

# Around

THE MAGAZINE OF THE  
BATON ROUGE BAR ASSOCIATION

No. 319, September 2017

# the Bar



**Inside:**  
**Louisiana's non-unanimous**  
**jury system**  
**Enjoy fall with less stress**  
**Attorney spotlight:**  
**J. Richard Williams**  
**What I've learned:**  
**Walter R. Krousel Jr.**  
**BRBA member kickstarts his**  
**small business dream**  
**into reality**

**Arts Judicata: Sept. 14**

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## On the cover:

Members of the Arts Judicata Committee are featured on this month's cover to promote the Arts Judicata fundraiser, which is being held 6-8:30 p.m. Thursday, Sept. 14, 2017, at the Arts Council of Greater Baton Rouge. This is a new event that will feature the artistic talents of BRBA members while raising funds for the Baton Rouge Bar Foundation.

Photographed at the Arts Council of Greater Baton Rouge inside the firehouse museum are (L to R) Franz Borghardt, Renee Chatelain (co-chair), Elisa Stephens-Randall (standing in back), J. Richard Williams (co-chair), Valerie Black, Kristin Sanders, Margaret E. Lagattuta, Mary Roper and Maya Flowers (seated in front).

Cover photography by Pamela Labbe.



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## SAVE THE DATE: Oct. 21

The BRBA Volunteer Committee will sponsor the Fall Festival & Halloween Trunk or Treat for patients at Children's Hospital Outpatient Center 720 Connell's Park Lane, Baton Rouge, LA 70816

Contact Carole for more information:  
225-214-5557 or carole@brba.org

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.

For advertising information call Pamela Labbe at 225-214-5560. Display ads should be high-resolution attachments (.PDF), and classified ads as text only. Please email all ad artwork to pamela@brba.org. 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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# letters

Dear Bar Association:

Our entire school family [St. Francis Xavier Catholic School] joins me in offering our thanks to the Baton Rouge Bar Association for the joyous Easter Egg Hunt provided to our students. It was such a fun event as evidenced by our Bar Association volunteers and our students! Thanks so much for making a difference in our community!

God Bless All of You.

**Paula Fabre**

*Principal*

St. Francis Xavier Catholic School



## GAIL'S GRAMMAR

Don't show your age by using outdated punctuation rules. In the 1980s the rules regarding punctuation marks changed. The old rule was that punctuation went inside the closing quotation mark if it was part of the quote; otherwise, it went outside. The current rule is that periods and commas go inside the closing quotation mark; colons and semicolons go outside, and question marks and exclamation points go inside only if part of the quoted matter.

### EXAMPLES:

She asked, "Why does school start so early?"

Why did he say, "I have never lost a case"?

Article 1 of the Civil Code used to read, "Law is a solemn expression of legislative will," but the code was revised in 1987.

Send suggestions for future Gail's Grammar columns to Gail Stephenson at [GStephenson@sulc.edu](mailto:GStephenson@sulc.edu), or call Gail at 225.771-4900 ext. 216.



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# letter from the president

BY KARLI GLASCOCK JOHNSON

## Finding the time

Most lawyers are very competitive. From the courtroom to the softball field, to the billboards lining area interstates, you can find lawyers trying to best each other. One of my favorite forms of competition is that game of one-upsmanship over who is most busy. How many times have you heard or taken part in one of those conversations where both lawyers compared notes over whose plate was more full?

The truth is, most of us are busier than we would like. And it's not just work. Family, volunteer activities, hobbies, exercise and regular chores all make significant demands on our time. As a result, work/life balance can be hard to achieve. Recently, I was lamenting my own crazy schedule. Instead of just venting to my friends, I decided to get some insights on how to juggle it all.

Sorry guys, but I consulted with the “experts” — my lady lawyer friends. These ladies somehow make their lives look under control as lawyers, judges, moms, leaders, volunteers and athletes. I asked them how they made it all look so easy. I'm not sure this “wisdom” will change your life, but I hope it will make you smile, like it did for me. Here is what they said:



Karli Glascock Johnson

- Always be the Mom to volunteer to bring something that comes in a can, jar or that can be Waitr'd in.
- It's ok to show up to your kid's baseball game in your dress and high heels while everyone else is in stretchy, spandex clothes.
- Fake it till you make it.
- Put on your big girl shoes.
- To search for balance is to always feel unbalanced. It's not about balance but choices. You can't do a little bit of it all. Each day choices may change based on a pre-designed priority creed. For example, you won't miss graduations, homecomings, championships, etc., but may find yourself having to skip a regular ball game or a wellness check up.
- Involve your kids in your volunteer activities. Bring them along and let them participate with you. You have a chance to spend time with your kids and teach them the importance of serving others in the community.
- Learn to tolerate a messy house and spend your evenings and weekends focused on you and your family. Is the big house, big yard, nice car really worth the sacrifices you are making? Is it what you want or what you think you should want? Keeping up with Joneses is exhausting and rarely personally satisfying.
- Perspective from a close friend's daughter in her college essay — Growing up as the daughter of a Mom who had a demanding job and was the primary breadwinner taught her two things: (1) women can do anything — including being a professional AND a mother; and (2) real men (like her Dad) aren't threatened by strong, successful women.
- You can't get an “A” in every aspect of your life. “C's” are acceptable at times.
- Prioritize. There is no way anyone can get it all done, and no one expects you to — except you. Then, delegate when you can.
- Downtime and rejuvenation are extremely important. We are like a pitcher of water, and we pour ourselves into our families, our jobs, our relationships, our organizations. But if you never take the time to refill yourself, you will eventually run out.
- Be prepared. It takes a lot of preparation to make things run smoothly.
- Wine, lots of wine.

So having acknowledged that we are all busy, I want to encourage you to join me at some great upcoming activities: **Arts Judicata** (Thursday, Sept. 14 at the Arts Council of Greater Baton Rouge, featuring music and various types of art created by lawyers) and **Belly Up with the Bar** (Friday, Oct. 27 — annual cook-off at the Live Oak). There is always time to do the worthwhile things in life. These events will let you connect with your colleagues and grow as a professional. I hope to see you there! 🍷

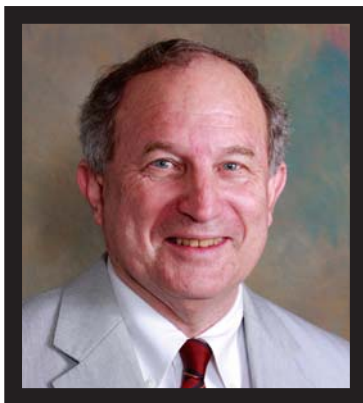
## september bar luncheon

## H. Alston Johnson III provides annual legislative update

The September Bar Luncheon will be held at 11:45 a.m. Tuesday, Sept. 12, 2017, at Crowne Plaza Hotel. The luncheon is sponsored by Electronic Business Systems / CourtCall. Two hours of CLE are available during this luncheon.

Registration and lunch takes place 11:45 a.m. to 12:30 p.m. H. Alston Johnson III will provide his Legislative Update, 12:30 - 1:30 p.m., which will be followed by a Professionalism CLE by Michelle Ghetti.

H. Alston Johnson III of Phelps Dunbar practices in the area of litigation, particularly at the appellate level and with emphasis in the areas of tort litigation, insurance coverage and litigation, and administrative law. Johnson has presented the annual Legislative Update for the BRBA for well over three decades.



H. Alston Johnson III

Following Johnson, Professor Ghetti will present a 1.0 hour Professionalism CLE, 1:30 - 2:30 p.m. A frequent presenter at numerous conferences regarding criminal law and procedure, including the annual Judicial College Recent Developments Conferences, Professor Ghetti is the co-author and editor of the Louisiana Capital Crimes Benchbook and the Criminal Best Practices Benchbook. She is the LOCHE Endowed Professor of Law at Southern University Law Center where she has specialized in criminal law, evidence, constitutional law, and ethics for more than 24 years.

Reservations for the September Bar Luncheon and 2.0 hours of CLE must be made by noon Wednesday, Sept. 6, 2017. Fax this completed form to 225-344-4805 or email it to [kelsie@brba.org](mailto:kelsie@brba.org).

PLEASE COMPLETE THIS FORM AND FAX THIS ENTIRE PAGE TO THE BRBA AT (225) 344-4805 BY NOON WEDNESDAY, SEPT. 6, 2017.

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**SEPTEMBER BAR LUNCHEON and 2.0 HOURS OF CLE — YES**, register me for the **SEPTEMBER BAR LUNCHEON** at Crowne Plaza Hotel, which will take place beginning at 11:45 a.m. Tuesday, Sept. 12, 2017, at \$45 per BRBA member. Includes 2.0 hours of CLE. Guests who are non-members may attend for \$75 per person. SPACE IS LIMITED. **Please reserve your seat by sending in this form to Kelsie Bourgeois at the BRBA by noon Wednesday, Sept. 6, 2017. Fax to 225-344-4805 or email to [kelsie@brba.org](mailto:kelsie@brba.org).** Cancellations must be made by noon Wednesday, Sept. 6, 2017. "No shows" will be invoiced. Online registration is also available at [www.BRBA.org](http://www.BRBA.org).

**To register for this luncheon AND CLE seminar  
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# Enjoy fall with less stress

BY MARSHA WADE



Summer vacation is over. School has started and football is in full swing. The relaxed rhythms of summer have given way to the brisker pace of fall as school, sports and social activities are added to our already crowded calendars.

When the office calendar and the personal calendar compete for our time and attention, additional activities, no matter how welcome, become one more source of stress in an already stressful profession.

Added to that is the stress of dealing with increased traffic congestion. Our weekday drive may be affected by school zones, bus routes and carpool lines. Home game weekends mean more road traffic, as well as crowded shopping malls and competition for seating at popular restaurants.

A few simple changes in your daily routine will reduce the added stress of a busy fall. Below are some practices you can easily incorporate into your schedule, no matter how crowded.

**Schedule time for yourself.** Put time on your calendar each day to close your eyes, take a few deep relaxing breaths, let your mind wander and maybe even put your feet up. Just a few minutes a day of down time can make a significant difference in your ability to regroup, refocus and reboot your energy level.

Notice what time of day feels most pressured for you. It may be the morning commute, the mid-day slump or transition from work to home at the end of the day. Schedule a relaxation reminder around that time. Think of it as a safety valve to release tension before it builds to an uncomfortable level.

**Be in the present moment.** Research shows we are happiest

when our thoughts are in the present and not ruminating on the past or fretting about the future. Driving is an opportunity to practice being present to the activity of the moment.

**Turn off the audio.** Don't use this time to make phone calls. Definitely do not text while driving, not even when stopped at a traffic light. Give your full attention to your driving. Allowing your thoughts to race back and forth between a myriad of concerns is a form of distracted driving that can lead to accidents and traffic tickets. Driving with mindful attention will not only make you a better driver, you'll arrive at your destination more relaxed and ready for what awaits you there.

**Slow down.** We accomplish more when we slow down. Our efforts are more efficient. We are less likely to make mistakes, forget something, lose our focus or waste time and energy retracing our steps. Remember the fable of the tortoise and the hare.

When our thoughts are racing, we do not process information as clearly or think as creatively. Slowing our thoughts and actions gives the analytical function of our brain more time to make creative connections among all our stored knowledge. This often results in a better solution to a problem.

**Use ordinary disruptions as reminders.** When you feel yourself becoming tense from sitting at a standstill in traffic, let that remind you to intentionally release the tension in your body. Begin by loosening your grip on the steering wheel. Relax your hands, starting with the fingers and working up through your palms, your wrists, your arms, your shoulders and on into your neck.

When you slow down for a school zone, remember to slow down your breathing. Take deep, slow, relaxing breaths. Let your shoulders drop. See if your body can remember the relaxed feeling of care-free days of childhood.

Incorporate these few simple practices into your daily routine and enjoy the fall. ■

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## attorney spotlight

BY JOSEPH CEFALU III

## Interview with J. Richard Williams

*ATB: Tell us about your education.*

JRW: I have a Bachelor of Business (Finance) from Texas A&M University and a J.D. from LSU Law.

*ATB: Where are you from?*

JRW: Born and raised in Baton Rouge, and I am the third generation on my mom's side of the family to attend Baton Rouge High School.

*ATB: Where and what type of law do you practice?*

JRW: I serve as deputy judicial



J. Richard Williams

administrator at the Louisiana Supreme Court. Responsibilities include the Louisiana court interpreter training and certification program, liaison to Louisiana's justices of the peace, FEMA coordinator for the courts, and a variety of committees and programs within the Judicial Administrator's office. Previously, I served as Court Administrator for the 26th Judicial District Court, as Assistant Attorney General for the Louisiana Department of Justice and as an investment banker for public finance and bond transactions.

*ATB: Why did you become an attorney?*



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JRW: I am a fourth generation lawyer on my dad's side, so I guess law is in my blood. Effectively solving issues for people feels great, and law gives us the opportunity to do that regularly.

ATB: *If you were not practicing law, what would be your alternate profession?*

JRW: I would be a tour guide. What an honor it would be to show international visitors around these great United States and what fun to take Americans across the globe to discover new and exciting places. Hmm, perhaps I should start brushing up on some other languages.

ATB: *Are you involved with the BRBA?*

JRW: I currently serve with the amazingly talented Renee Chatelain of the Arts Council of Greater Baton Rouge as co-chair of Arts Judicata.

ATB: *What is Arts Judicata?*

JRW: Arts Judicata is a celebration of lawyers in the arts, including visual, literary and performing arts. So many Baton Rouge area lawyers have amazing artistic talents, and this is a chance to showcase those talents while raising money for the Baton Rouge Bar Foundation. The event will offer art on exhibit and art for sale, so bring your checkbooks, buy fabulous art and support the Bar Foundation.

ATB: *When and where is Arts Judicata taking place?*

JRW: Arts Judicata is Thursday, Sept. 14, 2017, from 6 to 8:30 p.m. at the Arts Council of Greater Baton Rouge, 427 Laurel St.

ATB: *How can BRBA members get involved with the Baton Rouge Bar Foundation's Arts Judicata?*

JRW: Tickets are available for purchase at the BRBA. Additionally, we need visual and literary art to display and sell to raise money for the Foundation. We need performing artists to dazzle and entertain the crowd on the night of the event. If you are

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reading this and have art to display, donate or sell, or if you want to perform for the event, please contact Donna Buuck at the BRBA ASAP: 225-214-5556 or donna@brba.org. We want to showcase you and your artistic talents.

*ATB: Are you involved with any other organizations or causes?*

JRW: Yes, church and community service helps me keep a good perspective on things and maintain a healthy balance of work and life. I am an active member of First Baptist Church in Baton Rouge and have enjoyed being in numerous musical productions at Theatre Baton Rouge (TBR) and Manship,

including a favorite role as Harold Hill in “The Music Man” at TBR. Over the years I have served on a variety of charitable and civic boards.

*ATB: What advice would you give to new attorneys?*

RW: Enjoy each day you get to live, do your best at each task you get to do, and be kind and respectful to each person you get to know. One of my favorite Bible verses is John 14:1, which starts with the words “Let not your heart be troubled.” In other words, don’t stress. That is a reminder I have to give to myself regularly.

*ATB: What is the last book that you read?*



**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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RW: John Jakes' "Homeland." I enjoy historical fiction.

ATB: *What are your leisure activities?*

RW: LSU sports, singing and musical theatre, biking around the LSU lakes and as many trips to fun places as I can take, especially to a beach. Favorite beaches are the sugar white sands of Navarre, Florida, and Green Island in the Great Barrier Reef of Australia, with its amazing scuba and snorkel opportunities. I am a member of the Krewe of Endymion and a past King of the Krewe of Iris in New Orleans Mardi Gras. God has blessed me with wonderful family and friends, and regardless of the activity, spending time with them is treasured. 🍷

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# 19th Annual

## "Belly Up with the Bar" Entry Form

### Cook - off & Brew fest

### Event takes place Friday, Oct. 27, 2017

The 19th Annual "Belly Up with the Bar" is a cook-off, brewfest and outdoor party with live music—sponsored by the Young Lawyers Section of the Baton Rouge Bar Association. Proceeds from this event will benefit the BRBF's Youth Education Program. Team and individual entries are welcome. Judges will select winners in a variety of categories. Advance general admission tickets are \$30 per adult, \$25 per law student, \$12 per child ages 12 to 17, and FREE admittance to children ages 11 and under. Prices at the door are \$35 per adult or law student, and \$12 per child, so buy 'em now!

**LOCATION:** Live Oak at Cedar Lodge Events Center, 6300 Jefferson Hwy., Baton Rouge, LA 70806 in the sheltered arena.

**DATE:** Friday, Oct. 27, 2017, 5 p.m. - 9 p.m. — **mark your calendars NOW!**

**WHO CAN ENTER:** Anyone who's willing to cook and serve enough to feed/water our local bar. The entry fee — \$150 per team (up to 5 members per team) — gets you:

- (1) in the door to try all the fabulous food and drinks
- (2) all the beer you care to drink, and
- (3) the chance to show off your culinary talents

**THINGS YOU'LL NEED TO BRING:**

- Enough food to serve roughly 500 "sample size" portions
- Any cooking/heating/brewing equipment necessary to serve your entry
- A team of no more than 5 members
- A sign to indicate what you're making
- Serving bowls (serving size), cups or plates

**THINGS WE'LL PROVIDE:** Forks and spoons; beer, live music . . . and fabulous prizes

**ENTRY FORM — PLEASE FILL OUT THIS FORM AND FAX IT TO:**  
(225) 344-4805 OR MAIL IT ASAP To: Baton Rouge Bar Association,  
ATTN: YLS, P. O. Box 2241, Baton Rouge, LA 70821. Registration deadline: Oct. 3, 2017.

**(CHECKS SHOULD BE MADE PAYABLE TO "BRBF - BELLY UP WITH THE BAR." CREDIT CARD INFORMATION CAN BE PROVIDED BELOW.)**

**TEAM NAME:** \_\_\_\_\_

**TEAM CAPTAIN'S NAME:** \_\_\_\_\_

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**WHAT YOU'LL BE SERVING:** \_\_\_\_\_

**FOR "BELLY UP WITH THE BAR" TICKET INFORMATION, PLEASE CONTACT THE BRBA: (225) 344-4803.**

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\*If you are unable to participate or attend, but you wish to make a donation for the BRBF's award-winning Youth Education Program, please make your check payable to the BRBF.

This project was funded in part by the American Bar Association on behalf of its Young Lawyers Division through the Fund for Justice and Education.



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The Baton Rouge Bar Foundation will mail your star and child's wish list directly to you, along with instructions. Should you have any questions, call Susan Kelley at (225) 214-5559.

# Louisiana's non-unanimous jury system: A legal injustice for many criminal defendants

BY ANGELA A. ALLEN-BELL

It is common knowledge that there is something unique about Louisiana's legal system. Most people—Louisianans and out-of-staters alike—don't realize that there is more that distinguishes our legal system than our civil law scheme. The Sixth Amendment to the United States Constitution is a much more serious distinction. In Louisiana's state courts, defendants are often afforded fewer Sixth Amendment protections than defendants in 48 other states. This is so because Louisiana allows the use of non-unanimous verdicts in certain criminal cases.<sup>1</sup> In these instances, convictions can occur upon the vote of at least 10 of 12 jurors.<sup>2</sup>

The notion of unanimous juries is well settled in state and federal law. James Madison, who introduced the Sixth Amendment, included the requisite of unanimity for conviction in the draft he proposed. When the Framers adopted the trial guarantee, they did so with a unanimous jury in mind. Until the Supreme Court of the United States' (SCOTUS) 1972 *Apodaca*<sup>3</sup> ruling, which held that a vote by as few as 10 jurors is constitutional, it had been universally understood that a unanimous verdict was an essential element of a Sixth Amendment jury trial. Non-unanimous verdicts are not allowed in federal criminal cases. In federal court the right to a unanimous jury cannot even be waived. As a practical matter in Louisiana, the Sixth Amendment means entirely different things depending on whether the matter is being heard in state or federal court.

The Sixth Amendment assures that an impartial jury will decide the fate of criminal defendants. The task of interpreting what constitutes an impartial jury has been left to the judiciary. The minimal allowances are clear. A jury of five is not constitutional. There must be at least six jurors and, in the case of six, the vote must be unanimous. But courts have avoided such exacting numbers when it comes to maximum jury-vote allowances.

Despite permission from SCOTUS to accept the non-unanimous vote of 10, 11 or 12 selected jurors, 48 states afford full Sixth Amendment protections. That is not



because unanimity is a neglected topic. Over the years, a number of states have considered abandoning their unanimity requirements. In every instance, after much study and deliberation, those other states have rejected change and maintained a unanimous verdict system.<sup>4</sup>

The *Apodaca* case resulted from challenges brought by two people convicted by non-unanimous juries (11-1 and 10-2) in Oregon, the only other state that allows the use of non-unanimous juries in certain criminal cases. Those Oregon defendants raised Sixth and Fourteenth Amendment challenges. The *Apodaca* decision contained no meaningful discussion of group decision making. Instead, the court focused its attention on the process. It devoted some of its attention to the history of unanimity in this country and on the function of a jury, which it said was to guard against the corrupt or overzealous prosecutor and against the compliant, biased or eccentric judge. The *Apodaca* court reasoned that a jury consisting of a group of laymen representative of a cross-section of the community who have the duty and the opportunity to deliberate, free from outside attempts at intimidation, satisfied constitutional muster. In the end, the court determined that there was no difference between a vote of 10, 11 or 12 jurors.

*Apodaca* is a plurality decision, which means that a majority agreement of the court never existed.<sup>5</sup> If no opinion fully commanded the assent of a majority, this suggests an internal struggle existed. In the wake of

such, *Apodaca* can be considered an enfeebled decision that has outlived its shelf life. At the time *Apodaca* was decided, the vast research on group thinking that we now have simply did not exist. Since that 1972 ruling, we know much more. While the research does not show that unanimous juries are flawless or that non-unanimous juries always fail, it does offer some compelling insights. The research suggests that unanimous verdicts are more reliable, more careful and more thorough.

The American Bar Association has taken note of the data. At the time *Apodaca* was decided, the ABA did not oppose the use of non-unanimous juries. The data led it to rethink its position. From 1976 to the present, the ABA has advocated for unanimous verdicts in state criminal trials. Louisiana has reason to follow suit. Louisiana is second in the rate of wrongful convictions in the nation. There is reason to believe that Louisiana's non-unanimous jury system is a contributor. In 2017, the Innocence Project New Orleans reported that 11 of 25 Louisiana exonerations resulted from trials where non-unanimous juries were used.

Louisiana courts have deemed *Apodaca* a precedent and, upon this thinking, many refuse to consider the merits of challenges to the non-unanimous jury system. However, when *Apodaca* was before SCOTUS, the court was reviewing Oregon's law and not Louisiana's law. The two laws are not identical. Oregon does not allow non-unanimous verdicts in cases of first-degree murder; Louisiana does (in non-capital cases).<sup>6</sup> Louisiana's law explicitly exempts capital cases; no such language appears in Oregon's law. In Louisiana, for non-capital first-degree murder and second-degree murder, the sentence is an automatic term of natural life, unlike Oregon, where the options span from life with or without parole to death to imprisonment in excess of 25 years.<sup>7</sup>

Besides these substantive differences, the spirit of the law is at issue. Louisiana requires unanimous verdicts in capital cases. In this author's view, allowing non-unanimous verdicts where the sentence is natural life undermines the intent behind the insistence on unanimity where the loss of life is at issue in a capital case.

Moreover, the origins and implementation of Oregon's law differs. Oregon's law arose in the early 1930s where the "Ku Klux Klan was very popular around the state with a lot of ... political power."<sup>8</sup> Oregon's system was adopted in 1934 in direct response to a single case where it was believed that a single hold-out juror prevented a second-degree murder conviction (causing a manslaughter conviction).<sup>9</sup> The murdered victim was Protestant and the murderer was a Jewish man suspected of mob ties.<sup>10</sup> Anti-immigrant and anti-Jewish sentiments underlaid Oregon's switch to a non-unanimous jury system.<sup>11</sup> Unlike Louisiana, Oregon's system originated by a constitutional vote of the people. A 1933 Oregon voter pamphlet explicitly said the vote to change from a unanimous system to a non-unanimous system was "to

prevent one or two ... from controlling the verdict and causing disagreement."<sup>12</sup> The motivation for Louisiana's change from a unanimous system is very different, and so is the manner in which these systems were adopted in Oregon and Louisiana.

In 1803, when Louisiana became a territory, unanimous verdicts were required. Louisiana required unanimous verdicts from 1803 until the end of Reconstruction and the withdrawal of federal troops. Non-unanimous verdicts were introduced in Louisiana in 1880, after slavery ended; at that time, defendants could be convicted by vote of only 9 of 12 jurors. Non-unanimous verdicts made their way to the Constitution of 1898 through Article 116, where the officials announced: "We need a system better adapted to the peculiar conditions existing in our State."<sup>13</sup> Louisiana citizens did not vote to adopt the 1898 Constitution. At this convention of all white males, these words were spoken in reflection: "Our mission was ... to establish the supremacy of the white race ..."<sup>14</sup>

At the time of the 1898 Convention, 44 percent of the registered voters in Louisiana were African American. The change from unanimity was to: (1) obtain quick convictions that would facilitate the use of free prisoner labor (vis-à-vis Louisiana's convict-leasing system) as a replacement for the recent loss of free slave labor;<sup>15</sup> and (2) ensure African American jurors would not use their voting power to block convictions of other African Americans.<sup>16</sup>

When the 1898 law was revisited at the 1973 Constitutional Convention, the law was changed to require the vote of at least 10 of 12. As in 1898, "efficiency" was a stated reason. Race, however, was not completely removed from the discussion at the 1973 Convention. There was a warning that "ugly, poor, illiterate and mostly minority groups" would be impacted, as well as concerns expressed about the system undermining the reasonable-doubt standard. This system survived—not because it was studied and deemed to be in the best interests of justice but, because of a process that mutes the voices of some and amplifies the voices of others. As one scholar observed: "the constitution of 1974 was written ... by a wide and self-interested assortment of assessors, sheriffs, legislators, judges, lackeys and anyone who could get elected or appointed."<sup>17</sup>

Several reasons support the overturning of Louisiana's non-unanimous verdict rule. It can be argued that maintenance of this system conflicts with the Bill of Rights. Prior to 1925, the Bill of Rights applied only to the federal government. Today, most of the Bill of Rights has been incorporated. In 2010, SCOTUS rejected a "watered-down, subjective version of the individual guarantees of the Bill of Rights" that would allow different standards between the states and the federal government for the protection of fundamental rights.<sup>18</sup>

Furthermore, the law can be used as a legal means



of discriminating when it comes to jury practices. When it decided *Batson v. Kentucky* in 1986, SCOTUS outlawed discrimination in jury selection by prosecutors by preventing prosecutors from using race as a reason to reject someone for jury service. Louisiana's non-unanimous jury law allows a prosecutor to accomplish through a seated jury what the law prevents during the jury-selection process. This is so because the vote of one or two of the jurors can be ignored when votes are cast, having the same effect as excluding one or two jurors during the selection process.

In overturning a death sentence based on a jury's seven-to-five recommendation, the Florida Supreme Court quoted Justice Scalia:

A rule which insists on unanimity furthers the deliberative process by requiring the minority view to be examined and, if possible, accepted or rejected by the entire jury. The requirement of jury unanimity thus has a precise effect on the fact-finding process, one which gives particular significance and conclusiveness to the jury's verdict.

On rare occasions when Louisiana courts have agreed to review the merits of non-unanimous jury challenges, they have concluded that the solution to this injustice is to place the burden of proof on criminal defendants. Notably,

in the recent view of one court, proof of disproportionate impact requires the testimony of a statistician or social scientist who has

performed a peer-reviewed study which looked at raw data concerning jury verdicts. This data would have been divided based on unanimous and non-unanimous juries. The data then would have been analyzed for guilty, not guilty, hung juries, and overturned verdicts. The data would also be teased apart based on race, gender, and even religion ... . To show disparate impact, the court needs to see a full-scale study which looks at the numbers to provide conclusive demographic data ... .<sup>20</sup>

Because *Apodaca* branded this system legal, some officials defend it as just. It was once legal to deny women and African Americans the right to vote. Legality merely requires state sanctioning; justice is conceived in a much higher sphere and is born of greater ideals. "Justice is a certain rectitude of mind, whereby a man does what he ought to do in the circumstances confronting him."<sup>21</sup> Justice—not necessarily legality—should always be the aim of a civilized society.

In this author's opinion, Louisiana must restore Sixth Amendment protections and end the legal injustice of non-unanimous juries.<sup>22</sup> Until such time, citizens in 48 states



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should legitimately fear relocating to or even visiting Louisiana because of the risk they assume should they ever have the misfortune of involvement with the state criminal courts. Tangentially, businesses considering Louisiana as a site of operations must consider—alongside taxes, school options and housing costs—the effect of Louisiana’s interpretation of the Sixth Amendment on their employees that simply does not exist in most states. For far too long, the rectitude of mind whereby a man does what he ought to do in the circumstances confronting him has been lacking. We have, instead, favored the sedative repose induced by the branding of legality upon what is unjust. The day has come to make justice as much an action as an ideal!■

<sup>1</sup> This article is limited to an evaluation of state criminal cases where 12-person juries are allowed to cast a judgment with fewer than 12 individuals voting in favor of a finding of guilt in non-capital, felony criminal cases. This article does not address misdemeanor, federal or military cases or civil jury practices.

<sup>2</sup> The current Constitution reads, in pertinent part:

A criminal case in which the punishment may be capital shall be tried before a jury of twelve persons, all of whom must concur to render a verdict. A case in which the punishment is necessarily confinement at hard labor shall be tried before a jury of twelve persons, ten of whom must concur to render a verdict. A case in which the punishment may be confinement at hard labor or confinement without hard labor for more than six months shall be tried before a jury of six persons, all of whom must concur to render a verdict.

La. Const. art. 1, § 17; see also La. Code Crim. P. art. 782.

<sup>3</sup> 406 U.S. 404 (1972). *Johnson v. Louisiana*, 406 U.S. 356 (1972), was decided the same day as *Apodaca* and held that a conviction by a 9-3 verdict in certain noncapital cases did not violate the Due Process Clause for failure to satisfy the reasonable-doubt standard.

<sup>4</sup> See Aliza B. Kaplan & Amy Saack, *Overtaking Apodaca v. Oregon Should Be Easy: Nonunanimous Jury Verdicts in Criminal Cases Undermine the Credibility of Our Justice System*, 95 Oregon Law Review 1, 19-20 (2016) (discussing failed proposals in California, Washington State, Mississippi and New York).

<sup>5</sup> *Apodaca* was a 4-1-4 decision. Both of the groups of four justices felt the rule should be the same for federal and state trials. Justice Powell differed. Justice Powell believed there to be a distinction between state

and federal standards governing the right to a jury trial. In his view, the Sixth Amendment required a unanimous verdict, while the 14th Amendment did not incorporate that requirement. Justice Powell was the swing vote, so his position became the law. The opinion held that there was no constitutional right to a unanimous verdict.

<sup>6</sup> See Or. Const. art. I, § 11.

<sup>7</sup> See La. R.S. 14:30.1(B); La. R.S. 14:30 (C); O.R.S. § 163.115; O.R.S. § 163.150.

<sup>8</sup> Conrad Wilson, *Even When Juries Can't Agree, Convictions Are Still Possible In Oregon*, OPB.org, Dec. 12, 2016, available at <http://www.opb.org/news/article/critics-challenge-oregon-non-unanimous-jury-law/>.

<sup>9</sup> See Clayton M. Tullos, *Non-Unanimous Jury Trials in Oregon*, The Oregon Defense Attorney (08/10/2014), available at <http://claytontullos.com/wp-content/uploads/2014/11/Non-Unanimous-Jury-Trials-in-Oregon-> (discussing the *State v. Silverman* case).

<sup>10</sup> See Kaplan & Saack, *supra* n. 4, at 3.

<sup>11</sup> *Id.* at 3-4.

<sup>12</sup> See *State v. Sagdal*, 356 Or. 639, 647 (2015).

<sup>13</sup> *Official Journal of the Proceedings of the Constitutional Convention of the State of Louisiana* 76 (1898); La. Const. art. 116 (1898).

<sup>14</sup> *Id.* at 374-75.

<sup>15</sup> In the post-Civil War South, “recognition of freed slaves as full humans appeared to most white southerners not as an extension of liberty but as a violation of it, and as a challenge to the legitimacy of their definition of what it was to be white.” Douglas A. Blackmon, *Slavery By Another Name* 41 (2008). “The notion that farms could be operated in some manner other than with groups of black laborers compelled by a landowner or his overseer to work as many as twenty hours a day was antithetical to most whites.” *Id.* at 26.

<sup>16</sup> See Marjorie R. Esmen, *Non-Unanimous Jury Verdicts Steeped in Racist Past*, The Advocate, Jan. 28, 2016, available at [http://www.theadvocate.com/baton\\_rouge/opinion/our\\_views/article\\_e9fefca4-c278-57f6-a0fa-24eb1c93d2fd.html](http://www.theadvocate.com/baton_rouge/opinion/our_views/article_e9fefca4-c278-57f6-a0fa-24eb1c93d2fd.html); Angela A. Allen-Bell, *How The Narrative About Louisiana's Non-Unanimous Criminal Jury System Became a Person of Interest in the Case Against Justice in the Deep South*, 67 Mercer L. Rev. 585 (2016); Thomas Aiello, *Jim Crow's Last Stand: Nonunanimous Criminal Jury Verdicts in Louisiana* (2015).

<sup>17</sup> Z. Melissa Lawrence, *Constitutional Revision by Amendment—A Louisiana Tradition*, 51 La. Law Rev. 849, 850 (1991).

<sup>18</sup> *McDonald v. City of Chicago*, 561 U.S. 742, 765 (2010) (citing *Malloy v. Hogan*, 378 U.S. 1, 10-11 (1964)).

<sup>19</sup> *Hurst v. Florida*, 202 So.3d 40, 58 (Fla. 2016), quoting *United States v. Lopez*, 581 F.2d 1338, 1341 (9 Cir. 1978).

<sup>20</sup> *State v. Lee*, No. 500-034, p. 4 (Orleans Parish Criminal District Court Feb. 9, 2017); see also *State v. Hankton*, 122 So.3d 1028 (La. App. 4 Cir. 2013).

<sup>21</sup> Russell Kirk, *The Meaning of Justice*, The Heritage Foundation, p.7 (March 4, 1993), available at [http://s3.amazonaws.com/thf\\_media/1993/pdf/hl457.pdf](http://s3.amazonaws.com/thf_media/1993/pdf/hl457.pdf).

<sup>22</sup> A legislative change requires a legislatively referred constitutional amendment or a constitutional convention. A judicial remedy involves a finding that the law is unconstitutional.

**YLS SAVE THE DATE: Thursday, Nov. 9**  
**— Cocktails with the Court —**  
 will be held **5-7 p.m. at the Manship Theatre**  
 in the Shaw Center for the Arts

Contact Susan for more information about this Young Lawyers Section event:  
 225-214-5559 or [susan@brba.org](mailto:susan@brba.org)

# bar news

BY PAMELA LABBE

## Arts Judicata event to take place at Arts Council of Greater Baton Rouge Thursday, Sept. 14

Artistically talented lawyers—including musicians, visual artists, jewelry makers, culinary artists, performing artists and literary artists—will be participating in the Baton Rouge Bar Foundation's first-ever arts and music festival—Arts Judicata—6-8:30 p.m. Thursday, Sept. 14, 2017, at the Arts Council of Greater Baton Rouge.

Renee Chatelain and J. Richard Williams have co-chaired the planning committee, and Valerie Black will serve as the M.C. for the evening.

Tickets to Arts Judicata will provide entrance as well as appetizers and cocktails. Take in the visual art displays and the performing artists and enjoy live music. Much of the artwork on display will be for sale and the proceeds will benefit the Baton Rouge Bar Foundation. All ticket sales benefit the programs of the BRBF. Additionally, sponsorships are available. Contact Donna at donna@brba.org or 225-214-5556 for more information.

## Belly Up scheduled for Friday, Oct. 27

Belly Up with the Bar will take place at 5 p.m. Friday, Oct. 27, 2017, at Live Oak at Cedar Lodge Events Center (formerly Live Oak Arabians), 6300 Jefferson Hwy. Music from the band Storywood will entertain the crowd as they participate in the silent auction, purchase raffle tickets to benefit the Baton Rouge Bar Foundation and taste excellent cuisine and specialty drinks. Celebrity judges will choose the winners, who will be honored with handmade trophies.

All proceeds from Belly Up support the Baton Rouge Bar Foundation. This year's chairman is Michael P. Schillage, and the staff liaison to the committee is Donna Buuck. To register a team, contact donna@brba.org or 225-214-5556. This project was funded in part by the American Bar Association on behalf of its Young Lawyers Division through the Fund for Justice and Education.

## Southeast Louisiana Legal Services celebrates its 50th anniversary with a Nov. 8 kickoff event

Southeast Louisiana Legal Services has established a 50th Anniversary Advisory Committee to assist its Board in commemorating this milestone. Co-chairs are Darrel Papillion and R. Patrick Vance. Chief Justice Bernette Joshua Johnson, a former civil legal aid attorney early in her career, is the 50th Anniversary Advisory Committee Honorary Chair. Papillion, a past president of both the LSBA and the BRBA, is a partner in Walters, Papillion, Thomas, Cullens, LLC. Vance, a senior partner at Jones



The June Bar Luncheon, held June 14, 2017, was organized by the Young Lawyers Section Council and sponsored by Electronic Business Systems/CourtCall. LSU Men's Basketball Head Coach Will Wade was the guest speaker. Photographed at Ruffino's at De La Ronde Hall are (L to R) Chelsea Gomez Caswell, Jordan Faircloth, Erin Sayes Kenny, Lauren Temento, Coach Will Wade, Francisca M.M. Comeaux, Loren Shanklin Fleshman and Kellye R. Grinton.



Monica Vela-Vick and Loren Shanklin Fleshman were photographed at the June Bar Luncheon after the announcement of the Young Lawyers Section and Vela-Vick's recent LSBA Young Lawyers Division awards.



Valerie Briggs Bargas was installed as the 2017-18 president of the Louisiana Bar Foundation by Louisiana Supreme Court Chief Justice Bernette Joshua Johnson in May 2017. Also photographed are W. Michael Street (vice president), Amanda Barnett (treasurer) and Christopher Ralston (secretary).



The BRBA Construction Law Section held a CLE seminar June 15, 2017, at the Middleton Bar Center. Photographed are seminar speaker John Andrishok along with seminar attendees Mary Ann Wolfe, John Grinton and Section Chair Jacob Roussel (far right).

PHOTO BY PAMELA LABBE

PHOTO BY PAMELA LABBE



Walker, is a former SLLS board president. The committee will plan a year of activities from November 2017 to October 2018, beginning with a Nov. 8, 2017, kick-off event at the Louisiana Supreme Court.

### LSBA YLD Awards were presented June 7

Monica Vela-Vick received the Louisiana State Bar Association Hon. Michaelle Pitard Wynne Professionalism Award. Janeane G. Abbott of the Joubert Law Firm received the Pro Bono Award during this same ceremony. These awards among others were presented June 7, 2017, at the LSBA Young Lawyers Division awards ceremony.

### LSBA honors Richey and Levasseur

Judge Kathleen Stewart Richey (Ret.) received the 2017 Catherine D. Kimball Award for the Advancement of the Administration of Justice. She became the president/CEO of LouisianaChildren.org in May 2015. Richey began her career as an attorney representing children in child dependency and delinquency matters. In 1991, she became the first juvenile judge in East Baton Rouge Parish, serving until 2015. During her 24 years on the bench, she was instrumental in establishing Capital Area CASA and was named Louisiana CASA Judge of the Year in 1997.

LSU Paul M. Hebert Law Center Professor Alain A. Levasseur of Baton Rouge received the 2017 John A. "T-Jean" Hernandez III Memorial Award, presented for achievements in Francophone leadership. He obtained an M.C.L. degree in 1966 from Tulane University, where he returned to teach in 1968. He joined the LSU Law Center faculty in 1977.

### Southern University Law Center celebrates 70 years

Southern University Law Center will host its 70th Anniversary Gala Sept. 1, 2017, at L'Auberge Casino. Earlier in the day, the next class of Legacy Bricks will be unveiled and a special dedication the Center's new courtyard will be held.

Contact Tanya Freeman for more information: 225-771-2552 or TFreeman@sulc.edu.

### Annual Baton Rouge Bar Association softball tournament rescheduled for March 23-24, 2018

The next BRBA softball tournament will be March 23-24, 2018, at the BREC Hartley/Vey Sports Park (Oak Villa) in Baton Rouge. Contact Ann K. Gregorie for more information at ann@brba.org or 225-214-5563. ■

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# WHAT I'VE LEARNED: Interview with Walter R. Krousel Jr.

BY MARLENE KROUSEL

## VITAL STATISTICS

**Age:** 87 | **Born:** Oklahoma City, Oklahoma | **Reared:** Ruston, Louisiana

**Father:** Walter R. Krousel Sr., who served in the U.S. Army in World War I, owned the Walter R. Krousel Sr. General Store in Ruston and lived until he was 97.

**Mother:** Mary Chesnel Krousel, who was a co-owner of the Walter R. Krousel Sr. General Store and lived until she was 93.

**Education:** Ruston High School, 1948; Louisiana Tech University, 1952; Paul M. Hebert Law Center, 1955.

**Spouse:** Hilda Sanchez Krousel, Ph.D. (since Sept. 3, 1953).

**Children:** Marlene Maria Krousel, J.D.; Walter R. Krousel III, J.D.; Marie Antoinette (Tonette) Wood, M.D.; Karl Erich Krousel Sr., J.D. (deceased); Elizabeth Ann Krousel Simmons, P.E.

**Grandchildren:** William "Eric" Allgood; Maria Elena Allgood; Claire Krousel; Robert Wood Jr., M.D.; Amanda Wood Pharo; Karl Erich Krousel Jr.; Jake Krousel; Kohl Krousel (deceased) and Allie Krousel.

**Great Grandchildren:** Landon Krousel and Soryn Krousel.

---

I was fortunate to practice law with my father for 13 years. It was an honor to practice law with a man of such great character and integrity. His word is his bond. Although he was very serious about representing his clients to the very best of his ability, he has a wonderful sense of humor that eased some of the stress that accompanies the practice of law. We laughed often.

He taught me many things about the practice of law, including dedication to clients, the importance of hard work and precision, and the need to strive for excellence when representing all clients. He also taught me that there are times when an attorney needs to take a break to get a fresh perspective on a case. I recall several times when he had an epiphany about how to handle a case while we were fishing.

My father practiced law as a sole practitioner in Baton Rouge for six months in 1955, following graduation from law school. He had to quit for a few years to serve as a United States naval officer aboard the U.S.S. Estes. After completing his naval service in 1959, he returned to the practice of law in Baton Rouge, again practicing as a sole practitioner. He was a prosecutor in the East Baton Rouge Parish District Attorney's office for 12 years under District

Attorney Sargent Pitcher and was the First Assistant District Attorney for 11 of those years. After leaving the district attorney's office, he returned to the practice of law as a sole practitioner. He had a general practice that included personal injury, workers' compensation, criminal defense, domestic and collections. He eventually practiced with all three of his attorney-children, Marlene, Walter and Karl.

His dedication and devotion to his clients indicated that he took the attorney's oath very seriously. He faithfully served his clients and pursued what was in their best interest. He had compassion for those who were unable to help themselves and often took cases to help clients, even when he would not benefit financially. Injustice angered and energized him. Every time he left the office to go to court or a deposition, he would bellow out in a loud voice that everyone in the office could hear: "Feed my sheep!" His compelling and passionate proclamation inspired everyone in the office to "feed his sheep."

*ATB: What inspired you to practice law?*

**WKR:** Before I chose to be an attorney, I considered a





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career as a classical pianist or as an economics professor. Professor Paul T. Hendershot, an economics professor at Louisiana Tech University who mentored me, exposed me to *Counsel for the Damned*, a book written about the attorney George Frances Vanderveer. This book inspired me to read books about other distinguished members of the bar, such as Sam Leibowitz, Louis Nizer and Melvin Belli. The integrity of these attorneys and their uncompromised dedication and devotion to their clients so impressed me that I decided that I wanted to practice law for the rest of my life.

*ATB: Can you tell us about a memorable case that you handled in your first year of practicing law?*

WRK: For many years, I arrived at the office at 6:30 a.m. every morning, hoping to get the “early” business. When I arrived on this particular day, a car with three people was parked in the parking lot. After opening the office, the three men came in. They told me that a relative had been charged with murder and that the district attorney was seeking the death penalty. They admitted that they had already spoken to several lawyers who had rejected the case. Based on what the other attorneys had told them, they believed that even the best attorney could not get their relative acquitted. They begged me to take the case and assured me that their only hope and desire was to spare their relative the death penalty. After I quoted them a fee, they said that they needed to discuss the matter with the rest of the family. I assumed that I would never see them again.

Much to my surprise, the very next morning at 6:30 a.m., 10 cars were in the parking lot of my law office. After I opened the office, the spokesman for the group of 12 people came into my office. He told me that the family had raised the fee, each person contributing as much as his budget would allow. He further told me that each family member wanted to give me his share of the fee personally and look me in the eye. He asked me if I was willing to meet with each of the 12 family members. After I agreed, each family member approached me to give me his share of the fee and look me in the eye. Some gave me money wrapped in handkerchiefs. After all had given me their portion of the fee, the spokesman asked me if they had given me enough money. Even before I counted the money, I told him that I would take the case even if they did not raise the entire fee that I had quoted because I was touched by their devotion to their family member and their loving desire to spare him the death penalty. I was able to deliver beyond their expectations, which were merely to spare their relative the death penalty. After I met with their relative, I realized that he had mental issues and asked for a sanity hearing. He was declared insane. He never went to prison. He spent some time in a mental institution but was released after being treated and cured of his illness.

*ATB: What advice would you give young lawyers?*

WRK: Maintain the dignity of the profession! Take all of the lawyer's oath seriously, including the part that reads: "I will never reject [for] any consideration personal to myself the cause of the defenseless or oppressed or delay any person's cause for lucre or malice. So help me God."

*ATB: Can you comment on practicing law with family members?*

WRK: I enjoyed practicing law with my three children who are attorneys. Also, one of the best decisions that I ever made was to make my wife, Hilda S. Krousel, the general office manager. "The best person to husband your money is your wife." ■

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For more information contact

Ann K. Gregorie at 225-214-5563 / ann@brba.org  
or Kelsie Bourgeois at 225-344-4803 / kelsie@brba.org.



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## UPCOMING EVENTS

### **Workers' Compensation Section Meeting & CLE | Aug. 8, 2017**

1.0 hour of CLE | Liens in Workers'  
Compensation Settlements

Speaker: Greg Hubachek | 12 - 2 PM

### **Nuts & Bolts of Estate Planning**

Aug. 11, 2017 | 4.0 hours of CLE

Speakers: Mark Callendar & Laurie

Kadair | 8:15 AM - 12:30 PM

Middleton Bar Center, 544 Main St.

### **Family Law Section CLE**

Aug. 17, 2017 | 1.0 hour of CLE

Legislative Update

Speaker: Steve Kogos

12 - 2 PM | Juban's Restaurant,  
3739 Perkins Rd.

### **Nuts & Bolts of Successions**

Aug. 18, 2017 | 4.0 hours of CLE

Speakers: Mark Callender,

Virginia Nichols & Mark W. Fry

8:15 AM - 12:30 PM | Middleton Bar  
Center, 544 Main St.

### **September Bar Luncheon & CLE**

Sept. 12, 2017 | 2.0 hours of CLE

Speakers: H. Alston Johnson III

and Professor Michelle Ghatti

11:45 AM - 2:30 PM

Crowne Plaza Hotel

### **Family Law Section CLE**

Sept. 21, 2017 | 1.0 hour of CLE

Adoptions | Speaker: Dean Esposito

12 - 2 PM | Bistro Byronz,

5412 Government St.

Call the BRBA for more information:

225-344-4803.

# BRBA member kickstarts his small business dream into reality

BY PAMELA LABBE

"In business, failure is a great teacher because it provides a tangible example of what doesn't work," said Ben Bartage, a founding member of Bartage & Anderson, LLC. "It's hard to know what does and doesn't work until you try."

Bartage has experienced this time and time again in his start-up business, Indie Plate. "I do

not take many risks in my law practice, however. My clients hire me to achieve results, and I view failure as an unacceptable outcome for them."

Originally from Shreveport, Bartage moved to Baton Rouge in 2004 to attend LSU. He has a business administration degree and an MBA from Louisiana State University, and he graduated from law school in 2012 from the LSU Paul M. Hebert Law Center.

After law school, Bartage co-founded Indie Plate ([indieplate.com](http://indieplate.com)), a dinner-to-door subscription business that sources all ingredients of its meal kits from local farms. Previously his business provided a grocery delivery service.

"You get pre-chopped, pre-marinated ingredients so that you can cook a high quality meal in 5 to 20 minutes," Bartage said. "The dinner to door is perfect for working professionals and young families who don't have a lot of time to go to the store, pick ingredients, cook from scratch and then clean up. We have quite a few attorney customers who love the convenience of having the ingredients pre-chopped and ready to cook, along with the fact that everything is delivered."

The menu changes weekly, Bartage said. Customers choose how many lunches and dinners they want each week, and the recipes are developed and prepared by Chef Elton Hyndman of Nino's Italian on Bluebonnet.

Indie Plate competes with national meal kit companies such as Plated, Blue Apron and Hello Fresh, among



Photographed (L to R) are Peru Sharma; Chef Elton Hyndman of Ninos Italian and Indie Plate; and Ben Bartage. Sharma and Bartage are the co-founders of Indie Plate.

others. "Through word of mouth alone, we have been converting our competitors' subscribers, and they stick with us. Our customer retention rate is excellent, which is a testament to the quality of our meals and the convenience of having all of the ingredients ready to cook," he said.

In July 2017, the owners of Indie

Plate started a 30-day crowd-sourcing campaign to help fund their growing business through [kickstarter.com](http://kickstarter.com) with a goal of raising \$50,000. "We expect to meet or exceed our goal," Bartage said. Once the Kickstarter campaign is over, the new goal will be to raise capital from Angel Investors and Venture Capitalists to take their business nationwide.

"It's funny because we started Indie Plate before I opened my law practice. Practicing law was my side business until very recently," Bartage explained about Indie Plate. "Six months after we started Indie Plate, I realized I could leverage Indie Plate's overhead and start a law practice for a few hundred dollars and no monthly overhead."

While his law practice began with only a few clients, it is doing quite well now. "My clients view me as their personal lawyer as opposed to 'the guy who handled my car accident' or 'the guy who drafted my will,'" Bartage said. "They call me for advice on a variety of matters, and I appreciate the trust and confidence they place in me." Bartage added that he handles all of his cases personally.

Additionally, Bartage is involved with the BRBA Lawyer Referral Committee, which he credits as being a tremendous help to his practice. "I highly recommend that all solo and small firms join the Lawyer Referral program," he advised. "It has provided me with some of my best cases."

His law practice includes IRS tax debt resolution,

*"It's funny because we started Indie Plate before I opened my law practice. Practicing law was my side business until very recently," Bartage explained about Indie Plate.*



personal injury matters, business transactions, and wills, estates and trusts, among other things.

"I'm very business minded and I enjoy thinking of new and creative business ideas," Bartage said, but he doesn't take all the credit for his success. He was quick to mention his two business partners: Sean Anderson is his law partner, who practices out of New Orleans, and his partner at Indie Plate is Peru Sharma, who has a doctorate in chemical engineering. He also credits his father, Gordon O. Bartage, and local attorneys Henri Saunders and David Gunn for help and guidance in his law practice.

Regarding starting a side business, Bartage described it as "a great way to meet people, build a client base and leverage expenses." He added that it helps one to truly understand the pains and struggles of small business clients. "My experience with Indie Plate allows me to give advice from my personal experience in the trenches, which my clients really value," Bartage said.

Bartage credits his family for much of his success. His father is a solo practitioner in Shreveport, and his mom is a recently retired elementary school librarian. Bartage's father has been an extremely valuable resource and mentor. "I can call him anytime with a question and he usually knows off the top of his head," he said.

Bartage's two younger brothers live in Baton Rouge. Bartage, who is single, said he is optimistically looking for the right girl.

Bartage said professional success equals financial prosperity and a good reputation. "I'm very thankful to God for the personal and professional successes I've been blessed with," he said. "I strive to succeed in my personal and professional life, and to succeed with integrity." ■



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# Nomination Form

## 2018 BOARD OF DIRECTORS

This form is to be returned to the Baton Rouge Bar Association office  
at P. O. Box 2241, Baton Rouge, LA 70821,  
or to 544 Main St. no later than 4:30 p.m. Friday, Sept. 29, 2017.

Please place my name on the ballot for the 2018 Board of Directors election. I understand that I must be a regular member in good standing of the Baton Rouge Bar Association, and my 2018 dues assessment must be paid by Friday, Oct. 27, 2017. I understand that, if elected, I am expected to make a good faith effort to attend board meetings, monthly luncheons, special events and meetings of

the committees to which I am assigned as liaison. Further, I understand that I will bear my pro-rated expense for board meetings, whether I am present or not. I understand that this is a working body and that I will be expected to accept and fulfill designated responsibilities. The Baton Rouge Bar Association Board of Directors also serves as the Board of Directors of the Baton Rouge Bar Foundation.

I wish to run for the position of:

Director at Large (6) \_\_\_\_\_  
Treasurer \_\_\_\_\_

Secretary \_\_\_\_\_  
President-Elect \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

The November issue of *Around the Bar* will include a listing of all candidates for office. Please complete the following for use in the listing. Use no more than the space allotted. Please submit your photo (as a high-resolution .jpg) and this form as a .pdf and email it to: ann@brba.org. You are also welcome to fax your form to 225-344-4805, or mail it to the BRBA office. Your photograph will be used in the pre-election candidate introduction, which will appear in the November issue of *ATB* and on the ballot.

Name \_\_\_\_\_

Position for which you are running \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Year admitted to practice \_\_\_\_\_ Law School \_\_\_\_\_

Email \_\_\_\_\_ Date of Birth \_\_\_\_\_

Activity with the Baton Rouge Bar Association \_\_\_\_\_

Other professional information \_\_\_\_\_

# Nomination Form

## 2018 YOUNG LAWYERS SECTION COUNCIL

This form is to be returned to the Baton Rouge Bar Association office  
at P. O. Box 2241, Baton Rouge, LA 70821,  
or to 544 Main St. no later than 4:30 p.m. Friday, Sept. 29, 2017.

Please place my name on the ballot for the 2018 Young Lawyers Section Council election. I understand that I must be a regular member in good standing of the Baton Rouge Bar Association, and my 2018 dues assessment must be paid by Friday, Oct. 27, 2017. Further, I understand that I must be eligible for membership in the BRBA Young Lawyers Section. Eligibility is limited to all lawyers under the age of 39, or who have been admitted to the first bar less than five years who pay any dues as set and assessed by the Board of the Baton Rouge Bar Association. Membership in this section terminates automatically at the end of the calendar year within which a member attains 39 years of age or five years after admission to his or her first bar, whichever last shall occur. I understand that this is a working body and that any officer or council member failing to attend three successive meetings of the council shall be asked to vacate his or her position. I also understand that I will bear my pro-rated expense for all YLS meetings and Board of Director meetings, whether I am present or not.

I wish to run for the position of:

Chairman-Elect \_\_\_\_\_  
Secretary / Treasurer \_\_\_\_\_

Council Member (5) \_\_\_\_\_

Name \_\_\_\_\_

Signature \_\_\_\_\_ Date \_\_\_\_\_

The November issue of *Around the Bar* will include a listing of all candidates for office. Please complete the following for use in the listing. Use no more than the space allotted. Please submit your photo (as a high-resolution .jpg) and this form as a .pdf and email it to: ann@brba.org. You are also welcome to fax your form to 225-344-4805, or mail it to the BRBA office. Your photograph will be used in the pre-election candidate introduction, which will appear in the November issue of *ATB* and on the ballot.

Name \_\_\_\_\_

Position for which you are running \_\_\_\_\_

Firm \_\_\_\_\_

Address \_\_\_\_\_ City/State/Zip \_\_\_\_\_

Year admitted to practice \_\_\_\_\_ Law School \_\_\_\_\_

Email \_\_\_\_\_

Activity with the Baton Rouge Bar Association \_\_\_\_\_

Other professional information \_\_\_\_\_



# foundation footnotes

PRO BONO & TEEN COURT REPORTS — MAY & JUNE 2017

*The Baton Rouge Bar Foundation would like to thank all who volunteered in May and June.*

**ASK-A-LAWYER VOLUNTEERS** — James Austin, Butler Snow; Janeane Gorcyca, Joubert Law Firm; Barbara Baier, Louisiana Public Defender Board; Prentice White, Southern University Law Center; Gregory Webb and Emily Ziober.

**THIRST FOR JUSTICE VOLUNTEERS** — Eldon Dominique, *Dudley DeBosier, APLC*; John Conine and Kathryn Dufrene, *Shows, Cali & Walsh LLP*; T. MacDougall Womack and Thomas Gildersleeve, *Taylor Porter*; Willie Stephens, *The Stephens Law Firm*; Scott Gaspard; Allen Posey; Adrian Ross; and James Zito.

**TAKING PRO BONO CASES** — Denise Akers, *Akers & Wisbar, LLC*; Paul West, *Baker Donelson Bearman Caldwell & Berkowitz, PC*; Felix Dejean, *DeJean Law Firm LLC*; Luis Leitzelar, *Jones Walker*; Doran Drummond, *Keogh, Cox & Wilson*; Pablo Reyes and Jeffrey Wittenbrink, *Rowe Law Firm*; Cynthia Reed, *Southern University Law Center*; Thomas Gildersleeve, *Taylor Porter*; Booker Carmichael, *The Carmichael Firm*; Willie Joseph, *The Law Offices of Willie R. Joseph, Jr.*; Thomas Acosta; Dorian Bailey; J. Keith Friley; Donald Hodge; DeVonna Pnthieu and Tyler Gray.

**ACCEPTING MEDICAL LEGAL PRO BONO CASES** — Arthur Vingiello, *Steffes, Vingiello & McKenzie*.

**ACCEPTING FLOOD PROOF PRO BONO CASES** — Edwin Noland, *Kean Miller*; J. Philip Prescott, *The Prescott Law Firm, LLC*; and Valerie Schexnayder.

**SELF HELP RESOURCE CENTER VOLUNTEERS** — Steven Adams, *Adams Law Office APLC*; Claire Sauls, *Dunlap Fiore, LLC*; Adekunle Obebe, *East Baton Rouge*

*The Pro Bono Project is financially assisted by the Interest on Lawyers' Trust Accounts (IOLTA) Program of the Louisiana Bar Foundation; Southeast Louisiana Legal Services; Franciscan Ministry Fund; Family, District and City Court Filing Fees; W. K. Kellogg Foundation; Baton Rouge Area Foundation; and the Baton Rouge Bar Foundation. Teen Court of Greater Baton Rouge is funded by the Interest on Lawyers' Trust Accounts (IOLTA) Program for the Louisiana Bar Foundation, Huey and Angelina Wilson Foundation, LANO Change Fund and the Baton Rouge Bar Foundation.*

*Office of the Public Defender; Joseph Ballard, Entergy Services, Inc.; Janeane Gorcyca and Jennifer Prescott, Joubert Law Firm; Megan Kelley and Amber Robichaux, Keegan, DeNicola, Kiesel, Bagwell; Sharon Florence, Law Office of Sharon Y. Florence, LLC; Ryan Brown and Johanna Posada, Roedel, Parsons; David Handleman and Julia Wilson, Southeast Louisiana Legal Services; Dorian Bailey; Julie Folse and Jennifer Williams.*



**TEEN COURT** — Otha “Curtis” Nelson Jr. served as lead trainer and Farah Gheith, Gail Adkins Grover and Monica Vela-Vick

served as trainers for the June 3, 2017, training session. The Hon. Jocelyn Elmore performed the swearing-in ceremony for the new teen volunteers.

Jamie Flowers, Farah Gheith, Brittany Tassin and Monica Vela-Vick served as judges and teen attorney mentors for the May and June Teen Court hearings. Lana Georgiou and Clinton Smith, *LSU Law Center* students, served as jury monitors. Jamie Flowers and Sgt. Antonya Coleman-Crump gave interactive presentations on crime and consequences, shoplifting prevention, anger management and teen dating violence prevention.

**FUNDING ANNOUNCEMENT** — The Louisiana Bar Foundation has awarded the BRBF the following for the 2017-18 grant year: Pro Bono Project: \$70,000; Youth Education Programs: \$35,000.

Additionally, the BRBF has received a \$10,000 grant from the Huey and Angelina Wilson Foundation for the Teen Court of Greater Baton Rouge program. The Huey and Angelina Wilson Foundation’s mission is to enhance Louisiana’s communities, and in particular the greater Baton Rouge area, by supporting philanthropic initiatives and programs that improve the lives of its citizens.

On April 27, 2017, the 2016 LANO Community Leaders programs presented a \$9,586 check to the BRBF Teen Court program. 📄

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# September 2017

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



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

## Duty Court Schedule

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

July 24-Aug. 4	Judge Johnson
Aug. 7-Aug. 18	Judge Hernandez
Aug. 21-Sept. 1	Judge Fields
Sept. 4-Sept. 15	Judge Clark
Sept. 18-Sept. 29	Judge Caldwell

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

July 28-Aug. 4	Judge Marabella
Aug. 4-Aug. 11	Judge Anderson
Aug. 11-Aug. 18	Judge Erwin
Aug. 18-Aug. 25	Judge Jackson
Aug. 25-Sept. 1	Judge Daniel
Sept. 1-Sept. 8	Judge Moore
Sept. 8-Sept. 15	Judge Higginbotham
Sept. 15-Sept. 22	Judge White
Sept. 22-Sept. 29	Judge Marabella
Sept. 29-Oct. 6	Judge Anderson

### BATON ROUGE CITY COURT\*

July 31-Aug. 6	Judge Temple
Aug. 7-Aug. 12	Judge Smith
Aug. 14-Aug. 20	Judge Alexander
Aug. 21-Aug. 27	Judge Ponder
Aug. 28-Sept. 3	Judge Prosser
Sept. 4-Sept. 10	Judge Temple
Sept. 11-Sept. 17	Judge Smith
Sept. 18-Sept. 24	Judge Alexander
Sept. 25-Oct. 1	Judge Ponder

### FAMILY COURT\*\*

Aug. 1	Judge Day
Aug. 2	Judge Greene
Aug. 3	Judge Baker
Aug. 4	Judge Day
Aug. 7	Judge Woodruff-White
Aug. 8	Judge Day
Aug. 9	Judge Greene
Aug. 10	Judge Baker
Aug. 11	Judge Greene
Aug. 14	Judge Woodruff-White
Aug. 15	Judge Day
Aug. 16	Judge Greene
Aug. 17-18	Judge Baker
Aug. 21	Judge Woodruff-White
Aug. 22	Judge Day
Aug. 23	Judge Greene
Aug. 24	Judge Baker
Aug. 25, 28	Judge Woodruff-White
Aug. 29	Judge Day
Aug. 30	Judge Greene
Aug. 31	Judge Baker

Sept. 1, 5	Judge Day
Sept. 6	Judge Greene
Sept. 7	Judge Baker
Sept. 8	Judge Greene
Sept. 11	Judge Woodruff-White
Sept. 12	Judge Day
Sept. 13	Judge Greene
Sept. 14, 15	Judge Baker
Sept. 18	Judge Woodruff-White
Sept. 19	Judge Day
Sept. 20	Judge Greene
Sept. 21	Judge Baker
Sept. 22, 25	Judge Woodruff-White
Sept. 26	Judge Day
Sept. 27	Judge Greene
Sept. 28	Judge Baker
Sept. 29	Judge Day

### JUVENILE COURT

Aug. 1-Aug. 31	Judge Haney
Sept. 1-Sept. 30	Judge Taylor Johnson

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

### COURT HOLIDAYS

Monday, Sept. 4	Labor Day
-----------------	-----------

## 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

- 4** BRBA Office Closed — Labor Day;
- 6** Volunteer Committee meeting, 12-1 p.m.
- 7** Teen Court Committee meeting, 12-1 p.m.
- 12** September Bar Luncheon & 2.0 hours  
of CLE, starts at 11:45 a.m.,  
Crown Plaza Hotel
- 13** Executive Committee meeting,  
8:15-9:15 a.m.;
- Belly Up with the Bar Committee meeting,  
12-1 p.m.;
- Pro Bono Committee meeting, 12-1 p.m.
- 14** Arts Judicata event, 6-8:30 p.m.,  
Arts Council of Greater Baton Rouge
- 16** Ask-A-Lawyer, 9:30-11:30 a.m.,  
Eden Park Library
- 20** Ask-A-Lawyer, 9:30-11:30 a.m.,  
Catholic Charities;
- BRBA Board of Directors meeting,  
6-8 p.m.
- 21** Family Law Section, 12-2 p.m.
- 26** Ask-A-Lawyer, 9:30-11:30 a.m.,  
Donaldsonville Senior Center

## Classified Ads

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

**OPENING FOR A PARALEGAL/LEGAL**  
secretary at a Baton Rouge firm located  
downtown. Candidates should possess  
strong organizational, interpersonal and  
communication skills, and strong computer  
and case management software skills are  
a must. Knowledge in MS Office Suite and  
Adobe preferred. Email resume to [lisab@scwllp.com](mailto:lisab@scwllp.com). Benefits offered.

**THE WHITEHEAD LAW FIRM SEEKS A**  
paralegal with solid academic credentials  
with 3 to 5 years litigation experience. The  
ideal candidate must be a self starter with  
excellent people and writing skills. The firm's

practice involves extensive travel throughout  
the United States on behalf of its' clients.  
Compensation Package includes incentives,  
retirement, and health coverage. Reply  
with complete vitae (held in the strictest  
confidence) to [srpartnerwhiteheadlawfirm@gmail.com](mailto:srpartnerwhiteheadlawfirm@gmail.com).

**ASSOCIATE ATTORNEY NEEDED:**  
The Whitehead Law Firm seeks an associate  
attorney with solid academic credentials  
with 3 to 5 years litigation experience. The  
ideal candidate must be a self starter with  
excellent trial and writing skills as well  
as solid people skills. The firm's practice  
involves extensive travel throughout the  
United States on behalf of its clients.  
Compensation Package includes incentives  
retirement, and health coverage. Reply  
with complete vitae (held in the strictest  
confidence) to [srpartnerwhiteheadlawfirm@gmail.com](mailto:srpartnerwhiteheadlawfirm@gmail.com).

Baton Rouge Bar Association  
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