

Around

THE MAGAZINE OF THE
BATON ROUGE BAR ASSOCIATION

No. 270, October 2012

the Bar

Celebrating Pro Bono

National Pro Bono Week: Oct. 21-27

Going Casual for Justice!



Inside:

The constitutionality of renting

Eye on evidence:

Incomplete deposition testimony

Attorney spotlight: Jamie Hurst Watts

BRBA softball tournament recap

Upcoming Baton Rouge Bar Association CLE seminars



October

PRACTICAL POINTERS IN ISSUING SUBPOENAS – Oct. 5
12 - 1:30 p.m. • Middleton Bar Center • Speaker: Shelton Dennis Blunt

21ST CENTURY ATTORNEY CLE – Oct. 12

Concentrating on Technology-related issues

1 - 5 p.m. • U.S. District Court, Middle District of Louisiana

CONSTRUCTION LAW SECTION LUNCH & LEARN – Oct. 16

Arbitration & Mediation - Tips for Success

11:45 a.m. - 1 p.m. • Middleton Bar Center • Speaker: Bruce Shreves

November

FAMILY LAW SECTION CLE – Nov. 2

APPELLATE SECTION PROFESSIONALISM CLE – Nov. 7

11:45 a.m. - 1 p.m. • Middleton Bar Center

Speaker: Judge Burrell J. Carter

PRACTICING IN THE 23RD JDC – Nov. 12

8:30 a.m. - 12 p.m. • Clarion Inn & Conference Center, Gonzales, La.

CONSTRUCTION LAW SECTION LUNCH & LEARN – Nov. 13

11:45 a.m. - 1 p.m. • Middleton Bar Center

WORKERS' COMPENSATION SECTION CLE – Nov. 13

11:45 a.m. - 2 p.m. • Mansur's

**SUPERWOMEN: FEMALE ATTORNEYS MASTERING THE GAME
AND THE STRATEGIES THAT RULE – Nov. 16**

Hilton Capitol Center



December

PRACTICING LAW IN BATON ROUGE – Dec. 4

Ethics, Professionalism & Law Office Management

8:30 a.m. - 4:15 p.m. • U.S. District Court, Middle District of Louisiana

CLE BY THE HOUR – Dec. 6, 7, 13, 14, 27 & 28

Crowne Plaza Hotel • 8 a.m. - 5 p.m. (Dec. 6 only - 8 a.m. - 8:30 p.m.)



Contact Ann K. Gregorie at ann@brba.org or 225-214-5563 for more information, or go online (www.BRBA.org) for a comprehensive seminar schedule. BRBA members should login to register.



On the cover:

The cover photo features members who support the Baton Rouge Bar Foundation's pro bono efforts. Photographed (L to R) are Sarah "Jamie" Campbell (Director, Southeast Louisiana Legal Services – Baton Rouge office); Wendy Edwards (2012 Family Law Section Chair); Ken Mayeaux (2012 Pro Bono Committee Chair); and Emily Ziober (Pro Bono Committee Vice Chair).

The cover photograph was taken at North Boulevard Town Square, across from the 19th Judicial District Courthouse.

This cover photo shows some of our strongest pro bono supporters going casual for justice. On Friday, Oct. 26, the BRBF is holding a Jeans Day event. Show your support for the Pro Bono Project by donating \$5 and wearing your favorite pair of blue jeans to work! Contact Emily Chambers for more information on how your workplace can participate: 225-214-5558 or emily@brba.org.

Cover photography by Pamela Labbe.



- 4 Contributors
- 5 Letter from the president
"Hats off to Justice Kimball" BY GAIL S. STEPHENSON
- 6 Letters
- 6 Gail's grammar
- 7 YLS report
"It's not too late to get involved with the Young Lawyers Section"
BY JAMIE HURST WATTS
- 8 Tales from the bar side
"Horse trading" BY VINCENT P. FORNIAS
- 10 Eye on evidence
"Incomplete deposition testimony" BY MICHAEL A. PATTERSON
- 11 Attorney spotlight
"Interview with YLS Chair Jamie Hurst Watts" BY CHERRIE BRAUD
- 12 "Squall lines, traffic and back-to-back championships, oh my!"
BY CHRISTOPHER K. JONES
- 14 "To rent, or not to rent, that is the constitutional question"
BY GRANT J. GUILLOT
- 17 Bar news
- 20 Foundation footnotes – Teen Court report
- 21 West's Jury Verdicts – Baton Rouge
- 22 Foundation footnotes – Pro Bono Project report

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

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letter from the president

BY GAIL S. STEPHENSON

Hats off to Justice Kimball

Twenty years ago, when I was a young lawyer and Catherine “Kitty” Kimball was newly elected as the first female justice of the Louisiana Supreme Court, Justice Kimball spoke at a luncheon of the Baton Rouge Association of Women Attorneys. As BRAWA secretary, I was tasked with preparing nametags for arriving guests. When our guest of honor arrived, I wrote, “Justice Kimble” on her nametag. The gracious lady didn’t miss a beat. “Let me help,” she said, as she picked up a fresh nametag and marker and wrote her name properly.



Gail S. Stephenson

I guess I was just nervous — I’d had cases in front of her and of course knew how to spell her name. I was mortified. What stuck with me all these years, however, was how tactfully she handled that situation. It is but one small example of her grace and modesty. A more recent example was seen when Darrel Papillion, her former law clerk and BRBA treasurer, contacted her regarding our plans to honor her at a bar function before she retires in January. Her response was, “That is so not necessary.”

She might not think it is necessary, but we didn’t want to miss an opportunity to let her know how much the BRBA has appreciated her support and assistance over the past 20 years. Darrel’s persuasive abilities prevailed, and she agreed to join us at the November bar luncheon.

We all know Justice Kimball is a role model for female attorneys and served as the first female justice and first female chief justice of the Louisiana Supreme Court. She’s been honored by her alma mater, LSU, as its outstanding alumnae and by the Louisiana Bar Foundation as the state’s most distinguished jurist. She’s been inducted to numerous halls of fame.

She had a key role in the reform of the Louisiana juvenile justice system while serving on the Louisiana Juvenile Justice Implementation Committee and the Louisiana Children’s Cabinet. She even started a nonprofit organization, The Sunshine Foundation, to give books on self-esteem to preschool school children after a teacher told her she tried to say a kind word to each student every day because it might be the only kind word the child heard that day.

But in November we want to honor and thank her for all she’s done to support the Baton Rouge Bar Association. She’s been a frequent lecturer at BRBA continuing legal education seminars and spoke at last year’s Pro Bono Palooza. Justice Kimball has attended many of our BRBA functions, including the Bench Bar Conference, the Opening of Court reception and Cocktails with the Court. She’s been especially giving of her time to help the Young Lawyers Section with the Sidebar Luncheons; she has missed only one year since 2007. If you’re a young lawyer and you have yet to attend a Sidebar Luncheon with Justice Kimball, you have one more chance to have lunch with her in a casual small-group setting Monday, Nov. 5 at the bar office.

Those of us who wear hats know that the ultimate expression of respect and admiration is to remove your hat. That’s why I’m hatless in this month’s photo; my hat is off to Justice Kimball. I hope you will all join us Thursday, Nov. 8, at the November Bar Luncheon at De La Ronde Hall beginning at 11:45 a.m. as we recognize Justice Kimball for all she’s done for women and children, the Louisiana justice system and especially the Baton Rouge Bar Association. ■

letters

How heartwarming it was to see such a wonderful group of cheery fresh faces of the Belly Up with the Bar Committee on the cover of the September [2012] *Around the Bar* magazine.

I am sad to admit that I do not know all of them. I would swear under oath that when I first started law school in the mid-seventies, our publication was probably printed on someone's old mimeograph machine consisting of just a page or two. Now, not only do we have one of the classiest and most professional publications, but we feature articles and interviews that are interesting and informative.

Judging from the cover, I would also venture to say we are passing the gauntlet in the profession to some very bright and capable new folks. Even a cowboy and cowgirl or two, and I like that.

Thanks to all of you for a soundly good job.

Dan D. Schaneville
Bentley Title, LLC

GAIL'S GRAMMAR

Ancient Roman troops who deserted or mutinied were divided into groups of 10. One of the 10 was selected by lot to be bludgeoned to death by the other nine. This punishment was called **decimation**. Over the last two centuries, **decimation** has come to mean to destroy a great proportion of, rather than to kill one-tenth (although this use still sets some purists' teeth on edge). It should not be confused with annihilate, which means to destroy completely. In homage to the word's origin, **decimate** should also not be used with a percentage.

EXAMPLES OF IMPROPER USAGE:

Hitler sought to **decimate** the Jewish population.
The wet weather **decimated** 60 percent of the crop.

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

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yls report

BY JAMIE HURST WATTS


If getting involved with the BRBA Young Lawyers Section was one of your 2012 New Year's resolutions, there is still time!

Make plans to join us Nov. 5 for a Sidebar Luncheon with Louisiana Supreme Court Chief Justice Kitty Kimball. Seating is limited for this event, which will be held at the BRBA Middleton Bar Center, 544 Main Street. Register early to ensure yourself a seat at this very special Sidebar Luncheon.

It's not too late to get involved with the Young Lawyers Section

The annual YLS Cocktails with the Court reception will be held Nov. 15. Plan to come mingle with area judges and their law clerks, as well as new members of the Baton Rouge Bar Association. The YLS is excited to announce that the inaugural "graduating class" of the 50 Billable Hour Club will be recognized at this event.

If you like to shop for gifts and enjoy giving to those in need, remember to pick up a star (or two) for the Holiday Star Project. This project provides presents to needy children in the Baton Rouge area. You can also participate on the Holiday Star Committee.

The YLS will soon begin planning the 2013 Opening of Court, Memorial and New Member Ceremony. Mark your calendar for Jan. 30, 2012, at 8:30 a.m. at the 19th Judicial District Court. Check your email for announcements on these and other upcoming events. 

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tales from the bar side

BY VINCENT P. FORNIAS

Sometimes these stories pretty much write themselves. Or so it seemed during a recent mediation featuring a plaintiff ("Mr. Tommy"), a spirited and avuncular jack-of-all-trades injured in a rather serious collision with a wayward horse on Highway 10 near Morganza. Mr. Tommy, represented by Scott Gegenheimer and Keith Richards, had testified in deposition that in the early dawn his pickup truck had encountered a palomino, and that although he had been hurt and his vehicle totaled, the horse, who had barely limped away into the bushes, was definitely worse off than he (probably getting up close and personal with The Big Pasture in the Sky). The adjoining landowner, alleged to own the kamikaze stallion, was defended by Patrick Patrick, who attended the mediation with his client's claim representative, Noryn Ward, herself a lawyer.

Patrick's primary defense was that his client neither owned nor harbored a palomino (think Trigger of Roy Rogers fame), and that in fact the only horse on the premises was a paint (think Little Joe's horse on "Bonanza"). Despite Mr. Tommy's description of the serious lick his vehicle put on the horse, no *corpus delicti* was ever claimed or found. Ingeniously, the dastardly defendants did not horse around. They arranged for an IHE (think IME, but of a horse) that produced a sterling report that the defendant's paint showed no evidence of trauma (no, you cynics out there, there was no mention of preexisting degenerative disc disease). With this fodder in hand, the lame equine references in the subsequent mediation were "off to the races."

I suppose I should blame myself, as in the opening session I could not help in describing myself as a neutral "without a horse in this race."

Before we were "out of the gate," the defense argued passionately that we were literally dealing with "a horse of a different color."

Someone in the plaintiff's room noted that the defense was getting "horsey" in their settlement position.

Defendants soon wondered if the plaintiff's counsel's request to bracket the case was setting a trap – *a la* a Trojan horse.

Horse trading

Midway through the negotiations, Patrick and company grew concerned that perhaps Mr. Tommy's lawyers didn't have enough control over their client, *e.g.*, you could lead a horse to water, but you could not make him drink.

Either Keith or Scott, relying on a damaging deposition admission by a defense witness, casually noted that this was "right out of the horse's mouth."

Around this point in the mediation, I was pressured into producing from my trusty mediation cartoon archives a few horse-related models. Apparently the favorite was an old Far Side one featuring a horse missing one of its legs while tied outside a saloon, with the caption, "The bad part of town" – and a reminder to the defendants that they were not in a favorable venue in this case.

When the issue of a possible Medicare set aside came up, the parties concluded that this had already been discussed and thus we were "beating a dead horse."

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As we approached numbers close to settlement, one room countered with the declaration that the other room's offer was "horse _____," which was followed by my entreaty to "not look a gift horse in the mouth."

Alas, all involved showed classically "good horse sense" in reaching a settlement (which reminds me of the wisdom of W.C. Fields, who once said that "horse sense is the thing that keeps a horse from betting on people.").

Though I thought strongly about it, no one ever sank to the fodder that "if the horse shoe don't fit, you must acquit." But as I drove home that evening, some way, some how, I could not get out of my head the music and lyrics to a favorite show as a kid. I think it went something like, "A horse is a horse, of course, of course" ■

board synopsis

BY ROBERT "BUBBY" BURNS JR. & GAIL S. STEPHENSON

BRBA & BRBF Board of Director meeting minutes: July & August

July 17, 2012 — Board (1) reviewed letter to *The Advocate* that Stephenson drafted in response to the article "Judicial

Journeys" and voted to send a copy of the letter via email to all five City Court judges and to submit the letter to the newspaper editor only if a majority of the judges wanted the letter published; (2) voted to revise language of self-nomination forms for board and officer positions; and (3) reviewed audit and voted to approve it.

Aug. 21, 2012 — Board voted (1) to wait to schedule judicial forum for Louisiana Supreme Court race until after primary election; (2) to appoint Papillion as chair of an event to honor Justice Kimball; (3) to appoint Edwards to speak to 19th JDC Clerk of Court regarding a 35-cent-per-page fee charged for Online Certified Service; (4) to appoint Lambert to recommend two attorneys to the Discovery Channel for the television program "How the States Got Their Shapes"; and (5) to have Stephenson make a formal comment to the Louisiana Supreme Court on the proposed change to the *cy pres* rules. Reports were received on Bench Bar Conference (approximately \$32,000 profit); Public Law Section's recent tour of Celtic Media; parking issues with 600 Main Bar; and Youth Education (BRBA received award from ABA). ■

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The Louisiana Supreme Court recently granted a supervisory writ to determine the correctness of the trial court's ruling on a motion *in limine* seeking to preclude admission of a perpetuation deposition. *Trascher v. Territo*, 11-2093 (La. 05/08/2012) 89 So.3d 357.

Counsel filed a petition seeking an ex parte order to perpetuate the testimony of his client on the grounds that Mr. Trascher had asbestosis and was likely not to live another six months. The petition to perpetuate alleged occupational exposure to asbestos during various jobs as a welder at Avondale Shipyard and Equitable Shipyard.

The trial court granted the order and the deposition commenced. After 15 minutes of questions by plaintiff's counsel, the deposition was suspended as Mr. Trascher's health prevented him from continuing. Defense counsel placed a statement on the record reserving all their rights to continue the deposition at another time to conduct cross-examination or reserving the right to request that the deposition be stricken for lack of an opportunity to cross-examine.

Mr. Trascher died shortly after his deposition. Suit was filed. Defendants filed a motion *in limine* seeking the exclusion of the deposition testimony on the grounds that it was incomplete and no defendant was afforded the opportunity to cross examine Mr. Trascher. The trial court denied the motion *in limine*, and it is from that order that the Louisiana Supreme Court granted the writ application to determine the correctness of the trial court's decision.

The court first determined that the deposition was not admissible pursuant to Louisiana Code of Civil Procedure article 1450 because defendants were not afforded the

Incomplete deposition testimony

opportunity to cross-examine.

Next, plaintiff argued that the deposition was admissible pursuant to Louisiana Code of Evidence article 804(B)(2) as a statement under belief of impending death commonly referred to as the "dying declaration" exception.

The court held that Mr. Trascher did not believe his death was imminent as contemplated by the dying declaration exception, and thus the statement was inadmissible.

The plaintiff further argued that the testimony was admissible under the residual hearsay exception of Louisiana Code of Evidence article 804(B)(6), which allows the admissibility of certain evidence if the statement is made under sufficient assurances of trustworthiness, the evidence and the statement are generally otherwise unavailable and the opponent is given a fair opportunity to meet the evidence in the statement. The court found that while the testimony was made under oath, it lacked any other guarantees of trustworthiness sufficient to justify its admission under the hearsay exception.

The court did allow the portion of Mr. Trascher's testimony concerning his then existing mental, emotional or physical condition pursuant to the Louisiana Code of Evidence article 803(3). His testimony in response to the question, "and today how do you feel?" was allowed, the court finding that such testimony fits within the exception as a statement of Mr. Trascher's then existing state of mind and physical condition offered to prove his then existing condition. ■



The Young Lawyers Section Holiday Star Project

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attorney spotlight

BY CHERRIE BRAUD

Interview with YLS Chair Jamie Hurst Watts

For Jamie Watts, family comes first, and balancing her work and personal life is important. Watts and her husband Blake, an insurance agent with Louisiana Farm Bureau, have been married for 14 years. Together they have two young daughters, Avery and Abby, and three pets: Belle, a black Cocker Spaniel; Charlie, an orange tabby cat; and Izzy, a chocolate Lab.

"I have learned that life passes by very quickly and can change drastically at any time. I cherish every day with my family," Watts said.

In high school, Watts' plan was to go to law school someday. She was encouraged by Bernadette Day, her English teacher. While attending Louisiana State University, she lost sight of this goal and decided a medical-based career was right for her, so in 1996, she graduated with a B.A. in kinesiology. After graduation, she became an exercise specialist at Women's Fitness Center.

"I even started a graduate program in Exercise Physiology/Cardiac Rehabilitation at LSU. I worked in that field for a couple of years, but I kept thinking about going to law school. I felt like it was what I was meant to do," she said.

"I didn't come from a family of lawyers, but for most of my life others have told me I should be a lawyer. I think it's the arguing," Watts said. When a friend in law school dared her to take the LSAT, she accepted the challenge "and the rest was history." Ironically, her high school English teacher's husband, Professor Winston Day, would become her Property Law professor at the LSU Paul M. Hebert Law Center. In 2002, she graduated with a J.D.

"I was fortunate to have been hired for an associate



Jamie Hurst Watts

attorney position with the Long Law Firm halfway through my third year of law school. I've worked there ever since," Watts said. She started as a law clerk; now she is an equity partner and serves as one of the three managing partners. Her practice areas include public utility regulation before the Louisiana Public Service Commission, commercial litigation and transactions, and wills/estates.

Watts admitted that being a lawyer has introduced her to different people in various industries and demonstrated how big and interesting the world is outside of her comfort zone. "I try to share those experiences with my daughters in hopes

that they will have many different opportunities to explore as adults," Watts said.

She now approaches life in a more practical manner. It forces her to plan ahead and think past the next step. "As a litigator or transactional attorney, you must anticipate what is going to happen beyond the next step and be prepared to address whatever that is. Spending time with my kids helps me to be less serious," Watts said.

As the 2012 chair of the Young Lawyer Section, Watts presides over the monthly meetings of the YLS Council, where nine members work on the YLS events. She is one of three council members assigned to the new 50 Billable Hour Club program, and she sits as an ex-officio BRBA board member to review and discuss activities and policies of the association board.

As a BRBA member, Watts has benefited from the CLE programs and volunteer opportunities. "The BRBA is sort of like one-stop shopping for opportunities to improve my practice, network, serve the community and my profession and make friends. My partner, Mike Patterson,

encouraged me to get involved with the BRBA," she explained. "Mike truly loves being a lawyer and the profession. He believes that, as a lawyer, you will only get out of the profession what you put into it. He enjoys teasing me for suggesting a change in the age limit in the bylaws from 36 to 39 so I could remain a young lawyer for a few more years." ■



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Squall lines, traffic and back-to-back championships, oh my!

BY CHRISTOPHER K. JONES (WITH EDITORIAL ASSISTANCE BY WES HATAWAY)

Every year I am asked repeatedly why we play the annual softball tournament on the hottest days of the year. After this year's events, I can say that did not happen this year. Instead, we dealt with torrential downpours in the middle of the tournament that required the completion of the tournament during the following week on multiple nights.

Even after playing more games on Friday night in an effort to avoid rainouts the following day, Mother Nature dealt us her best, and alternate plans were necessary. Nevertheless, the resiliency of the Usual Suspects, the defending champions, showed through as they breezed through the tournament to repeat as champions. This year's tournament featured a new venue at BREC's Oak Villa Park. While it was sad to see the friendly confines of Highland Road Park go, I think everyone was pleased with the new facilities, particularly when the rains came. I predict we have found a new home for the tournament for many years to come.

The first rounds of games on Friday night featured some interesting firsts for the tournament. Of course, they were the first games played on fields with surfaces that did not slope at a 45 degree angle toward Highland Road. They also were all played on fields with identical dimensions. Amazingly, we had accepted that games in previous years were played on three fields with different fence lengths, and one with no fence at all. We were also pleased to welcome two new teams to the tournament: Master Batters and Roedel Parsons. Yes, you read that correctly. The Master Batters, led by Jennifer Racca and her band of neon and spandex-wearing



The Usual Suspects win the BRBA championship tournament again.

teammates, were the first team ever to be eliminated thrice. They received an early morning call on Saturday to replace a forfeiting team and admirably showed up to play again. Special thanks to Scott Kirkpatrick and Roedel Parsons and the Master Batters for participating this year and continuing to make this tournament grow.



Judge Bill Morvant and Judge Tim Kelley

To say that it rained on Saturday does a great injustice to the English language that we as lawyers claim to use so eloquently. It poured. It rained cats and dogs. There were lakes on the fields. I think I saw an Olympic kayaker paddling from third to home. Dana Brown was asked to part a path to the parking lot. Children were being evacuated to an interior room to get away from the lightning show. Seeking shelter from the storm, the covered common area became as crowded as

the elevator lobby at the 19th JDC. Metal-poled tents, in place to shield our chefs/judges from the sun, lay twisted on the ground. I think you get the picture.

Fortunately, the weather conditions did not discourage the remaining teams. As lawyers, we are innately competitive, and no one was willing to concede defeat. So, as good lawyers do, we circulated a call-in number for a conference call. Only lawyers conduct conference calls to discuss the scheduling of softball games. After some



discussion, it was decided the remaining games would be played the following Tuesday and Wednesday nights. In order to field teams for those games, certain exceptions were allowed to the rules, and the games were played as scheduled. The first set of games in the loser's bracket games featured the Sofa Kings versus Taylor Wellons, and Breazeale, Sachse & Wilson against the Long Law Firm. Both games were close but resulted in victories by the Sofa Kings and BSW.

In years past, the final winner's bracket game before the championship game meant a lot. This is because the loser of that game then had to play more games during the hottest part of the day while the winner got to relax in the shade. That was not the case this year. Nevertheless, BSW and the DA's Office both came to play. However, the DA's Office could not find its same power groove that led them through the winner's bracket on Saturday, and BSW pulled away to advance into the final game on Wednesday night.

The final game featured the defending champs, the Usual Suspects led by Downtown Dana Brown (your shortstop for literally a lifetime), against BSW. This game was the sole game played on Wednesday night after the prior round of games on Tuesday night. BSW had fought their way back from the loser's bracket, including three games the night before. At this point in the tournament the Usual Suspects had only played three games, and no more than one on any given day. Although the tournament was stretched over a four-day period, it was apparent some fatigue surely impacted the outcome of the game. The championship game was also played on the night of Carmageddon, when traffic caused by the closure of the interstate created parking lots across the town. Given the

weather problems of this year's tournament, the traffic delays were another obstacle to bringing the tournament to a merciful end.

Amazingly, despite the traffic woes and re-scheduled time and date for the game, an unofficial count shows that we set an attendance record for spectators at the championship game: 12 – not counting Bar staff, and a majority of which was comprised of Lutgring and Emonet offspring. Nevertheless, for the love of the game, or more likely to just get the tournament over with, the two teams began their quest for the revered title of BRBA softball champions.

After holding BSW to a single run in the top of the first inning, the Suspects roared to a 5-1 lead after the first inning. That lead was not lost the entire game. The Suspects turned three double plays, including one to end the game, and cruised to another championship title with a 12-4 victory. That score capped a four-game tournament during which the Suspects did not give up double-digit runs in any game. Moreover, only three players on the team played every inning of the tournament, showing the team's depth and dominance this year.

Special thanks to the Bar staff that endured four days of games. I know that is not what they expected, and their assistance is greatly appreciated. Likewise, thanks go out to all the judges who endured the rain and attempted to cook lunch or otherwise stopped by, including Judges Daniel, Morvant, Kelley, McDonald and Higginbotham, as well as BRBA President Gail S. Stephenson and President-elect Mike Walsh. This is also normally where I would thank Don Luther, but sadly the rain washed away any hopes of endless snowballs this year. 🌨





to rent, or not to rent, that is the constitutional question

BY GRANT J. GUILLOT

Introduction

Baton Rouge is often dubbed a “college town” by reason of its status as the home of the Fighting Tigers, the Southern Jaguars and various other academic institutions. Landlords in this city continue to benefit from the number of students seeking convenient and affordable housing while they attend college or graduate school. In addition, some parents purchase houses in Baton Rouge to provide housing for their children and children’s friends while they are attending school. However, if they have not already, these landlords, parents and students may soon face allegations from the City of Baton Rouge/Parish of East Baton Rouge that they are in violation of the A1 single-family zoning regulations contained in the Unified Development Code (“UDC”), Baton Rouge’s comprehensive compilation of ordinances. Therefore, the constitutionality of these zoning regulations merits examination.

A “family” affair

The City-Parish issues violation letters to homeowners and renters whose properties, although satisfying the UDC’s maximum-density requirement,¹ are not inhabited by what the UDC defines as a “family.” According to the UDC,

Family means an individual or two (2) or more persons who are related by blood, marriage or legal adoption living together and occupying a single housekeeping unit with single culinary facilities; or not more than two (2) persons, or not more than four (4) persons (provided the owner lives on the premises) living together by joint agreement and occupying a single housekeeping unit with single culinary facilities on a nonprofit, cost-sharing basis.²

In *Village of Belle Terre v. Boraas*, the United States Supreme Court upheld the constitutionality of a similar definition of “family,” which was applied to a zoning ordinance that restricted land use to single-family dwellings.³ The Court determined that the ordinance was “reasonable, not arbitrary,” and that it bore “a rational relationship to a (permissible) state objective.”⁴ That is, the ordinance preserved the character of family neighborhoods as, “quiet place[s]...where family values, youth values, and the blessings of quiet seclusion and clean air make the area a sanctuary for the people.”

However, the Court in *Moore v. City of East*

Cleveland indicated that it would not give municipalities unbridled discretion in determining the definition of “family” to be applied to zoning ordinances.⁶ In *Moore*, the Court struck down a city ordinance that contained a definition of “family” prohibiting a grandmother from living in the same home as her grandsons because the boys were cousins instead of brothers.⁷ The Court stated, “[W]hen the government intrudes on choices concerning family living arrangements, this Court must examine carefully the importance of the governmental interests advanced and the extent to which they are served by the challenged regulation.”⁸ Although the city claimed that the ordinance facilitated certain legitimate goals, such as preventing overcrowding and parking congestion, the Court concluded that the ordinance served those goals “marginally, at best.”⁹

Big brother may be watching you – and choosing your roommates

The U.S. Supreme Court has interpreted the freedom of association, an essential component of the First Amendment,¹⁰ to include the right to choose and maintain certain intimate human relationships.¹¹ Renters may question whether the UDC’s definition of “family,” as applied to the A1 zoning regulations, prohibits them from enjoying this right by restricting the types of relationships that qualify individuals to live together.

In addition, in *Griswold v. Connecticut*,¹² the Court addressed the implicit right to privacy embedded in the First Amendment, noting that “the First Amendment has a penumbra where privacy is protected from governmental intrusion.”¹³ Furthermore, the Ninth Amendment¹⁴ has also been interpreted by the Court to provide for freedom from intrusion by government into one’s private life.¹⁵ Landlords and tenants may suspect that the City-Parish’s application of the UDC’s definition of “family” to its zoning regulations intrudes upon their privacy rights by (1) inquiring into their living arrangements; (2) limiting the classes of people with whom landlords may conduct business; (3) imposing on property owners the burden of asking prospective tenants whether they are related by blood, marriage or adoption; and (4) restricting an individual’s choice of co-occupants based on preconceived notions of familial ties.

Giving process where process is due

The Due Process Clauses of both the Fifth¹⁶ and Fourteenth Amendments¹⁷ protect against the deprivation of “life, liberty, or property, without due process of law.”¹⁸

In *Village of Euclid, Ohio v. Ambler Realty Co.*, the U.S. Supreme Court held that a municipal ordinance shall survive a due process challenge if it “bear[s] a rational relationship to the health, morals, safety, and general welfare of the community.”¹⁹ While the City-Parish may have enacted the zoning regulations with the intention of protecting the community’s interests in, among other things, minimizing overcrowding and controlling traffic and noise levels, property owners and renters may question whether the regulations are narrowly tailored or rationally related to those interests. For example, the regulations suggest that no more than two unrelated individuals may live together; however, 20 related individuals could reside together and not be in violation of the regulations. It would seem that the larger number of related individuals residing together would create more issues with overcrowding, traffic, and noise problems than would three non-related individuals who live together.

This land is your land, this land is the government’s land

The U.S. Supreme Court has opined that “a use restriction on real property may constitute a ‘taking’ [in violation of the Fifth Amendment²⁰] if not reasonably necessary to the effectuation of a substantial public purpose,”²¹ depending on (1) “the economic impact of the regulation on the claimant,” (2) “the extent to which the regulation has interfered with distinct investment-backed expectations,” and (3) “the character of the governmental action.”²² Lessors may contend that the zoning regulations imposed by the City-Parish violate the Takings Cause²³ by denying a property owner economically viable use of his land – the ability to lease the property to more than a set number of unrelated individuals – thereby depleting him of a revenue stream without providing him with just compensation. Furthermore, landlords may assert that the zoning regulations are not reasonably necessary to effectuate a substantial governmental purpose because, as explained above, the City-Parish’s goals may not necessarily be achieved by restricting the number of unrelated individuals who may live together.

No foster children allowed?

Landlords and tenants may also question whether the zoning regulations violate the Equal Protection Clause of the Fourteenth Amendment²⁴ by placing greater restrictions on lessors and lessees than they do on property owners who choose not to rent their homes. Additionally, the zoning regulations seemingly prohibit foster children (who are not related to their prospective foster parents by blood, marriage or adoption) from being able to live together while allowing an unlimited number of very distant relatives via blood, marriage or adoption to reside together. Certainly, there can be no justification for the City-Parish affording certain rights to children who reside with their biological parents and then denying those rights to foster children.

Clearly crafted or contradictorily composed?

Finally, property owners and lessees may struggle with determining the exact conduct prohibited by the regulations, thus leading to a potential claim of violation of the void-for-vagueness doctrine.²⁵ While the first clause of the UDC’s definition of “family” suggests that an unlimited number of individuals related by blood, marriage or adoption may reside together, the second clause indicates that no more than two persons (or four persons if the owner resides on the property) may live on the property in accordance with a joint agreement.²⁶ The clauses appear to contradict one another, leading one to question whether the clauses can be read together to form an unequivocal statement of law.

For example, if an owner chooses to allow two of his children and two of their friends to live on his property, uncertainty would arise as to whether a violation of the zoning regulations has occurred. On one hand, the residents would arguably not be in violation of the first clause because two persons who are related by blood would be residing on the premises. On the other hand, assuming the owner does not live on the property, more than two unrelated persons would be residing on the property possibly in violation of the second clause. Even if the owner did reside on the property with his two children and their two friends, the occupants would arguably still be in violation of the second clause because “more than (4) persons (provided the owner lives on the premises) [would be] living together.”²⁷

Conclusion

Courts historically have been hesitant to interfere with a municipality’s enactment and enforcement of zoning regulations, finding “regulation of land use [to be] perhaps the quintessential state activity”²⁸ and “the most essential function performed by local government.”²⁹ However, as evidenced by its decision in *Moore*,³⁰ the United States Supreme Court will intervene when it determines that a municipality’s zoning regulations do not pass constitutional muster. One may find that the City-Parish’s application of the UDC’s definition of “family” to its A1 single-family district zoning provisions, at best, results in a set of contradictory regulations that leave property owners and tenants having to guess whether certain living arrangements are prohibited. As landlords, parents and students in Baton Rouge continue to utilize houses in A1 single-family residential districts for rental purposes, they may soon find themselves receiving violation letters from the City-Parish. Only time will tell whether the courts will more closely examine this issue and consider whether the City-Parish has exceeded its police power in applying the UDC’s definition of “family” to the UDC zoning regulations. Until then, landlords and tenants beware – the City-Parish may be watching. ■



¹ Baton Rouge, La., Unified Development Code ch. 8, § 201, app. H (2012).

² Baton Rouge, La., Unified Development Code ch. 2 (2012).

³ 416 U.S. 1, 1-2 (1974). The ordinance defined the word “family” to mean “one or more persons related by blood, adoption, or marriage, living and cooking together as a single housekeeping unit, exclusive of household servants...” or “a number of persons but not exceeding two (2) living and cooking together as a single housekeeping unit though not related by blood, adoption, or marriage shall be deemed to constitute a family.” *Id.* at 2.

⁴ *Belle Terre*, 416 U.S. at 1-2 (citing *Reed v. Reed*, 404 U.S. 71, 76 (1971)).

⁵ *Belle Terre*, 416 U.S. at 9.

⁶ 431 U.S. 494, 499 (1977).

⁷ *Id.* at 495-97.

⁸ *Id.*

⁹ *Id.* at 499-500.

¹⁰ U.S. Const. amend. I. *See* La. Const. art. 1, §§ 4, 5 for the corresponding provisions in the Louisiana Constitution.

¹¹ *Roberts v. U.S. Jaycees*, 468 U.S. 609, 617-18 (1984); *Griswold v. Connecticut*, 381 U.S. 479, 483 (1965).

¹² 381 U.S. 479, 483 (1965).

¹³ *Id.*

¹⁴ U.S. Const. amend. IX. *See* LA. CONST. art. 1, § 24 for the corresponding provision in the Louisiana Constitution.

¹⁵ *Griswold*, 381 U.S. at 491 (Goldberg, J., concurring); *See also Belle Terre*, 416 U.S. at 17 (Marshall, J., dissenting).

¹⁶ U.S. Const. amend. V. *See* LA. CONST. art. 1, § 2 for the corresponding provision in the Louisiana Constitution.

¹⁷ U.S. Const. amend. XIV, § 1. *See* La. Const. art. 1, § 2 for the corresponding provision in the Louisiana Constitution.

¹⁸ *See supra* notes 16-17.

¹⁹ 272 U.S. 365, 392 (1926).

²⁰ U.S. Const. amend. V. *See* La. Const. art. 1, § 4 for the corresponding provision in the Louisiana Constitution.

²¹ *Penn Cen. Transp. Co. v. City of New York*, 438 U.S. 104, 127 (1978).

²² *Id.* at 124.

²³ *See supra* note 20.

²⁴ U.S. Const. amend. XIV, § 1. *See* La. Const. art. 1, § 3 for the corresponding provision in the Louisiana Constitution.

²⁵ *Kolender v. Lawson*, 461 U.S. 352, 357 (1983).

²⁶ *See supra* note 2.

²⁷ *Id.*

²⁸ *FERC v. Mississippi*, 456 U.S. 742, 768, n. 30 (1982).

²⁹ *Belle Terre*, 416 U.S. at 13 (Marshall, J., dissenting).

³⁰ *See supra* note 6.

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PUBLISHED ARTICLES: “The Worn-Out Worker Rule Revisited,”

“Significant Work-Related Limitations of Function Under §12.05C,”

“Questionable Retirement and the Small Business Owner,”

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

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bar news

BY ASHLEY SEALS

Bench Bar Conference 2012 provides summer fun and education at Orange Beach for all involved

The BRBA Bench Bar Conference was held later than usual this year – July 26-28, 2012 – at the Perdido Beach Resort in Orange Beach, Ala. The conference, which followed the theme of Summer Games, provided one of the coolest designed T-shirts yet, thanks to 2012 Bench Bar Conference Chairman Patrick Broyles and Temple Design.

BRBA President Gail S. Stephenson sang K.C. & The Sunshine Band's "Shake Your Booty" with the Bucktown All-Stars during the Friday night cocktails and dance. A total of 10 hours of CLE credit was available to all who attended the seminars held at the conference.

The conference included a tennis tournament Friday and concluded with a golf tournament Saturday. A championship ceremony was held Saturday evening. Thanks to all sponsoring companies and law firms.

Next year's Bench Bar Conference will be held at the Perdido Beach Resort Aug. 1-3, 2013. Be sure to join us!



BRBA Past President Preston J. Castille Jr. and President Gail S. Stephenson relax and confer in between assigned duties and CLE seminars.



Golfers (L to R) Christopher K. Jones, Judge Kay Bates, Jeff Watson and Kelly Balfour were honored during the Saturday night championship ceremony.

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Judge Jimmy Gaidry, Judge Will Kleinpeter, Judge Tim Kelley and Judge Lou Daniel pose for a photo during the Bench Bar Conference.



Judge Guy Holdridge and Lawrence Gettys catch up during the Bench Bar Conference in Orange Beach, Ala.

PHOTO BY SUSAN KELLEY

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PHOTO BY SUSAN KELLEY

Family Court announces chief judge change

The Family Court in and for the Parish of East Baton Rouge wishes to announce that Judge Pamela J. Baker is Chief Judge, beginning Sept. 6, 2012. She will serve through Dec. 31, 2015. The Deputy Chief Judge is Judge Lisa Woodruff-White.

BRBF honored with 2012 ABA Partnership Award for its youth education programs

The ABA Standing Committee on Bar Activities and Services honored the Baton Rouge Bar Foundation with the 2012 ABA Partnership Award for its substantial and innovative efforts to advance diversity in its organization and surrounding legal community.

BRBA Executive Director Ann K. Gregorie, BRBA President Gail S. Stephenson and Preston J. Castille Jr., past president of the BRBA, received the award at the Annual Meeting joint luncheon of the National Conference of Bar Presidents, National Association of Bar Executives and the National Conference of Bar Foundations Friday, Aug. 3, in the Hyatt Regency Chicago.

Established as an organization dedicated to public service and pro bono assistance, the BRBF has developed several initiatives that focus on legal education for youth and young adults. Its Youth Education Initiative programs include Lawyer in the Classroom, Junior Partners Academy, Teen Court of Greater Baton Rouge, Law Day and Mock Trial.

Targeting Baton Rouge's most impoverished and poorest performing districts, activities within the programs consist of law-related presentations, individuals acting as court volunteers to their peers, sponsored field trips to bar luncheons, high school team competitions and leadership building exercises.

Louisiana Center for Law and Civic Education receives award

The Louisiana Center for Law and Civic Education (LCLCE) received the 2011 Sandra Day O'Connor Award for the Advancement of Civics Education at ceremonies held July 24, 2012, in conjunction with the Conference of Chief Justices and the Conference of State Court Administrators in St. Louis, Mo.

Judge C. Wendell Manning of Louisiana's 4th Judicial District accepted the award on behalf of the LCLCE.



Volunteers during the August BRBA Volunteer project, which involved answering telephones for LPB Thursday, Aug. 9, 2012, included (L to R) Beau James Brock, Mittie Bolton, Mac Womack, Bridget Denicola, Jennifer Gauthreaux and Conrad Rolling.



Accepting the 2012 ABA Partnership Award Aug. 3, 2012, in Chicago on behalf of the BRBF were (L to R) BRBA President Gail S. Stephenson, Ann K. Gregorie and Past President Preston J. Castille Jr.

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Attorneys are frequent lecturers on workers' compensation issues, members of the Louisiana Bar Associations Legal Services for Persons with Disability Committee, Baton Rouge Bar Association Workers' Compensation Section and the Governor's Executive Counsel involving workers' compensation issues.

Chief Judge Burrell J. Carter to speak at Appellate Law Section Lunch & Learn Nov. 7

The BRBA Appellate Law Section will hold a Lunch & Learn CLE seminar featuring guest speaker Louisiana First Circuit Court of Appeal Chief Judge Burrell J. Carter Wednesday, Nov. 7, 11:45 a.m. - 1 p.m. at the Middleton Bar Center. The seminar is titled "Appellate Law: Professionalism." Registration deadline is Nov. 2.

Judge Carter will begin his retirement Dec. 31, 2012, after 39 years on the bench. He has served as Chief Judge since Jan. 1, 1999. He graduated from LSU in 1958, first of his senior class of 27, and from the LSU School of Law. Judge Carter is a veteran of the Louisiana National Guard and the United States Army, where he served as an active

member of the Judge Advocate General's Corps from 1961 to 1962, and as a reserve member from 1962 to 1968.

Admission to Federal Courts ceremony to be held Dec. 4 at the Russell B. Long Federal Courthouse

The BRBA and the Baton Rouge Chapter of the Federal Bar Association will host the Admission to the Federal Courts Ceremony. All attendees have the opportunity to be admitted to the United States Middle, Eastern and Western District Courts and the U.S. Fifth Circuit Court of Appeals, plus be introduced to the Court and meet the judges of the Middle District of Louisiana.

Chief Judge Brian A. Jackson will preside over the Swearing In Ceremony, which will be held Tuesday, Dec. 4, at 5 p.m. in Courtroom 1 at the MDLA, Russell B. Long Federal Courthouse. While there is no charge to attend the ceremony, participants are responsible for the requisite fees for each court to which they seek admittance. For information, contact Ann K. Gregorie at ann@brba.org or 225-214-5563.


Wills for Heroes takes place Saturday, Oct. 27

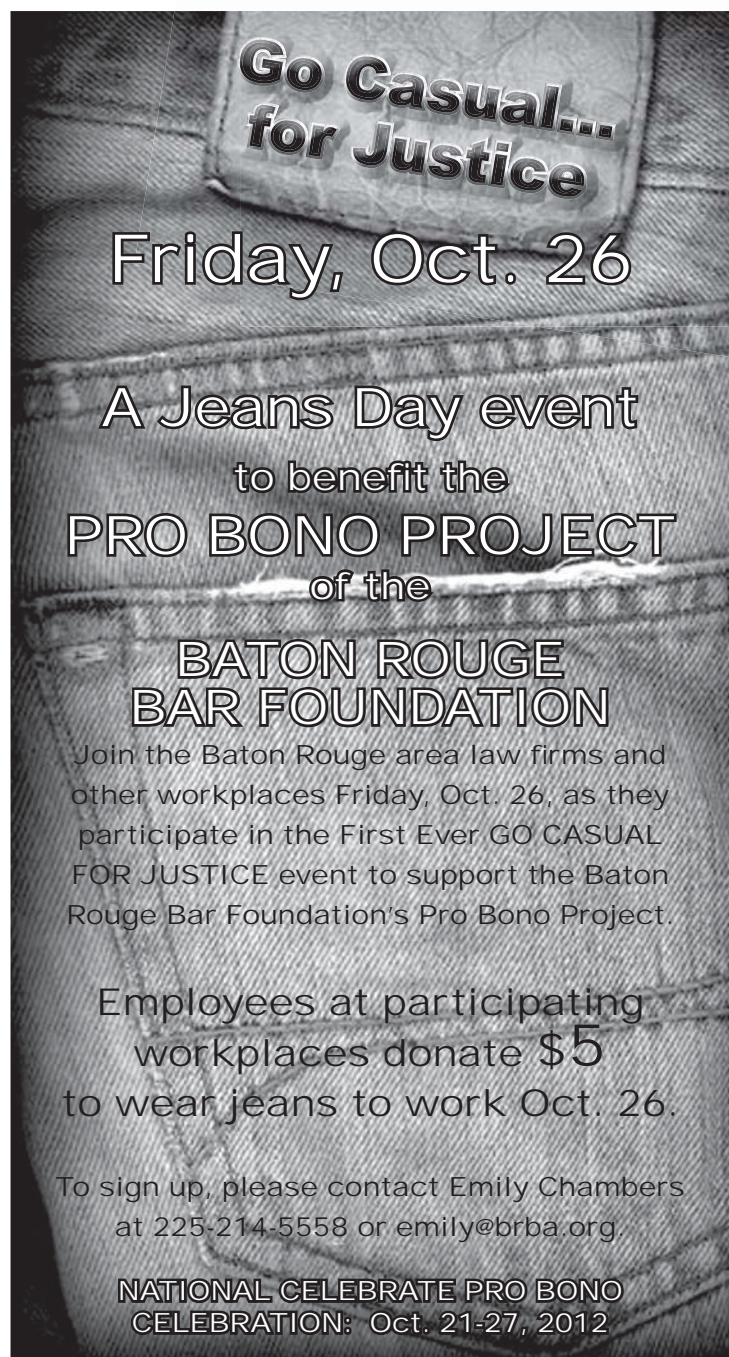
The LSBA Young Lawyers Section, in cooperation with the BRBA, will sponsor a Wills for Heroes event Saturday, Oct. 27, 2012, at the Middleton Bar Center. Louisiana State Police Troop A will be the beneficiary of this program. Contact Robin Kay (225-214-5561 or robin@brba.org) or Valerie Briggs Bargas (225-757-0001, ext. 14 or vbargas@kwbbirlaw.com) for more information.

Leadership Class includes many BRBA members

The Baton Rouge Chamber of Commerce announced Baton Rouge Area Leadership Class of 2013 membership, which includes BRBA members Carla Courtney-Harris (Hammonds, Sills, Atkins & Guice); Cassie Felder (Cassie Felder and Associates); Catherine Giering (Donohue, Patrick & Scott); Edward Hardin Jr. (Kean Miller, LLP); and Parker Kilgore (Jones Walker).

Self Help Resource Center needs volunteers

The Self Help Resource Center, first established in January 2012, is located on the fourth floor of the 19th Judicial District Court building, 300 North Blvd., and is open Tuesdays and Thursdays, 10 a.m. to 2 p.m. The center is a joint initiative of BRBF Pro Bono Project, East Baton Rouge Parish Family Court, LSBA, BRBA and partners with Southeast Louisiana Legal Services, Southern University Law Center, LSU Paul M. Hebert Law Center and the Louis A. Martinet Legal Society. To volunteer, contact Emily at 225-214-5558 or emily@brba.org. 



**Go Casual...
for Justice**

Friday, Oct. 26

**A Jeans Day event
to benefit the
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of the
BATON ROUGE
BAR FOUNDATION**

Join the Baton Rouge area law firms and other workplaces Friday, Oct. 26, as they participate in the First Ever GO CASUAL FOR JUSTICE event to support the Baton Rouge Bar Foundation's Pro Bono Project.

**Employees at participating
workplaces donate \$5
to wear jeans to work Oct. 26.**

To sign up, please contact Emily Chambers at 225-214-5558 or emily@brba.org

**NATIONAL CELEBRATE PRO BONO
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foundation footnotes

TEEN COURT REPORT: MAY, JUNE, JULY & AUGUST

TEEN COURT – Professor Cleveland Coon, Amanda Darby, Erika Green, Raveen Hills and Tavares Walker served as judges for the summer hearings. Law students **Samantha Mallett**, *Southern University Law Center*, and **Beau Armentor** and **Bethany Bedsole**, *LSU Law Center*, served as jury monitors and teen attorney mentors.

Otha Curtis Nelson Jr., **Amanda Darby**, **Raveen Hills** and **Paul Guidry** conducted the training session for new teen volunteers Aug. 25, 2012. Law students from LSU Law Center and SULC assisted with the training: **ReAzalia Allen**, **Adrian Carter**, **Robert Hoke**, **Emily Kunst**, **Quincy Mouton**, **Alic'a Oliver** and **Catherine Sens**. Judge **William Morvant**, *19th Judicial District Court*, performed the swearing-in ceremony. District Attorney **Hillar Moore III** addressed the 27 teen volunteers and thanked them for their commitment to our community.

If you are interested in volunteering, please contact Donna Buuck at 225-214-5556 or via email to donna@brba.org.

JUNIOR PARTNERS ACADEMY – Judge **Kelli Terrell** Temple, Professor **Wendy Shea**, **Melanie Fields**, **Preston**

J. Castille Jr. and *Southern University Law Center* BLSA members **Trenika Fields**, **Taryn Branson**, **Angel Jenkins**, **Bethany Blackson** and **Shelvia Grant** gave interactive presentations to second and third grade classes at Southern University Lab School Friday, Aug. 24, 2012. ■

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

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

To find out more, contact Donna Buuck at 225-214-5556
or donna@brba.org or R. Lynn Smith Haynes
at 225-214-5564 or lynn@brba.org.



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West's Jury Verdicts - Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
East Baton Rouge Parish			
Medical Malpractice	Acute quadriplegia	Settlement	\$100,000
Vehicle Negligence	Back neck	Jury	\$253,246
Vehicle Negligence	Neck, back, shoulder, spine	Jury	\$178,532
Vehicle Negligence	Bulging cervical discs; arm, leg	Jury	\$30,000
Vehicle Negligence	Cervical and lumbar strains	Bench	\$17,284

West's Case of the Month

\$178.5K Verdict for Passenger Injured in MVA With Fire Truck

Daniels v. City of Baton Rouge/Parish of East Baton Rouge

TYPE OF CASE:

Vehicle Negligence • Motor Vehicle v. Motor Vehicle
Vehicle Negligence • Emergency Vehicle
Vehicle Negligence • Passenger
Vehicle Negligence • Excessive Speed

SPECIFIC LIABILITY: Fire truck struck another vehicle, injuring the occupants of the other vehicle

GENERAL INJURY: Neck, back, shoulder, spine and arm injuries; headaches; medical expenses; lost wages; loss of earning capacity

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

DOCKET/FILE NUMBER: 570,442

VERDICT: Plaintiff Lara Daniels, \$178,532.00

VERDICT DATE: Oct. 21, 2011

JUDGE: Wilson Fields

ATTORNEYS:

Plaintiff: John T. Joubert, Lindsey J. Leavoy, Russell R. Hodges II and Diana Serrano, Joubert Law Firm, Baton Rouge.

Defendants: Veronica Jones, Office of the Parish Attorney - East Baton Rouge Parish, Baton Rouge.

TRIAL TYPE: Jury

BREAKDOWN OF AWARD:

\$40,000.00 to plaintiff Lara Daniels for past physical pain and suffering
\$67,932.00 to plaintiff Lara Daniels for past medical expenses
\$30,000.00 to plaintiff Lara Daniels for future medical expenses
\$600.00 to plaintiff Lara Daniels for past lost wages
\$40,000.00 to plaintiff Lara Daniels for past loss of enjoyment of life

SUMMARY OF FACTS:

Thomas Daniels was sitting in his 2003 Dodge Ram truck, which was stopped on Gourrier Avenue in East Baton Rouge Parish, Sept. 8, 2007, with his wife Lara in the front passenger seat and their children in the back-seat. At the same time, Timothy Edwards was operating a city of Baton Rouge/Parish of East Baton Rouge Fire Department truck on Gourrier Lane.

Edwards allegedly was attempting to navigate Gourrier Lane at a high rate of speed when he collided with the Daniels' vehicle. Lara reportedly sustained injuries in the accident.

Thomas and Lara Daniels filed a lawsuit against the city of Baton Rouge/Parish of East Baton Rouge, through the Baton Rouge Fire Department (BRFD), and Edwards. In their petition, the plaintiffs alleged Edwards was negligent in that he had failed to maintain control of the vehicle he was driving, failed to maintain a proper lookout, and drove at an excessive rate of speed.

The Daniels claimed BRFD was vicariously liable for Edwards' alleged negligence, since he was acting within the course and scope of his employment at the time of the accident.

The defendants admitted Edwards was operating a vehicle for the BRFD and that a collision had occurred; however, they generally denied the plaintiffs' allegations. In a pretrial order filed in September 2011, the defendants contended that the accident was a very minor impact with minor damage to the plaintiffs' vehicle.

The defendants also argued that Lara's injuries, if any, were minor and resolved within a short period of time. The matter proceeded to a jury trial in October 2011 with Judge Wilson Fields presiding. Jurors returned a verdict in favor of the plaintiffs, Oct. 21, awarding Lara \$40,000 for past physical pain and suffering, \$67,932 for past medical expenses, \$30,000 for future medical expenses, \$600 for past lost wages and \$40,000 for past loss of enjoyment of life.

The jury declined to award Thomas any damages on his loss of consortium claim.

CASE CITE:

West's J.V. La. Rep., Vol. 7, Iss. 12, p. 5 (2012); 2011 WL 7974504

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foundation footnotes

PRO BONO PROJECT REPORT: MAY, JUNE, JULY & AUGUST

PRO BONO PROJECT REPORT

We would like to thank all of our Pro Bono Project volunteers for their contributions during the months of May, June, July and August 2012.

Thirst for Justice solo practitioner volunteers were Terry L. Bonnie, Scott Gaspard, Hansel Harlan, Byron Kantrow, Alexis Luker, Allen Posey, Jessica Thornhill and Hany Zohdy. Thirst for Justice volunteers practicing with firms were Jim Austin, Renee Crasto, Melissa Grand, Robert Wooley, Adams and Reese; Charles Cusimano, Hebert, Spencer, Cusimano & Fry; William G. Davis, McGlinchey Stafford, PLLC; Juli Keenan, McKenzie Ledet, Elisabeth Prescott, Baker Donelson Bearman Caldwell & Berkowitz, PC; Glen Marcel, Edgen Murray Corporation; Gordon McKernan, McKernan Law Firm; Cody Passman, Postlethwaite & Netterville, CPA; Robert Savage, EBR Public Defender; and Mac Womack, Taylor Porter, LLP.

The Ask-A-Lawyer volunteers were Elliott Atkinson, Atkinson & Martin; Jim Austin, Richard Easterling, Adams and Reese; Barbara Baier; Erik Burns; Durward Casteel, Casteel & Associates; Charles Cusimano, Hebert, Spencer, Cusimano & Fry; Todd Gaudin, Kuehne, Foote & Gaudin APLC; Laura Hopes, Louisiana Dept. of Public Safety; Steve LeBlanc; Paul Matzen; Sherry K. Palmer; Cody Passman, Postlethwaite & Netterville; DeVonna Ponthieu; Allen Posey; Monica Washington; Jeffrey Wittenbrink, Rowe Law Firm; and Emily Ziober.

Students volunteering with Thirst for Justice and Ask-A-Lawyer included Amelia Hurt and Meghann Spell, LSU Law Center; Shannyn T. Collins and Pamela Levatino, Southern University Law Center.

The Self Help Resource Center attorney volunteers were Samantha Ackers; Steve Adams, Adams Law Office APLC; Roy Bergeron, Brandi Cole, Annette Peltier, Alex J. Velazquez, Phelps Dunbar; Terry Bonnie; Ryan Brown, Roedel, Parsons, Koch, Blache, Balhoff & McCollister; Victor Brubaker, Treadway Morris Lawyers; Margaret Corley, Haynie & Associates; Erica Edwards, Saunders & Chabert; Jennifer Gauthreaux, deGravelles, Palmintier, Holthaus & Fruge; Chris Martin, Jones Walker; Ken Mayeaux, LSU Law Center; Tracy Morganti, Adams and Reese; Cynthia Reed, Southern University Law Center; Sophia Riley, Johnson Riley & Associates; Donna Schwab, Hebert, Spencer, Cusimano & Fry; Michael Tyler, Louis A. Martinet Foundation; Matthew Valiohahi; Mac Womack,

Taylor Porter, LLP; and Emily Ziober.

The following volunteers accepted a pro bono cases in May, June, July and/or August: Samantha Ackers; Elizabeth Adams, Addie Prewitt, Taylor Porter, LLP; Gregory Aycock, Lemle & Kelleher; Stephen Babcock, Babcock Partners; Alan Berteau, Allison Reeves, Kean Miller Law Firm; Deborah Berthelot, Big River Title, LLC; Gregory Bodin, Baker Donelson Bearman Caldwell & Berkowitz, PC; Lisa Leslie Boudreaux, Downs, Saffiotti & Boudreaux; Nicole Buggs, Dewanna Trask, Buggs Trask, LLC; Marcia Burden, Cynthia Reed, Alvin Washington, Southern University Law Center; Booker Carmichael, Murray & Murray; Durward Casteel, Casteel & Associates; James Chastain, Casey Faucon, Jay Jalenak Jr., Kean Miller Law Firm; Gregory Cook; Arlene Edwards, Delatte,

Edwards & Marcantel; Dean Esposito, Law Firm of Ezim & Associates; Michael Ferachi, Amanda Stout, McGlinchey Stafford, PLLC; David Fleshamn, Roedel, Parsons, Koch, Blache, Balhoff & McCollister; J. Keith Friley; Jennifer Gauthreaux, deGravelles, Palmintier, Holthaus & Fruge; Deborah Gibbs; Benn Hamilton; Rodney Hastings; John Hopewell, Certain Title; Joanna Hynes; Christopher Jones, Keogh, Cox & Wilson; Stephen Kabel; Maxime LaBranche, LaBranche & LeJeune; Linda Law Clark, Decuir, Clark & Adams, LLP; Blake Leger; Victor Loraso, Carleton Loraso, LLC; Tonya Lurry; Laurie Marien, Downs, Saffiotti & Boudreaux; Kyle Marionneaux, Law Office of Kyle Marionneaux, LLC; Dorsey Martin, Atkinson & Martin; Robert Matijasec; Kenneth Mayeaux, LSU Paul M. Hebert Law Center; Wendra Moran; Adrian Nadeau, Long Law Firm, LLP; Kaleisha Nelson; Adrienne Rachel, Smith Law Firm; Garth Ridge; Marcus Roots; Katie Mary Shoenfelt, Shoenfelt Law Firm; Catherine Steffes Melancon, Steffes, Vingiello & McKenzie; Doreen Taravella; Sarah Thigpen; Jane Thomas; Anita White; Jeffrey Wittenbrink, Rowe Law Firm; James Zito; and Hany Zohdy.

The following law students served as summer interns with the Pro Bono Project: Ben McDonald, Justin Bello, Samantha Mallet, Robert Mattamal, Steffi Obilisundar, and Porche Saulsberry. Thank you for your hard work this summer! ■

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





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Duty Court Schedule

19TH JDC CIVIL COURT

Sept. 24-Oct. 5 Judge Hernandez
Oct. 8-Oct. 19 Judge Clark
Oct. 22-Nov. 2 Judge Bates

19TH JDC CRIMINAL COURT***

Sept. 28-Oct. 5 Judge Johnson
Oct. 5-Oct. 12 Judge White
Oct. 12-Oct. 19 Judge Marabella
Oct. 19-Oct. 26 Judge Anderson
Oct. 26-Nov. 2 Judge Erwin

BATON ROUGE CITY COURT*

Oct. 1-Oct. 7 Judge Ponder
Oct. 8-Oct. 14 Judge Davis
Oct. 15-Oct. 21 Judge Temple
Oct. 22-Oct. 28 Judge Wall
Oct. 29-Nov. 4 Judge Alexander

FAMILY COURT**

Oct. 1-Oct. 5 Judge Lassalle
Oct. 8-Oct. 12 Judge Baker
Oct. 15-Oct. 19 Judge Woodruff-White
Oct. 22-Oct. 26 Judge Day
Oct. 29-Nov. 2 Judge Lassalle

JUVENILE COURT

Oct. 1-Oct. 31 Judge Richey

NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified.

*City Court's Duty Court schedule changes each Monday at 8 a.m.

**Family Court's Duty Court schedule changes at 4 p.m. each Friday

***19th JDC Criminal Court changes each Friday at noon

COURT HOLIDAY

Monday, Oct. 8 Columbus Day



October 2012

	1	2	3	4	5	6
7	8	9	10	11	12	13
14	15	16	17	18	19	20
21	22	23	24	25	26	27
28	29	30	31			



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

Calendar of Events

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

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

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- 1 Annual Fall Judges' Conference (held in conjunction with AJA)
- 2 YLS Council meeting, 12 p.m.
- 4 Ask-A-Lawyer, 9-11:30 a.m., Delmont Service Center;
YLS Sidebar Luncheon, 12 p.m.
- 5 Portrait Ceremony for Judge Ralph Tyson, Federal Court, 9:30 a.m.;
CLE: Practical Pointers in Issuing Subpoenas, 11:45 a.m. - 1:30 p.m.
- 9 Operations & Finance Committee meeting, 3:30 p.m.;
Executive Committee meeting, 4 p.m.;
Teen Court Hearing, 5:30 p.m., EBR Juvenile Court
- 10 Pro Bono Committee meeting, 12 p.m.
- 11 Volunteer Committee meeting, 12 p.m.
- 15 CLE Committee meeting, 12 p.m.
- 16 Construction Law Section Lunch & Learn, 11:45 a.m.-1 p.m.
- 17 Ask-A-Lawyer, 9-11:30 a.m., Catholic Charities
- 22 National Pro Bono Week - Oct. 21-27;
Teen Court Hearing, 5:30 p.m., EBR Parish Juvenile Court
- 23 Youth Education Committee meeting, 12 p.m.
- 25 Workers' Comp Section Halloween Social, 5-7 p.m., Location: TBA
- 26 Wills for Heroes - CLE / training, 4 p.m.;
Go Casual for Justice...
Pro Bono Project Jeans Day event.
- 27 Wills for Heroes program, 9 a.m.

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