

VOL. 6, ISSUE 1 | January/February 2023



THE BATON ROUGE LAWYER



THE MAGAZINE OF THE BATON ROUGE BAR ASSOCIATION



**2023 BRBA PRESIDENT
Melanie Newkome Jones**



Opening of Court Memorial Ceremony

Please join us at
3 p.m. Wednesday, Jan. 25, 2023,
at the
19th Judicial District Court
(11th floor ceremonial courtroom)
as we honor the BRBA members
we lost in the last year:

Mr. Arthur Howell Andrews
Professor Paul Richard Baier

Mr. Clifton Bingham

Mr. Robert L. Cangelosi

Hon. Chris Dassau

Mr. Wiley R. Dial

Mr. Paul Harper Due'

Hon. Mike Erwin

Mr. Rudolph Estess

Mr. Jacques Bernard Favret

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Mr. Greg Gouner

Hon. Sharah Harris

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Mr. G. Allen Walsh

Ms. Mary Stella Woolfolk Williamson



On the Cover

The 2023 BRBA President Melanie Newkome Jones (second from left) is photographed on the cover of this month's issue along with her family. Pictured (L to R) are Emery Jones, Melanie holding her grandson Osce Jones, Brennan Jones and Molly Jones. Included in the portrait are family pets Copper (left) and Hank (right).

Photography by Kent Moroux.

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The Baton Rouge Lawyer supports participation of the membership in its production. We encourage the submission of articles and letters to the editor. Single-spaced, typed articles in Word should be fewer than 1,800 words including endnotes. Please email article submissions to: pam@brba.org.

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Letter from the President

The Long Road to a Sweet Reward

by *Melanie Newkome Jones*

I am so proud to be the 94th Baton Rouge Bar Association president. It is such an honor to serve one of the most highly regarded bar associations in the country. As you may or may not know, it is a 10-year process of serving on the BRBA board before an attorney reaches the role of president. While the road to the presidency is a long one and the honor of being in the position must be earned, the reward is sweet. I am both humbled and honored to serve as your president. Thank you!

For those who do not know me: I am an attorney who practices mainly family law. I perform civil mediations with Mediation Arbitration Professional Systems, Inc. (MAPS), and I am a family mediator as well.

I am the proud mother of four wonderful young women (three shown on the cover along with my dogs) and a proud grandmother.

Initially, I was active in the BRBA only in the Family Law Section. Then I joined the Pro Bono Panel. I was inspired to participate in the Pro Bono Project when attending David Hamilton's funeral services at St. Aloysius Catholic Church. He passed away Dec. 6, 2002, weeks before being sworn in as president of the BRBA, and his dedication to the project was my inspiration. I know David's absence was a devastating loss to the Pro Bono Project, and I decided on that day to step up and help fill the void.

I have participated in the Holiday Star Project since my kids were young. I always selected children who were my daughters' ages. My daughters and I shopped together, and they wrapped the gifts. They always enjoyed doing it, and I thought it was a good lesson for my children to appreciate what they have and to joyfully give to others during the holiday season. This program has grown over the years, and in 2022, we provided gifts to 635 children in the Baton Rouge area. Please consider participating in this worthy project in 2023.

While serving as the Family Law Section Chair, I attended the Board meetings. I enjoyed the camaraderie and being



Melanie N. Jones

involved in the shaping of policies and initiatives of the organization. As Family Law Section Chair, I was a non-voting member of the Board, and I wanted to become more involved. (I kept inadvertently trying to vote and had to be reminded that an ex-officio member was ineligible to vote.) It was then that I decided to run for the Board of Directors. And the rest is history.

The BRBA is made up of attorneys from all practice areas, solo practitioners to large firms, and people of all genders, races and political parties. It is a melting pot of attorneys in our area, and for that, we should be proud.

I think there is a misconception that the Board, and particularly the BRBA presidents, come from large firms. As the tenth woman and fourth solo practitioner to serve as president, I am proof that the BRBA is open to all who seek leadership opportunities.

I want to congratulate and thank Luke Williamson, Hayden Moore, Stephen Babcock and our past president, Abboud Thomas, for the wonderful first Gavel Gala held Nov. 3, 2022. I think everyone loved it, and it was a huge success! For this publication, I chose this photo of me that was taken at the photo booth. Thanks for all the hard work of the committee, the supporting firms, the many donations and everyone who attended. We look forward to this being a recurring event.

The Gavel Gala Committee is one example of a committee in which one can become involved, but members can join numerous other committees.

My goal this year is to encourage even more diversity and participation in our membership. It is one thing to be a member of the BRBA, but a truly great thing to be an actively participating member in our great organization. Our world is an ever-changing place, and accepting our differences and embracing what we can all learn from each other will make us better humans and better attorneys. My hope is that more diverse involvement from our members will engender a richer organization moving forward. I look forward to serving as your BRBA president.

Contributors



Jennifer L. Anderson, an employment lawyer and a shareholder with Baker Donelson, is a contributing writer.



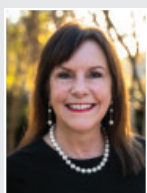
Joseph J. Cefalu III is the former editor-in-chief of *The Baton Rouge Lawyer* and a partner at Breazeale Sachse & Wilson, LLP.



Chief Judge Shelly D. Dick, Chief U.S. District Judge of the Middle District of Louisiana, is a contributing writer.



John Fenner is the editor-in-chief of *The Baton Rouge Lawyer* and is vice president and corporate general counsel/chief ethics & compliance officer at Turner Industries.



Melanie Newkome Jones, attorney at law, is the 2023 president of the Baton Rouge Bar Association.



Collin J. LeBlanc practices with Keogh Cox, and is a member of the Publications Committee.



Kolby P. Marchand practices with Kinchen Walker Bienvenu Bargas Reed & Helm, LLC, and is a member of the Publications Committee.



Jennifer Maybery practices with the Maybery Law Firm, LLC, and is a member of the Publications Committee.



Mary E. Roper, a partner at RoperLigh, is a member of the Publications Committee.



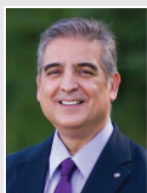
Gail S. Stephenson, the managing editor of *The Baton Rouge Lawyer*, is the director of legal analysis and writing and the Louisiana Outside Counsel A.A. Lenoir Endowed Professor at Southern University Law Center.



David Abboud Thomas is a founding partner at Walters, Papillion, Thomas, Cullens, LLC, and the past-president of the Baton Rouge Bar Association.



Ed Walters Jr. is a founding partner at Walters, Papillion, Thomas, Cullens, LLC, and a member of the Publications Committee.



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President's Awards

by David Abboud Thomas

As I close out my term as president, I would like to recognize a few individuals and organizations who have played a vital role for the BRBA this year. Of course, there are others who could receive a President's Award, but I had to choose a few. Without further ado, I present the 2022 President's Awards:

Luke Williamson, Stephen Babcock & Hayden A. Moore:

For their tireless efforts planning the Gavel Gala. From a signature drink to custom party favors, no detail was left undone. This black-tie event raised much funding for the Bar Foundation and was highly praised by all in attendance.

Johnny Joubert (Veterans Committee chair): Johnny, a veteran, took our idea of starting a Veterans' Committee to another level. His enthusiasm in planning this celebration did not go unnoticed. This standing-room only event was greatly appreciated by all who attended.

Kent Moroux (photographer extraordinaire): At almost every BRBA event, photographs are taken. We, of course, do not employ a professional photographer, as the cost would be prohibitive. However, we are lucky to have Kent, who, if you see his work, captures professional-level images. Every time we asked Kent to help us, he was there. His photography is second to none.

Joseph J. Cefalu III (former TBRL editor-in-chief):

Throughout my presidency, I have been contacted by several Louisiana Supreme Court justices, judges and other dignitaries throughout the state who read every edition of *TBRL* cover-to-cover. As the editor of the *The Baton Rouge Lawyer* for the last three years, Joe Cefalu (with the assistance of the BRBA Publications Committee) was tasked with producing a quality publication, and that he did.

Christopher K. Jones (founder of the "Support the Bar" Campaign): In both 2020 and 2021, the BRBA was unable to host many in-person events and CLE seminars, many of which provide a significant stream of revenue. Thus, our ability to fundraise was limited. Chris is solely responsible for coming up with the "Support the Bar" Campaign in 2021, and it experienced much success. Without the efforts of Chris, the BRBA would have had to cut back on many of our regular programs and activities. My presidency would have looked bleak and much less exciting, if it had not been for Chris.

Mitchell Meredith (2022 Belly Up with the Bar chair): Belly Up is a wonderful event. From its beginning at my old office on Perkins Road, to the Horse Farm on Jefferson to the Cow Palace at LSU, this event has grown into a signature event that our members look forward to every year. This year was no different and one of the best ever (although I am still upset that my team did not win!). The chairman of the committee is responsible for many moving parts, from



Luke Williamson



Stephen Babcock



Hayden A. Moore



Johnny Joubert



Kent Moroux



Joseph J. Cefalu III



Christopher K.
Jones



Mitchell Meredith



Louis A. Martinet
Legal Society



U.S. District Court
for the Middle
District of Louisiana

attracting new sponsors and cooking teams to ensuring that event day goes smoothly. Most importantly, Mitchell along with his 2022 Belly Up with the Bar Committee overcame challenges through teamwork, resulting in one of our most lucrative Belly Up events yet.

Louis A. Martinet Legal Society: This award is to thank the Louis A. Martinet Legal Society for partnering with the BRBA throughout 2022 for many events, including our Women's History Month luncheon, Black History Month symposium and Young Lawyers Section Happy Hour.

U.S. District Court, Middle District of Louisiana: This award is for everyone at the Middle District, including the judges, magistrate judges and clerk's office. I cannot say enough about the Middle District of Louisiana. They offer tremendous financial support to the BRBA, especially the Bench Bar Conference. However, it is so much more than that. Everyone at 777 Florida St. is very supportive of the BRBA through their presence at many BRBA events, hosting the Swearing In Ceremony of the BRBA Board and Officers, and allowing the BRBA to be a part of the Naturalization Ceremony, judicial retirement ceremonies and several other events. In short, I cannot thank the Middle District enough for its support of the Baton Rouge Bar Association.

Editor's Note

An Unwavering Standard of Quality

by John Fenner

When I was asked to serve as Joe Cefalu's first lieutenant upon his agreeing to serve as *The Baton Rouge Lawyer's* editor-in-chief (succeeding the venerable Ed Walters), I joked that being managing editor was akin to George Costanza's run as the assistant to the traveling secretary. Truth be told, I wasn't quite sure what my job duties were. But as I worked with incredibly talented editors like Gail Stephenson and Kathryn Dufrene, I soon realized that my role was less about managing and more about not getting in their way.

I'm now honored to serve as your new editor-in-chief and have some big (as in legendary) shoes to fill. The task is quite terrifying, especially considering Past President David Abboud Thomas' comments about why he selected Joe for his well-deserved President's Award. In his article, Abboud writes: "Throughout my presidency, I have been contacted by several Louisiana Supreme Court justices, judges and other dignitaries throughout the state who read every edition of *TBRL* cover-to-cover." Talk about pressure. But we have an amazing staff of writers and editors that will help deliver the goods.

Like George Steinbrenner and Billy Martin – or maybe Elon Musk and Twitter – over the years, I've had an on-again, off-again, on-again relationship with *TBRL* and its predecessor, *Around the Bar*. I departed for a while, but Ed always cornered me at the bench bar cocktail reception asking me to return. And so, like Michael Myers, I came home.

One thing that has never changed throughout our publication's history is our commitment to quality writing. We strive for content that appeals to a broad base and in turn have both variety and diversity among our staff. Check the masthead (i.e., the blue box on page 6) for their names. Some are millennials and are early in their legal careers. They're eager and enthused, and we're very appreciative of their desire to contribute to our platform. Others – the Gen-Xers and the Baby Boomers – are like fine wines.

And a thousand thanks to Joe, whose job was easy. All he had to do was navigate *TBRL* through a pandemic,



John Fenner

an uncertain future and contraction (for a while) into pure digital form. That experience led to a remarkable enlightenment for the staff. Even though the publication continued, many of you missed it in your snail mail boxes. Old habits are hard to give up. The physical document eventually returned.

We might seem a stand-alone compendium, but we are a committee of the Baton Rouge Bar Association. As such, we serve at its behest in keeping you abreast of relevant content. We thank the Board for its support (and its funding) and congratulate Melanie Newkome Jones as our new president. We also thank Executive Director Ann K. Gregorie for her support.

The pool of talented writers in our association is certainly not confined to those of us affiliated with the publication. Many of you have the panache. Each of you is vested with some level of expertise. We encourage you to share your insights with the local bar. It doesn't have to be about a legal treatise or wacky case or a mystifying act of the legislature (but we'll take those too). If you have a niche or a unique interest or a really cool hobby, let us know about it. Perhaps it's worthy for the collective eyes of the bar.

And while we do specialize in bringing to light interesting legal developments, I would like *TBRL* to also provide an opportunity for the exchange of opposing views on a given subject. If it remains respectful and professional, it can be done – the right way.

Even though I was uncertain about my role as managing editor, Gail Stephenson has no such reservations. I'm deeply honored to have her succeed me and serve in that role. Gail brings editing expertise that all of us will leverage into maintaining the high quality of our publication.

And it is that quality that serves as our unwavering standard – our beacon – our pledge to you. It was first infused with Ed Walters' DNA, nourished by Joe Cefalu through the pandemic, and now falls to me and about 25 of my colleagues. On behalf of us all, we shall do everything in our power to entice you to pick up *The Baton Rouge Lawyer*, admire the cover, open past the cover and read.



Back to Basics by Jennifer Maybery

Curator Appointments for Unrepresented Defendants

Curator appointments are necessary in cases involving unrepresented defendants, including proceedings against defendants who are absentees, nonresidents, unemancipated minors or mental incompetents who otherwise have no legal representative pursuant to a mandate or interdiction.¹ Curator appointments are also implicated in actions against a deceased person in a case where a succession representative has not been appointed,² disavowal actions³ and adoptions.⁴ Curator appointments can be an opportunity for new and experienced attorneys to supplement client casework and to network with other attorneys.

Appointment of Curators

To have a curator appointed, the plaintiff must forward a request through a petition or motion stating the reason for the appointment request. The appointed curator is entitled to reasonable compensation from the plaintiff. The curator costs and fees are assessed at the end of the proceeding and taxed as costs of court.⁵ The appointed attorney can require that the plaintiff provide security

for the curator fees,⁶ but in many jurisdictions, the clerk's office receiving the petition or motion for a curator appointment will automatically require an advance deposit for the appointment. The local curator advance-deposit costs are outlined in the East Baton Rouge Clerk of Court Advance Cost Fee Schedule.⁷

The court must then appoint any attorney licensed in this state, and the party requesting a curator appointment is prohibited from asking for a particular attorney to be appointed, unless such a request is made to benefit the unrepresented defendant.⁸ In many cases, there is no justification for a petitioner's suggestion of a particular attorney to be appointed to represent the defendant. However, in cases requiring an attorney with experience in a particular practice area, such as a succession case, the petitioner may be inclined to suggest the attorney to be appointed. In cases where a defendant does not speak English, the petitioner may request or suggest that an attorney who is fluent in a language the defendant understands be appointed, as this

would be "manifestly in the interest of the unrepresented party."⁹ Any attorney interested in taking curator appointments should notify the judicial administrator, the judicial assistants for each judge and any other magistrates, hearing officers or commissioners in the jurisdiction where the attorney practices.

Curator Duties

What happens after an attorney is appointed as a curator for an unrepresented defendant in a legal proceeding? It depends on the type of case. For all case types, the curator "generally has the same duty, responsibility, and authority in defending the action or proceeding as if he had been retained as counsel by the defendant,"¹⁰ and the curator's authority is limited to defending the pending proceeding giving rise to appointment.¹¹ Thus, the curator must file an answer or other pleading in time to prevent a default judgment by the petitioner.¹² If a curator fails to file an answer and a default judgment results, such judgment may be deemed to be without legal effect.¹³ The curator is not allowed to waive any defenses,¹⁴ so a general answer asserting a denial of all allegations is appropriate, with the inclusion of any affirmative defenses. The curator may also outline any formal or procedural objections to the plaintiff's pleadings by exception.¹⁵

For cases involving a nonresident or

an absentee¹⁶ who has not been served with process, a curator is appointed so that service can be provided through the curator. The appointed attorney is then bound to make a reasonably diligent effort to locate and communicate with the defendant.¹⁷ In practice, actions recognized by the court as reasonably diligent include placing an advertisement in a newspaper local to the defendant's last known residence,¹⁸ or sending a certified letter, along with copies of all proceeding pleadings attached, to the defendant's last known address.¹⁹ It is hard to say whether any given absentee defendant would likely be a dedicated follower of his or her local newspaper. As times change, curators are depending more and more on social media to assist in locating or attempting to locate absentee and nonresident defendants.

An attorney appointment for a nonresident or absentee defendant allows a plaintiff to go forward, regardless of whether the appointed attorney is actually able to locate the defendant prior to a determination of a case. The key concerns here are (1) service to and through the court-appointed curator,²⁰ and (2) the appointed attorney's diligent effort to locate the defendant. If the effort made to locate and contact the defendant satisfies due process, a plaintiff can go forward and a judgment against the defendant can be accomplished.²¹ The description of the curator's efforts made to locate and contact the defendant are presented to the court through testimony, or through a "note of evidence" filing.²² Some curators err on the side of caution and provide both, but many cases require the plaintiff and curator to be mindful of mounting court costs. If there is any question about whether filings and testimony would be required, the attorneys may consider asking the court for a status conference

to determine how to proceed in the most cost-effective manner.

Disavowal cases require that an attorney be appointed to represent only the

child at issue in the case.²³ Any attorney appointed to a disavowal case is bound to perform all of the same general duties of a curator, including raising exceptions and defenses. It is important that an appointed attorney become familiar with the

disavowal and filiation prescriptive and peremptive periods.²⁴

Courts are also authorized to appoint attorneys in adoption proceedings "who will assist the court in complying with the statutory requirements for maintaining the confidentiality of termination, surrender, adoption, and related records and proceedings," in accordance with Louisiana Code of Civil Procedure article 5091.2 and Louisiana Children's Code article 1191. Appointments pursuant to this article are implicated especially in response to a request to unseal an adoption record, and the curator's purpose is to advise the court.

Otherwise, courts may still appoint attorneys to represent absent parties in adoption proceedings.²⁵ Given that adoptions are not subject to default judgments, the curator is not required to file an answer. However, other procedural and filing obligations must take place. The curator appointed for an absentee parent in an adoption proceeding is not allowed to waive service. Additionally, the curator is charged with searching for, locating and contacting the absent parent and must file a note of evidence.²⁶ Testimony provided in lieu of a note of evidence is not sufficient.

In succession cases, or cases in rem where a defendant is deceased and no succession representative has been appointed or a judgment of possession

has been rendered, a curator may be appointed to represent the deceased party's property interests.²⁷ The appointed attorney in such cases needs to be very comfortable with procedure, formal requirements and jurisdiction issues related to successions, as curators are responsible for raising exceptions, defenses and appeals in the interest of the party. Succession proceedings use both ordinary and summary process,²⁸ and ordinary answer delays and citation requirements do not always apply as with other ordinary proceedings.²⁹ Oppositions must be filed "within the delay allowed,"³⁰ which may be set by the court up to a maximum of 10 days.³¹

¹ La. C.C.P. art. 5091.

² *Id.*

³ La. C.C.P. art. 5091.1.

⁴ La. C.C.P. art. 5091.2.

⁵ La. C.C.P. art. 5096.

⁶ *Id.*

⁷ https://ebrclerkofcourt.org/Portals/0/17_Advance%20Cost%20Fee%20Schedule_1.pdf (last visited 12/7/2022).

⁸ La. C.C.P. art. 5092.

⁹ *Id.*

¹⁰ La. C.C.P. art. 5095.

¹¹ *Id.*, cmt. (a).

¹² *Id.*

¹³ *Grey v. Grey*, 476 So.2d 1003 (La. App. 1 Cir. 1985).

¹⁴ La. C.C.P. art. 5093.

¹⁵ La. C.C.P. art. 5095.

¹⁶ *See* La. C.C. art. 47.

¹⁷ La. C.C.P. art. 5094.

¹⁸ *See Madden Contracting Co. v. Harris*, 47,951 (La. App. 2 Cir. 4/10/13), 113 So.3d 466, 469.

¹⁹ *Wright v. Waguespack*, 02-0603 (La. App. 1 Cir. 8/22/12), 836 So.2d 436, 439.

²⁰ *Maryson v. Chaplin*, 402 So.2d 795, 798-99 (La. App. 4 Cir. 1981).

²¹ *Id.*

²² *Id.*

²³ La. C.C. P. art. 5091.1.

²⁴ *See* La. C.C. arts. 185-198 and La. R.S. 9:406.

²⁵ La. Ch.C. art. 1250.

²⁶ La. Ch.C. art. 1251.

²⁷ La. C.C.P. art 5091(A)(1)(c) and (2)(a).

²⁸ *See* La. C.C.P. art. 2971, cmt. (a).

²⁹ La. C.C. P. art. 2971.

³⁰ La. C.C.P. art. 2972.

³¹ La. C.C.P. art. 2901.



The Stoking of Pardon Powers in Louisiana

by Kolby P. Marchand

President Joseph Biden recently proclaimed that he would pardon all U.S. citizens who were serving jail time for simple possession of marijuana under the Controlled Substances Act.¹

Such a move prompted the media to question Gov. John Bel Edwards about any plans he may have for a blanket pardon for similarly situated individuals serving time for state-level convictions in Louisiana.² While Gov. Edwards indicated his support for taking such steps, he also said he could not pardon these offenses in a manner similar to President Biden based on Louisiana law.³ The response by Gov. Edwards prompts a question regarding the extent of the pardon power of the Louisiana governor.

By way of background, President Biden's pardon power comes from Article II, Section 2, Clause 1 of the United States Constitution, which states, "The President...shall have Power to grant

Reprieves and Pardons for Offenses against the United States, except in Cases of impeachment." Obviously, President Biden's pardon in the present context applies only to those who were convicted under a federal simple possession of marijuana statute. The pardon issued by President Biden has no effect on those convicted under state law. Therefore, in some cases, it is likely that an individual was serving prison time for a state and federal conviction of simple possession of marijuana and has only had the federal conviction pardoned.

Turning to the Louisiana question, what can Gov. Edwards pardon and if he supports President Biden's blanket pardon of simple possession of marijuana offenses, why doesn't Gov. Edwards do the same thing?

The Louisiana Constitution provides:

The governor may grant reprieves to persons convicted of offenses against the state and, upon a favorable recommendation of the Board of Pardons, may commute sentences, pardon those convicted of offenses against the state, and remit fines and forfeitures imposed for such offenses.

Not only are the pardon powers contained in the Louisiana Constitution, but the Louisiana Legislature has codified a specific statute outlining the manner in which the governor may grant a pardon. Louisiana Revised Statutes 15:572(A) tracks the language of the Louisiana Constitution but further provides that "the governor shall not grant any pardon to any person unless that person has paid all of the court costs which were imposed in connection with the conviction of the crime for which the pardon is to be issued."⁴

So, based on the language codified for Louisiana, Gov. Edwards must receive a recommendation from the Board of Pardons prior to pardoning any particular individual. This begs the obvious question, who makes up the

Board of Pardons and what are the rules associated with such an organization?

The Board of Pardons consists of five members that are appointed by the governor.⁵ These appointments must be confirmed by the Louisiana Senate.⁶ Prior to considering an application for pardon, the Board of Pardons must provide written notice of the date and time at which an individual's application will be heard to each of the following: (1) the district attorney and sheriff of the parish in which the applicant was convicted; (2) the applicant; (3) the victim or the spouse or next of kin of a deceased victim, which includes a notification of rights with respect to the hearing, unless the victim, spouse or next of kin have advised the Board of Pardons that notification is not required; and (4) any other interested person who has made a written request for notification.⁷ Finally, before any hearing is set on the application for pardon, notice of that application must be published on three separate days within a 30-day period of time, in any newspaper during the six-month period prior to or following the first publication of the first notice.⁸ Any action of the Board of Pardons requires the favorable vote of at least four members of the board.⁹

Essentially, this means that any particular applicant must first file an application with the Board of Governors, the corresponding notices must be sent to the correct parties and notice of the application for pardon must be published for the required time period. After all of those elements are met, the application may be heard. If there is a recommendation made by the Board of Pardons that the applicant should be pardoned, then the decision is left to the governor. For example, in 2021, the Louisiana Board of Pardons reviewed 421 applications. Of those, 307 were granted a hearing, 83 of which were recommended to the governor for some action, and 24 of those received an executive pardon.¹⁰

So, Gov. Edwards does not have the similar power to simply issue a blanket pardon of a specific crime in the State of Louisiana. Before he can issue an executive pardon, Gov. Edwards must first receive a recommendation from the Board of Pardons. Gov. Edwards may not make a unilateral decision to pardon all those convicted of simple marijuana possession pursuant to Louisiana law. Two reasons for this process are (1) to prevent the executive branch from usurping the role and function of the legislative branch in pardon matters; and (2) to prevent the governor from making any particular state criminal statute obsolete with the stroke of his pen.

So, while Gov. Edwards may fully support pardoning the conviction of any individual convicted of simple possession of marijuana, he must first wait for the Board of Governors to recommend those individuals to him and may do so only after the proper process is followed.

¹ Joseph R. Biden Jr., A Proclamation on Granting Pardon for the Offense of Simple Possession of Marijuana (Oct. 6, 2022), <https://www.whitehouse.gov/briefing-room/presidential-actions/2022/10/06/granting-pardon-for-the-offense-of-simple-possession-of-marijuana/>.

² See, e.g., Greg Hilburn, *Louisiana Governor Says He Can't Issue Blanket Marijuana Pardons Like Biden*, Daily Advertiser (Lafayette, La.), Oct. 7, 2022, <https://wwwtheadvertiser.com/story/news/2022/10/07/governor-john-bel-edwards-agrees-with-biden-marijuana-pardons-but-cant-issue-in-louisiana/69546830007/>.

³ *Id.*

⁴ La. R.S. 15:572 (A).

⁵ La. R.S. 15:572.1 (A)(1)(a).

⁶ La. R.S. 15:572.1 (A)(1)(d).

⁷ La. R.S. 15:572.4 (B)(1)(a-d).

⁸ La. 15:572.4 (C).

⁹ La. R.S. 15:572.1 (E).

¹⁰ Louisiana Board on Pardons and Committee on Parole, 2021 Annual Report 14, <https://s32082.pcdn.co/wp-content/uploads/2022/03/2021-Annual-Report.pdf>.

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In Memoriam

A Personal Note

PROFESSOR FRANK MARAIST

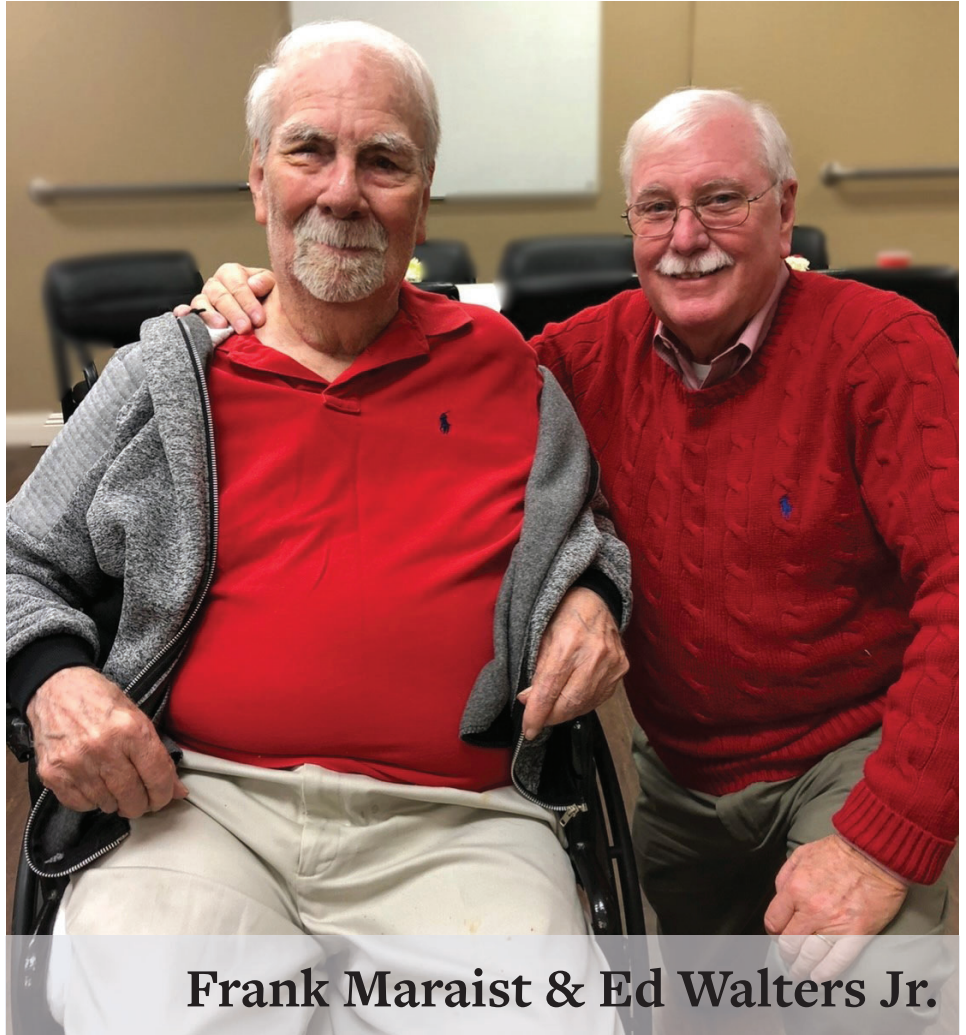
by Ed Walters Jr.

Much has been written about Professor Frank Maraist since his passing on Aug. 8, 2022, at age 90.

Most references include his statistics, like the fact that he was originally from Kaplan, Louisiana, and while a student at LSU Law School, he held a full-time position as an assistant to LSU Athletic Director Jim Corbett, who was one of his first mentors. He graduated near the top of his class from LSU Law School in 1958. That same year he married his wife, Catherine Underwood, whom he met while in law school. Following graduation, he took a position with the Baton Rouge firm of Sanders, Miller, Downing, Rubin and Kean, where he found another mentor in Alvin B. Rubin (later a judge on the U.S. Court of Appeals). In 1962, he left his partnership position in Baton Rouge to join his uncle, Octave Henri ("Junior") Deshotels II, in his practice in Abbeville. They practiced together as Deshotels & Maraist from 1962 to 1968, during which time he and his family resided in Kaplan. While in Kaplan, he co-founded and co-edited the local newspaper, the *Kaplan Herald*, with his childhood friend, Conrad "Connie" Kaplan. In 1968, he moved his family to New Haven, Connecticut, where he spent a year completing his Master of Laws at Yale University in anticipation of a legal teaching career.

In 1969, following a summer teaching at the University of Texas, he and his family moved to Oxford, Mississippi, where he taught at the Ole Miss Law School from 1969-1973. He spent the next year as a visiting professor at the University of North Carolina. In 1974, he moved his family back to Louisiana to begin a 37-year teaching career at LSU Law School.

He was a nationally recognized expert in the fields of Torts, Admiralty and Evidence. He was named Distinguished Law Professor of 1998 by the Louisiana



Frank Maraist & Ed Walters Jr.

Bar Foundation, and he was named a Distinguished Alumnus of LSU Law School in 2019.

But, on a personal note, my relationship with him was different.

He didn't remember it (and I never told him), but he never taught me in law school. Maybe I was afraid.

Anyway, I only got to know him after law school when I needed guidance in some cases. I didn't know whether he would consult with me, but he did. Lucky for me, he gave me great advice on my cases,

but more importantly, I made a friend. I would call and tell him the facts of my case, and he would say (rapidly), "Come see me." I would go see him in his very cluttered corner office, and he would cross-examine me at length about my case. He would ask me if I read the *Jones* case or the *Smith* case. Sometimes I had. Then he would give me the pearls.

He had many big shot friends. I was lucky to be a little shot friend.

Many, many times through the years I would receive a call from him that went something like this:

A Personal Note

continued from page 13

Receptionist: Ed, Frank Maraist on line one.

Me: Hello . . .

Frank Maraist (speaking rapidly): I need to speak to the best lawyer in Baton Rouge.

Me: . . . and Johnny deGravelles' line was busy?

Frank Maraist (speaking even more rapidly): Ha. Ha. So I have a law student here you need to hire. She is a great writer. Her name is Mary Jones. She will call you. (Click.)

True story.

He never once asked me for anything. I guess hiring all of the law clerks he recommended was enough for him.

Later he gave me something I will never forget.

Through the years, after he retired and was living in an assisted care facility, I would go visit him, often with his daughter, Catherine, or with Bill Corbett or Tom Galligan from the law school.

Physically he was in decline, but mentally he was as sharp as ever.

The highpoint of my writing career was when I went to his 88th birthday celebration and, as I sat next to him, he pointed to me and said, "I enjoy your writing. Keep it up."

All of us lawyers are frustrated writers, so you know what that means: a compliment on my writing from Frank Maraist. Who gets that?

That simple comment changed me forever.

Anyway, I loved him, and I think he felt warmly toward me. I visited him often, but not often enough. I think he was happy to see me, not just the Wendy's hamburgers I would bring.

You don't know who thinks you have worth unless they tell you. You know people who have worth. Tell them. It may change their lives.

Congrats to BRBA Leadership

2023 Board of Directors

Congratulations to the 2023 officers of the BRBA Board of Directors: **Melanie Newkome Jones**, president; **Luke Williamson**, president-elect; **Monica Vela-Vick**, treasurer; **Loren Shanklin Fleshman**, secretary; and **David Abboud Thomas**, past-president (not pictured). The 2023 directors-at-large are **Kelley R. Dick Jr.**, **Jordan Faircloth**, **Kellye R. Grinton**, **Hayden Moore**, **Lori Palmintier** and **Vincent "Trey" Tumminello III**.



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Tumminello III
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2023 YLS Officers & Council Members

Congratulations to the 2023 officers of the YLS: **Ashley Butler**, chair; **Kelsey C. Luckett**, chair-elect; **Brad Cranmer**, secretary/treasurer; and **Kellye Rosenzweig Grinton**, past-chair (not pictured). Serving as YLS Council members are: **Quinn Brown**, **Cornelius Troy Hall**, **Emily A. Lindig**, **Kolby Marchand** and **Taylor Stewart**.



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YLS Chair



Kelsey C. Luckett
YLS Chair-elect



Brad Cranmer
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Quinn Brown
YLS Council



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YLS Council



Kolby Marchand
YLS Council



Taylor Stewart
YLS Council

Attorney Spotlight: Ben Treuting *by Joseph Cefalu III*

Serving as the 2023 Belly Up with the Bar chair, Ben Treuting practices law with the Palmintier Law Group in Baton Rouge. On the heels of the most recent Belly Up event in which Treuting served as vice chair, TBRL asked him a few questions so that our readership can get to know him better.

TBRL: Tell us about your education.

BT: Undergraduate degree from Louisiana State University (2011) and lucky enough to attend the Paul M. Hebert Law Center at LSU (2015). Like most lawyers, however, the real education began after passing the bar exam.

TBRL: Where are you from?

BT: I was raised in Marksville, Louisiana, and I went to high school in Alexandria, Louisiana.

TBRL: Where and what type of law do you practice?

BT: I almost exclusively practice in the area of personal injury litigation. I handle a wide variety of cases from automobile accidents to products liability to medical malpractice. We handle some construction and contract-dispute cases as well.

TBRL: Why did you want to become an attorney?

BT: The biggest influence on me becoming an attorney was my father, who is an attorney also. I am also incredibly attracted to the prospect of improving our society as a whole by aiding in the enactment of justice. I am pretty sure I got that from my dad, too.

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

BT: I think if practicing law hadn't been an option, I would have focused on engineering.

TBRL: What is one thing you wish you had known before you went to law school?

BT: Like many people, I was highly influenced by the way the legal profession is portrayed on television and in books. I wish I had been told early on that the practice of law, at its core, is mostly about reading and writing ... and rewriting ... and rewriting.

TBRL: If you could change one thing about the practice of law, what would you change?

BT: It does not make sense to me that punitive damages are not more widely available in Louisiana. The concept of punishing egregiously bad behavior does not strike me as



Ben Treuting

controversial, and I really think it would prevent more harm. I also don't think there should be caps on damages. A 35-year-old medical-malpractice victim who was earning \$50,000 a year who loses the ability to work can recover only medical expenses and 10 years of wages. No ability to get compensated for any other losses. That is not right.

TBRL: Are you involved with the BRBA?

BT: I have been on the Belly Up with the Bar Committee for the past few years and may soon become involved in the Appellate Committee.

TBRL: What is your favorite BRBA activity or event?

BT: Belly Up, hands down. That is why I joined the committee. In fact, I'll be chairing the committee in 2023.

TBRL: Are you involved with any other organizations?

BT: In addition to the Baton Rouge Bar Association, I am involved with the Louisiana Association for Justice and the American Association for Justice. I have been intending to get re-involved in the Dean Henry McMahon Inn of Court with the Middle District.

TBRL: What is the best piece of advice you have received?

BT: "It is amazing how much one can learn when he chooses to read the law."

TBRL: What are your leisure activities?

BT: It is hard to beat a good day out on the river. I also really enjoy playing a few rounds of golf a year.

TBRL: What is the last book that you read?

BT: My wife and I are currently working through the "Throne of Glass" series by Sarah J. Mass. Also, "David and Goliath: Underdogs, Misfits, and the Art of Battling Giants" by Malcolm Gladwell.

TBRL: Tell us something interesting about yourself.

BT: I used to be an absolutely terrible public speaker. I can remember having to deliver class presentations in school. I would become so anxious that my vision would blur and my notes would become illegible. To some degree that continues through today. However, I think learning to present without being able to read has helped me with my courtroom presence. It forces me to be more conversational, which I hope comes off as more persuasive.



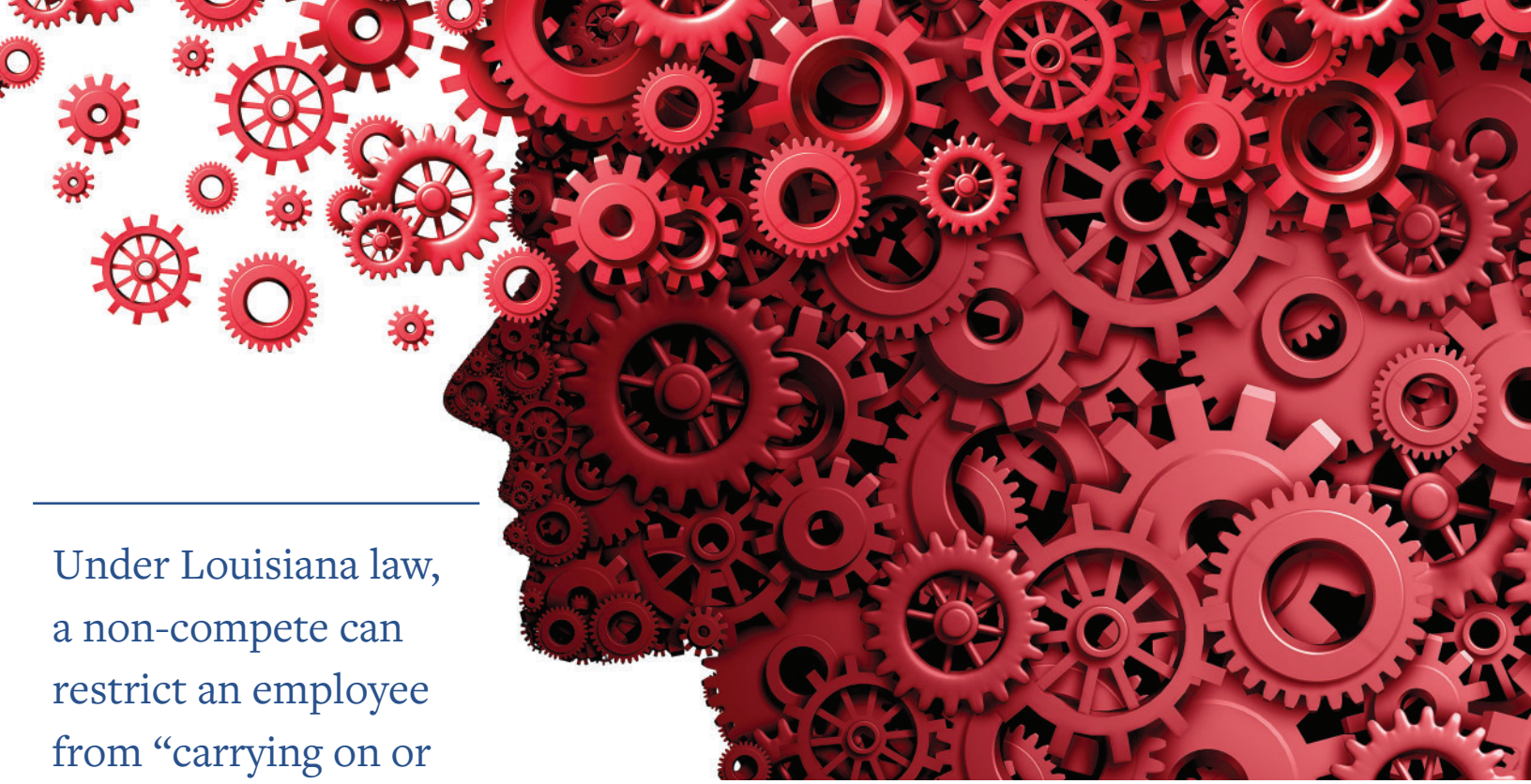
Non-Competes & Trade Secrets: Protecting Against Employment-Related Competitive Threats

by Jennifer L. Anderson

In broad terms, a non-competition agreement between an employer and employee precludes the employee from working for a competitor subject to certain restrictions, such as duration and geographic scope. It is often the first tool an employer will use when trying to protect its confidential information and trade secrets, its competitive edge, and its investment in recruiting, training and retaining the employee. The permissibility of non-competition agreements in the employment context is a matter of state law, with states balancing the respective rights of employers and employees and fashioning their own varying criteria or standards of validity. But non-competes have come under attack in recent years, with a growing number of states narrowing the circumstances under which they had previously been allowed or banning them altogether subject to narrow exceptions.¹

In July 2021, the federal government weighed in when President Biden issued Executive Order 14036, “Promoting Competition in the American Economy,” in which he encouraged the Federal Trade Commission to use its rulemaking authority to “curtail the unfair use of non-compete clauses and other clauses or agreements that unfairly limit worker mobility.”² By October 2021, the FTC’s Strategic Plan included restricting non-competes, and by year end, the FTC and Department of Justice conducted a workshop in which increased scrutiny of non-competes and non-disclosure agreements was discussed.³ The prospect of federal action in this arena remains unclear, but last October, the District of Columbia joined the state-level trend of broadly reining in the use of non-competes. Many commentators believe non-competes will continue to yield ground in favor of greater employee mobility, leaving practitioners and employers to consider other tools for protecting against competitive threats.⁴

Louisiana still permits employment-related non-competes, along with other restrictive covenants in the employment and business-transaction contexts, but they must satisfy specific requirements in the governing statute.⁵ Practitioners who draft and litigate non-competes should consider diversification of their clients’ business protection toolboxes, not only to steady against the swell of opposition to these agreements as a whole but also in response to the pandemic’s transformation of the workplace. Hybrid and remote-work arrangements appear to have some staying power, which can significantly impact the enforceability of pre-existing non-competes. Consider the fate of a Louisiana employer’s non-compete with a Louisiana office employee who then begins working remotely from Oklahoma, where a ban is in place, or the fate of a non-compete drafted to comply with the laws of a particular state or states, then given to remote employees in other states.⁶ These developments call for a more pragmatic and programmatic approach to protecting against competitive threats when a former employee begins working for a competitor. Even an enforceable non-compete will be restricted in some respects, at least geographically and



Under Louisiana law, a non-compete can restrict an employee from “carrying on or engaging in a business similar to that of the employer” within specified parishes, municipalities or parts thereof for up to two years after employment ends, so long as the employer carries on a like business in the defined territory.

temporally, which warrants thinking beyond and more broadly than the non-competition agreement as the sole or primary form of protection.

Under Louisiana law, a non-compete can restrict an employee from “carrying on or engaging in a business similar to that of the employer” within specified parishes, municipalities or parts thereof⁷

for up to two years after employment ends, so long as the employer carries on a like business in the defined territory.⁸ The issue that often arises in litigation of non-competes focuses on whether enforcement of the non-compete will deprive the employee of the ability to earn a living by prohibiting employment under certain circumstances.⁹ This issue is not typically present with other restrictive covenants, such as the covenant not to solicit customers, which the statute also allows subject to the same requirements as non-competes.¹⁰ Covenants prohibiting former employees from soliciting or hiring away the employer’s employees are another option, although not specifically addressed in the statute. These tools can be used in lieu of or in addition to non-competes.

While rethinking non-competes and the available options, businesses should take the time to modernize and update other provisions generally contained in these agreements as well. Remote work has increased the use of electronic signatures, which can generate disputes over the accuracy and validity of these methods of forming agreements. If using electronic signatures, update the language of the agreement to comport with how it is being executed. Also include language stating that the parties intend for the electronic

signatures to carry the same effect as wet signatures for all purposes permitted under applicable laws, specifically referring to the Electronic Signatures in Global and National Commerce Act,¹¹ the Uniform Electronic Transactions Act¹² and the Louisiana Uniform Electronic Transactions Act¹³ or other applicable state law.

Confidentiality agreements are a critical business-protection tool that typically address any type of non-public proprietary information that has value for the employer, in addition to information that qualifies as a trade secret under the law. Whether combined with restrictive covenants, used as part of a more comprehensive employment agreement, or made as a stand-alone agreement, confidentiality provisions should be updated to regularly reflect the increasingly electronic, remote and global realities of conducting business. One such update to be considered pertains to the rights and remedies authorized under the Defend Trade Secrets Act (DTSA), which amended the Economic Espionage Act in 2016 to provide a federal private cause of action for trade secret misappropriation.¹⁴ Trade secrets and misappropriation are defined consistently in the Uniform Trade Secrets Act, which has been

adopted in some form by almost every state, including Louisiana.¹⁵ The DTSA, which supplements state law, has a three-year statute of limitations and authorizes *ex parte* seizure orders to prevent dissemination of misappropriated trade secrets.¹⁶ Most important, the DTSA permits recovery of attorney's fees and exemplary damages for violations of the statute, but only if notice of whistleblower immunity has been provided in the contract or agreement with the employee that governs the use of trade secrets.¹⁷ The notice requirement applies to contracts or agreements entered into or updated after May 11, 2016.¹⁸ The notice in an agreement with an employee might read:

Notwithstanding any other provision of this Agreement, Employee will not be held criminally or civilly liable under any federal or state trade secret law for any disclosure of a trade secret that: is made (a) in confidence to a federal, state, or local government official, either directly or indirectly, or to an attorney and (b) solely for the purpose of reporting or investigating a suspected violation of law; or is made in a complaint or other document that is filed under seal in a lawsuit or other proceeding. If Employee files a lawsuit for retaliation by an Employer for reporting a suspected violation of law, Employee may disclose Employer's trade secrets to Employer's attorney and use the trade secret information in the court proceeding if Employee (a) files any document containing the trade secret under seal and (b) does not disclose the trade secret except pursuant to a court order.

Confidentiality agreements should also address the matter of appropriate uses and security of a company's equipment and information, and its prompt and safe return upon separation of employment. A trade secret, as defined under the DTSA and Louisiana's

Effectively protecting a business from competitive threats requires a set of updated tools and a diligent, more programmatic approach throughout the life cycle of the modern employment relationship.

Uniform Trade Secrets Act, depends on its owner having "taken reasonable measures to keep such information secret," as well as deriving independent economic value from not being generally known or readily available through proper means.¹⁹ In other words, the law helps owners of confidential information when they proactively take steps to protect and prevent the disclosure of that information. This is particularly true when it comes to matters of computer and electronic information security, access, authorization and protection.

Two federal laws that may come into play in the event of misappropriation, unauthorized or excessive access, or the damage or destruction of electronic information by an employee are the Computer Fraud and Abuse Act²⁰ and the Stored Communications Act.²¹ Claims under both of these laws involve aspects of unauthorized access of information in electronic systems, and it falls on the business to implement and communicate appropriate policies and protocols to employees about what is and is not allowed.

Protecting a business from competitive threats posed by a current or former employee should be part of an ongoing program and process, one that begins before a breach has occurred. It is more than just a signature on a piece of paper. The modern workplace and the global marketplace require looking at

protective measures through a new lens with an updated toolbox. Recruiting and hiring managers should ask candidates about existing agreements with other employers and be clear that they are not allowed to share or use confidential information belonging to another business. Signed agreements and policies should be obtained immediately upon hire, including restrictive covenants, confidentiality agreements and employee handbooks. Employees should be trained upon hire and periodically thereafter on data and password security, electronic systems and information, and the use, safety and return of business property and information upon separation.

A business also should account for and keep track of company-issued devices and accounts, and investigate unusual activity, discrepancies and incidents or reports of a breach. When an employment relationship ends, promptly account for, retrieve and conduct a standard review of all accounts and devices. Provide a standard reminder letter to the departing employee regarding post-employment obligations. Above all things, do not delay in demanding compliance or enforcing obligations—delay may adversely affect the ability to obtain interim injunctive relief. Effectively protecting a business from competitive threats requires a set of updated tools and a diligent, more programmatic approach throughout the life cycle of the modern employment relationship.

¹ For example, California prohibits non-competes between employers and employees generally, but allows them in the context of the sale of a business. Cal. Bus. & Prof. Code §§ 16600, 16602.5.

Oklahoma prohibits pure non-competes with employees but allows employees to agree not to solicit a former employer's customers. Okla. Stat. Tit. 16, §§ 219A, 291B.

² Executive Order 14036, § 5(g), signed July 9, 2021.

³ See Federal Trade Commission, Strategic Plan for Years 2022-2026, 18-19, Objective 2.2 (Nov. 11, 2021), <https://www.regulations.gov/document/FTC-2021-0061-0001>; Making Competition Work: Promoting Competition in Labor Markets Dec. 6-7, 2021, joint FTC and DOJ public workshop to "bring together lawyers, economists, academics, policy experts, labor groups, and workers, and will explore recent developments at the intersection of antitrust and labor, as well as implications for efforts to protect and empower workers through competition enforcement and rulemaking."



⁴ D.C. Code §§ 32.581.01 to 32.581.05 (“Beginning October 1, 2022, no employer may require or request that a covered employee sign an agreement or comply with a workplace policy that includes a non-compete provision.”). D.C.’s law as originally conceived was set to impose one of the broadest bans on non-competition agreements in the country. Strong reaction from the business community led to a delay in enactment, and eventually a scaled-back version of the law became effective Oct. 1, 2022. See B24-256, Non-Compete Clarification Amendment Act of 2022, June 16, 2022, https://lims.dccouncil.gov/downloads/LIMS/47234/Committee_Report/B24-0256-Committee_Report1.pdf. More than a dozen jurisdictions substantially limit the use of non-competes beyond the typical requirement that they be no more restrictive than needed to protect a legitimate business interest, including California, Colorado, Illinois, Maryland, Maine, Massachusetts, New Hampshire, Nevada, Oregon, Rhode Island, Virginia and Washington. Many of the broader state restrictions ban non-competes with employees below a certain compensation threshold or in certain industries or positions.

⁵ La. R.S. 23:921(C) and (D).

⁶ Worth noting, but beyond the scope of this article, is the Louisiana statute’s nullification of any choice of forum or choice-of-law clause in an employment contract or agreement, unless the employee expressly, knowingly and voluntarily agrees to and ratifies the choices after the occurrence of the inci-

dent that becomes the subject of legal action. This adds another layer of consideration with respect to employment-related restrictive covenants. La. R.S. 23:921(A)(2).

⁷ At least one court has noted that there is “no significant difference” between parishes and counties as both refer to the same type of geographic subdivision of a state. *Hose Specialty & Supply Mgmt. Co. v. Guccione*, 865 So.2d 183, 194 (La. App. 5 Cir. 12/30/03).

⁸ La. R.S. 23:921(C). Some exceptions exist. Restrictive covenants are not allowed for automobile salespeople (La. R.S. 23:921(I)) and for attorneys (La. St. Bar. art. 16, RPC Rule 5.6). Real estate brokers may be required to enter into non-competes subject to a right to rescind the agreement within three days after execution or delivery of the agreement, and provided the agreement satisfies additional criteria regarding temporal and geographic scope and font specifications. La. R.S. 37:1448.1.

⁹ *SWAT 24 Shreveport Bossier, Inc. v. Bond*, 808 So.2d 294, 298 (La. 2001) (“Louisiana’s strong public policy restricting these types of agreements is based upon an underlying state desire to prevent an individual from contractually depriving himself of the ability to support himself and consequently becoming a public burden.”)

¹⁰ La. R.S. 23:921(C).

¹¹ 15 U.S.C. §§ 7001-7031.

¹² The Uniform Electronic Transactions Act is an

act published by the Uniform Law Commission in 1999 that applies in certain types of transactions and only when the parties have agreed to conduct the transaction electronically. 40 U.S.C. §§ 66:311-339. The UETA has been adopted by every state and territory, except New York, the District of Columbia, Puerto Rico and the Virgin Islands.

¹³ La. R.S. 9:2601-2621.

¹⁴ 18 U.S.C. § 1836.

¹⁵ Louisiana Uniform Trade Secrets Act (LUTSA), La. R.S.51:1431, et seq. Due to the similarities between the LUTSA and DTSA, courts often analyze claims brought under these laws together.

¹⁶ 18 U.S.C. § 1836(b)(2), (d) and (f).

¹⁷ 18 U.S.C. § 1833(b), which also notes: “An employer shall be considered to be in compliance with the notice requirement in subparagraph (A) if the employer provides a cross-reference to a policy document provided to the employee that sets forth the employer’s reporting policy for a suspected violation of law.”

¹⁸ *Id.*

¹⁹ 18 U.S.C. § 1839(3).

²⁰ H.R. 4718, 99th Cong., 100 Cong. Rec. 1213-16 (1986) (enacted).

²¹ H.R. 1848 99th Cong., 1 Cong. Rec. 2701-12 (1986)(enacted).

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Eye on Evidence

Authentication and Admissibility of Text Messages

by Mary E. Roper

Texting is ubiquitous. It has become one of the most preferred methods of communication on cell phones and social messaging apps, providing a trail of written communication that can be useful in establishing crucial legal issues at trial, not only for what was said, but when it was said. For example, the content and timing of text messages can be useful in establishing the commission of a crime, the formation of a contract, the commission of adultery, causation of an accident in a personal injury case or the violation of the open meetings law.

To introduce a text message into evidence, you need documentation of the message. While you might be tempted to just bring the cell phone containing the messages to court, show the messages on the phone to opposing counsel and then pass the phone to the judge for review, that is not necessary and is not the most effective way to present this information. Moreover, your clients are unlikely to want their cell phones introduced into evidence. There are ways to print out the messages to avoid such a debacle.

A simple and unsophisticated method of printing the text messages is to take a screen shot of the messages and then email them, after which they can be printed.

Also, some printers allow direct printing from a cell phone, so the screen shots can be printed without having to email them. In doing this, it is important to make sure that the sender's phone number is displayed in the screen shot, as well as the date. Doing so will assist with authentication.

A more sophisticated approach to document the text messages is to use an app that collects and organizes the messages into conversations. This provides a cleaner presentation for the court and opposing counsel. Yet, opposing counsel might question the authenticity of the messages, or the completeness of the messages, due to the involvement of a third-party service provider in gathering and organizing them. Be prepared to overcome that argument by

explaining the process of what was done.

Prior to introducing a text message into evidence, it must be authenticated. Paragraph A of Louisiana Code of Evidence article 901 provides the general rule that "[t]he requirement of authentication or identification as a condition precedent to admissibility is satisfied by evidence sufficient to support a finding that the matter in question is what its proponent claims." An illustrative list of examples that meet this requirement is set forth in Paragraph B.

To introduce a text message into evidence, you need documentation of the message.

Paragraph B provides that a matter may be authenticated by a witness with knowledge that the matter is what it is claimed to be. Photocopies of text messages can be authenticated by the recipient, or by a person who has personal knowledge of and digitally possesses the original text message exchanges.¹

It has been held that sufficient evidence supported authentication of threatening text messages where a text message was sent from the victim's cell phone to the victim's friend, as the victim's friend testified that she received the message while at hospital with the victim, and the message advised the victim not to involve police. Two other text messages that had been forwarded from the victim to her friend were identified by the victim, defendant's former girlfriend, as being messages she received from a phone number she knew to belong to the defendant.²

In another criminal matter, text messages between the defendant and his brother were properly authenticated, despite the defendant's contention that evidence was not authenticated because only a printout of a screenshot of the text message was presented, rather than the actual cell phone on which the text message was received. In that case, the police officer who took the screenshot testified, the defendant's brother stated that the text messages were received on his cell phone and that they were from the defendant's cell phone number, and the brother was present when the officer took the screenshot of his phone.³

In a civil matter, emails between a certified public accountant and an attorney concerning the parties' agreement for services were properly authenticated, and therefore were admissible, in the accountant's action against attorneys for breach of an oral agreement, although the text messages and emails were authenticated solely by the accountant. The accountant testified that the messages were photocopies of what she digitally possessed, and the name of one of the attorneys was clearly visible as the sender of the messages.⁴

In a custody matter, the Fifth Circuit excluded a text message where there was no objective evidence of the date on which the text message was sent, nor the telephone number from which it was sent, but only the contact label of "wifey."⁵

In summary, this evidence rule requires the presenter to logically explain how the message was sent and/or received and the method with which it was captured for presentation to the court. The presenter also must have sufficient identification as to whom it came from and to whom it was sent. Dates and phone numbers should be reflected, in addition to having testimony from a person with knowledge to put the information in context.

¹ See *Carrie v. Jones*, 21-0659 (La. App. 4 Cir. 1/21/22), 334 So.3d 834.

² See *State v. Harris*, 52,541 (La. App. 2 Cir. 2/27/19), 266 So.3d 953, *writ denied*, 19-0611 (La. 9/17/19), 279 So.3d 380.

³ See *State v. Haydin*, 17-0234 (La. App. 5 Cir. 12/20/17), 235 So.3d 1293, *writ denied*, 18-0114 (La. 10/29/18), 254 So.3d 701.

⁴ See *Archaga v. Johnson*, 19-0085 (La. App. 5 Cir. 10/16/19), 280 So.3d 331.

⁵ See *Bourgeois v. Bourgeois*, 16-0676 (La. App. 5 Cir. 4/12/17), 218 So.3d 684.

Lessons Learned during the Pandemic:

Report from the U.S. District Court for the MDLA by Chief Judge Shelly D. Dick

At the outbreak of the COVID-19 pandemic in early 2020, it quickly became clear to the leadership of the U.S. District Court for the Middle District of Louisiana that the Court's Continuity of Operations Plan (COOP) was about to be tested to an extent it had never been tested before. The Middle District was among the first federal courts in the nation to take preemptive action to ensure the health and safety of its employees and the public it serves. Initially, it was anticipated that court operations would be affected for only a few weeks. As the spread of the virus exploded and health agencies scrambled to establish best practices to keep people

out of harm's way, the court recognized it was facing a situation unlike any national emergency seen in this country or across the globe for generations.

The court's priorities were to establish robust and reliable communications with employees, the bar and the public and to leverage technology infrastructure to facilitate the business of the court from many remote locations. Lessons learned and knowledge gained from past disasters like hurricanes Katrina and Rita, and the 2016 flooding prepared the court to make a smooth and nearly seamless transition to remote operations.

To insulate employees from a rapidly spreading virus, staffing levels in the courthouse were initially reduced to bare-minimum levels. Because of CM/ECF, the court was able to continue docketing and case administration remotely without interruption. But many tasks require on-site personnel, such as mail processing, management of pro se and prisoner filings, providing on-site access to electronic case records to the public, network infrastructure and facilities maintenance. Thanks to the court's IT professionals and a well-trained and experienced workforce, the implementation of COOP and the transition from in-person to remote operations was nearly instantaneous and with virtually no interruption in service to the bar and public.

Remarkably, during two years of pandemic operations, nearly 70% of all court hearings were conducted remotely via videoconferencing. Despite the substantial health and safety precautions required to hold jury trials, measures that typically necessitated 300% or more of the resources of pre-pandemic trials,

Save the Date:
May 23
Ball Maul Golf Tournament
at University Club

Contact Ann K. Gregorie
for sponsorship
or team registration information:
225-214-5563 or ann@brba.org

jury trial numbers in the Middle District were close to normal between March 2020 and present. As an aside, the Middle District evaluated an entirely video-based remote mock jury trial to assess the feasibility of conducting trials using such technology. Although a video jury trial is possible, the pilot revealed a myriad of technical and due process challenges.

As the pandemic wore on, the court anticipated reductions in filings. In fact, criminal filings were markedly reduced, but civil filings remained mostly steady. Criminal filings (defendant count) fell by nearly 50% in calendar year 2020 when compared to 2019. In 2021, criminal filings were down by more than half compared to 2019. In 2022, criminal filings appeared to be on pace with 2020 filing numbers.

Civil filings, conversely, were not affected as dramatically as criminal filings. The Middle District docketed only six fewer cases in 2020 than in 2019, a fraction of a percent. In 2021, civil filings dipped 16.3%. However, the number of civil

In hindsight, the pandemic yielded some positive changes in court operations, proving once again that necessity truly is the mother of invention.

filings in 2022 are expected to exceed 2019 pre-pandemic filing levels.

While case filings and trials are important benchmarks with respect to taking measure of the efficiency of the court, the work that is required throughout the lifecycle of any case is equally important, if not more so. Civil matters disposed of during the first year of the pandemic

increased over 2019 by a full percentage point. And while there was a slight decline in 2021, the Middle District is on target to exceed pre-pandemic levels in 2022. Because of the ability to conduct hearings remotely by video, the number of hearings conducted was virtually unchanged during the pandemic.

In hindsight, the pandemic yielded some positive changes in court operations, proving once again that necessity truly is the mother of invention. The Middle District and the legal community, as a whole, proved resilient and agile and demonstrated the ability to unite in common purpose to ensure that the interests of justice are always served. The Middle District is grateful to the practitioners and the local and state bar associations for the collective effort, resolve and determination that contributed to the court's ability to fulfill its constitutional mission under challenging circumstances.

SAVE THE DATE

BENCH BAR CONFERENCE 2023

APRIL 13-15



**Grand Hotel Marriott Resort, Golf Club & Spa,
Point Clear, Alabama**

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

VITAL STATISTICS

Age: 44

Education:

Juris Doctorate, SULC
(2005, *magna cum laude*);
B.A., Political Science,
Southern University
and A&M College (2001).

Parents:

Honorable Ron Johnson
and Sheila Townsend

Siblings: (Five sisters)

Tieneka Johnson,
Tameka Jackson,
Shantelle Townsend,
Bria Johnson and
Natalie Johnson.

Spouse:

Jonathan C. Rose Sr.

Children: Antonio Rose
and Jonathan Rose Jr.

Prior Career:

Trial Attorney for
Dept. of Children
and Family Services
(2011-2015); the Dept.
of Education (2015-2016);
the Office of General
Counsel, Division
of Administration
(2016-2018); and the
Dept. of Transportation
and Development
(2018-2020).

Associate Attorney
with McGlinchey
Stafford, Baton Rouge
Office (2004-2008).

A portrait of Honorable Eboni Johnson Rose, a Black woman with shoulder-length, wavy brown hair, smiling warmly. She is wearing a black judicial robe and a multi-strand pearl necklace. The background is a bright, out-of-focus window with vertical bars.

Honorable Eboni Johnson Rose

Interview with Hon. Eboni Johnson Rose

19th Judicial District Court, Criminal Section IV

TBRL: *What influenced you to become a lawyer?*

EJR: When I was a senior in high school, there were two “skip out days,” one for Black students and one for white students. It wasn’t that our school was segregated; it’s just the way we did things. On the day the Black students skipped out, an election for our senior prom was held. None of us knew the election would be held that day. When we returned to school the following Monday, our prom court was announced, and we only had one Black student. We were totally shocked by the fact that none of the Black students voted. So, my best friend and I decided to speak with the vice principal and the principal to convince them to hold another election so the vote could include all students. That didn’t happen.

To make a long story short, my best friend and I decided to protest. We convinced other students the only way the administration would hold another election was if we didn’t go to class. We protested for three days, literally. We marched on the sidewalk in front of my high school. I told the students that as long as we were on the sidewalk, we were exercising our First Amendment rights. On the last day of the protest, we marched to the school board as it convened a special meeting to address our concerns. I spoke at the meeting to address the issue of discrimination. Although we didn’t get the outcome we wanted, changes were made to future elections. In that moment, I realized I had the power to move people to action. Although these were my peers, they listened to me and believed in what I said. That’s when I knew I could be an attorney because attorneys speak for those who do not have a voice.

TBRL: *Did you ever consider any other career options?*

EJR: Yes! My first career choice was to be a surgeon. I majored in biology, pre-med at Xavier University.

TBRL: *What did you do before running for judge?*

EJR: Before running for judge, I was the Innovative Procurement Attorney for the Department of Transportation and Development. In that position, I secured major highway contracts for the State of Louisiana. In fact, my team secured the first Private Partnership Project in the State of Louisiana.

TBRL: *What made you leave and run for judge?*

EJR: Timing. I started planning to run for the 19th JDC in 2016, shortly before the flood. I knew there would be incumbents not running for re-election in 2020 and it would be the perfect opportunity. I knew I was sufficiently prepared to be a judge after having practiced law for 16 years.

TBRL: *Why did you decide to run for the 19th JDC position?*

EJR: Given that one has to be appointed to the federal bench, this was the only logical court for me. I knew I could be an asset on this court. And, of course, I wanted to join my dad and uncle. It would be life changing for the three of us to serve on the same court at the same time.

TBRL: *What are the pros and cons of being a district court judge?*

EJR: There are no cons to being a judge at the district court. Of course, this is not an easy position to hold. It is demanding and taxing but truly rewarding. I know that I am making a difference in people’s lives.

TBRL: *What is your advice to lawyers who appear before you?*

EJR: Be prepared! It is the best advice I can give anyone. Know your clients and know the facts of their cases.

TBRL: *What surprised you most about the job?*

EJR: That I work in a silo: it’s just me deciding every aspect of a case. Unless you are an appellate judge, all your work is done by you. When I was an associate attorney, I worked with multiple attorneys on a case. We all had our particular assignments. This is totally different.

TBRL: *What is the most challenging part of your job?*

EJR: It goes back to the question about what surprised me the most. Knowing that I have to make every decision myself. I alone am responsible for determining the case. It forces me to ensure every decision I make is grounded in the rule of law.

TBRL: *The most rewarding?*

EJR: Knowing that justice has been done. If you ask any attorney who comes in Section IV, they will tell you Judge Johnson Rose seeks justice. It’s not about how many persons have been convicted or how long their sentences were; it’s about whether justice was accomplished in this case.

TBRL: *Who have been your role models and mentors?*

EJR: I would say my dad and uncle were my role models. They modeled for me what it meant to have integrity in this profession. They taught me to always be prepared, to know more than my opponent. They taught me to never compromise my integrity and to always stand up for what’s right.

TBRL: *Are you involved in any extracurriculars?*

EJR: Yes, I currently renovate homes and am building my first spec home. Renovating and designing homes has become a passion of mine.

TBRL: *Do you have any advice you wish to impart to the legal community?*

EJR: Stay vigilant. Be ready to defend our liberties.

TBRL: *Anything else you’d like to leave our readers with?*

EJR: My door is always open.

Interview by Collin J. LeBlanc | Photo by Pamela Labbe

Bar News

City Court Celebrates 100 Years

by Jeffrey Wittenbrink

Under a bluebird sky and the regal live oaks on the courthouse grounds, the Baton Rouge City Court celebrated its 100-year-old building on Oct. 20, 2022. The current court presided over an actual meeting of the court, with former City Court judges and other luminaries attending.

The keynote speakers, Judge Freddie Pitcher (retired) and Judge Darrell White (retired) discussed the history of the building and the great City Court judges who were there at the beginning of its use as City Court, such as the Hon. Rosemary Pillow and Hon. Byron Stringer. They recognized the longtime Clerk of City Court Mickey Skyring, who was present. Skyring oversaw the remodeling project and the moving of the court from its previous location at the old Baton Rouge Jr. High.

Originally erected in 1920-21 as the East Baton Rouge Parish Court House, the building was refurbished in the late 1980s/early 1990s for the Baton Rouge City Court. Dueling plaques on the North and South walls of the City Court foyer now commemorate the original building and the 100th anniversary of the City Court building.

Present at the commemoration were all sitting City Court judges, Chief Judge Johnell M. Matthews, Judge Yvette Alexander, Judge Kelli Terrell Temple, Judge Judy Moore Vendetto and Judge Carson Marcantel. The presidents of the BRBA and the Louis A. Martinet Legal Society, Abboud Thomas and Michael Victorian, respectively, acted as Masters of Ceremonies. Melanie Newkome Jones, BRBA president-elect at the time, was also in attendance. The Louisiana Supreme Court was represented by Justice Piper Griffin, who gave brief remarks.



Holding a \$1,010 check for the Holiday Star Project are (left to right) BRBA Administrative Assistant Susan Saye, Markel Guidry, Hannah Pizzini, Courtney Kretzsinger and BRBA Executive Director Ann K. Gregorie. Guidry, Pizzini and Kretzsinger, attorneys at Gordon McKernan Injury Attorneys, dropped off the donation Nov. 30, 2022.

Mock Trial Competition Needs Volunteers

The BRBF will host the regional high school mock trial competition in early March 2023. We are in need of team coaches as well as competition judges and timekeepers. For more information, contact Cherie Lato at cherie@brba.org, or call the BRBA at 225-344-4803.

Bench Bar Conference to Take Place in April

The BRBA Bench Bar Conference will take place April 12-15, 2023, at the Marriott Grand Hotel in Point Clear, Alabama. This year's committee chair is Valerie B. Bargas of Kinchen, Walker, Bienvenu, Bargas, Reed & Helm, LLC. The event will follow a '60s theme. For sponsorship information, contact Ann K. Gregorie at ann@brba.org or 225-214-5563.

Start Practicing Your Golf Swing

The Ball Maul Golf Tournament will take place at University Club Tuesday, May 23, 2023. Mark your calendar for this fun event. For sponsorship information, contact Ann K. Gregorie at ann@brba.org or 225-214-5563. Team registration forms will be available soon.



Many past and current Baton Rouge City Court judges attended the court's centennial celebration. Photographed (left to right) are 19th JDC Judge Curtis Calloway (retired), Judge Judy Moore Vendetto, Judge Kelli Terrell Temple, Judge Johnell M. Matthews, Judge Yvette Alexander, 19th JDC Chief Judge Donald R. Johnson, Judge Alex "Brick" Wall (retired), 19th JDC Judge Tarvald A. Smith, First Circuit Court of Appeal Judge Freddie Pitcher Jr. (retired), Judge D. Carson Marcantel, Judge Darrell White (retired), First Circuit Court of Appeal Judge Frank Foil (retired) and First Circuit Court of Appeal Judge Chris Hester.

Photo by Jeffrey Wittenbrink

BRBF Holiday Star Project Makes the Holidays a Little Brighter for Many

Holiday Star gift distribution day is a tradition at the BRBA, and project coordinator Cherie Lato helped to fulfill the Christmas wishes of 635 children from nine agencies during this year's BRBF Holiday Star Project. On Thursday, Dec. 8, 2022, volunteers and BRBA staff loaded the Diesel Driving Academy truck full of gifts and bikes.

Special thanks to Sam Gonzalez (in first row, second person from left) of Diesel Driving Academy for lending us his truck, time and strength to help us to transport Holiday Star Project gifts Dec. 8, 2022, to this year's participating agencies. Project coordinator Cherie Lato is photographed on the far left (first row).



Harry "Skip" Philips and Judge Freddie Pitcher Jr. (retired).

Photo by Kent Moroux

Nov. 9 Reception at the U.S.S. Kidd Veterans Museum Honors BRBA Members Who Are Veterans

The BRBA's Veterans Day CLE and Reception held Wednesday, Nov. 9, 2022, was a hit, attracting a standing-room-only crowd at the U.S.S. Kidd Veterans Museum. Veterans Committee chair Johnny Joubert organized this event to honor veterans who are members of the BRBA.

The one-hour professionalism CLE featured a live interview of Judge Freddie Pitcher Jr. (retired) conducted by Harry "Skip" Philips. The two discussed Pitcher's new book, "Breaking Barriers: A View from the Bench."



The seminar room at the U.S.S. Kidd Veterans Museum was filled to capacity at the BRBA's Nov. 9, 2022, Veterans Day CLE & Reception.

Photo by Kent Moroux



Taking home three trophies at the 2022 Belly Up with the Bar competition, team "Kean Miller: In the Danger Zone" was the popular vote favorite for its dish (Great Balls of Fire/meatballs) and its drink (Ice Man). The team won the "Best Theme" category as well.

Belly Up With the Bar Raises Funds for Youth Ed

The 24th annual Belly Up with the Bar event was held Friday, Oct. 14, 2022, at the John M. Parker Coliseum. This year's event attracted 24 cooking teams and 30 sponsors. Proceeds support the BRBF's youth education programs.

Not only did Kean Miller walk away with the popular vote, winning both "Best Food" and "Best Drink," but the team also won "Best Theme," a category determined by a panel of celebrity chef judges.

Perry Dampf Dispute Solutions's team won the "Best Grub, First Place" trophy for its pulled pork tacos, or Street Tacos (pork). The East Baton Rouge District Attorney's Office received the "Best Grub, Second Place" trophy for their shrimp with fried rice dish. The Tadda Law Firm's team "Barristers Who Brunch" received the "Best grub, Third Place" trophy. The Southern University Law Center Moot Court Team received the trophy for "Best Dessert," which was Peach Crisp, while the LSU Law SBA cooking team received the trophy for "best law school team."

Seven celebrity judges determined this year's winners under the leadership of Kelsey Luckett, who coordinated the judging activities. Special thanks to C. Troy Hall, who recruited celebrity chef judges for the competition: Chef Celeste (Celeste's Bistro); Chef Carson Wandell (Louisiana Lagniape); Johnny Ahysen (WAFB's "Stirrin' It Up"); Chef Jamie Hernandez (Baton Rouge City Club); Cajun Ninja (a.k.a. Jason Derouen) with Cajun Ninja Products, LLC; Chris



2022 Belly Up with the Bar Committee

Motto (Juban's Chef de cuisine and former "Hell's Kitchen" contestant); Chef Odom (Odom's Kitchen).

During this year's Belly Up with the Bar Event, ReAzalia Allen coordinated the silent auction. Mitchell Meredith of Locke Meredith chaired the event. Ben Treuting of Palmintier Law Group served as the vice chair, and past-chair Marcus Plaisance of Plaisance Law, LLC, assisted during the planning stages of the event. Special thanks to all law students who volunteered to assist during the event.

Thanks to our premier sponsors: Ayla Legal Systems, b1BANK, Barczyk Spine & Joint, Elite Chiropractic, PMIC Physical Medicine & Injury Center, Plaisance Law, LLC, Palmintier Law Group and Thomson Reuters/FindLaw. Also, the BRBA thanks all other sponsors, participants and volunteers for making this event a success.



Perry Dampf's "Stuck in Neutral" won the "Best Grub, First Place" trophy with its dish Street Tacos (pork).

Inaugural Gavel Gala Raises Funds for BRBF Projects

The newest fundraiser event supporting the Baton Rouge Bar Foundation, the Gavel Gala, took place Thursday, Nov. 3, 2022, at the City Club of Baton Rouge.

This sold-out event involved a formal plated four-course dinner, live music, a photo booth with a feather backdrop and both silent and live auctions. The live auction featured guest auctioneer Jay Dardenne. Stephen Babcock, Luke Williamson and Hayden A. Moore were instrumental in bringing this event to life.



Key organizers of the Gavel Gala (left to right) are Luke Williamson, Stephen Babcock, Hayden Moore, who are photographed with 2022 BRBA President David Abboud Thomas.



A highlight of the night was the surprise announcement by Luke Williamson naming BRBA Executive Director Ann Gregorie as the first recipient of the Gregorie Gavel Lifetime Achievement Award. Photographed (left) are Gregorie holding the award and 2022 BRBA President David Abboud Thomas.

Guest auctioneer Jay Dardenne, commissioner of the Louisiana Division of Administration, took charge of the live auction as guests of the dinner enjoyed dinner.



Photographed (left to right) are Trey and Amanda Tumminello and Marie and Michael Walsh. Trey is a member of the BRBA Board of Directors.



Photographed (left to right) at the Gavel Gala are EBR District Attorney Hillar A. Moore, and Norma Walters and Ed Walters Jr.



Attending the Gavel Gala are (left to right) Josef P. Ventulan, 2023 BRBA President Melanie Newkome Jones, EBRP Family Court Judge Pam Baker, Laurie N. Marien and Wendy Edwards.

Foundation Footnotes

Pro Bono Reports — October 2022

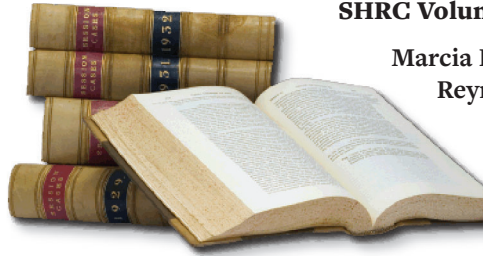
Thanks to all who volunteered during the month of
October, which includes National Celebrate Pro Bono Week

Legal Hotline Volunteers

Thanks to all who volunteered to assist with the Legal Hotline in October, including **Scott Gaspard**, attorney at law; **LaShonda Hubbard**, attorney at law; **Brian Juban**, Keegan, Juban, Lowe and Robichaux LLC; **Cherita McNeal**, attorney at law; **Brett Sandifer**, The Carpenter Health Network; **Willie Stephens**, attorney at law; **James Word II**, attorney at law; **James “Jimmy” Zito**, attorney at law.

Ask-A-Lawyer

Volunteers for Ask-A-Lawyer events taking place in October were **Michele Crosby**, attorney at law; and **Joycelyn Y. Elmore**, attorney at law.



SHRC Volunteers

Marcia Burden, Southern University Law Center; **Aidan Reynolds**, attorney at law.

Accepted Pro Bono Cases

Carlesia Carmena Bibbins, attorney at law; **Frank Brown III**, Iris Domestic Violence Center; **Nicole Hazey**, Law Office of Nicole Hazey, LLC; **Derrick McCorey**, attorney at law; **DeVonna Ponthieu**, attorney at law; **Cynthia Reed**, Southern University Law Center.

Fall Semester Pro Bono Project Interns

Whitney Graham and **Theophile Kadia**, Southern University Law Center.

Mock Trial Volunteers Needed:

Seeking team coaches,
competition judges
and timekeepers.

The competition will take place
in early March 2023.

For more information:

Call the BRBA at **225-344-4803**
or email Cherie Lato at
cherie@BRBA.org

GAIL'S GRAMMAR

People tend to write like they talk, which can result in colloquialisms creeping into formal writing. Two colloquialisms that have crept in lately are *based off* and *building off*. *Based off* and *building off* are similar in that “on” should be used instead of “off” in both phrases. Think of a foundation – you build **ON** the foundation. If you build **off** the foundation, your building will collapse.

Send suggestions for future Gail's Grammar columns to Gail Stephenson at GStephenson@sulc.edu, or call Gail at (225) 926-1399.

JANUARY 2023

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

FEBRUARY 2023

SUN	MON	TUES	WED	THURS	FRI	SAT
			1	2	3	4
5	6	7	8	9	10	11
12	13	14	15	16	17	18
19	20	21	22	23	24	25
26	27	28				

IMPORTANT DATES

January

- 2-3** BRBA offices closed in observance of New Year's Day / Holiday
- 10** Self-Help Resource Center (SHRC) reopens
- 16** BRBA offices closed in recognition of Martin Luther King Jr. Day / Holiday
- 18** BRBA Board of Directors meeting, 6 p.m.
- 20** BRBA Publications Committee meeting via Zoom, 8 a.m.
- 25** Opening of Court Memorial Ceremony, 19th JDC Ceremonial Courtroom (10th Fl.), 3 p.m.

February

- 20** Presidents Day / BRBA offices will remain open
- 21** BRBA offices closed in observance of Mardi Gras Day

"Every moment
is a fresh beginning."

T.S. Eliot

DUTY COURT SCHEDULE

19th JDC Civil Duty Court

01/02 - 01/13	Judge Ron Johnson
01/16 - 01/27	Judge Don Johnson
01/30 - 02/10	TBA
02/13 - 02/24	Judge Balfour
02/27 - 03/10	Judge Moore

19th JDC Criminal Duty Court***

12/30 - 01/06	Judge Foxworth-Roberts
01/06 - 01/13	Judge Crifasi
01/13 - 01/20	Pro Tem
01/20 - 01/27	Judge Myers
01/27 - 02/03	Judge Johnson Rose^
02/03 - 02/10	Judge Smith
02/10 - 02/17	Judge Jorden
02/17 - 02/24	Judge Higginbotham
02/24 - 03/03	Judge Foxworth-Roberts

Baton Rouge City Court*

12/26 - 01/01	Judge Alexander
01/02 - 01/08	Judge Moore Vendetto
01/09 - 01/15	Judge Marcantel
01/16 - 01/22	Judge Temple
01/23 - 01/29	Judge Matthews
01/30 - 02/05	Judge Alexander
02/06 - 02/12	Judge Moore Vendetto
02/13 - 02/19	Judge Marcantel
02/20 - 02/26	Judge Temple
02/27 - 03/05	Judge Matthews

Juvenile Court

January	Judge Grover
February	Judge Haney

Family Court**

01/02	Holiday
01/03	Judge Baker
01/04	Judge E. Green
01/05	Ad Hoc Judge (Div. C)
01/06	Judge Baker
01/09	Ad Hoc Judge (Div D.)
01/10	Judge Baker
01/11	Judge E. Green
01/12	Ad Hoc Judge (Div. C)
01/13	Judge Judge E. Green
01/16	Holiday
01/17	Judge Baker
01/18	Judge E. Green
01/19-20	Ad Hoc Judge (Div. C)
01/23	Ad Hoc Judge (Div D.)
01/24	Judge Baker
01/25	Judge E. Green
01/26	Ad Hoc Judge (Div. C)
01/27-30	Ad Hoc Judge (Div D.)
01/31	Judge Baker
02/01	Judge E. Green
02/02	Ad Hoc Judge (Div. C)
02/03	Judge Baker
02/06	Ad Hoc Judge (Div D.)
02/07	Judge Baker
02/08	Judge E. Green

Family Court (Continued)

02/09	Ad Hoc Judge (Div. C)
02/10	Judge E. Green
02/13	Ad Hoc Judge (Div D.)
02/14	Judge Baker
02/15	Judge E. Green
02/16-17	Ad Hoc Judge (Div. C)
02/20-21	Holiday
02/22	Judge E. Green
02/23	Ad Hoc Judge (Div. C)
02/24, 27	Ad Hoc Judge (Div D.)
02/28	Judge Baker

Court Holidays

Jan. 2	New Year's Day (observed)
Jan. 16	Martin Luther King Jr. Day
Feb. 20	Presidents Day
Feb. 21	Mardi Gras

NOTE: Duty Court changes at 5 p.m. each Friday unless otherwise specified.
*City Court's Duty Court judge is on duty from 8 a.m. on the Monday beginning his/her week of duty until 8 a.m. the Monday ending his/her week of duty.

**Family Court's Duty Court schedule is completely different each day, rotating on Fridays.

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

^Section IV is currently the only section conducting Saturday callout.

Baton Rouge Bar Association
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