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HOTEL RESERVATION DEADLINE: JUNE 25, 2012.

CONFERENCE HIGHLIGHTS

FIRST-TIMER REGISTRATION PRICE IS \$300

Registration begins Thursday, July 26 at 1 p.m.

10.5 hours of CLE are being offered

CLE Seminars begin Thursday, July 26 at 1 p.m. at 3 p.m.

CLE Seminars break at 12:15 p.m. Friday, July 27 to allow free time to spend with family and friends

CLE seminars from 8 a.m. to 12 p.m. Saturday, July 28

Golf tournament on Saturday • Musical entertainment by The Bucktown All-Stars

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ATTENDING JUDGES

Judge James J. Brady • Judge Brian A. Jackson • Judge Frank Polozola

CONFERENCE REGISTRATION RATES

First-timer registration rate is limited to the first 20 who register by July 6, 2012. Special rates available for those who register early!

For more information, contact Ann K. Gregorie at 225-214-5563 or ann@brba.org.

BRBA Bench Bar Conference 2012

JULY 26 - 28

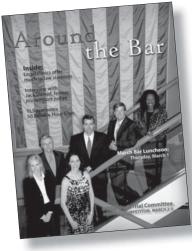
Perdido Beach Resort, Orange Beach, Ala.

inside









On the cover:

This month's cover photo features BRBF Mock Trial Committee members McKenzie Smith Ledet, Connell Archey, Lauren B. Reed (chairman), David Caldwell, Jason Cashio and Samantha R. Ackers. The Mock Trial Competition will take place March 2 and 3, 2012, at the 19th Judicial District Courthouse.

The cover image was photographed at the U.S.S. Kidd Museum in front of the large American flag.

Cover photography by Pamela Labbe.

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



Lauren B. Reed, an associate with Mang, Bourgeois, LLC, is chair of the 2012 Mock Trial Committee.



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Gail S. Stephenson, an assistant editor of Around the Bar and the 2012 BRBA president, is the director of legal analysis and writing and an associate professor of law at the Southern University Law Center.



Jamie Hurst Watts, a partner with Long Law Firm, is the 2012 chair of the Young Lawyers Section Council of the BRBA.



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letters

I appreciated Dena M. Sonbol and Rebecca H. Block's article on forum selection clauses in the January [2012] issue. A few points might be expanded upon.

In *Carnival Cruise Lines v. Shute*, 499 U.S. 585, the Supreme Court held that the courts of the State of Washington are obliged to apply a forum-selection clause in favor of Florida. Granted, that was a case in admiralty, but the logic should remain the same.

Forum selection clauses are reprehensible only where used by a seller of consumer goods or services to require a dissatisfied customer to sue in a distant state or country. The Fourth Circuit got it right in *Calzavara v. Biehl & Co.*, 181 So.2d 809, when they refused to enforce a forum-selection clause in an adhesion contract of passage that required a Louisiana resident to file any suit on the contract in Italy. The court found the provision "palpably unreasonable."

On the other hand, I once was employed by a law firm in London. I was assigned to work on a case where a Norwegian shipowner sent a huge oil tanker to a Singaporean shipyard to be stripped down to the hull and rebuilt as a pipe-laying vessel. The alleged breach involved an amount in excess of one billion dollars. The parties had agreed by arm's-length contract that any disputes be resolved in England. This was reasonable: (a) the Norwegian shipowner didn't want to risk being sued in Singapore; (b) the Singaporean shipyard likewise didn't wish to risk suit in Norway; (c) both parties felt the courts of England to be among the fairest in the world; (d) there is a massive body of maritime case law in England going back several centuries; (e) in a city as large as London, there is no shortage of law firms with the expertise to handle such a case.

Had one of the parties been amenable to service in Louisiana, it would have been a travesty to apply CCP article 44 to allow suit in Louisiana. Particularly is this true where the contract was made outside of Louisiana. Article I, Section 10 of our federal constitution provides, "No state shall pass any Law impairing the Obligation of Contracts."

Article 44 needs to be amended to allow forumselection clauses in non-adhesion contracts negotiated at arm's length. In the meantime, parties can always include in their contracts a clause specifying arbitration in a

> jurisdiction perceived to be fair, convenient and impartial. There's not much the Third Circuit can do about that.

Sincerely,
Maurice R. Franks
Professor of Law
Southern University Law Center

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Non-members receive a rate of \$250 per day (\$125 per half day).

To book and for more information, contact Meredith French:

225-344-4803

letter from the president BY GAIL S. STEPHENSON

Capping personal technology use

I went to bed at 11 p.m., but I couldn't sleep. I'd been playing telephone tag for four days on a BRBA matter, and the issue was whirling around in my head. Then I recalled some advice from a stress-management class I took years ago: When something keeps you awake, get up and take care of it. If you're thinking about all you need to do the next day, write a to-do list. If you need to write something major, create an outline. And if it's fairly simple, just do it and

get it over with.



Gail S. Stephenson

So I went to my computer and carefully drafted an email, sending it just before midnight. I went to bed and fell asleep almost immediately. Early the next morning I checked my email, and there was the response, sent in the wee hours of the morning. Issue resolved – score one for technology!

But then I started thinking – what were we doing sending emails when we were supposed to be sleeping? This certainly wasn't the first time I'd sent a midnight email or received a response sent in the middle of the night. Was technology really making my life better?

When I practiced insurance defense, I took the stress-management class advice from time to time and dictated status reports in the middle of the night. So working at odd hours wasn't something I could blame on technology. But in those days, once the dictation was finished, I went to bed. Too often today, after a midnight work-related email, I'm tempted to surf the Internet, read personal emails or play the online game to which I'm addicted, none of which is a sleep-inducing activity. I'm not the only one because I receive personal emails sent in the middle of the night, and plenty of people are always online playing my game. So we are allowing technology to steal the time we should be sleeping.

We are also allowing technology to steal the time we should be interacting socially with others. In restaurants I see groups of people who never once converse with each other because their heads are bent over their smartphones. Parents complain their children don't speak to them anymore because they are so focused on their phones. And I know the time I spend playing my online game takes away from time I could spend with my husband.

All that technology use can also lead to health problems. In May 2011 the World Health Organization listed cell phones as a class 2b carcinogen. Studies have linked cell phone use with brain tumors and skin cancer of the ear. Doctors are now seeing cases of carpal tunnel syndrome and reflexor tendinitis from overuse of the computer mouse, "text neck" (neck sprain from bending over electronic gadgets) and "texter's thumb" (tendon sprains from too much texting).

Maybe we should all work on capping our personal technology use and getting our brains a bit less wired. Spring is here, and the weather is gorgeous outside. Try taking a walk without the phone. Want to give up something more meaningful than candy for Lent? Vow

without going into withdrawal). Turn off the phone when you go to lunch. Spend time talking to someone in person instead of in a game or via text. Put on your hat, go to the bar luncheon March 1 and interact with members of Martinet, BRAWA and the BRBA. You'll be glad you did.

to check your email only three times a day (or five or whatever your system can handle

march bar luncheon

Hall Thursday, March 1, 2012, at 11:45 a.m.

The March Bar Luncheon will feature guest speaker Jackie Nash of Southern University Law Center at De La Ronde

Each attendee of this combined monthly meeting and luncheon of the Baton Rouge Bar Association, Baton Rouge Association of Women Attorneys, and the Louis A. Martinet Legal Society is invited to wear a hat and to bring a checkbook for the "passing of the hat" for the Baton Rouge Bar Foundation's capital campaign!

Jacqueline "Jackie" Nash, Clinical Professor for the Juvenile Law Clinic, received her B.A. from Southern University and her J.D. from the Southern University Law Center. Nash also serves as coach and adviser for the American Association for Justice Mock Trial team. Prior to joining the clinic staff full-time in February 1998, Nash was an adjunct professor with clinic during the fall semester of 1997. She is the owner and operator of Blessed Event Adoptions, a private adoption agency, specializing in the placement of minority children. From 1992 through 1995, she was the Executive Director of the Louisiana Legal Consortium, Inc., a Legal Services Corporation training and support program. She was a supervising attorney for the Public Benefits Section and Elderly Protective Services of

and choose the appropriate event.

Jacqueline Nash to speak at De La Ronde Hall



Jacqueline Nash

Capital Area Legal Services from 1989 to 1992. Nash also was Regional Attorney for the Office of Community Services and an Assistant Parish Attorney for the City-Parish government of Baton Rouge. Nash is a national motivational speaker and has been published in the fields of international human rights and access to justice.

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

Three ways to register: (1) Register online at www. BRBA.org and pay via credit card; (2) fax this form to 225-344-4805 before 12 p.m. Monday, Feb. 27, 2012; or mail this form in with your check payable to the BRBA, P.O. Box 2241, Baton Rouge, LA 70821.

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LUNCH — YES, register me for the MARCH BAR LUN or Martinet member, or \$30 per nonmember. Lunch Monday, FEB. 27, 2012. "No shows" will be billed.	<u>CHEON</u> at DE LA RONDE t				
LUNCH — YES, register me for the MARCH BAR LUN or Martinet member, or \$30 per nonmember. Lunch	CHEON at DE LA RONDE to will be served at 11:45 a	.m. Reservations m	nay be transferred,		er 4:30 p.m.

March 2012 Around the Bar

Exp. Date:

tales from the bar side

BY VINCENT P. FORNIAS

Anyone with battle scars in our profession develops his own client warning radar, that internal alarm that, like the robot in the ancient "Lost in Space" TV series, blares out "Danger, Will Robinson!!!" about the prospect of an unsuccessful representation. The following is by no means an exhaustive list of certain telltale little signs that should prompt you to either usher him to the door – or call Security.

- Carries more than two pens in shirt pocket or one laser pointer;
- Asks for cab fare home;
- Claims that no one has ever really treated him fairly;
- Brings all pertinent documents in laminated pages;
- Has an email address with "psycho" in the name;
- Declines a cup of your coffee on the basis that it makes him bray like a donkey;
- Claims that all of his prior lawyers did him wrong;
- Tells you that her name is Jane Q. Public;
- Comments that he is impressed by the wattage of the lamp bulbs in your reception area;
- Has one or more lawyers in her immediate family, but says she needs "someone smart" to handle this matter;
- Is wearing an ankle monitor;
- Uses the words "conspiracy" or "lunar commands" in discussing his case;
- Refuses to directly look you in the eye;
- Whines about Les Miles and Jarrett Lee;
- Insists that her cats need to hear your advice;
- Qualifies under two or more criteria of the Diagnostics and Statistical Manual for an Axis II diagnosis of borderline personality disorder;

You're fired

- States that money is not important in this case it is a matter of principle;
- Cites Judge Judy for legal authority in his case;
- Asks to record your initial office consultation;
- Lastly, notes in passing that *Around the Bar* is his very favorite publication. ▶

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yls report

Many exciting events in store for young lawyers in 2012

On behalf of the Young Lawyers Section, I would like to thank everyone who participated in and planned the 2012 Opening of Court, Memorial and New Member

Ceremony, and I encourage all BRBA members to attend the 2013 ceremony scheduled for Jan. 30, 2013.

The YLS is excited about the new 50 Billable Hour Club. This program is focused on attorneys practicing for two years or less and who want to improve their skills in court. Participants attend Monday Rule Days from start to finish to watch attorneys argue various matters before five participating 19th Judicial District Court judges. At the conclusion of the rules, the judges will meet with the participants to discuss the "do's and do not's" of appearing in court. If interested, please contact Susan Kelly at susan@brba.org.

Look for invitations to upcoming Sidebar Luncheons with local judges and Thirsty Thursday events. Also, mark your calendar for the YLS Summer Sizzlin' CLE seminar scheduled to take place Friday, July 13. This

four-hour seminar includes topics specifically focused to YLS members, including Law Office Management, Professionalism and Ethics, along with a substantive legal topic.

In November, the YLS will host the annual Cocktails with the Court reception for new members, area judges and their law clerks. Also, the first-ever 50 Billable Hour Club "graduates" will be recognized.

Finally, the Belly Up to the Bar and Holiday Star committees are great ways to get involved and meet other young lawyers. If you would like to participate, please email: susan@brba.org. We look forward to sharing these exciting events with YLS members.

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GAIL'S GRAMMAR

The words *discreet* and *discrete* both come from the Latin word *discretus*, but they have developed into completely different words. *Discreet* means prudent or modest; *discrete* means separate or distinct. One way to remember the difference is that the letter "t" separates the "e's" in *discrete*.

EXAMPLES:

I can trust her with firm secrets as she is always discreet

The issue was whether the plaintiff had one continuous injury or two *discrete* injuries.

Send suggestions for future Gail's Grammar columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at 225.771.4900 x 216.

Public Law Practice Section Meeting

Wednesday, March 28, 2012 • 12 - 1 p.m.

Livingston Building, 1885 N. Third Street 1st Floor Conference Room (Clermont Room)

> SPEAKER: Emalie Boyce, Assistant Attorney General

Registration deadline: Friday, March 23

For more information, contact MEREDITH FRENCH at meredith@brba.org

or

225-344-4803



message from the chair

BY LAUREN B. REED

The Baton Rouge Bar Foundation Region III Mock Trial Competition is upon us. Very soon about 100 high school students will take over the esteemed halls of the 19th Judicial District Courthouse to demonstrate their command of a mock civil trial, Blake Hanes v. Morgan Smith. In hosting this annual competition, we give these students an opportunity to practice courtroom proceedings and decorum. They will exercise their skills as lawyers and witnesses, while you, members of the Baton Rouge Bar Association, have been invited to serve as judges and coaches. My committee could not put this event on without you, and I want to take this opportunity to thank all the people who have helped make this competition a success. Hosting the regional competition is a long-standing and important project to the Baton Rouge Bar Foundation, and I hope we continue to make it the success that it is

Last year was my first year as chair of the Mock Trial

The importance of the annual mock trial competition

Committee, which coincided with the addition of several new parishes into our region, the brand new courthouse, and my not-yet-announced pregnancy with my first child. It was a challenging, but undeniably rewarding, experience. My committee was amazing. With a record number of teams competing, we recruited heavily for judges, and our efforts were met with a terrific response from our bar membership. Almost every match had a full three-judge panel. Those of you who have served as judges can best attest to the impact you have on these students. Following each match the judges are provided the opportunity to give feedback on the students' performance, and I've never seen high school students sit and listen so attentively to your comments and criticisms. Maybe some of these students will one day apply your advice when they become lawyers.

For those participants we aren't able to recruit into the legal community, they at least leave the competition with

a better understanding of how a trial works and are better-informed citizens about our legal profession because of it. These students gain confidence through this competition and a desire to participate in the process. Last year's winning team from St. Paul's School was invited to and fully participated in our April 7, 2011, bar luncheon by asking several challenging questions of the members of the panel discussion.

Every year we actively recruit new schools. While I'm always delighted that our long-standing participant schools send teams each year, I'm especially thrilled when a new or long-absent school signs up. Each year, our bar membership continually steps up and delivers the high-quality competition our region's schools have come to expect. This competition has an unmistakable impact on our youth as well as our membership. I know many of you look forward to either coaching or judging the competition every year, and on behalf of the BRBA, we are most grateful. We couldn't do it without you. For those who have never taken the opportunity to judge, I invite you to do so. I know you'll enjoy it.

PERRY DAMPF

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- Christopher M. Moody
- Doug Moreau*
- Michael E. Ponder*
- . Bert K. Robinson
- . Emmett C. Sole
- Chet D. Traylor**
- Myron "Mike" Walker, Jr.

*Retired State District Court Judge **Retired Louisiana Supreme Court Justice

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Legal clinics offer law students opp

Experience for a life of the law BYBILL HUDSON

My arrival at the LSU Law Center the semester its new legal clinics were dedicated was perfectly timed. Hearing clinic students speak highly of their experiences, I was determined to take advantage of an opportunity to practice law before graduation. The Family Law and Domestic Violence Clinic, offering the most courtroom appearances, provided my chance.

A Family Law Clinic student's primary duty is to represent petitioners for domestic violence protective orders. Three months of managing these expedited cases imparts much familiarity with four major stages of civil practice. The first, interviewing clients, was consistently the most difficult for me. Interviews are largely formulaic: introductions, signing agreements to student representation, review of petitions and demands, discussions of allegations, legal advice. The difficulty is striking an appropriate balance of humanity and professional detachment.

A student must be mindful that, if too emotionally attached, legal issues and essential formalities are easily forgotten, and clients come to think (very wrongly) that belief in their cases is enough to win everything they have asked for. One supervisor's helpful reminder to live by is that a lawyer does not create a client's problems and need not live with those problems. I came to learn that a lawyer must, in addition to exhibiting common courtesy, put clients at ease with suitably relaxed conversation, and speak directly about things clients do not want to hear. Personal interaction might come more naturally to some people, yet interviews conducted in law clinics are bound to assist any student, since practice is as useful for identifying personal strengths and weaknesses as it is for development.

Stage Two is variously an exercise in cooperation, patience or trial preparation, beginning with discussion either directly with an unrepresented defendant or with a defense attorney. Opposing counsel is always welcome, as time need not be wasted explaining legal concepts or procedure, as it must be when speaking with pro se defendants. Defense attorneys also better evaluate legal consequences of hearings or stipulations, propose reasonable resolutions (or at least things to think about) and frequently serve as models of advocacy and courtroom demeanor

The numerous unrepresented defendants present more

problems. A petitioner's lawyer must ascertain first whether a defendant wants a continuance to hire an attorney. If not, the petitioner's demands are presented as possible bases for stipulation. If parties agree to the terms of a protective order, a stipulation is signed. When defendants contest allegations or demands, petitioners must be prepared for trial on short notice—absent a prohibitively full docket, a hearing will be held the same court day. Trial preparation forces quick and clear thinking. Client objectives, the facts of a case and legal standards must be rapidly reviewed and remembered. Fortunately, this leaves little time for worry.

Negotiations can be taxing, particularly when a single point of contention requires a lawyer to act as messenger while parties make offers and counter-offers, or when unrepresented defendants feign ignorance or try to extract legal advice. When negotiations fail and hearings are demanded, student attorneys must recall all prior training to construct a case in very limited time. However, whether a resolution is reached by agreement or court ruling, one enters the final two stages, where the lawyer gets to take over.

Stage Three is preparing documents: orders, stipulations, motions and the like. (When cases are tried, much of the paperwork is done after Stage Four, the courtroom appearance). Pre-printed forms save much time, though the specifics of frequently included provisions for property exchange, orders for child custody and visitation, and support awards must be carefully drafted. The need for thoughtful word choice is made eminently clear if a judge questions language in an order. I quickly found it easiest to remember another bit of advice from a supervisor: "We need to make sure that what we write is enforceable." Legal writing is taught nowhere as effectively as in a legal clinic, where wording must be precise, and where essential phrases must be remembered. Students' work is not merely for a grade; it is to have the force of law.

Fourth and finally are court appearances, which were my most eagerly anticipated clinic tasks. It was reassuring to see that a decade-long personal goal of becoming an attorney could indeed be reached. After entering a ritual appearance on the record, there follows a magnificent feeling that "I am practicing law!" The pressure of the courtroom is useful, in that it heightens the workings of mind and memory, encouraging ideas and enabling fitting responses to questions from the court or statements from the defense. Happily, lawyering in court is always rewarding, if for no other reason than that the entire mind is engaged at once.

CONTINUE READING ON NEXT PAGE

ortunities to jumpstart their careers

Law clinic: A path to a career BY MELVIN "VIN" SHORTESS JR.

Fall 2006, the U.S. economic outlook promised continued and sustained growth, providing soon-to-be law school graduates with optimistic expectations. By Fall 2007, the sound of the housing bubble bursting nationwide echoed above hard-earned bar results. Overnight, job postings and headhunters became interested only in candidates with three to five years practical legal work. New attorneys now competed with seasoned practitioners for the few coveted jobs. How was a newly licensed lawyer's résumé going to lead to even an interview, much less a job, in this highly-competitive job market?

Experience... that's how.

How does a law student or recent graduate gain relevant experience prior to becoming licensed? Some clerk for firms or judges. But internship openings can be as competitive as a job. However, all law students have access to their school's clinical education programs.

I was fortunate; under the authority of Louisiana Supreme Court rule XX, Southern University Law Center has a well established program with clinics ranging from criminal, family and mediation to taxation.

As a second-year law student I started enrolling in taxation classes. My interest grew in the ever-dynamic facets of U.S. Tax Code. I also learned about the Low-Income Taxpayer Clinic, formed to fill the need of competent representation for low-income individuals and families not otherwise able to afford representation. By third year, I was passionate about representing that clinic's clients

The first few weeks, we were exposed to the complex procedures of the IRS and the Louisiana Department

CONTINUED FROM PAGE 12

The real surprise in practicing is encountering the uncertainties in law. According to one supervisor, becoming comfortable with the existence of these uncertainties and working within them marks the development of a lawyer. It would indeed be difficult to more aptly describe legal practice.

It was a great discovery to find practicing law very fun—the fun of problem solving, in resolving clients' problems, and in improving one's self by polishing communication and writing skills. It was my good fortune to enter the LSU Law Center as it took its first steps in clinical instruction. I believe future clinic students will not be disappointed by what they learn about practice and about themselves.

of Revenue and taught how to navigate them. Once acclimated, we were assigned a case load of increasingly intricate matters – from rudimentary requests for an extension to file due to non-filing to matters such as what qualifies for claiming non-traditional dependents, offers-in-compromise, installment agreements, and utilizing the earned income tax credit. It was fascinating and rewarding!

I will always remember my first legal victory. One of my assigned cases involved a divorced couple. My client, the former wife, had filed a joint return containing, unbeknownst to her, an erroneous understatement of tax by her then-husband. The subsequent IRS audit uncovered unreported income, and the IRS imposed a wage garnishment, seriously affecting my client. I applied the innocent-spouse-relief doctrine and met with an IRS field agent. In the end, I was able to have the IRS rescind the wage garnishment, relieving the innocent wife.

Not only did this hands-on real-life legal experience provided by Southern University Law Center's clinical education program help give me a competitive edge in the job market, it also showed me that our practice demands tremendous dedication to both the rule of law and the pursuit of my client's best interests. I continued to pursue this passion by enrolling in Southern Methodist University, Dedman School of Law's masters program. While earning my Taxation LL.M. in Dallas, I continued my involvement with school-sponsored clinics and provided legal representation via the Dallas Bar Association's sponsored clinics. Again, these sponsored pro-bono programs served as a natural bridge, providing much-needed legal services to less advantaged members of society and helping to ensure equal access to justice.

As the job market continued to contract in the "Great Recession," my fellow graduates and I faced the challenges of an unprecedented, employer-driven job market. Fortunately for me I had a competitive advantage. The significant attorney-client experience I obtained through the clinical education program was an invaluable asset. It provided practical exposure, networking opportunities and self-confidence through successfully overcoming real-life legal challenges. This in turn led to those coveted interviews and my eventual hire. I credit my continued success, in large part, to the decision to enroll in a clinical education program.



Interview with Jack Dampf,

former pro tempore judge for EBR Parish Family Court

BY RANDI S. ELLIS

VITAL STATISTICS

Full Name: Jack Dampf

Age: 60

Born & Raised: in Baton Rouge, La.

Education: Baton Rouge High; B.A. from Tulane University; J.D. from LSU Paul M. Hebert Law Center Wife: Married to Susan Marcus from Vicksburg, Miss.

Children: Paige (teacher); Paul (physician); and Patricia (CPA)

ATB: You served as a Baton Rouge Family Court Judge Pro Tempore from Jan. 1, 2011, through May 2, 2011. How were you selected to fill this seat?

JD: I believe Judge Higginbotham, who was elected to the First Circuit Court of Appeal and whose place I took, submitted names of qualified attorneys to Justice Kimball, as did bar leaders. My name was submitted to the Supreme Court and I was asked.

ATB: How did the position you filled become vacant?

JD: Judge Toni Higginbotham was elected to the First Circuit Court of Appeal, and it left a vacancy in Division "C" of the Family Court of East Baton Rouge until an election could fill the position.

ATB: Were you able to continue practicing while you served on the bench?

JD: Yes and no. I could not appear in any court in which the Louisiana Supreme Court had jurisdiction, nor sign pleadings. I could meet with clients and handle some limited matters as I would be back in private practice at the end of my term.

ATB: How many years have you been practicing law?

JD: Since 1977.

ATB: Have you always had a domestic practice?

JD: I started out with D'Amico & Curet, which became D'Amico, Curet & Dampf. When I started, I did mostly criminal work with Mr. D'Amico and had a great time working with him. I had clerked in the D.A.'s office



in law school. My grandmother, who graduated from Newcomb/Tulane in 1924, had been in the East Baton Rouge D.A.'s office and helped start up a family section as an investigator, as she was not an attorney. She knew a number of the older members of the bar when I was in law school. I started doing more general work, but no one wanted to handle divorces. So as the newest attorney, they started having me handle them.

ATB: What percentage of your practice is family law?

JD: Over the years my family practice has grown. I have handled more than 1,000 family cases either by myself or with other attorneys in my firm. I believe my best work is in the field of community property. Family law takes up about 70 percent of my time.

ATB: Tell us a typical day on the bench and in the office?

JD: Court would start around 9 a.m. As a new judge with a short term, I wanted to try as many cases as possible. But some days I would be finished by 2 p.m., especially if a case settled. So I would go back to my office and answer calls and handle paperwork. Rule days and nonsupport hearings might go to 5 or 6 p.m. The best part was that if you were late in the morning no one said anything to you, but, "Good Morning Judge."

ATB: What did you enjoy the most about being a judge?

JD: I really enjoyed presiding over trials and watching good lawyers destroy witnesses.

ATB: What was the hardest part?

JD: Having to put people in jail for nonsupport. Some people

Around the Bar

March 2012

were sentenced up to 90 days. I spent my legal career keeping people out of jail. It is not a pleasant experience putting them in jail. When I did it, they more than deserved it. There were a number of lawyers that weren't prepared or didn't know the law. That made it hard to get through a hearing without taking over the questioning of the witnesses.

ATB: What is your most memorable experience?

JD: I was hearing a case on a protective order between two women who had been dating partners. They brought their new partners to court. One of the women's mother's had just finished testifying when she said something ugly to the petitioner as she left the stand. The petitioner's new dating partner stood up and said she was going to fight the mother. After we cleared the courtroom and heard another 20 minutes of testimony, the back door of the courtroom opens up with the entire group in handcuffs and leg chains. The group had moved into the street between City Court and the Centroplex [Baton Rouge River Center] and started a fist fight. A group of City Constables had arrested them and wanted me to do something with them. I told them they caught them and they could keep them.

ATB: Did you have a law clerk? Staff?

JD: I had a full staff and they were great. Jennifer Moisant, who now works for me, was my law clerk. We also had Patrick Bella, who had worked for Juvenile Court. One of the best things to happen was that Sheila Jarreau, who had been the court reporter and minute clerk for over 30 years, was supposed to retire. She agreed to stay until my term was over. They were a great help and a pleasant group to be around.

ATB: Did you interact with your fellow judges?

JD: Yes. All of the other Family Court judges and their staffs were extremely helpful and friendly. They also allowed me to borrow their staff if I needed anything. We would sometimes meet at the end of the day and talk about interesting issues.

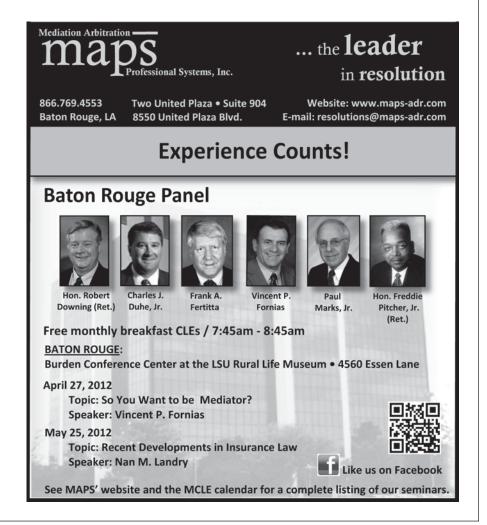
ATB: Is there anything you took from the experience that helped you in your practice of law?

JD: No.

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Louisiana State University



ATB: What is your advice to family lawyers now that you have been on the other side?

JD: Preparation, preparation, preparation and have some case law or a memo for the judge to review. Have your client well dressed and polite. First impressions are important.

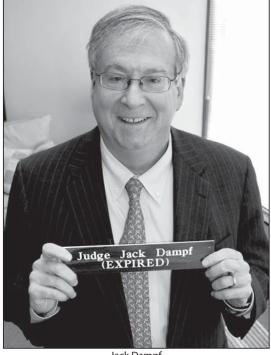
ATB: Has your time on the bench changed the way you handle your cases?

ID: No.

ATB: How did this experience change you as a person?

ID: I have tried to be extra nice to people. Family Court is a high stress area. A little humor goes a

long way. The new judge in Division "C," Judge Charlene Day, sat in the courtroom with me before she took the



Jack Dampf

bench for a few weeks. She has a great sense of humor and will make it a pleasant place to practice.

ATB: Did your experience persuade you to seek a full-time judicial position?

JD: I would have to give being a full-time judge a lot of thought. I would miss handling the legal things I do now.

ATB: Which was more stressful: private practice or serving on the bench?

JD: Private practice is a lot more stressful. If we did not have clients, the practice of law would be a lot more fun.

ATB: Would you serve again?

ID: I would love to serve again.

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bar news

BY PAMELA LABBE

Combined BRBA, BRAWA, Martinet Luncheon to take place March 1 at De La Ronde Hall

The BRBA, the Baton Rouge Association of Women Attorneys (BRAWA) and the Louis A. Martinet Legal Society will hold their annual joint luncheon Thursday, March 1, 2012, at De La Ronde Hall. The luncheon guest speaker will be Southern University Law Center Professor Jackie Nash. Everyone is invited to wear a hat to the March luncheon!

To register for the March bar luncheon, please go to www.BRBA.org, under EVENTS and select the March Bar Luncheon. BRBA members can register and pay online.

Mock Trial Competition to take place March 2 & 3

The BRBF Region III High School Mock Trial Competition is scheduled to take place March 2-3, 2012, at the 19th Judicial District Courthouse. Lauren Byrd Reed is the chair of the committee, and Tavares Walker is the vice chair. If anyone is interested in volunteering to help with the competition, please contact Lynn Haynes, staff liaison to the Mock Trial Committee, at 225-214-5564 or lynn@brba.org.

Bench Bar 2012 to take place July 26-28

Make plans to attend the annual BRBA Bench Bar Conference, scheduled to take place at the Perdido Beach Resort in Orange Beach, Ala., July 26-28, 2012.

Musical entertainment at the conference will be provided by The Bucktown All-Stars, a nine-piece rhythm and blues band based in the New Orleans area. The group, which features a powerful four-piece horn section and was formed in May 1992, promises to be lots of fun! The chairman of the BRBA Bench Bar Conference 2012 is Patrick Broyles. This year's conference is sure to be a kid-friendly, last hurrah before the start of a new school year. For conference or sponsorship information, contact Ann K. Gregorie at 225-214-5563 or ann@brba.org.

Law Day event will take place April 27, 2012

The BRBF Law Day opening ceremony, to be held Friday, April 27, 2012, will provide entertainment and educational enrichment to more than 1,000 middle and high school students at the River Center Theatre.

This year's keynote speaker will be Lt. Gen. Russel L. Honoré (Ret.). Beau Brock is the chair of the 2012 Law Day Committee. Serving as vice chair is Jeffrey Wittenbrink. Law Day poster, essay and video contests are being held



Judge Melvin Shortess (Ret.) presided over the installation of officers at the Jan. 12, 2012, BRBA January Bar Luncheon at De La Ronde Hall. Gail S. Stephenson was sworn in as president of the BRBA. Behind her, outgoing president Preston J. Castille Jr. and his wife, Marian Caillier-Castille, cheer on and congratulate Stephenson.



Photographed above are members of the 2012 BRBA Board of Directors, including (standing, L to R) Robert "Bubby" Burns Jr., Kyle Ferachi, Darrel Papillion, Michael Walsh, Shelton Dennis Blunt; (seated, L to R) Jeanne Comeaux, Gail S. Stephenson, Amy C. Lambert and Preston J. Castille Jr.



Preston J. Castille Jr. presented David Abboud Thomas (right) with a 2011 BRBA President's Award for a successful Bench Bar Conference. Thomas chaired the 2011 event.

this year. Volunteers are needed to assist with the various Law Day events. To volunteer, contact Donna Buuck, staff liaison to the Law Day Committee, at 225-214-5556 or donna@brba.org.

PHOTO BY PAMELA LABBE

PHOTO BY PAMELA LABBE

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Gail Grover leads a class exercise at Dalton Elementary as part of presentation conducted by the Junior Partners Academy Friday, Jan. 20, 2012, while Courtney Richardson assists.



Volunteers participating in the Jan. 20, 2012, Junior Partners Academy classroom demonstrations stand in the hall of Dalton Elementary School. Photographed are (L to R) Melanie Fields, Courtney Richardson, Gail Grover, Molly Balfour, Brittany Bass, Jamie Gurt, Wendy Shea, Ebony Morris and Merrick Cosey.



Receiving the 2011 BRBA President's Awards were Ken Mayeaux, Eric Miller, Jeffrey Wittenbrink and John Pierre. Photographed in the center is Preston J. Castille Jr., past president of the BRBA.



Past President Preston J. Castille Jr. stands with 2012 Family Law Section Officers – Past Chair Laurie Marien, Secretary Melanie Walters Chatagnier, Chair Wendy Edwards and Chair-elect Thomas Hessburg.

BRBF Easter Eggstravaganza Committee to hold Easter egg hunts for local schools in mid-March

Easter egg hunts are being organized for several Baton Rouge schools by the BRBF Easter Eggstravaganza Committee, a subcommittee of the BRBA Volunteer Committee. Chair Erik Kjeldsen and his committee have been hard at work encouraging BRBA members to donate Easter eggs (prefilled with wrapped candy) and pre-filled Easter baskets. Volunteers to assist with



the hunts are needed as well as donations of the plastic eggs and pre-filled baskets. Contact Carole at 225-214-5557 or carole@brba.org for more information.

Junior Partners Academy continues to positively influence local school children

The BRBA members and several SULC law students and professors visited Dalton Elementary School students Friday, Jan. 20, 2012. Lessons in mediation and arbitration were taught as enthusiastic students raised their hands. Volunteers included Melanie Fields, Courtney Richardson, Gail Grover, Molly Balfour, Brittany Bass, Jamie Gurt, Wendy Shea, Emony Morris and Merrick Cosey.

This program is held monthly and welcomes all volunteers. If you would like to make an impact in the lives of third and fourth graders, contact Donna Buuck at 225-214-5556 or donna@brba.org to find out how your skills can be put to work in helping with the Junior Partners Academy.



The BRBF Teen Court of Greater Baton Rouge program, along with the Department of Juvenile Services, hosted a joint discussion for a group of professionals from Latin America Friday, Feb. 3, 2012. Donna Buuck, Gail Grover, Erika Green and Samantha R. Ackers were present. The tour was titled "To Protect and Serve: Policing and the Community. A Regional Project for Latin America." The Baton Rouge Bar Association's Middleton Bar Center was only one stop on a several-day tour (Feb. 1-5, 2012), which was sponsored by the Office of International Visitors, the Bureau of Educational and Cultural Affairs and the U.S. Department of State. The tour was administered by the Mississippi Consortium for International Development.

PHOTO BY PAMELA LABBE

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The Opening of Court, Memorial & New Member Ceremony was held Wednesday, Jan. 25, 2012, at the 19th Judicial District Courthouse. BRAWA President Jan Reeves and Martinet President Michael Tyler read remembrances of fallen BRBA members and introduced friends and family members of those who have passed away. In the photo above, Louis Curet (right) fondly remembers Philip K. Jones.



Attendees of the Opening of Court, Memorial & New Member Ceremony included Judge Carl Guidry (Ret.) and Judge Edward Engolio (Ret.).

Touching remembrances shared at Opening of Court, Memorial & New Member Ceremony held Jan. 25 at 19th Judicial District Courthouse

A courthouse full of judges and attorneys, along with the friends and family members of BRBA members who had passed away in 2011, gathered together at 8:30 a.m. Wednesday, Jan. 25, 2012, to both remember and to look to the future at the Opening of Court, Memorial & New Member Ceremony.

BRBA President Gail S. Stephenson gave a warm welcome to all. Judge Richard "Chip" Moore presided over the court and the many judges seated in the jury box. BRBA members who have practiced law for 70, 60, 55 and 50 years were honored with certificates during the ceremony.

BRAWA President Jan Reeves and Louis A. Martinet Legal Society President Michael Tyler read in memoriams and introduced individuals who gave heartfelt stories of those who had passed away in the last year.

YLS Chair Jamie Hurst Watts led the second part of the ceremony, which involved recognizing all new members of the BRBA, by relighting the ceremonial candle. ▶



YLS Chair Jamie Hurst Watts lights the ceremonial candle in honor of all new members of the BRBA.



Edward J. Walters Jr., Connell Archey and Vincent P. Fornias share stories in the courthouse hallway after the completion of the ceremony. Archey said the Pledge of Allegiance during the Opening of Court, Memorial & New Member Ceremony Wednesday, Jan. 25, 2012.



Photographed above (L to R) are BRBA Past President Preston J. Castille Jr., Judge Richard "Chip" Moore and BRAWA President Jan Reeves. Judge Moore presided over the Jan. 25, 2012, memorial ceremony.

Special thanks to Electronic Discovery of Baton Rouge, who created the PowerPoint presentation that was shown during the ceremony. Committee members who were instrumental in planning the event were Hon. Anthony Marabella, Co-chair; Jamie Hurst Watts, Co-chair; Edward J. Walters Jr., Co-chair;

Sebastian C. Ashton; Preston J. Castille Jr.; Lyla deBlieux; Ann K. Gregorie; Loren Shanklin; Gail S. Stephenson; and Victor J. Suane Jr.

PHOTO BY PAMELA LABBE

PHOTO BY PAMELA LABBE

West's Jury Verdicts - Baton Rouge

Venue/Case Type	Major Injury	Trial Type	Result
East Baton Rouge Parish			
Medical Malpractice	Death	Jury	Defense
Premises Liability	Back, leg, hand, shoulder, knee	Jury	\$27,700
Vehicle Negligence	Neck	Jury	\$17,915
Vehicle Negligence	Back, neck, leg	Bench	\$45,799
Vehicle Negligence	Back, head, hand, leg, wrist	Settlement	\$5,000,000

West's Case of the Month

Injured Motorist Settles Claims Against Truck Driver, Employer for \$5M

Allen v. Sikes

TYPE OF CASE:

Vehicle Negligence • Rear-End Vehicle Negligence • Truck Negligent Hiring & Supervision • Negligent Supervision Insurance • Automobile Policy Vicarious Liability

SPECIFIC LIABILITY: An 18-wheel tractor trailer rear-ended a vehicle, resulting in a chain reaction collision

GENERAL INJURY: Back injuries; concussion; head trauma, hand and leg numbness, wrist; medical expenses; lost wages

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

DOCKET/FILE NUMBER: 566,294

SETTLEMENT: Plaintiff, \$5,000,000.00

SETTLEMENT DATE: Sept. 1, 2010

JUDGE: Wilson Fields

ATTORNEYS:

Plaintiff: Richard F. Zimmerman III, Gordon McKernan, John H. Smith and Joseph J. McKernan, McKernan Law Firm, Baton Rouge

Defendants (Sikes, Cloud and Arch): Christopher J. Aubert and David M. Gold, The Aubert Law Firm, Covington Defendant (Gotham): Andre J. Mouledoux, Daniel J. Hoerner and Adam P. Sanderson, Mouledoux, Bland, Legrand & Brackett, New Orleans Defendants: James A. Prather, Galloway, Johnson, Tompkins, Burr & Smith, Mandeville

TRIAL TYPE: Settlement

EXPERTS:

Plaintiff: William Herster, transportation safety consultant and DOT/FMCSA compliance, Overland Park, Kan.; Robert Davis, MD, medical psychologist, Baton Rouge; Stephanie Chalfin, MS, vocational rehabilitation, Baton Rouge; G. Randolph Rice, PhD, economist, Baton Rouge

Defendants (Sikes, Cloud and Arch): Douglas Bernard, MD,

orthopedic surgeon, New Iberia

BREAKDOWN OF SETTLEMENT:

\$5,000,000.00 to plaintiff for damages on behalf of defendants Sikes and Cloud.

SUMMARY OF FACTS:

Kelly Allen said she was traveling east on Interstate 12 in East Baton Rouge Parish, La., Aug. 1, 2007. At the same time, Raymond Stelly was reportedly traveling east on Interstate 12 behind Allen's vehicle. Robert Sikes was traveling behind Stelly's vehicle in a tractor-trailer owed by Cloud Transportation Services LLC.

Allen claimed she and Stelly slowed for stopped traffic; however, Sikes failed to slow down and drove into the rear of Stelly's vehicle, which collided with Allen's vehicle.

Allen sustained personal injuries to her lumbar and cervical spine in the accident. Surgery was allegedly unsuccessful and she was diagnosed with failed back syndrome.

Allen, individually and on behalf of her minor children, Brody and MacKenzie Allen, filed a lawsuit against Sikes, Cloud, Cloud's insurer, Arch Insurance Co., Stelly, and Stelly's insurer, State Farm Mutual Automobile Insurance Co., in the Nineteenth Judicial District Court for the Parish of East Baton Rouge in April 2008. Gotham Insurance Co., Cloud's excess liability insurer, was later added as a defendant in the case.

The plaintiff alleged Sikes was negligent in that he operated a vehicle at an excessive rate of speed and followed too closely to a preceding vehicle, among other things. According to the plaintiff's counsel, Allen also claimed Sikes was under the influence of narcotics at the time of the accident.

The plaintiff asserted Cloud was vicariously liable for Sikes' alleged negligence under the doctrine of respondeat superior and was independently negligent.

The defendants generally denied Allen's allegations. Stelly and State Farm contended that Sikes was inattentive.

Sikes and Cloud argued Sikes had slowed for stopped traffic but became distracted and hit the back of Stelly's vehicle. Sikes and Cloud denied that Sikes was intoxicated and argued neither the investigating officer nor Stelly believed Sikes was impaired at the time of the accident.

Judge Wilson Fields granted a summary judgment motion in May 2010, and dismissed Allen's claims against Stelly and State Farm.

According to the plaintiff's counsel, less than five weeks prior to trial, Allen presented the defendants with an offer of judgment for their \$5,000,000 combined policy limits, which the defendant insurers subsequently accepted and tendered in August 2010.

The plaintiff dismissed her claims against Arch Insurance, Sikes, Cloud and Gotham Insurance with prejudice.

CASE CITE: West's J.V. La. Rep., Vol. 7, Iss. 7, p. 12 (2012); 2010 WL 8251354

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foundation footnotes

PRO BONO PROJECT & TEEN COURT DECEMBER REPORTS

PRO BONO PROJECT REPORT

We would like to thank all of our Pro Bono Project volunteers for their contributions during December. The

Thirst for Justice solo practitioner volunteers were Terry L. Bonnie, Byron Kantrow, Allen Posey and Judge Melvin Shortess (Ret.).

Thirst for Justice volunteers practicing with firms were Jim Austin, Renee Crasto, Adams and Reese; and Mac Womack, Taylor, Porter, Brooks & Phillips, LLP.

The Ask-A-Lawyer solo practitioner volunteering in December was Scott Gaspard. The Ask-A-Lawyer volunteer practicing with a firm was Todd Gaudin, *Kuehne*, *Foote & Gaudin APLC*.

The law student volunteering with Thirst for Justice and Ask-A-Lawyer was **Shanita Pettaway**, *Southern University Law Center*.

The following volunteers accepted cases during the month of December: Jessica Chapman, Wren'nel Gibson, Vijay Venkataraman, J. David Andress, *Grand Law Firm*; Michael Ferachi, *McGlinchey Stafford*, *PLLC*.

Ben McDonald interned with the Baton Rouge Bar Foundation throughout the month of December.

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.

MEETING ROOM FACILITIES AVAILABLE FOR DEPOSITIONS & MEDIATIONS

For more information, contact Meredith French at the Baton Rouge Bar Association:

225-344-4803

TEEN COURT REPORT

Weldon Hill, Jeff Wittenbrink, Lindsay Sanchez and Amanda Darby served as judges and jury monitors for

the December hearing. If you are interested in volunteering, please contact Donna Buuck at 225-214-5556 or donna@brba.org.

JUNIOR PARTNERS ACADEMY

Samantha R. Ackers, Steve Carleton, Linda Law Clark, Melanie Fields, Gail Grover and Jamie Gurt shared snacks and interacted with the third and fourth grade students during their holiday parties in December.

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.



March 2012



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

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

Calendar of Events

Duty Court Schedule

19[™]JDC CIVIL COURT

Feb. 27-March 9	Judge Kelley
March 12-March 23	Judge Hernandez
march 26-April 6	Judge Clark

19TH JDC CRIMINAL COURT***

Judge White
Judge Marabella
Judge Anderson
Judge Erwin
Judge Jackson
Judge Daniel

BATON ROUGE CITY COURT*

Feb. 27-March 4	Judge Alexander
March 5-March 11	Judge Ponder
March 12-March 18	Judge Davis
March 19-March 25	Judge Temple
March 26-April 1	Judge Wall

FAMILY COURT**

Feb. 27-March 2	Judge Woodruff-White
March 5-March 9	Judge Day
March 12-March 16	Judge Lassalle
March 19-March 23	Judge Baker
March 26-March 30	Judge Woodruff-White

JUVENILE COURT

March 1-March 31 Judge Taylor-Johnson

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

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

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

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

Family Law Section CLE Seminar

March 9

at Cafe Americain

For more information, contact: Robin Kay at 225-214-5561 or robin@brba.org.

Classifieds

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BECOME INVOLVED & MAKE A DIFFERENCE:

Join one of the BRBF's youth education-related committees and you can make a real difference in your community. The BRBF has several committees and projects to choose from, including helping with the Law Day Committee, Teen Court of Greater Baton Rouge or the Junior Partners Academy. For more information about our youth education-related projects, contact Donna Buuck at donna@brba.org or 225-214-5556.

March Bar Luncheon, 11:45 a.m., De La Ronde Hall;

Thirst for Justice, St. Vincent de Paul, 3-5 p.m.

Mock Trial Competition, 19th JDC, starts at 1:30 p.m.

Mock Trial Competition, 19th JDC YLS Council meeting, 12 p.m.

Ask-A-Lawyer, 10 a.m., LOCATION
Law Day Committee meeting, 12 p.m.;
Operations & Finance Committee

meeting, 3:30 p.m.;
Executive Committee meeting, 4 p.m.;

Thirst for Justice, St. Vincent de Paul, 3-5 p.m.

Volunteer Committee meeting, 12 p.m.;

Thirst for Justice, St. Vincent de Paul, 3-5 p.m.

9 Family Law Section CLE Seminar, Carrabbas Italian Grill

Publications Committee meeting, 12 p.m.; Teen Court hearing, Juvenile Court, 6 p.m.

Pro Bono Committee meeting, 12 p.m.; Thirst for Justice, St. Vincent de Paul, 3-5 p.m.;

ABA Bar Leadership Institute, Chicago, Ill. Thirst, St. Vincent de Paul, 3-5 p.m.;

ABA Bar Leadership Institute, Chicago, III.

ABA Bar Leadership Institute, Chicago, III.

Ask-A-Lawyer, Eden Park Branch Library,

9:30-11:30 a.m.

CLE Committee meeting, 12 p.m.

BRBA Board of Directors meeting.

5:30 p.m.
Ask-A-Lawyer, Catholic Charities, 9 -11:30 a.m.;

Bench Bar Conference Committee meeting, 12 p.m.

Thirst, St. Vincent de Paul, 3-5 p.m.

Thirst, St. Vincent de Paul, 3-5 p.m.
Teen Court hearing, Juvenile Court, 6 p.m.;

Easter Eggstravaganza Week / Easter egg hunts held this week

Law Expo Committee meeting, 12 p.m.
Public Law Section Meeting, Clermont
Room, Livingston Building, 12 p.m.;
Teen Court Committee meeting, 12 p.m.:

Thirst, St. Vincent de Paul, 3-5 p.m.; Easter Eggstravaganza Week / Easter

JPA, Dalton Elementary School, 8:30 a.m.

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egg hunts held this week
Thirst, St. Vincent de Paul, 3-5 p.m.

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