for the Middle District of Louisiana** in Courtroom 1 (third floor) of the Russell B. Long Federal Building and United States Courthouse, 777 Florida St. Chief U.S. District Judge Brian A. Jackson will preside over the ceremony.

Jeanne C. Comeaux will be sworn in as president of the BRBA for 2016. Additionally, the 2016 BRBA officers and directors-at-large, Young Lawyers Section officers and YLS Council members will be installed as well as officers of the Bankruptcy, Business/Corporate Law, Construction Law, Family Law, Public Law Practice and Workers' Compensation sections.

During the reception, Robert J. "Bubby" Burns Jr. will present President's Awards to eight recipients. In addition, a member of the Young Lawyers Section will be honored with the Judge Joseph Keogh Award.

BRBA members and guests who RSVP can attend the installation ceremony and reception for free. **However, only the first 100 RSVPs will be honored, so please register today! Space is limited.**

Please RSVP to Kelsie Bourgeois by Friday, Jan. 8, 2016, at noon. Fax the form below to 225-344-4805 or email it to kelsie@brba.org.

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Please complete this form and fax this entire page to the BRBA at (225) 344-4805 by noon Friday, Jan. 8, 2016.

Bar Roll No. _____

Please check applicable boxes: ☐ BRBA member ☐ non-member

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☐ **RECEPTION — YES**, register me for the **JANUARY INSTALLATION CEREMONY & RECEPTION** at the U. S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF LOUISIANA, 777 Florida St., which will take place WEDNESDAY, JAN. 13, 2016, at 3 p.m. at no cost for BRBA members and guests. **Only the first 100 RSVPs will be honored. SPACE IS LIMITED.** The installation ceremony will take place in Courtroom 1 on the third floor. **An RSVP to Kelsie Bourgeois at the BRBA is required by Friday, Jan. 8, 2016, at noon. Fax to 225-344-4805 or email to kelsie@brba.org.**

president's awards

BY ROBERT J. "BUBBY" BURNS JR.

Eight individuals to be honored



VELA-VICK



MORVANT



ELLIS



CORBETT



CHURCH



MOORE



GREEN



POST

It is tradition for the outgoing president of the Baton Rouge Bar Association to recognize, in this case with "President's Awards," those who are deserving. And it is a privilege to do so here. However, it should also be said that a voluntary organization like ours, with more than 2,500 lawyers, could never succeed without the talents of its executive director and staff who not only steer the ship but make sure that it remains constantly seaworthy. It may be trite to heap such praise on them year after year, but it is worse to take them for granted. They won't receive a President's Award, but they do have my heartfelt gratitude.

Likewise, we all owe a debt of gratitude to the anonymous masses of lawyers who volunteer day after day, month after month, to make our programs work.

They get no recognition—and never say a word. To them, this simple message: Know that you are the lifeblood of our Association. Without you, our well-stocked ship never leaves the dock. To those named below, I offer this brief word of thanks for your assistance this year. Your commitment to our Association is deeply appreciated. The 2015 President's Awards go to:

1. **Monica Vela-Vick** — Monica personifies this tried and true adage: *If you want something done, ask a busy person to do it.* As is her style, she was an active and important volunteer in many bar activities, mainly involving our Youth Education initiatives. When crisis struck, however, and we needed someone to drop everything and work on an important project, Monica was the "go to" girl. She is

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reliable, energetic and dedicated. For her work with many bar projects this year, she is a deserving recipient of this recognition.

2. Judge William Morvant and Randi Ellis — Co-chairs of the 2015 Bench Bar Conference, these two knew exactly what they were getting into when they took on this responsibility. The Conference was an amazing success largely because of their efforts. Some people work longer hours to get things done, others delegate well, and still others use available resources to reach their goals. Judge Morvant and Randi Ellis do all of this and more. But they also rely on the sheer force of their will to make things happen. With the Bench Bar Conference in their hands, its success was never in doubt.

3. Professors William R. “Bill” Corbett and John M. Church — The 2015 Bench Bar Conference set its goals high. We tried to pull together a fun social event in a setting that would allow judges and lawyers to interact with one another. But we also made it our highest priority to come up with a challenging, credible, interesting and entertaining course of CLE seminars. If we were going to accomplish that goal, we needed credible and respected legal minds to moderate the seminar. Bill Corbett and John Church accepted this responsibility. The result was a seminar that was seamless in presentation, cohesive in approach and cutting-edge in its

informative value.

4. Hillar Moore III and Walt Green — “Public servants” in the truest sense of the phrase, Hillar Moore III and Walt Green give our community their all. They are tireless in their efforts to make Baton Rouge a safer place to live. They seek ways to keep our streets safe, but they also extend a helping hand to the most marginalized of our citizens. Their work with the BRAVE program, in which they reach out to crime-ridden communities to offer an alternative to crime, is working. Baton Rouge is a better place because of their service.

5. Raymond G. “Skipper” Post — One of the most accomplished architects in the area, Skipper Post will always be remembered in legal circles for his design of the 19th Judicial District Courthouse. When the courthouse was finished, he could easily have walked away from the legal community with his head held high. He didn’t. He answered the call from bar leaders and became an instrumental part of the Bar Association’s gift to the city of Baton Rouge—a magnificent clock that stands in the shadow of the courthouse. Skipper accepted the task to design the clock and have it installed, doing so “pro bono” for our Association. He also made personal gifts of his time and money to see that the project was a success. He is most deserving of our recognition. 🏰

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letter from the president

BY JEANNE C. COMEAUX

A return to civility

I am incredibly humbled and honored to serve as your 2016 president. Every “inaugural letter” starts this way, and now I know why. It is important, and indeed necessary, to recognize what a privilege it is to work with and among the attorneys and judges who make up this special Bar Association. Throughout my nine years as a board member leading up to this year, I have come to know firsthand that this Association is vitally relevant to its members and the community, and is admired by other bar associations across the country. Without a doubt, every one of us can be proud of being an attorney who is fortunate enough to be a member of the Baton Rouge Bar Association.



Jeanne C. Comeaux

From time to time, past presidents have focused on one theme or goal for his or her term—a “platform,” if you will. I didn’t have to think too hard to decide on my focus for 2016, and beyond. I sincerely want us all to commit to treating each other, the bench, our office staffs and our clients with *civility*. Over the past 21-plus years of practice, I have witnessed the steady degradation of civil discourse and the common courtesies that used to be the bedrock of our profession. For those of you who have been in practice much longer than I, this trend must seem even more appalling. Perhaps, we have all just become immune to it. I hope not. It is beneath us.

When I started practicing in 1994, it was virtually unheard of for opposing counsel to lie to and about you, and to the bench, whether it be in pleadings or in argument. It was rare for an attorney to resort to name-calling, or to file meritless pleadings or propound hundreds of multi-part discovery requests just to wear the other side thin and spend it to death. Attorneys did not avoid opposing counsel’s phone calls and emails for months-on-end to gain a tactical advantage. And most certainly, no self-respecting attorney would have ever raised a fist to punch opposing counsel, and in open court! I hate to report that all of these examples are real, and have been directed to my clients or me over the past several years. I just may start wearing a new bracelet with “WWAD” stamped on it—what would Atticus do?

I am not naïve enough to think that we can revert to a more thoughtful way of practice overnight, and I firmly believe that we should be zealous advocates for our clients. The two ideas are not mutually exclusive. I simply hope that we, as attorneys, pay a little more attention to basic manners and simple courtesy. Forgive me for preaching to the choir to the vast majority of the BRBA attorneys who have never even thought of treating anyone disrespectfully, as attorneys or otherwise. For the rest of us, let us be advocates for our clients’ positions, not enemies to opposing counsel. Let us be honest with and about each other, and certainly, to the bench. Let us restore and guard over this profession’s dignity. Lastly, let us return to *civility*. ■

message from the chair

BY TAVARES A. WALKER

As a young attorney and now chair of the Baton Rouge Bar Foundation Region III Mock Trial Competition, I am excited to continue a great tradition of mentorship of the Baton Rouge area's best and brightest high school students. Undoubtedly, many of these students will join our profession in the future. The 2015 competition included 23 teams from throughout the region.


I am looking forward to another exciting competition as well as the relationships that will develop between the members of BRBA and the high school students. As a committee member for the past eight years, I am always proud of the hard work and dedication of the schools, teachers, attorney volunteers and most importantly the students. I am amazed by how much mock trial means to the students and by how much the students gain from the competition.

The Baton Rouge Bar Foundation's Youth Education Programs were established to fulfill our goal to "educate the youth of our community about the legal system and

High school mock trial competition: Feb. 26-27

their role in it." The mission statement goes on to state that "BRBF Youth Education programs provide educators with innovative and interactive ways of bringing civics, free enterprise and law studies to life while teaching life skills and basic rights to our youth." The Mock Trial Competition is yet another important and vital vehicle to further this mission.

The 2016 competition will take place Feb. 26-27 at the 19th Judicial District Court. We need attorneys to volunteer to serve as attorney-coaches for schools within the region as well as attorneys to volunteer during the competition as judges. I can promise that your valued time will be appreciated and that you will take from this experience a sense of satisfaction and pride in knowing that your skills have served to uplift and promote these high school students' civic engagement.

Anyone interested in volunteering can contact Lynn Haynes at lynn@brba.org or 225-214-5564, or Tavares A. Walker at twalker@sulc.edu or 225-771-2142, ext.147. 

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tales from the bar side

BY VINCENT P. FORNIAS

From the technological references imbedded in this tale, attentive reader(s) will quickly glean that it has been stored in secure and sacrosanct limbo for a decade or two to protect the protagonists from exposure and embarrassment. There. Now doesn't that steamy opening sentence make you crave to read further?

The call came in on a routine Monday morning, just before your chronicler was heading out for Motion Day across the street from the firm's offices. The caller was the avuncular safety officer of a nearby plant that our firm had advised and represented for untold years. Let's call him, fictitiously, "Harry." He reported that a minor release of a noxious gas had occurred at the plant over the weekend, and proactively he had visited the denizens of neighboring homes with a handheld video camera, taking their statements to confirm that they had not been affected. He asked that at first chance I stop by the plant to discuss the incident with him, at which time he would entrust me with the video for copying and safekeeping. And so I did later that day, and while there caught up with

My bad

the lives of the other longtime plant office staffers that had been so helpful and engaging in past assignments.

On returning to the office, I contacted my trusty local videographer (let's call him "Mike"), asking that he drop by to pick up my original of the tape to convert it to VHS mode (now do you see how old this story is?). And he did. A few hours later, Mike called back, a tinge of edginess and concern in his voice. He asked mysteriously if I had played the tape before sending it to him. I had not. This produced a knowing snicker and the suggestion that I should come to his studio right away. Who could resist such an entreaty? Upon my arrival, he asked again what the tape was supposed to depict, then deftly picked it up, inserted into his player, and suggested I may want to sit down.

Now, dear reader(s), I realize there is such a thing as schmoozing or cementing community relationships, but what I thereafter witnessed crossed the line just a tad. There before me, sprawled on a red satin bed sheet in the full glory of his rotund and hirsute birthday suit, lay



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Harry, in the midst of a loud *in flagrante delicto* display with—you guessed it—one of the loyal ladies of his plant office. Mind you, this display preceded Ashley Madison by many a moon, and neither Mike nor I were quite prepared for its full regalia. Noting that I was not quite getting into the performance before me, Mike mercifully shut it down in swift fashion. Then, after satisfying myself that Mike was sworn to secrecy and had pledged that no copies had been made, I returned to my office with the (hopefully) sole copy of the hair-raising tape.

I looked again at the letter-sized white envelope in which the tape had been delivered to me for any clues of its contents that I had missed. Innocently, its only description was a hand-scribbled notation that read “Neighbor statements, ___, 19__.” Unless his staffer was also a neighbor and she had something to say about the release later in the tape, Harry had made a tragic mistake. So, how does one tactfully handle such a situation? After some hesitation, I picked up the phone and dialed Harry’s direct line. Thankfully, it transferred to a newfangled invention called voicemail. Just in case someone else had access to his messages, I left him a brief and unassuming recording that it appeared that he had given me the wrong tape, asking that he call me at his earliest convenience to arrange a transfer.

When I arrived at my office the next morning I was handed a phone message slip by my loyal receptionist. It was from Harry. And all it said was, “Will send someone today to exchange tapes. Please leave at front desk.” And so I did, but not before all but duct-taping the envelope containing it as securely as possible. The replacement tape paled in comparison to the original.

The tape in its original form was never mentioned in subsequent meetings with Harry. Some cynics among you might surmise that my secret created the ultimate leverage for retaining a lifetime client. That was not the case. In fact, within a relatively short time thereafter, it came to my attention that two other local firms were now getting from Harry the business that had previously been exclusively ours. Some of you might say “good riddance.” Me? I kind of missed our old rapport. Harry and I had always done good work together—fully clothed. ■

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The new domestic-violence laws: How they affect your practice

BY PABLO REYES

Cases involving domestic violence have always carried serious consequences for the parties involved. With the changes in the law made in the 2014 and 2015 legislative sessions, the consequences have never been so serious and far-reaching. This article seeks to highlight these changes and raise areas of concern for practicing attorneys representing parties in cases with domestic violence.

Has the burden of proof changed?

There is often confusion about the burden of proof in domestic-violence cases. The required burden depends on which of the several bodies of domestic-violence law apply.¹ The most commonly filed actions are under the Domestic Abuse Assistance Act, Louisiana Revised Statutes 46:2131, *et seq.* A court can issue a temporary restraining order under that law if the petitioner shows an immediate and present danger of abuse.² In 2015, new legislation passed to require courts to consider any and all past history of abuse or threats of abuse in determining whether there is an immediate and present danger of abuse.³ The new law also clarified that there is no requirement that the abuse itself be recent, immediate or present.⁴

Similarly, the 2015 legislation also changed the law relative to issuing protective orders. Prior law provided that courts could issue a protective order to bring about a cessation of abuse of a party.⁵ The statute now reads that the court may grant a protective order to also bring about the cessation of a threat or danger of abuse.⁶ Further, definition of domestic abuse changed to explicitly include non-physical acts of abuse, where the previous version only specified physical acts of abuse.⁷

Some would argue that these changes loosened the burden of proof for the issuance of temporary restraining orders and protective orders. At the very least, the changes in the law expand the scope of instances where the orders can be issued.

Firearms prohibitions

A protective order or injunction against abuse usually leads to a prohibition on purchasing, owning or possessing firearms under federal and state law.⁸ Prior to 2014, Louisiana did not have a firearm prohibition applicable to civil domestic-violence cases under state law. Only federal law prohibitions applied, which were enforced by federal law enforcement. Since the addition of the state law prohibitions, state and local law enforcement can enforce the prohibitions, aided by the fact that all protective orders and abuse injunctions are required to be registered with the Louisiana Protective Order Registry and the chief

law enforcement officer of the parish where any protected persons reside.

There are minor differences between the federal and state prohibitions, but both prohibitions remain in effect for the duration of the domestic-abuse orders. Permanent injunctions are, of course, permanent; protective orders typically last for a maximum of 18 months. However, the law provides that some relief in a protective order, such as the order prohibiting the defendant from abusing the petitioner, can be made permanent.⁹ This would make the firearm prohibitions permanent as well. In “the Sportsman’s Paradise,” this can be a significant consequence for clients in domestic-violence proceedings.

Divorce

Because of the recent changes in the law, a protective order can have significant consequences in regular family law proceedings down the road. For example, it may result in an immediate divorce. A spouse that has obtained a protective order or injunction from abuse during the marriage is entitled to seek an immediate divorce.¹⁰ A spouse is also entitled to seek an immediate divorce, even if no protective order or injunction was issued, by simply proving that the other spouse physically or sexually abused the seeking spouse or any of their children during the marriage.

When this legislation passed in 2014, questions were raised about the retroactive application of the new grounds for divorce where the abuse occurred or the protective order was issued before the effective date of the legislation of Aug. 1, 2014. In the 2015 session, the Legislature added qualifying language to clarify that the seeking spouse was entitled to a divorce on these grounds as long as they occurred during the marriage.¹¹

There are still potential due process concerns with these divorces, especially with regard to consent decrees entered into before the law changed. It was not uncommon in the past for a defendant, sometimes on advice of counsel, to agree to a protective order in lieu of proceeding with a hearing on the matter. The parties agreed to stay away from each other, but perhaps there would be no explicit finding of abuse by the defendant. In that scenario, at the time that the defendant agreed to the protective order, he did not know that it would later lead to an immediate divorce or have the other effects discussed below.

Domestic violence also affects attorney fees and court costs in family law proceedings. Ordinarily, attorney fees and costs incurred by the parties before the judgment of divorce are deemed community obligations.¹² However,

legislation passed in 2015 allows a court to assess attorney fees and costs in an action for divorce and incidental matters as the separate obligation of the defendant in domestic violence divorces.¹³

Spousal support

Domestic violence also has a major effect on both interim and final spousal support. Under certain circumstances, an interim support award will last from the date of demand to a full 180 days after the date of the divorce judgment. The divorce must be based on the domestic-violence grounds discussed above, there must be a claim for final spousal support pending at the time that the divorce judgment was rendered, and the final support award must not exceed the interim support award.¹⁴ This last requirement is curious because at the time of the judgment, whether the final support award will exceed the interim award is probably not known.

The law goes even further for final spousal support, but the way it is written raises several concerns. To really understand these concerns, it is important to read the language of Louisiana Civil Code article 112 closely. As written, it appears that the law requires final spousal support in every domestic-violence case.¹⁵ Also, the provision applicable to domestic-violence cases does not mention financial considerations, such as the need of the requesting party and the other spouse's ability to pay, which are generally applicable to final spousal support.¹⁶ Nevertheless, the law states that the income and means, financial obligations and earning capacity are factors for the court to consider in all final support awards, so it does seem that courts should consider the parties' financial situations in domestic-violence cases.¹⁷

Additionally, the law requires a court to explicitly consider domestic violence when deciding the issue of final support. The "existence, effect, and duration of any act of domestic abuse committed by the other spouse upon the claimant" is a factor for the court to consider in determining the amount and duration of final support.¹⁸ The court must also consider any criminal conviction of the obligor spouse for an offense committed against the claimant spouse during the course of the marriage, and may order an evaluation of both parties that may be used to assist the court in determining the existence and nature of the alleged domestic abuse.¹⁹

Finally, the law also provides that final support in domestic-violence cases may exceed the customary one-third cap on the defendant's net income that applies in all other cases, making the support award virtually unlimited.

Child custody

Perhaps the harshest penalty for a defendant in a domestic violence proceeding is the potential effect on custody. The Post-Separation Family Violence Relief Act effectively deprives a parent found to have a "history of perpetrating family violence" of custody.²⁰ A court may

find a "history of perpetrating family violence" if one incident of family violence resulted in serious bodily injury or if there was more than one incident of family violence.²¹

The parent found to have a history of perpetrating family violence can be awarded only supervised visitation pending completion of a court-monitored domestic abuse intervention program, composed of a minimum of 26 in-person sessions that follow a model designed specifically for perpetrators of domestic abuse.²² Once the program is completed, the court may consider allowing unsupervised visitation.²³ The parent must also prove he or she is not abusing alcohol or drugs, that he or she poses no danger to the child and that visitation is the best interest of the child.²⁴

Conclusion

It is clear that the laws addressing domestic-violence laws are not perfect. The recent changes raise many questions that will take time to resolve, and there will probably be more changes in the coming legislative sessions. Attorneys should keep these issues in mind when representing clients in domestic violence proceedings or in a subsequent proceeding if a protective order or injunction has been issued against their clients. ■

¹See La. Code Civ. Proc. arts. 3601, *et seq.*; La. Child. Code arts. 1564, *et seq.*; La. Rev. Stat. 9:361, *et seq.*; La. Rev. Stat. 372; La. Rev. Stat. 46:2131, *et seq.*; & La. Rev. Stat. 46:2151.

²La. Rev. Stat. 46:2135 (A).

³*Id.*

⁴*Id.*

⁵La. Rev. Stat. 46:2136 (A).

⁶*Id.*

⁷La. Rev. Stat. 46:2132 (3).

⁸See 18 U.S.C. § 922 (g)(8) & La. Rev. Stat. 46:2163.3.

⁹See La. Rev. Stat. 46: 2136 (F)(2) & 46:2163.3.

¹⁰La. Civ. Code art. 103 (5). Note that Louisiana Code of Civil Procedure article 1702 (E) was amended in 2105 to allow a divorce under article 103 (5) to be confirmed without a hearing like an article 103 (1) divorce.

¹¹La. Civ. Code art. 103 (4).

¹²La. Civ. Code art. 2362.1 (A).

¹³La. Civ. Code art. 2362.1 (B).

¹⁴La. Civ. Code art. 113 (B).

¹⁵The general provision in paragraph (A) states that a "spouse may be awarded final periodic support" while the provision applicable in domestic violence cases in paragraph (B) states a "spouse shall be awarded final periodic support or a lump sum award, at the discretion of the court."

¹⁶See La. Civ. Code art. 112.

¹⁷See La. Civ. Code art. 112 (C).

¹⁸La. Civ. Code art. 112 (C)(9).

¹⁹La. Rev. Stat. 9:327.

²⁰See La. Rev. Stat. 9:364.

²¹*Id.* See also *Smith v. Smith*, 44,663 (La. App. 2 Cir. 8/19/09), 16 So.3d 643; *Petsch v. Petsch*, 01-0491 (La. App. 1 Cir. 6/22/01), 809 So.2d 222.

²²La. Rev. Stat. 9:362 (3) & 9:364 (C). If the parent sexually abused his child, the court must prohibit all contact with the child. La. Rev. Stat. 9:364 (D).

²³La. Rev. Stat. 9:364 (C).

²⁴*Id.*



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IN HIS OWN WORDS:

What (the heck) is wrong with the IRS?

BY DAVID S. GUNN

What (the heck) is wrong with the IRS? Well, literally, almost everything. While this is a very broad generalization, it's pretty close to an accurate evaluation. The IRS has insurmountable problems. Not that it is anyone's fault. Because of the nature of our work, we have numerous "friends in high places" within the IRS. Mostly, I feel sorry for those people who, for the most part, are just like us, dealing with their jobs, every day.

Wait. You say that you were offended by the IRS agent assigned to your case. Why is that? Maybe you had a bad agent. Of course, there are (a few) bad actors within the IRS (and within the Louisiana Department of Revenue, or DOR). Every organization has them, and the IRS and DOR are no exception. However, if you want to "fix" things, you don't want to "abolish the IRS," as some politicians demand. The structure of our federal and state governments requires a revenue stream, and therefore a revenue arm of the government. A huge problem is that every day, everywhere you go, you hear people defining issues or problems that affect their lives, and then you also hear them say, "The government should do something about that" Many areas of our everyday life need improvement (bad traffic, crime, etc.). Ironically, these same people that scream and yell "do something, Uncle Sam" then get peeved when the IRS or DOR says "we gotta pay" for these government activities and commences enforced collection of taxes. Everything has its price. If you believe that our tax rates are too high, you will receive no argument from me. The real problem is the number of people that pay nothing. Our "too high" tax burden should be spread across the millions who pay nothing.

So how do we go about "fixing" the IRS? Start at the top, you say? I don't think so. If Congress would STOP loading down the IRS with "non-tax chores" (the Affordable Care Act (ACA), collection of delinquencies from dead-beat dads, etc.), the IRS could do a better job of being the IRS. All the while, Congress continues chopping the budget allocated to the IRS, which effectively keeps both the IRS and DOR from hiring the trained accounting or business graduates that they desperately need. You were offended by the IRS Agent assigned to your case? Then give the IRS and DOR the funds necessary to allow them to hire quality personnel.

Possibly the best "friend" that we have within the IRS is Nina Olson, the National Taxpayer Advocate, who generally characterized the 2015 filing season as successful, even though the IRS had both reduced funding and additional responsibilities relating to the ACA and the Foreign Account Tax Compliance Act (FATCA).

Ominously, Olson noted a sharp decline in Taxpayer Service. As predicted when the budget was announced, the IRS answered only 37 percent of taxpayer phone calls routed to its customer service representatives, and the "hold time" for taxpayers who "got through" averaged 23 minutes (corresponding 2014 numbers were 71 percent and 14 minutes). For practitioners who called the IRS's Practitioner Priority Service Line, 45 percent of calls were answered, but hold times averaged 45 minutes. The number of "courtesy disconnects" skyrocketed from 544,000 in 2014 to about 8.8 million this tax season. (A courtesy disconnect is when the IRS hangs up on the caller, because its switchboard is overloaded.) Sad.

Olson also expressed profound concern about the overall direction of the IRS away from being service-oriented. Over 98 percent of tax revenue collected by the IRS is paid voluntarily and timely, with the remaining two percent from enforcement—but the IRS's enforcement budget is more than double that of taxpayer services. Olson observed that "increasing enforced collection would be a hollow victory if voluntary compliance declines because of decreasing taxpayer services and the attendant loss of good will." Accordingly, Olson urged IRS to place greater emphasis upon meeting the needs of taxpayers who are sincerely trying to comply with the tax law.

So what else is keeping the IRS so doggone busy? Many, many things. The government has its hands way full. Try to guess how many returns were filed with the IRS during the last tax season? (The answer is below.) The most significant new challenge facing the IRS during the 2015 filing season was the processing of tax returns reflecting two new key ACA provisions. Again, let's stop giving the IRS so much to do.

IRS "crackdown" on identity theft and preparer fraud:

The IRS and DOR have an enormous problem with identity theft and preparer fraud, which is costing our country and state many millions of dollars, annually. (You and I and all other taxpayers are paying these thieves.) The IRS has attempted to stem the tide of the number of fraudulent returns being submitted by imposters, and by innocent taxpayers that have been "duped" by dishonest preparers of their returns. If you believe that this is a national problem, without any local impact, you would be wrong. My office recently represented a Slidell tax preparer who was arrested by the Louisiana Attorney General, alleging a scheme to "inflate deductions" to fraudulently increase tax refunds. Other examples of identity theft and preparer fraud recently perpetrated locally include:

On Feb. 12, 2014, Mona Hill of Baton Rouge was sentenced to 65 months in prison and ordered to pay \$491,268 in restitution. Hill pleaded guilty in 2013 to wire fraud and aggravated identity theft, admitting that she defrauded the IRS by submitting hundreds of false tax returns of clients seeking inflated tax refunds. From January through July 2012, Hill submitted 488 false tax returns, falsely claiming refunds totaling approximately \$661,258. Hill actually received bogus refunds approximating \$500,000. Once again, you and I funded these amounts to Hill.

On March 12, 2014, another Baton Rouge woman, Ashley Ricks-Stampley, was sentenced to 81 months of prison and ordered to pay \$710,872 in restitution. Like Hill, Ricks-Stampley fraudulently obtained the names and Social Security numbers of individuals, then submitted false income tax returns. In late 2012, Ricks-Stampley filed 563 false federal income tax returns claiming refunds of \$733,685. Ricks-Stampley actually received more than \$700,000 in bogus refunds. Again, she took money, from you and me.

On April 18, 2013, in Baton Rouge, Brenda Matthews was sentenced to 12 months and one day in prison and ordered to pay \$117,656 in restitution. Matthews pleaded guilty to making false claims to the U.S. and two counts of identity theft.

On July 18, 2013, also in Baton Rouge, after a four-day trial, Angela Myers was sentenced to 132 months (11 years) for wire fraud, making false claims, preparing false tax returns and aggravated identity theft. Myers was also ordered to pay \$202,685 in restitution to the IRS after forfeiting \$39,030. While operating Angie's Tax Service, a tax-preparation business located in Baton Rouge, Myers filed false claims seeking tax refunds using the names and Social Security numbers of identity-theft victims, many of whom were nursing-home patients. In addition, Myers lied on her own 2007 and 2008 federal income tax returns, failing to report hundreds of thousands of dollars of tax-preparation fees that she earned.

The IRS recently warned taxpayers nationally of certain "spoofing" scams being perpetrated on the public. Scammers use fake names and IRS badge numbers, recite the last four digits of the Victim's Social Security number and "spoof" the IRS toll-free number on caller ID, making it appear that the caller is an actual IRS officer. After threatening the victims with incarceration or driver's license revocation (several of our clients have had their licenses revoked for failure to pay Louisiana

income tax), scammers hang up and others soon called back impersonating local police or the DMV.

Olsen's report also expresses concern that the IRS isn't doing enough to assist victims of identity theft, specifically recommending and reiterating that the IRS assign a single employee to coordinate complex identity-theft cases. Taxpayers are generally affected by identity theft in two ways: (i) if an identity thief files a false return on which the IRS has paid a refund, the IRS automatically freezes the return later files by the legitimate taxpayer; and (ii) when the IRS identifies a return claiming a refund as "suspicious," it suspends the processing of the return and requires the taxpayer to authenticate his or her identity. Unfortunately, this is the world in which we live, with global computer hackers filing bogus Form 1040s.

Trust (payroll) fund liabilities:

The IRS is constantly working an enormous number of trust-fund liability cases imposed under Internal Revenue Code § 6672. Those cases involve parties who have a duty to collect and pay over taxes withheld from employees' earning but who use the withheld taxes to pay other obligations, such as salaries or utility bills. Generally, a "responsible person's" failure to pay over taxes withheld from employees' earnings carries a civil trust-fund-recovery

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penalty of 100 percent of the tax evaded or collected but not remitted to the IRS. (This mechanism imposes personal liability for unpaid employment-tax withholdings upon the officers, accountants, etc., of limited-liability entities.) The IRS annually invests significant resources chasing these taxes withheld by employers, but not “paid over” to the IRS. The seriousness is illustrated by the fact that, when the employees file their Form 1040s, the IRS must refund these withheld taxes that the government never received.

Increased examination activity:

IRS audit percentages have fallen to an all-time low (before slight recent increases). The IRS has publicized its efforts to improve compliance through dedication of (what it describes as) substantially increased resources to the audit function.

Criminal prosecutions:

The Department of Justice has recently focused upon failure-to-file prosecutions, targeting professionals (such as attorneys) and “celebrity” types. We continually counsel clients who, for various reasons, have not filed income tax returns for many years. Our office has recently defended a physician, two contractors, two local politicians, a

professional gambler, the spouse of a convicted tax protester, a real-estate-title attorney, a produce retailer, and a pro-sports-franchise family member from federal criminal tax and other charges. Recent budget pressures at the IRS’s Criminal Investigation Division (the CID) are forcing the CID to reduce the number of investigators to the lowest level in four decades. These changes will force the CID to scale back its fight against financial crime and will also decrease the government’s revenue from fines, penalties, etc. The CID predicted that the number of Special (Criminal) Agents will decline to 2,130 by fiscal year 2016 due to attrition (a projected decline of 13 percent from 2014). This decline is expected despite the hiring of 48 Agents by the CID during 2014. At its peak in 1995, the CID had 3,358 Agents. Richard Weber, Chief of the CID, said in an interview that his goal is to reverse this trend and increase the number of Special Agents to at least 3,000.

So, what is wrong with the IRS? Too much to do, and not enough people or money to do it all. So, there you have it. Oh, and the answer to the question, as to how many Form 1040s did the IRS receive last tax season. How about 151 million. The IRS has a lot to do. ■

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Installation of new Bar Leaders to be held during a Jan. 13 ceremony at federal court

The BRBA will install its new BRBA Bar Leaders during a 3 p.m. Wednesday, Jan. 13, 2016, ceremony at the U.S. District Court for the Middle District of Louisiana in the Russell B. Long Federal Building and Courthouse. There is no cost to attend, but seating is limited and you must reserve your seat by Jan. 8. Contact Kelsie at the BRBA at kelsie@brba.org or 225-344-4803. See the registration form on page 5 of this magazine, or register online at www.BRBA.org.

Opening of Court to be held Wednesday, Jan. 27

The BRBA will host its annual Opening of Court, Memorial & New Member Ceremony at 8:30 a.m. Wednesday, Jan. 27, 2016, in the ceremonial courtroom on the 11th floor of the 19th Judicial District Court. BRBA members who have practiced for 50, 55, 60 and 65 years will be honored. New members of the bar will be introduced. BRBA members who died in 2015 will be remembered as part of the ceremony. Contact Ann K. Gregorie for more information about the ceremony: 225-214-5563 or ann@brba.org.

YLS held 2015 Cocktails with the Court Nov. 12

The Young Lawyers Section of the BRBA held its annual Cocktails with the Court reception Thursday, Nov. 12, 2015, at the Gallery at Manship Theatre. Judges and their law clerks were honored. Francisca M. M. Comeaux and Loren Shanklin Fleshman organized the reception.

Scott M. Levy is the 2015 chairman of the Young Lawyers Section and Susan Kelley is the section's staff liaison.



The BRBA Young Lawyers Section Council organized its annual Cocktails with the Court reception Thursday, Nov. 12, 2015. The event was held 5-8 p.m. at the Gallery at Manship Theatre. Photographed are Loren Shanklin Fleshman, Lillian Grossley, Jim Purgerson, Kara B. Kanrtow and Francisca Comeaux. Comeaux and Fleshman organized the event. Citizen's Bank & Trust is a long-time sponsor of the reception.

PHOTO BY PAMELA LABBE



Robert J. Burns Jr., Mary Ann M. White and Lt. Gen. Russel L. Honore were photographed prior to the start of the November Bar Luncheon. Lt. Gen. Honore was the guest speaker.

PHOTO BY PAMELA LABBE



The Federal Court Admission Ceremony was held Dec. 3, 2015, at the U.S. District Court for the Middle District of Louisiana. Photographed are ReAzalia Z. Allen, Katelin Hughes Varnado, Claire E. Sauls, Lee M. LeBoeuf and Scott M. Mansfield.

PHOTO BY PAMELA LABBE



BRBA 2015 President Robert J. Burns Jr., Lauren Rivera and Christopher K. Jones attended the Federal Court Admission Ceremony, held Thursday, Dec. 3, 2015. Afterward, Jones attended the Federal Bar Association, Baton Rouge Chapter, meeting and reception, which was held in the third floor hallway of the Russell B. Long Federal Building and United States Courthouse.

PHOTO BY PAMELA LABBE



Photographed at the YLS Cocktails with the Court reception Nov. 12, 2015, are Kelley Dick Jr., Hayden Moore, Jordan Bollinger and Lori Palmintier.

PHOTO BY PAMELA LABBE



PHOTO BY PAMELA LABBE

The BRBA November Bar Luncheon was held Wednesday, Nov. 18, 2015, at Ruffino's Catering at De La Ronde Hall. Jay Parker, Monica Vela-Vick, Charles F. Hardie and Kenneth Sills attended.



PHOTO BY PAMELA LABBE

H. Alston Johnson III, 2015 BRBA President Robert J. Burns Jr., and L. T. Dupre attended the last bar luncheon of the year held Nov. 18, 2015.



PHOTO BY PAMELA LABBE

Catherine Breau, Jacob Simpson, Joseph J. Cefalu III and Kelsey Clark were photographed prior to the BRBA November Bar Luncheon.



PHOTO BY PAMELA LABBE

Judge Pamela Moses-Laramore, Terry Irby and BRBA Board member Dennis Blunt were present during the November Bar Luncheon.



POSITION ANNOUNCEMENT CHANCELLOR

The Southern University and A&M College System is seeking qualified applicants for the position of Chancellor of the Southern University Law Center (SULC). The Chancellor is the chief executive officer for the SULC. The successful applicant will be responsible for all activities of the Law Center, including, but not limited to, academic, financial, student and administrative affairs and the other support activities.

About the Southern University and A&M College System

The Southern University and A&M College System is the nation's only Historically Black system of higher education. The System consists of academic campuses in Baton Rouge, New Orleans, and Shreveport as well as Law and Agricultural Centers located in Baton Rouge.

Visit www.sus.edu/sulcchancellor for the complete position description and application information. Application deadline: Jan. 15, 2016.

Region III Mock Trial Competition to be held Feb. 26-27

The Region III High School Mock Trial Competition, which is hosted annually by the Baton Rouge Bar Foundation, will be held Friday, Feb. 26, and Saturday, Feb. 27, 2016, at the 19th Judicial District Court.

Lynn Haynes coordinates the Mock Trial Committee, and Tavares A. Walker of the Southern University Law Center is the 2016 committee chair. To volunteer to assist with the mock trial competition, contact Lynn at lynn@brba.org or 225-214-5564.

BRBF Law Day to take place May 2

Robert Savage will chair this year's BRBF Law Day, which will be held Monday, May 2, 2016, at the River Center Theatre in downtown Baton Rouge. Essay, poster and video contests are available for middle and high school students. This year's theme is: "Miranda: More than Words." To volunteer, contact Donna at donna@brba.org or 225-214-5556.



Thanks to all who volunteered to help with this year's gift distribution day on Tuesday, Dec. 8, 2015, for the BRBF Holiday Star Project.



Special thanks to Diesel Driving Academy for assisting with moving the Holiday Star gifts to one of the 10 participating social service agencies. Photographed are Douglas Hester and Jacey Rutherford.

Holiday Star completes its 24th year

The BRBF Holiday Star Committee would like to thank everyone involved with the project this year. It was a great success! The 2016 Holiday Star Project worked with 10 different social service agencies and our volunteers provided gifts to more than 800 children.

Holiday Star Committee Chair Kristi Richard would especially like to thank Diesel Driving Academy and the volunteers who loaded the truck with Holiday Star gifts. Susan Kelley served as the staff liaison to the committee.

In addition, we'd like to thank all gift distribution day volunteers: Danielle Borel, Catherine Breau, Joseph Cefalu III, Kelsey Clark, Jennifer Durham, Kelly Englert, Druit Gremillion, Kellye Grinton, John Grinton, Douglas Hester, David Kelley, Erin Kenny, Saul Newsom, Drew Nordgren, Kristi Richard, Jacey Rutherford, Elisa Stephens Randall, Lauren Temento, Monica Vela-Vick, Alex Velazquez, and Sunny West. ■



Lane Ewing
Former Asst. U.S. Attorney



Stan Lemelle
Former Criminal Chief,
U.S. Attorney



Don Cazayoux
Former U.S. Attorney



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West's Jury Verdicts – Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
<u>East Baton Rouge Parish</u>			
Medical Malpractice	Tib-fib fractures	Jury	Defense
Premises Liability	Unspecified personal injuries	Jury	\$1,642,000
Vehicle Negligence	Back, neck, head, abdomen	Settlement	\$7,250

West's Case of the Month

Parties Reach \$7.3K Settlement Due to MVA Involving a Pedestrian in a Parking Garage

Kinney v. Twenty-First Century N. Am. Ins. Co.

TYPE OF CASE: Vehicle Negligence - Pedestrian

SPECIFIC LIABILITY: Pedestrian was struck by a vehicle while walking through a parking garage

GENERAL INJURY: Injuries to back, neck, head and abdomen; medical expenses; lost wages; loss of earning capacity

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

DOCKET/FILE NUMBER: 627152

RESULT: Plaintiff and intervenor, \$7,250

RESULT DATE: February 04, 2015

JUDGE: Wilson Fields

ATTORNEYS:

Plaintiff: Luke J. Thibodeaux, McKernan Law Firm, Baton Rouge, LA; Chet G. Boudreaux, McKernan Law Firm, Baton Rouge, LA; Anne Marie Muller, Baton Rouge, LA
Defendants: Thomas H. Barnett, Barnett & Roniger, New Orleans, LA; Richard D. Roniger, Barnett & Roniger, New Orleans, LA; John W. Norwood, Barnett & Roniger, New Orleans, LA; Stephanie McLaughlin, Barnett & Roniger, New Orleans, LA
Intervenor (State of Louisiana): James D. Caldwell, Attorney General, Baton Rouge, LA; Bailey A. Adams, Assistant Attorney General, Baton Rouge, LA; Sherlyn D. Shumpert, Assistant Attorney General, Baton Rouge, LA

RESULT TYPE: Settlement

BREAKDOWN OF AWARD:

\$7,250.00 to plaintiff and intervenor for damages

SUMMARY OF FACTS:

Candice Kinney was reportedly walking in the LaSalle Garage located on North Street in Baton Rouge, La., Jan. 4, 2012. At the same time, Murlonae Webb was allegedly driving her 2008 Ford Focus automobile north within the LaSalle Garage. Kinney said that as she was walking through the parking garage, Webb suddenly attempted to execute a left turn and violently struck her with her vehicle. Specifically, Webb's automobile's driver's side mirror reportedly struck Kinney in her

abdomen area. Kinney said she suffered personal injuries due to the collision, including injuries to her back, neck, head and abdomen. Kinney filed a lawsuit against Webb and her reported automobile insurance provider, Twenty-First Century North America Insurance Company, in the Nineteenth Judicial District Court for the Parish of East Baton Rouge in December 2013. In her petition, the plaintiff asserted that Webb's negligence had caused the accident and her resulting injuries and damages.

Specifically, the plaintiff argued that Webb had failed to see what she should have seen while driving through the parking garage, failed to maintain control of her vehicle, failed to drive her automobile with sufficient regard for the safety of all persons and failed to yield the right-of-way to pedestrians. The plaintiff sought damages for her personal injuries, medical expenses, physical pain and suffering, mental and emotional pain and suffering, loss of life enjoyment, loss of income and loss of earning capacity. According to court documents, the state of Louisiana, Office of the Governor, Division of Administration, Office of Risk Management filed a petition for intervention in the lawsuit. In its petition, the state asserted that at the time of the accident, Kinney had been acting within the course and scope of her employment with the Department of Children and Family Services, and that it had paid Kinney workers compensation benefits as a result of the injuries she had suffered due to the collision.

The state contended that it had a subrogation interest against Webb and Twenty-First Century North America Insurance for all past and future workers compensation benefits it had paid to the plaintiff. The state of Louisiana requested that the court enter judgment in its favor for all workers compensation benefits it had paid on Kinney's behalf, together with legal interest and costs of court. The defendants admitted that the side view mirror on Webb's vehicle had struck the plaintiff while she was walking through the parking garage; however, they generally denied the plaintiff's allegations and denied liability in the matter. In their pretrial memorandum, the defendants asserted that Webb had been driving cautiously through the parking garage, and that Kinney had been walking in an area of the parking garage where visibility was limited. As a result, the defendants contended that Webb had no way of seeing the plaintiff before the collision occurred. The defendants contended that Kinney's own negligence may have caused the accident because she was in fact able to hear vehicles traveling up the parking garage's entrance ramp and should have been able to avoid walking into Webb's automobile's side view mirror.

According to court documents, the parties were able to reach a settlement agreement in the matter. In a judgment signed Feb. 4, 2015, Judge Wilson Fields approved the parties' settlement agreement and ordered that the defendants would pay Kinney and the state of Louisiana \$7,250 for settlement of all of their claims in the matter. Judge Fields also ordered, pursuant to the parties' agreement, that the state of Louisiana would reduce its workers compensation lien in the amount of \$8,150.28 by 20 percent, for a total reduction in the amount of \$1,630.06. As a result, the court ordered that the state of Louisiana would accept \$6,520.22 of the total settlement funds. In exchange, Judge Fields ordered that Kinney would release the state from all claims in connection with the accident in question, and would execute full and final workers compensation settlement documents, which would also include a release. The court further ordered, pursuant to the parties' agreement, that the defendants would pay all court costs incurred by the state of Louisiana.

CASE CITE: 2015 WL 2173785

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foundation footnotes

PRO BONO AND TEEN COURT REPORTS — OCTOBER 2015

The Baton Rouge Bar Foundation would like to thank everyone who volunteered in October 2015.

ASK-A-LAWYER VOLUNTEERS—Annette Peltier, *Phelps Dunbar*; Rebeca Smith, *Adams & Reese*; Luis Leitzelar, *Jones Walker*, and Paulette Porter LaBostrie.

THIRST FOR JUSTICE VOLUNTEERS—Stephen Strohschein, *McGlinchey Stafford, PLLC*; C. Kieffer Petree, *McGlinchey Stafford, PLLC*; Peter Ellis, *Dudley DeBosier*; Eldon Dominique, *Dudley DeBosier Injury Lawyers*; Jeff Watson, *Dudley DeBosier Injury Lawyers*; Robert Chapman, *Dudley DeBosier Injury Lawyers*, Jon Ann Giblin, *McGlinchey Stafford, PLLC*; Matt Terrell, *Dudley DeBosier Injury Lawyers*, Patti Hatch, *Dudley DeBosier Injury Lawyers*, Amber Day, *Dudley DeBosier Injury Lawyers*, Amanda Stout, *McGlinchey Stafford, PLLC*, and Zelma Frederick, *McGlinchey Stafford, PLLC*.

J. Keith Friley; Robert Morgan; and Drew Nordgren, *The Nordgren Law Firm*, accepted pro bono cases in October.

SELF HELP RESOURCE CENTER ATTORNEY VOLUNTEERS—Jennifer Prescott, *deGravelles, Palmintier, Holthaus & Fruge*; Ryan Brown, *Roedel, Parson, et al.*; Tracy Morganti, *Adams & Reese*; Todd Manuel, *Entergy Services, Inc.*; Jennifer Williams; Paula Ouder; Janeane Gorcyca, *Joubert Law Firm*; Gavin Richard; Joseph Ballad, *Entergy Services, Inc.*; Renee Pennington, *Sumpter B Davis III, APLC*; Steven Adams, *Adams Law Office APLC*; and Lee Higginbotham.

TEEN COURT REPORT—Jamie Flowers and Jennifer Williams served as judges for the October Teen Court hearing. Raveen Hills and *Southern University Law Center* students Danielle Bickham, Tiffany Lemons and Brittany Tassin served as jury monitors. Heather Covington and Brandon Vice, *Sign Language Interpretation Services*, donated their services for the October hearing.

Volunteer attorneys, law students, professors and graduate students conducted weekly educational sessions for the Teen Court participants in October: Brittany Bryant, Alberto DePuy, Ashley Deshotels, Kalyn Garner, Paul Guidry, Melissa

Hansell, Raveen Hills, and Joel Salvaggio. In October, Professor Wendy Shea, Monica Vela-Vick, and *Southern University Law Center* students Fran Gibson, Kaleya Harris and Lindsey Linder held Junior Partners Academy presentations at Southern University Lab School. ■

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 and the Baton Rouge Bar Foundation. Teen Court of Greater Baton Rouge is funded by the South Burbank Crime Prevention and Development District and the Baton Rouge Bar Foundation. The Youth Education Program is financially assisted by the Interest on Lawyers Trust Account (IOLTA) of the Louisiana Bar Foundation. The Future Legal Eagles Law Club is funded by a grant from the South Burbank Crime Prevention and Development District.

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January 2016

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

Duty Court Schedule

19TH JDC CIVIL COURT

Dec. 28	Judge Johnson
Dec. 29	Judge Fields
Dec. 30	Judge Hernandez
Jan. 2	Judge Morvant
Jan. 4-Jan. 8	Judge Fields
Jan. 11-Jan. 22	Judge Clark
Jan. 25-Feb. 5	Judge Caldwell

19TH JDC CRIMINAL COURT***

Dec. 27(6am)-Dec. 28(midnight)	Judge Anderson
Dec. 29(12:01am)-Dec. 30(6pm)	Judge Marabella
Dec. 30(6pm)-Jan. 1(noon)	Judge White
Jan. 1-Jan. 8	Judge Marabella
Jan. 8-Jan. 15	Judge Anderson
Jan. 15-Jan. 22	Judge Erwin
Jan. 22-Jan. 29	Judge Jackson
Jan. 29-Feb. 5	Judge Daniel

BATON ROUGE CITY COURT*

Dec. 28-Jan. 3	Judge Alexander
Jan. 4-Jan. 10	Judge Ponder
Jan. 11-Jan. 17	Judge Prosser
Jan. 18-Jan. 24	Judge Temple
Jan. 25-Jan. 31	Judge Smith

FAMILY COURT**

Jan. 4	Judge Day
Jan. 5	Judge Greene
Jan. 6	Judge Baker
Jan. 7	Judge Woodruff-White
Jan. 8	Judge Day
Jan. 11	Judge Judge Day
Jan. 12	Judge Greene
Jan. 13	Judge Baker
Jan. 14	Judge Woodruff-White
Jan. 15	Judge Greene
Jan. 19	Judge Greene
Jan. 20	Judge Baker
Jan. 21	Judge Woodruff-White
Jan. 22	Judge Baker
Jan. 25	Judge Day
Jan. 26	Judge Greene
Jan. 27	Judge Baker
Jan. 28-29	Judge Woodruff-White

JUVENILE COURT

Jan. 1-Jan. 31	Judge Taylor-Johnson
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NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified. *City Court's Duty Court schedule changes each Monday at 8 a.m. **Family Court's Duty Court schedule is completely different each day, rotating on Fridays ***19th JDC Criminal Court changes each Friday at noon.

COURT HOLIDAYS

Thursday, Dec. 31	New Year's Eve
Friday, Jan. 1	New Year's Day
Monday, Jan. 18	Martin Luther King Jr. Day

Classifieds

OFFICES FOR LEASE: Great location with individual offices, conference room and upfront receptionist. 4609 Bluebonnet Blvd., Ste. A — call Chad at 225-757-9484 or email: chad@oliviergroup.com.

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

JOIN THE MOCK TRIAL COMMITTEE: The Baton Rouge Bar Foundation Mock Trial Committee plans the annual Region III High School Mock Trial Competition. This year's event will be held Friday, Feb. 26 and Saturday, Feb. 27, 2016. Volunteer coaches are needed. Contact Lynn S. Haynes to join the committee or to volunteer: 225-214-5564 or lynn@brba.org.

JOIN THE LAW EXPO COMMITTEE: The BRBA Law Expo Committee plans the annual Fall Expo & Conference, which takes place along with the September Bar Luncheon. This year's event will be 9-8-2016 at L'Auberge Casino & Hotel Baton Rouge. Our first meeting of the year is Friday, Jan. 29, 2016. RSVP to enjoy a cup of coffee at 8:30 a.m. and to discuss your ideas for the next event. Contact Pamela Labbe for more info.: 225-214-5560 or pamela@brba.org.

Calendar

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

Ongoing: Every Tuesday & Thursday,
10 a.m.-2 p.m., Self Help Resource Center, 19th JDC.
[CLOSED: Dec. 28 & 31].

- 1 BRBA Office Closed—New Year's Day
- 4 Staff planning retreat
- 6 Volunteer Committee meeting, 12-1 p.m.
- 7 Teen Court Committee meeting, 12-1 p.m.
- 11 Teen Court Hearing, LSU Innovation Park, 6-8:30 p.m.
- 12 YLS Council meeting, 8:30 a.m.
- 13 Law Day Committee meeting, 12-1 p.m.
- Pro Bono Committee meeting, 12-1 p.m.;
- Bar Leader Installation Ceremony, U.S. District Court for the MDLA, 4 p.m.
- 14 Mock Trial Committee meeting, 12-1 p.m.;
- LSBA Midyear Meeting, J.W. Marriott New Orleans
- 15 LSBA Midyear Meeting, J.W. Marriott New Orleans;
- Youth Education Committee, 12-1 p.m.
- 16 LSBA Midyear Meeting, J.W. Marriott New Orleans
- 18 BRBA Office Closed—Martin Luther King Jr. Day
- 20 Ask-A-Lawyer, Catholic Charities, 9-11:30 a.m.
- 21 Family Law Section Lunch & CLE, 12-2 p.m.;
- Future Legal Eagles Law Club meeting, Gardere Initiative, 5-6:30 p.m., 8435 Ned Ave.
- 23 Teen Court Training Session, LSU Innovation Park, 8:45 a.m.-3:15 p.m.;
- Ask-A-Lawyer, 9:30-11:30 a.m., River City Branch Library
- 25 Teen Court Hearing, EBR Juvenile Court, 6-8 p.m.
- 27 Opening of Court, Memorial & New Member Ceremony, 19th Judicial District Court 11th Floor Ceremonial Courtroom, 8:30 a.m.
- 29 Law Expo Committee meeting, 8:30 a.m.

Baton Rouge Bar Association
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*When you call, please reference the group name (BATON ROUGE BAR ASSOCIATION
BENCH BAR CONFERENCE 2016) OR one of the following three codes:*

DELUXE RESORT VIEW ROOM: \$229 per night — BBABBAA

DELUXE BAYSIDE ROOM: \$259 per night — BBABBAB

SPA RESORT VIEW ROOM: \$259 per night — BBABBAC

CONTACT ANN K. GREGORIE WITH ANY QUESTIONS: 225-214-5563 OR ANN@BRBA.ORG

S P O N S O R S H I P S A V A I L A B L E