



THE BATON ROUGE LAWYER

THE MAGAZINE OF THE BATON ROUGE BAR ASSOCIATION



Mock Trial 2024



Mock Trial 2024

Member Appreciation Month



Mock Trial 2024

Black History CLE

Black History CLE

Women's History CLE

Women's History

Women's History



PERRY ♦ DAMPF

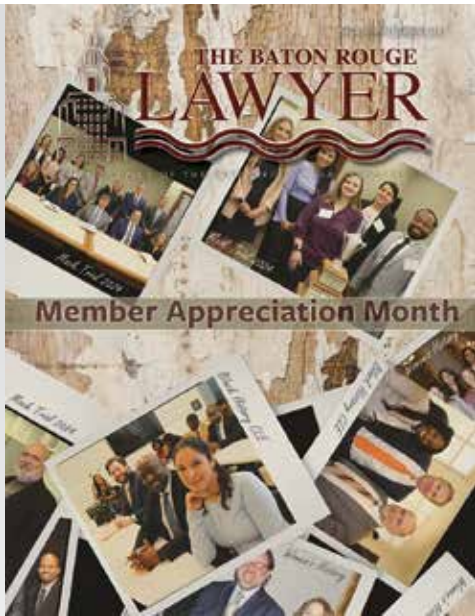
DISPUTE SOLUTIONS

World-Class Dispute Resolution, Right Here at Home.

Perry Dampf is proud to call Louisiana home. Since 2002, our professionals have mediated more than 20,000 cases, and with offices in **Baton Rouge**, **Lafayette** and **New Orleans**, we take great pride in providing convenient I-10 corridor access to the most complete and experienced mediation and arbitration services in the region.

Although we're based in Louisiana, we'll also pack our bags and go anywhere to help settle disputes. Our team regularly travels for mediations throughout the Gulf South, across the United States and even overseas. Whether we're working for you here at home or halfway around the world, you can expect creative, cost-effective dispute resolution that gets the job done. Let us know how we can help.





On the Cover

May is Member Appreciation Month. On the cover of the May/June 2024 issue is a photo collage of BRBA members who participated in BRBA-sponsored events during the first quarter of 2024, including the Black History Month CLE (Feb. 27), the Region III High School Mock Trial Competition (March 8-9) and the Women's History Celebration CLE and Luncheon (March 27). Cover art by Pamela Labbe.

- 5 Letter from the President: What ARE You Doing?
by Luke Williamson
- 6 Contributors
- 8 Message to Young Lawyers: Common Ground
by Quinn K. Brown
- 9 Bar News
- 12 What I've Learned: Interview with Judge Tim Kelley
(retired) *by Ed Walters Jr.*
- 16 Tesla, Louisiana and Economic Change: How Tesla's
Challenge of Louisiana Law Could Change the Car-
Selling Industry *by John W. Myles & Gail S. Stephenson*
- 19 Back to Basics: Fundamentals of Estate Planning
by David S. Gunn

5700 Florida Boulevard, Baton Rouge, LA

Now Leasing

Class A Office Space at Mid City Tower

Leasing Inquiries



midcitytower.com



Inside

- 22 Interview with Diana B. Gibbens,
Judicial Administrator for the 19th JDC
by Pamela Labbe & Ava Laborde
- 26 Riding Circuit at LSU Law
by Kacy Collins Thomas
- 28 19th JDC Launches Domestic Violence Intervention
Court to Offer Comprehensive Support for
Victims and Offenders
by Judge Tiffany Foxworth-Roberts
- 30 Foundation Footnotes
- 30 Gail's Grammar *by Gail S. Stephenson*
- 31 Duty Court Schedule & Important Dates

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.

For advertising information call 225-344-4803 or 225-214-5560. Display ads should be high-resolution attachments (.PDF), and classified ads as text only. Please email all ad artwork to pam@brba.org. Publication of any advertisement is not an endorsement of the product or service involved. The editor reserves the right to reject any advertisement, article or letter.

Copyright © 2024 by the Baton Rouge Bar Association. All rights reserved. Reproduction in whole or part without permission is prohibited. To request permission or for more information, call the BRBA: 225-344-4803.



The Baton Rouge Bar Foundation Law Day Ceremony is Wednesday, May 1, 2024, at the Raising Cane's River Center Theatre in Downtown Baton Rouge. Please join us!

Letter from the President

by Luke Williamson

What ARE You Doing?

"I promise you there is something worse out there than being sad, and that's being alone and being sad. Ain't no one in this room alone." — Ted Lasso

When I decided to serve as president of the Baton Rouge Bar, I was determined to spend part of my term focusing on lawyer wellness. This issue is personal to me and, in my opinion, extremely important to our profession. Approximately 10 years ago, an article in the *Louisiana Bar Journal* detailed the traits of a high-functioning alcoholic. As I recall, those traits included:

1. First one in the office
2. Gets the job done
3. Professionally successful
4. Perfectionist
5. Overachiever
6. Works hard, plays hard.

Later that day, after work, my drinking buddies and I ruminated about the article; we joked that we were all probably highly functioning alcoholics, and we all laughed. The article, however, stayed on my mind.

When it comes to drinking, if there was an Olympics, I would have been ineligible due to professional status. Growing up in Baton Rouge—attending Louisiana State University for undergrad and law school, riding in parades, throwing tailgates and New Year's Eve parties—a large part of my world revolved around drinking. But I was always in control, right?

As a practicing lawyer, I cannot think of another job, besides perhaps spy craft or a Russian general, where your profession entails someone on the other side actively trying to sabotage your work ... daily. It is an inherently competitive profession, with high stress and anxiety "all in a day's work." For me, I thought that the job description included not sleeping well, elevated blood pressure and subpar bloodwork. I lived in a regular state of high anxiety and could not stop thinking about work without a drink. But I had it under control, right?

A little over two years ago, after a very slow process of self-reflection, I quit drinking on Feb. 23, 2022. For the record, the things that I now know would *not* have made me quit earlier, because I thought I was different.

Lawyers and Drinking: There are numerous studies indicating that 20% of lawyers have an alcohol abuse



Luke Williamson

problem. That number increases to 25% for lawyers practicing over 20 years. I personally believe that these numbers are actually higher in Louisiana, the home of *laissez les bon temps rouler*. Additionally, 20% of alcoholics are high functioning. Their perfectionism, overachiever tendencies and workaholic nature allow them to succeed

professionally *despite* their drinking.

The Science: Overconsumption of alcohol results in several co-morbidities that I call the "lawyer cycle." After a long day, I used to think, "I need a drink," seeking the temporary relaxation and relief that alcohol initially provides. However, alcohol increases the amount of the stress hormone cortisol in the body and changes the levels of serotonin and other neurotransmitters in the brain. These changes directly impact your REM cycle and circadian rhythm. Conversely, lawyers drink to relax and wind down, while negatively impacting their sleep. In fact, 72% of people who abuse alcohol experience insomnia. What this all means is that although alcohol initially results in relaxation, it increases anxiety when it wears off and prevents a good night's sleep. Nevertheless, I was convinced that I could not sleep without alcohol.

The Cycle: The "lawyer cycle" goes like this — Work hard, grinding for your clients. After work, you have a drink (or drinks), resulting in a temporary reprieve. Then you need a nightcap to go to sleep. You wake up early, worried about work and cannot return to sleep. Then you get up, and the anxiety regarding the workday hits you. You work hard all day and get the job done, keeping everyone satisfied and happy, and then you wind down with a drink after work. The cycle continues. Does this sound familiar?

If you can enjoy one or two drinks once or twice a week, I am happy for you. However, if you sometimes look in the mirror and ask yourself, "What ARE you doing?" and you need to talk, I am here for you. My cell is 225-223-1201.

Contributors



Quinn K. Brown practices with LaFleur & Laborde, and is the chair-elect of the Young Lawyers Section.



Judge Tiffany Foxworth-Roberts, a 19th Judicial District Court judge who presides over the court's Domestic Violence Program, is a contributing writer



David S. Gunn practices with Gunn & York, LLP, and is a contributing writer.



Ava Laborde, an LSU student majoring in public relations, is a spring 2024 intern with the BRBA.



John W. Myles, a contributing writer, practices with Stone Pigman Walther Wittmann LLC and graduated cum laude from Southern University Law Center in 2023.



Kacy Collins Thomas, administrative general counsel with the Louisiana First Circuit Court of Appeal, is a contributing writer.



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.



Ed Walters Jr. is a founding partner at Walters, Thomas, Cullens, LLC, former editor of *TBRL* and a member of the Publications Committee.



Luke Williamson, a partner at Williamson Campbell & Whittington, LLC, is the 2024 president of the BRBA.

Save the Date:
YLS Bar Luncheon / July 11
@ De La Ronde Hall

ATTORNEY NEEDED:

LWCC, in Baton Rouge, seeks attorney with 4-6 years' experience in Louisiana and/or federal workers' comp defense. Specialize in state workers' comp and maritime litigation. Contribute to impactful litigation and benefit recovery. Competitive benefits package and friendly company culture.

Apply at lwcc.com/careers or contact Elizabeth.Mart@LWCC.com.

May/June 2024

Published by the Baton Rouge Bar Association
P. O. Box 2241, Baton Rouge, LA 70821
Phone (225) 344-4803 • Fax (225) 344-4805
www.brba.org

The Baton Rouge Bar Association is the hub of our diverse, thriving, and inclusive legal community in service to lawyers and the public interest.

OFFICERS

Luke Williamson, President 383-4010
Monica Vela-Vick, President-elect 376-0256
Loren Shanklin Fleshman, Treasurer 223-6333
Hayden A. Moore, Secretary 236-3636
Melanie Newkome Jones, Past-President 344-2200

DIRECTORS AT LARGE

Valerie A. Black • Kelley Dick
Kellye Rosenweig Grinton • Lori Palmintier
Marcus Plaisance • Vincent "Trey" Tumminello

EX OFFICIO

Brad Cranmer • Madison DeWitt • John H. Fenner
Philip House • Robin Krumholt • Adrian Nadeau
Debra Parker • Amy Poindexter
Ryan Richmond • Michelle M. Sorrells • April Williams

ABA Delegate S. Dennis Blunt

BANKRUPTCY SECTION

Ryan Richmond Chair

CONSTRUCTION LAW SECTION

Adrian Nadeau Chair

FAMILY LAW SECTION

Amy Poindexter Chair
Priscilla Ebony Ray Chair-elect
Brienne Griffin Secretary/Treasurer
Nicole Templet Past chair

IN-HOUSE COUNSEL SECTION

John H. Fenner Chair

WORKERS' COMPENSATION SECTION

Robin L. Krumholt Co-Chair
Debra T. Parker Co-Chair
Michelle M. Sorrells Co-Chair

YOUNG LAWYERS SECTION OFFICERS

Brad Cranmer, Chair 612-0800
Quinn Brown, Chair-elect 535-7590
Kolby P. Marchand, Secretary/Treasurer 717-8311
Kelsey C. Luckett, Past-Chair 387-4000

YOUNG LAWYERS SECTION COUNCIL

Candace B. Ford • Cornelius Troy Hall • Emily Lindig
G. Patrick Riley • Josef P. Ventulan

BATON ROUGE BAR ASSOCIATION STAFF

Ann K. Gregorie, Executive Director 214-5563
Reagan Haik, Youth Education Coordinator 214-5556
R. Lynn S. Haynes, Pro Bono Coordinator 214-5564
Robin Kay, Pro Bono Coordinator 214-5561
Pamela Labbe, Communications Director 214-5560
Julie Ourso, Bookkeeper 214-5572
Susan Saye, Administrative Assistant 344-4803

PUBLICATIONS COMMITTEE

Editor-in-Chief: John H. Fenner 439-6174
Managing Editor: Gail S. Stephenson 926-1399
Editors: Jovonte Curlee, Cornelius Troy Hall,
Collin J. LeBlanc, Kolby P. Marchand, Jennifer Maybery,
Tanika Starks, Josef P. Ventulan, Arthur A. Vingiello
Former Editor-in-Chief: Joseph J. Cefalu III 381-3176

Writers/Committee Members:

John Chapman • Candace B. Ford
Vincent P. Fornias • Diana B. Gibbens • Rose Khostavi
Conner LeBlanc • Sandra James Page • Mary-Grace Pollet
Mark D. Plaisance • Mary E. Roper • A. J. Sabine
Jamie Triggs • Ed Walters Jr. • Jeffrey S. Wittenbrink

We Our Members

BRBA Member **Appreciation** Month

Our members are the backbone of our association. To show our thanks, we have set aside the month of May to show our appreciation.

Be Informed (learn the law)

May 14 (Tuesday): Workers' Compensation Section meeting & CLE seminar

@ 11:45 a.m.-1:30 p.m.—Mike Anderson's, 1031 W. Lee Dr., Baton Rouge, LA 70820

May 16 (Thursday): Family Law Section meeting & CLE seminar

@ 11:45 a.m.-2 p.m.—City Club of Baton Rouge

May 23 (Thursday): Construction Law Section meeting & CLE seminar

@ 12-1 p.m.—Middleton Bar Center, 544 Main Street

May 30 (Thursday): In-House Counsel Section meeting & CLE seminar

@ 11:30 a.m.-1 p.m.—Breazeale Sachse & Wilson LLP on the 24th Floor of One American Place
301 Main Street, Suite 2300, Baton Rouge, LA 70801

Be Social (enjoy life)

May 9 (Thursday): Cocktails with the Court @ 5:30-7:30 p.m.—City Club of Baton Rouge

May 12 (Sunday): *Mother's Day*—Post a photo of you and your mom

(or lawyer moms can post a photo of themselves and their children)

on Facebook or Instagram. Use the hashtag #LawyerMomBRBA

May 16 (Thursday): Trivia Night @ 5:30-7:30 p.m.—Jolie Pearl Oyster Bar

May 17 (Friday): *Fido Friday*—Post a photo of you and your dog on Facebook or Instagram.

Use the hashtag #FidoFridayBRBA

Be Involved (community outreach)

MAY 18 (Saturday): Ask-A-Lawyer legal clinic @ 9 a.m. Jones Creek Regional Branch Library,

6222 Jones Creek Rd., Baton Rouge, LA 70817

MAY 20 (Monday): Teen Court hearing via Zoom @ 6 p.m. and @ 7 p.m.

Be Well (care for your mental health)

MAY 6-10 (Monday-Friday): Wellbeing Week in Law

Questions?

Contact the BRBA:

225-344-4803

Follow us on social media:

Instagram: @the_brba | *Twitter:* @brBAR |



Like us on Facebook:

@batonrougebar

Message to Young Lawyers

Common Ground

by Quinn K. Brown, 2024 YLS Chair-elect

The Louisiana legal community is a small but wonderful place to practice law. The interactions and relationships you have with other professionals will impact profoundly the success of your career. But more importantly, the positive and negative interactions that you have with other attorneys can impact your daily mental health. That is why, as an attorney in such a small legal community like ours, there is no better way to build positive relationships with other attorneys than to establish a professional network early in your career. An established relationship with an attorney outside the courtroom is incredibly beneficial in navigating through some rough waters inside the courtroom.

It is important to remember that most attorneys endure the daily stressors of this profession because, at the end of the day, we all have the same goal: we want to help people. We all strive to help our clients during one of the most stressful times in their lives.

Also, keep in mind that for many of us, while we may be opposing our former law school classmate in one case, he or she will be our co-counsel in another. Thus, it is advantageous for your clients that you not burn bridges because when attorneys get along, cases tend to settle faster with fewer costs to clients on both sides. Furthermore, both sides must live in a symbiotic relationship. Each of us needs an attorney on the other side. The success of our business depends on it.



Quinn K. Brown

Not only is it common courtesy to treat opposing counsel with respect, but we are bound by the Louisiana Code of Civil Procedure and the Rules of Professionalism to treat even the most difficult of opposing counsel with dignity and respect at all times.

Pursuant to Louisiana Code of Civil Procedure article 371,

“[a]n attorney at law... shall treat the court, its officers, jurors, witnesses, opposing party, *and opposing counsel with due respect*; shall not interrupt opposing counsel, or otherwise interfere with or impede the orderly dispatch of judicial business by the court” (*emphasis added*)

To increase your positive interactions with either opposing counsel or co-counsel, I highly encourage you to participate in the upcoming events hosted by the Baton Rouge Bar Association’s Young Lawyers Section (YLS). The YLS strives to host events and create opportunities that allow young lawyers to network with other attorneys to facilitate more positive relationships inside and outside the courtroom.

Your YLS Council has been hard at work to bring the BRBA community events and opportunities that will allow you to take the next steps in advancing your career. Be on the lookout for our quarterly Happy Hours and discounted CLEs that are geared toward young attorneys networking with other young attorneys and young professionals in the Baton Rouge area.

We also look forward to seeing everyone May 9, 2024, at the highly anticipated Cocktails with the Court at the City Club of Baton Rouge. You will not want to miss this exciting, unique opportunity to not only network with young attorneys but also with judges and law clerks from the 18th, 19th, 21st and 23rd Judicial District Courts.

Attending YLS events is a great way for any young attorney to take the first step in finding common ground with other attorneys. I look forward to seeing you there.

**Young Lawyers, Law Clerks and Members of the Judiciary
are invited to attend the COCKTAILS WITH THE COURT**

5:30–7:30 p.m. | Thursday, May 9

CITY CLUB OF BATON ROUGE

RSVP by contacting Susan at 225-344-4803 or susan@brba.org

Bar News

Black History Month Celebrated with Jointly Sponsored Bar Event in February

The BRBA/BRBF joined forces with other local legal organizations, including the Louis A. Martinet Legal Society, the Federal Bar Association (Baton Rouge Chapter) and the Baton Rouge Association of Women Attorneys, to host a special 1.0-hour credit CLE seminar on Tuesday, Feb. 27, 2024, which was followed by a reception. Ronald C. Gathe Jr., U.S. Attorney for the Middle District of Louisiana, was the guest speaker.

Law Day to Take Place Wednesday, May 1

BRBF Youth Education Coordinator Reagan Haik has coordinated the BRBF Law Day Activities to take place Wednesday, May 1, at the Raising Cane's River Center Theatre. The theme of this year's Law Day is "Voices of Democracy." For more information, contact Reagan Haik at reagan@brba.org or 225-214-5556.

YLS Cocktails with the Court is May 9

On Thursday, May 9, 2024, the BRBA Young Lawyers Section will host Cocktails with the Court at the City Club of Baton Rouge from 5:30-7:30 p.m. Law clerks, their judges and Young Lawyers Section members are invited to attend this sponsored event. To register, contact Susan Saye at 225-344-4803 or susan@brba.org.

Special thanks to our sponsors. Gold sponsors are GeauxChiro and Porteous, Hainkel & Johnson L.L.P. Our silver sponsors are Breazeale, Sachse & Wilson, LLP; The CLEVER Group; Kean Miller LLP; Irwin Fritchie Urquhart Moore & Daniels; Mansfield, Melancon, Cranmer & Dick, LLC; Smith, Shanklin, Sosa, LLC; and Williamson Campbell & Whittington, LLC. Our bronze sponsors are Kinchen, Walker, Bienvenu, Bargas, Reed & Helm, LLC; Linda Law Clark; Citizens Bank & Trust; and Magnolia Law Group.

Next BRBA Bar Luncheon is Thursday, July 11

The Young Lawyers Section will host the next BRBA Bar Luncheon Thursday, July 11, 2024, at De La Ronde Hall. Guest speakers are Southern University Football Coach Terrance Graves and AD Coach Roman Banks. To reserve your seat, contact Susan Saye at 225-344-4803 or susan@brba.org.

Belly Up with the Bar Event is Friday, Oct. 4

Consider joining the Belly Up with the Bar Committee. Members help plan the event, line up sponsors, encourage teams to register and spread excitement about the event. Chairing the 2024 Belly Up with the Bar event is Cornelius Troy Hall. Contact Pamela Labbe at pam@brba.org to join.

Save the Date: Gavel Gala is Thursday, Nov. 7

The third annual Gavel Gala fundraiser event for the BRBF will be held at the City Club of Baton Rouge Thursday, Nov. 7, 2024. Contact Ann K. Gregorie at ann@brba.org for details.



Jan Reeves (BRAWA), Luke Williamson (BRBA), U.S. Attorney for the Middle District of Louisiana Ronald C. Gathe Jr. (guest speaker) and Harry Landry III (Louis A. Martinet Legal Society) are photographed above at the jointly sponsored Black History Month CLE Seminar and Reception held Feb. 27, 2024.



Attending the Feb. 27, 2024, Black History Month event are (L to R) Shannon Fay Borghardt, April Leon, Tara Johnson and Catherine St. Pierre.



Photographed on Feb. 27, 2024 (L to R) are Talya J. Bergeron, Danielle Barringer Peyton and Hanna Thomas.



Candace B. Ford, Chris Dippel and LSU Law Professor William R. Corbett attended the Feb. 27, 2024, Black History Month CLE seminar and reception.



At the 2024 Region III High School Mock Trial Competition, which was held March 8-9, the top two placing teams in the competition (photographed above) progressed to the state competition on Saturday, March 23, 2024. Mock trial teams from Episcopal School of Baton Rouge (left) and Central High School (right) are on either side of the three final competition judges—BRBA President Luke Williamson, Magistrate Judge Scott Johnson and Connell Archey.

BRBF Holds Region III Mock Trial Competition, Hosting 11 Teams from 8 Schools

The Region III High School Mock Trial Competition was held March 8-9, 2024, at the 19th Judicial District Courthouse. Participating were 11 mock trial teams from eight schools: Catholic High School, St. Joseph's Academy, McKinley High School, Southern University Lab School and Scotlandville Magnet High School. Three high schools entered the competition with two mock trials each: Central High School, Episcopal School of Baton Rouge and Zachary High School. The top two teams (Central High School team A and Episcopal School of Baton Rouge team A) competed Saturday, March 9, advancing to the state competition, which was held Saturday, March 23, 2024. The Region III Champion for 2024 was Episcopal School of Baton Rouge.

Individual awards were given to Best Attorney and Best Witness on both days of the competition. Tucker Guelfo was Best Attorney and Best Witness for rounds one and two. Sam Messina won Best Attorney for rounds one and two, as well as the final round.

Three local judges—Family Court Judge Erika Green, Juvenile Court Judge Gail Grover and U.S. District Court Magistrate Judge Scott Johnson with the Middle District of Louisiana—helped over the two days, serving as competition judges, while 39 attorneys volunteered over the two-day event as competition judges or as committee assistants. A total of 26 law students volunteered as competition timekeepers or floaters/assistants.

The Clerk of Court's Office provided a gumbo lunch, which was prepared by Fred Sliman. The 19th JDC donated use of courtrooms and other spaces for the competition. Mock Trial Committee 2024 members are Rebecca I. Moreno (chair), Jamie Flowers Jr., Candace B. Ford, Quintillis Lawrence, Allena McCain and Monica Vela-Vick. Reagan Haik served as the Region III Coordinator and staff liaison to the committee.



Law students volunteered as timekeepers for the 2024 Mock Trial Competition.



Mock Trial Committee member Allena McCain, chair Rebecca I. Moreno and staff liaison to the committee Reagan Haik.



Photographed after the March 8, 2024, Mock Trial training session are the lawyers who volunteered to serve as competition judges. Standing (L to R) are Landyn Gautreau, Sarah Thigpen, Chayenne Moeller Meek, James R. Bullman, Kim Wood, Matthew Nodier and Henri Saunders. Seated (L to R) are Kristen Craig, Caroline Gardner, Ben Anderson, Denis W. Barry and Alexis Breedlove.



Reagan Haik (left) stands with several Mock Trial Committee members Friday, March 8, 2024, on the first day of the competition.



The Clerk of Court's Office provided lunch, and Fred Simian, public information officer (far right) prepared the gumbo.



Serving on the Women's History Month Celebration speaker panel were (L to R) Louisiana Attorney General Liz Murrill, Mary E. Roper (BRAWA vice president), Sharon Starkey Whitlow (FBA BR chapter president); Magistrate Judge Erin Wilder-Doomes, Candace B. Ford, BRAWA President Jan Reeves, Mary Ann Wolf and Judge Erika Green (moderator).

Women's History Month Celebrated with Jointly Sponsored March Bar Event

The BRBA/BRBF joined forces with the Baton Rouge Association of Women Attorneys, the Federal Bar Association (Baton Rouge Chapter) and the Louis A. Martinet Legal Society in its efforts to organize the March 27, 2024, Bar Luncheon and CLE seminar at Jubans.

VITAL STATISTICS

Position: Retired District Judge, 19th JDC; mediator, Patterson Resolution Group

Age: 69

Born: Canton, New York

Raised: Baldwinsville, New York

High School:
C.W. Baker High School,
Baldwinsville, New York
(1972)

College: Cornell University,
Ithaca, New York, B.S.
in civil engineering (1976)

Law School:
Paul M. Hebert Law Center,
LSU, J.D. (1983)

Marital Status: Single

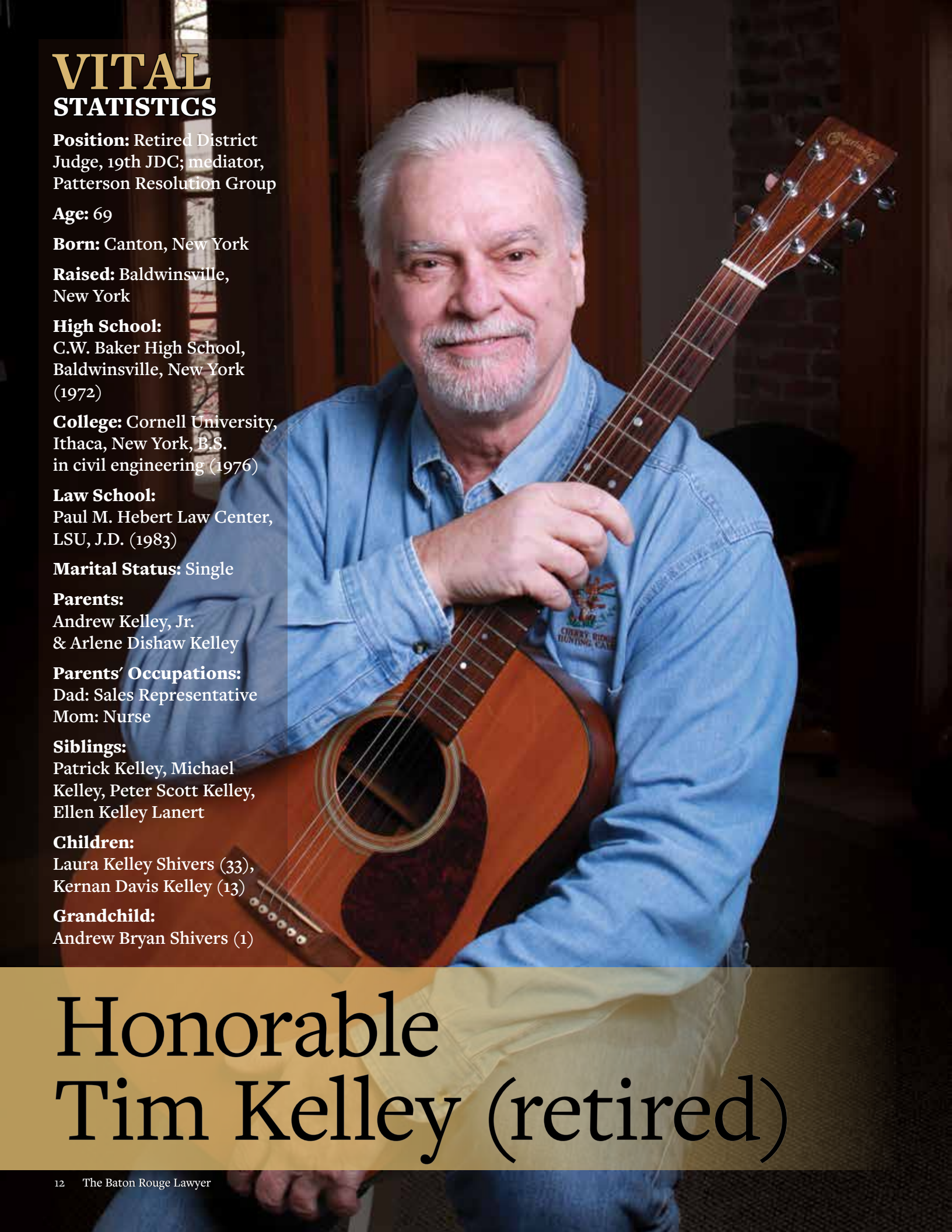
Parents:
Andrew Kelley, Jr.
& Arlene Dishaw Kelley

Parents' Occupations:
Dad: Sales Representative
Mom: Nurse

Siblings:
Patrick Kelley, Michael
Kelley, Peter Scott Kelley,
Ellen Kelley Lanert

Children:
Laura Kelley Shivers (33),
Kernan Davis Kelley (13)

Grandchild:
Andrew Bryan Shivers (1)



Honorable Tim Kelley (retired)

What I've Learned: Interview with Judge Tim Kelley (retired)

by Ed Walters Jr.

Growing up I always wanted to be: A doctor—that is until I had my appendix taken out at age 15. I wanted to watch, so I was given an epidural so that I would be awake. At the first cut I knew I had made a terrible mistake, and they put me out. For some odd reason, I no longer wanted to be a doctor.

The best advice I ever got was: From my Dad. When you meet someone and he or she is very rude or ugly to you, treat them as kindly as you would want to be treated. You never know what burdens they are carrying.

The best advice I ever gave was: The same.

The best lesson I ever learned was: Never give up. Never stop trying. When you fail or get knocked down at something, pull yourself up and double your effort to succeed. I have had to do that many times throughout my life, and it has given me a much better life than I could have ever hoped for – the pain of my many failures notwithstanding.

I always looked up to: Justice Fred Blanche. I was his law clerk, and he taught me to pursue excellence and work harder than everyone else to be the best I could. He was the only judge elected without opposition to the district court, court of appeal and Louisiana Supreme Court. He also had a brilliant legal mind and knew how to play the fool to gain an advantage. I was his designated driver (he was fond of a sip or two), and we traveled the state together—him regaling me with hundreds of humorous stories of his life and career and, through them, teaching me invaluable lessons that I didn't, at the time, realize he was teaching me. He was a good man. (My ultimate compliment, by the way.)

One of the jobs I had as a kid was: Working in a plastics factory 12 hours a day, 13 days at a time. (New York law at

The best lesson I
ever learned was:
Never give up.
Never stop trying.
When you fail or
get knocked down
at something,
pull yourself up
and double your
effort to succeed.
I have had to do
that many times
throughout my life,
and it has given
me a much better
life than I could
have ever hoped
for—the pain of
my many failures
notwithstanding.

the time didn't allow for more than that without a day off.) I would stand in front of a giant injection-molding machine that produced patio and lawn furniture. Open the machine to take out the product, place it in water to cool, close the machine door to start the injection process again, pull a cooled product out of the water to trim off any excess, stack it and then pull the door open again. It was mindless work, and I was, basically, a part of the machinery. But I made enough money to get through college, and it gave me time to let my mind wander to find a life that didn't involve working in such a factory.

The best judges were: Completely disassociated from the case before them, i.e., didn't care who won or lost, only what the facts and the law were. They also worked harder than the attorneys before them to learn, research and analyze the case and the legal issues involved, knowing that each side was only giving them one-third of the story, thus, two-thirds total. The other one-third had to be divined by the judge through his own research, analysis and legal experience. They also treated the parties and their attorneys with respect and dignity, treating every case before them, no matter how trivial, as the most important case in the world—because that is what it was for the parties involved—always keeping in mind that they were deciding issues that tremendously affected the lives of real people.

If you really want to make me angry: Be late to court without notifying the court first. You are not only disrupting the court's schedule, you are disrupting the time and schedule of many other attorneys who are to appear that day—increasing their clients' attorney fees. Also, you're being disrespectful or dishonest with the court or opposing counsel. We are a profession, not a TV show. The Rules of Professional Conduct

are there for a reason. Read them, learn them, live them.

The most important person I've ever met was: Nelson Mandela in South Africa in 1996. While I have been blessed to have spent time with presidents, senators, congressmen, world class athletes, movie stars, etc., Mandela's life changed not only a country's way of treating minorities, but awakened the entire world to the need to examine how minorities were treated and to work toward changing that paradigm. He advanced civilization tremendously through his suffering and decades-long campaign to gain recognition of the equality of all people. We are, after all, the same—we are the human race.

The advice that I would give new attorneys: Would fill a book and qualify for at least 36 hours of CLE. But if I had to scale it down to just a few, they would be these:

ONE: The first 10 years of your career will define your reputation. It will take at least that long. But one dishonest act during any case will destroy your reputation forever. Experienced opposing counsel will prey on your inexperience and be rude and less than candid or honorable with you. Fight the immediate urge to do the same back to him or her. Always be professional and honorable and seek the counsel of an older attorney as to the best way to handle those difficult situations.

TWO: Know your audience. Learn everything you can about the judge from anyone who has been before him or her. Every judge

is different. Some have no clue what your case is about before they walk into court and will expect you to educate them. Do so. Some have read every pleading and brief in the case and have even done their own research on the issues in play for that hearing. Don't waste their time with the history that they know probably better than you—get straight to the issue that is critical to your cause. A part of knowing your audience is knowing how to draft your briefs. Trial courts need the facts and the controlling case on the issue. Don't give them a bunch of string citations thinking that it will make your point that much stronger. They have hundreds of cases to deal with and cannot take the time to check out all of those cases that look so pretty listed in your brief. Appellate courts, however, love massive citations of cases as that will form the basis of their compelling (hopefully) rulings and make them look smarter than they really are. (Ever read an opinion and recognized about 80% of your brief in it—almost verbatim? I rest my case.)

THREE: Be prepared. Read and know every case you cite and that has been cited by your opponent. In preparation, not only know your argument inside and out, but imagine that you are your opponent and prepare the best case in their favor and how they will attack your arguments. Know exactly what points you want to get out of each of the witnesses, both yours and the opponent's, and then shut up.

FOUR: Know how to talk to a jury. Again, this is not a TV show.

We're Getting Social!

Follow Us On
Social Media



@batonrougebar



@brBAR



@the_brba

STUCK? MOVE FORWARD. Resolution is the solution.



Meet Marta Schnabel

■ To bring disputes to resolution without prolonged judicial proceedings, mediation and arbitration offer economical solutions. Trained as a mediator at the Straus Institute for Dispute Resolution, Pepperdine University, Marta specializes in finding practical solutions to complex problems. Named one of Louisiana's top 25 women attorneys and a former president of the Louisiana State Bar Association, Marta has 35+ years of experience representing clients in business, commercial, and insurance litigation including construction, products liability, malpractice, ethics, and employment. Let her help move your case forward!

THE
Patterson
RESOLUTION GROUP

Mediation and Arbitration of Complex Disputes

P: 866.367.8620

E: info@pattersonresolution.com

W: pattersonresolution.com

BATON ROUGE • LAFAYETTE • MONROE • NEW ORLEANS • NORTH SHORE • SHREVEPORT

The best way is to talk to them as though you were at a cocktail party. Treat them as equals that are just interested in what you have to tell them over that particular drink. Never talk down to them or think that you have to teach them as though they were fifth graders. They are actually very intelligent people that catch on much quicker than you think. Do not repeat yourself in examining witnesses or addressing the jury. Again, they are not idiots. I've talked to every jury that I've had over the years (hundreds), and the first question they always ask is, "Judge, do these people think we are idiots? Why do they keep repeating themselves?" Many jurors have told me that when one of the attorneys kept hammering home and repeating an issue, the juror tended to think the attorney was trying to put something past them—sell them some BS, so to speak. Thus the juror discounted, or even ignored, the attorney's argument. Jurors are smart. Treat them that way. They are *not* idiots.

FIVE: Don't be afraid when you are before any judge. Being

Don't be afraid when you are before any judge. Being nervous is normal, even good. Nervousness stimulates your brain and keeps you on your toes.

nervous is normal, even good. Nervousness stimulates your brain and keeps you on your toes. Fear, however, blocks your brain, and you won't be able to think on your feet, as you will have to do in court.

SIX: Whether you need to or not, before you walk into any courtroom, go to the bathroom. You never know when you will get the next break.

I love: My family, bird hunting, salt water and bill fishing, playing my guitars, good bourbon, my secretary of almost 40 years, any day out on the water or in the field, really cool sports cars, my few lifelong friends, every law clerk that I have ever been blessed to have, the fact that Judge Clark and I were able to make the new 19th JDC Courthouse a reality, flying, good men and intelligent women,

Barq's root beer, a good legal argument with a well-prepared attorney, playing golf (as terrible as I am), all law enforcement, the commitment attorneys make to their clients, watching clouds, high tech stuff, everything about the law and my God. I'm a blessed man.

Save the Date: **The In-House Counsel Section Meeting & CLE** **11:30 AM–1 PM | Thursday, May 30, 2024**

Hosted by Breazeale, Sachse & Wilson, L.L.P.

on the 24th Floor of One American Place

301 Main St., Suite 2300, Baton Rouge, LA 70801

A GC Primer on Non-Competes and State and Local Taxes

Speakers: Nicole Gould Frey and Jude C. Bursavich

Cost Options: Lunch is included with the price

\$40 for BRBA In-House Section members | \$50 for non-section BRBA members | \$60 for non-BRBA members

**Contact Susan Saye at 225-344-4803 or susan@brba.org
to register or for more information.**



Tesla, Louisiana and Economic Change:

How Tesla's Challenge of Louisiana Law Could Change the Car-Selling Industry

by John W. Myles & Gail S. Stephenson

In 2022, Tesla Inc. filed suit in the Eastern District of Louisiana challenging Louisiana's franchise law, La. R.S. 32:1261(1)(k), which prohibits an automobile manufacturer from selling or offering to sell a new or unused motor vehicle directly to a consumer. Tesla alleges this law is unconstitutional because it infringes on interstate commerce.¹ Franchise laws have been around since the 1950s and have been used to protect auto dealers from competition by automakers.²

On June 16, 2023, Judge Sarah S. Vance dismissed Tesla's suit.³ On July 18, 2023, the case was appealed to the U.S. Fifth Circuit, where it is pending.

Should the Fifth Circuit decide that Louisiana's law is unconstitutional, it would cause a dramatic shift in the auto industry. Like Tesla, longtime car manufacturers such as Ford and General Motors have entered the electric-vehicle industry.⁴ Car manufacturers seek to make their electric-vehicle business model similar to Tesla's direct-to-consumer model.⁵ In 2022, Ford executives created a plan that would not stock dealers with electric vehicles but instead would allow customers to place factory orders for electric vehicles at a no-haggle price.⁶ Longtime car manufacturers looking to change their business model to Tesla's direct-to-consumer model bring heightened interest to Tesla's challenge of Louisiana's direct-to-consumer ban. This article will show how a ruling in favor of Tesla could change the car-buying industry and how that ruling could affect Louisiana dealers.

Historical Development

How We Got to Tesla Suing Louisiana

Tesla brought suit in the Eastern District of Louisiana against multiple defendants, including the Louisiana Automobile Dealers Association and commissioners of the Louisiana Motor Vehicle Commission.⁷ Tesla's claims are based on violations of federal antitrust law, the Due Process and Equal Protection Clauses of the Fourteenth Amendment of the United States Constitution, the Commerce Clause of the United States Constitution, Louisiana antitrust law and the Louisiana Unfair Trade Practices Act (LUTPA).

Tesla's Complaint sets out Tesla's business model. Tesla is an American manufacturer of zero-emission electric vehicles. Tesla's business model is to sell, lease and distribute vehicles directly to customers. Tesla believes that the company could not succeed if it sold vehicles using the traditional model of third-party dealers due to the high-pressure, commission-driven environment. Therefore, Tesla does not use in-state dealers to sell, lease or service Tesla vehicles. Tesla sells and leases its vehicles based on configurations that a customer selects when ordering a vehicle online. Tesla is one of the first car manufacturers to successfully dedicate its entire business to manufacturing and selling electric vehicles.⁸

Constitutional Challenge of Franchise Laws

Louisiana's franchise law at issue prohibits a manufacturer from



selling or offering to sell a new or unused motor vehicle directly to a consumer unless the manufacturer operates an existing, licensed and franchised motor-vehicle dealership.⁹ Tesla alleges this Louisiana statute discriminates against interstate commerce by impeding the flow of Tesla's out-of-state vehicles into Louisiana and by prohibiting it from leasing or providing warranty repair service in the state.¹⁰

Franchise laws came from legislation pertaining to agreements that auto dealers entered with auto manufacturers. Auto dealers complained about the treatment they received from auto manufacturers. In the 1950s, there were few auto manufacturers. These manufacturers created contracts of adhesion that bound auto dealers with terms that led to perceived abuses of power and opportunism for the manufacturers that jeopardized the dealers' profitability. Some terms were perceived as contractual abuses when a franchise agreement ended, such as when manufacturers claimed that the agreement allowed for termination of, or a refusal to renew, a dealership while restricting the right for a dealer to sell or transfer the franchise. Manufacturers

also operated some company-owned stores that sold vehicles directly to consumers. Manufacturers operating their own stores led to direct competition with dealers' franchises. Due to the poor nature of the franchise agreements, Congress and the states enacted franchise laws to protect auto dealers from abuse by auto manufacturers.¹¹

The District Court Decision

The trial court found the private defendants had *Noerr-Pennington* immunity from Tesla's antitrust claims¹² and that the commissioners in their official capacity had Eleventh Amendment immunity.¹³ The court further found Tesla failed to allege specific facts to show the commissioners and LADA conspired to keep Tesla out of the market.¹⁴ The court also dismissed Tesla's state-law antitrust claims on two bases: *Noerr-Pennington* immunity and one-year tort prescription. It rejected Tesla's continuing-tort defense to the prescription claim and also found Tesla's LUTPA claim was prescribed.¹⁵

For its Due Process claim, Tesla argued that its direct-to-consumer sales model "poses an existential threat to the

Tesla sells
and leases its
vehicles based on
configurations that
a customer selects
when ordering a
vehicle online.

commissioners,” as half of them were in direct competition with Tesla for motor vehicle sales, leasing and service.¹⁶ The court stated, however, that “some of the Commissioners may, by virtue of their status as competitors of Tesla, have an incentive to wield their power to Tesla’s disadvantage is not enough to state a claim under the Due Process Clause.”¹⁷ The court found a “dearth of plausible allegations that the nine dealer-commissioners have demonstrated actual bias toward Tesla” and rejected Tesla’s Due Process claim.¹⁸

The court also rejected Tesla’s Equal Protection arguments. Tesla challenged both the direct-to-consumer sales ban and the law prohibiting manufacturers from directly providing warranty repairs to vehicles, but the court found both laws passed rational-basis review.¹⁹

Finally, the court rejected Tesla’s Commerce Clause claim. The dormant Commerce Clause prohibits states from regulating commerce in ways that unduly burden interstate commerce and aims to prohibit state legislation that discriminates against out-of-state parties.²⁰ The party challenging the statute has to prove discriminatory purpose. However, the court found that Tesla’s Complaint failed to allege that the Louisiana Legislature, rather than the LADA and those who lobbied for the direct sales ban, intended to harm out-of-state interests.²¹ Thus, it failed “to plausibly allege that the Legislature acted with discriminatory intent when it amended the law in 2017” and further failed to plausibly allege that the law has a discriminatory effect.²²

In a dormant Commerce Clause case, the court also applies the *Pike* test, which is a balancing test that weighs local state interest with the effects that the statute or regulation burdens interstate commerce.²³ The trial court in the *Tesla* case found the state has a legitimate interest in regulating the automobile industry and “in protecting consumers by controlling the entities that perform car servicing and repairs.”²⁴ The court further found that any burden on interstate commerce did not exceed those benefits.

The trial court dismissed Tesla’s lawsuit with prejudice. Tesla appealed, and the case has been briefed to the Fifth Circuit but has not yet been set for oral argument. The U.S. Department of Justice (DOJ) filed an amicus brief “in support of neither party” asserting the trial court erred in requiring Tesla to show an “anticompetitive purpose” in its antitrust claim. Instead, Tesla need only show that the agreement had an anticompetitive effect, according to the DOJ.²⁵

Outlook on the Resolution of Tesla’s Constitutional Challenge

A ruling in favor of Tesla will change the car industry. As of now, car manufacturers do not sell cars directly to Louisiana consumers. However, if Tesla prevails on appeal, a case can be made that car manufacturers no longer need dealerships and can sell all vehicles directly to consumers. However, this could leave auto dealers and the citizens employed by auto dealers without revenue and a source of income. Akin to the time prior to franchise laws, auto manufacturers could resort to terminating franchise agreements or disincentivize consumers from purchasing a vehicle at a franchised dealer to order the vehicle online. Tesla characterizes itself as a disruptor to the car industry, and its disruption could change the way Americans purchase cars and how car manufacturers sell cars.

¹ *Tesla, Inc. v. La. Auto. Dealers Ass’n*, 2:22-cv-02982, Complaint (E.D. La. Aug. 26, 2022) (hereinafter “Complaint”); see also Meghan Bobrowsky, *Tesla Suit Aims at State Ban on Direct Car Deals*, WALL ST. J., Aug. 30, 2022, <https://www.wsj.com/articles/tesla-sues-to-sell-cars-directly-to-consumers-in-louisiana-11661806328>.

² Bobrowsky, *supra* note 1.

³ *Tesla, Inc. v. La. Auto. Dealers Ass’n*, 677 F.Supp.3d 417 (E.D. La. 2023).

⁴ Mike Colias, *Rivals Emulate Tesla’s Direct-Sales Model*, WALL ST. J., Mar. 12, 2022, <https://www.wsj.com/articles/tesla-set-the-model-for-selling-evs-ford-vw-and-others-want-to-follow-11647003781>.

⁵ *Id.*

⁶ *Id.*

⁷ Complaint, *supra* note 1.

⁸ *Id.*

⁹ La. R.S. 32:1261(A)(1)(k).

¹⁰ See Complaint, *supra* note 1, ¶¶ 266-273.

¹¹ Eric D. Stolze, *A Billion Dollar Franchise Fee? Tesla Motors’ Battle for Direct Sales: State Dealer Franchise Law and Politics*, 34 FRANCHISE L.J. 293, 294-95 (2015).

¹² This doctrine is based on *Eastern R.R. Presidents Conf. v. Noerr Motor Freight, Inc.*, 365 U.S. 127, 136 (1961), and *United Mine Workers v. Pennington*, 381 U.S. 657, 670 (1965). It protects a conspiracy “to influence a government entity to take anticompetitive action.” *Tesla, Inc. v. La. Auto. Dealers Ass’n*, 677 F.Supp.3d 417, 441 (E.D. La. 2023).

¹³ See *Tesla*, 677 F.Supp.3d at 448.

¹⁴ *Id.* at 445.

¹⁵ *Id.* at 450.

¹⁶ *Id.* at 451.

¹⁷ *Id.* at 453.

¹⁸ *Id.* at 455.

¹⁹ *Id.* at 456.

²⁰ Jack L. Goldsmith & Alan O. Sykes, *The Internet and the Dormant Commerce Clause*, 110 YALE L.J. 785, 786 (2001).

²¹ See *Tesla*, 667 F.Supp. 3d at 460.

²² *Id.* at 447.

²³ See *Pike v. Bruce Church, Inc.*, 397 U.S. 137 (1970).

²⁴ See *Tesla*, 667 F. Supp. 3d at 461.

²⁵ Brief for the United State of America as Amicus Curiae in Support of Neither Party, *Tesla v. La. Auto. Dealers Ass’n*, No. 23-30480 (5th Cir. Oct. 19, 2023).

Back to Basics: Fundamentals of Estate Planning

by David S. Gunn

Planning for the disposition of your client's assets should begin years before death. The estate-planning process begins with a focus on the client's goals and objectives as to his or her family and assets. Relevant assets include a family business and its assets, investments and the residence. Other assets include pensions, IRAs and personal or family assets, such as family heirlooms, precious photos, collections and personal effects.

The process begins in helping the client establish his or her **goals** and objectives. This is a very valuable service that you can provide to your clients, who will greatly appreciate it. It may even expand your relationship with these clients. Once the client has his or her goals in focus, the next step is accumulating the necessary information. Over time, as this aspect of your practice develops and expands, you will want to prepare a checklist to assist with this process. This will facilitate assembly of the client's family and personal information (for instance, any chronic health concerns that could accelerate the customary planning techniques). Your checklist will call for information that will allow you to assess the family's needs relevant to an income stream for retirement, support of dependents, protection against a premature death or disability, etc. This will include your review of any existing will, life insurance policy, marriage contract, buy-sell agreement, shareholder agreement, etc.

Non-Tax Estate Planning Considerations

Non-tax estate planning dynamics involve assisting your clients in identifying the person to whom they would entrust the care of any minor children in the event of death or disability (of both parents). A general power of attorney (POA) allows the client to authorize an agent to assume the client's personal and business decision making in the event of absence or incapacity. Quality POAs are detailed and allow the client to authorize the execution of contracts, sale of assets, discharge of debt, signing and filing of tax returns, charitable and family donations, etc. A health-care power of attorney allows the client to authorize an agent (often a spouse or mature descendant) to make health-care decisions, such as authorizing surgery, in the event of chronic disability.

The dying declaration allows the client to express that he or she does not want heroic measures used to maintain life support (i.e., the client does not want basic life functions continued and the dying process prolonged by a respirator) if the client is comatose with no reasonable hope for recovery. The client also decides whether the withdrawal of life support would include hydration and nutrition.

Definition of the Federal Taxable Estate

Federal estate (and gift) taxes are excise taxes imposed upon the "transfer" of assets. The federal taxable estate includes all property owned at death, including real estate, stocks, cash, jewelry and antiques. It also includes items that clients fail to consider, such as proceeds of life insurance, pensions or annuities (including IRAs) and certain interests in trusts.

The federal estate and gift tax begins once the value of the taxable estate (or cumulative value of lifetime gifts) exceeds \$13,610,000¹ for deaths in 2024 or cumulative gifts exceeding this amount in 2024. These amounts are "per spouse," and since we have community property in Louisiana, many married couples have two equal estates, with each spouse owning an undivided one-half interest in each community asset. In 2024, two spouses can die owning community property valued at \$27,220,000 (\$13,610,000 x 2), without estate tax. Above these levels, the federal estate or gift tax rate is 40%.

Death taxes are imposed upon the valuation² of the transferred assets. Some assets are easy to value, such as publicly traded stocks, but valuation can be difficult for other assets. We frequently suggest that our clients engage a qualified appraiser to prepare a professional estimate of the valuation of real estate for a closely held corporation or limited-liability company. Fees for appraisals of business entities can be significant.

The Will: The Centerpiece of Any Estate Plan

If the will is not in proper form, it will probably be unenforceable, with the result that the law of intestacy will govern the disposition of the assets. Louisiana now has two general forms of wills: the notarial (formerly known as a "statutory will"), and the olographic (entirely written, dated and signed in the handwriting of the testator). Both have specific statutory requirements as to form.

Before "forced heirship" was changed approximately 30 years ago, every child was a forced heir and received a statutory share of the estate. The required shares have decreased, and only children (first-degree descendants) under the age of 24 or children of any age who are mentally or physically incapacitated and incapable of caring for themselves are forced heirs. Forced heirs are entitled to the "forced portion" (legitime) of the decedent's estate. If the decedent has one forced heir, the forced heir will receive 25% of the decedent's estate (unless the forced heir's intestate share would be less due to, for instance, the decedent having five or more children). If the decedent has more than one forced heir, the forced heirs will share 50% of the decedent's estate (unless, again, the forced heir's intestate

share would be less). The remaining portion of the estate is known as the “disposable portion” and may be bequeathed however the decedent desires. (The forced portion may be satisfied by the heir’s receipt of “non-probate” assets, including life insurance proceeds and pensions).

Marketers of revocable trusts argue that their clients should use such trusts to avoid the elevated cost of probate. This argument may be valid in, for instance, California or New York, but probate in Louisiana is usually affordable. Many recommended revocable trusts are either not in proper form or are not practically enforceable, due to deficiencies in either failing to assure that all appropriate assets are transferred or that the clients are aware of the diligence required after the transfer of assets to the trust.

Many estate plans involve testamentary trusts. A credit-shelter trust is usually created in the client’s will and often provides that the surviving spouse receive the income from a “formula bequest” of property, equivalent to the amount excluded from federal death or gift taxation (currently \$13,610,000), with the descendants receiving the property following the death of the surviving spouse. The surviving spouse is protected financially, but the credit-shelter amount escapes estate taxation. (Clients frequently want to leave everything to their spouse to protect him or her, which is a worthy goal, but, until a notable change³ in the law, this effectively threw away the decedent’s credit-shelter exclusion, wasting significant amounts of death tax.)

The marital-deduction trust is similar, usually providing security to the surviving spouse with a stream of income for life, but with the principal assets ultimately passing to the descendants. Its difference from the credit-shelter trust is that the principal of the marital-deduction trust qualifies as “qualified terminable interest property” (QTIP) that entitles the estate to the marital deduction. The marital-deduction trust avoids estate taxation on an unlimited amount of property over which the surviving spouse possesses a qualified-income interest for life. The downside is that the tax in the estate of the first spouse to die is not avoided; it is merely deferred until the death of the second spouse.

Other types of trusts, including inter vivos trusts (created during the lifetime of the client), are often used. A properly structured life-insurance trust can avoid inclusion of life-insurance proceeds in the taxable estate, and educational trusts can benefit grandchildren and protect them by withholding substantial funds until they financially mature.

Lifetime Giving

The benefits of lifetime giving include: (1) the \$18,000 annual exclusion for gifts of present interests per donor and donee and (2) accumulated after-tax income from and future appreciation in the donated property will be excluded from the donor’s estate. The disadvantages include: (a) the donor loses the control and use of the property and its income, and (b) the donor’s income-tax cost basis carries over to the donee. If the property donated has substantially appreciated since the donor’s acquisition, the donee would have a substantial income-tax liability if the property were sold. If the donee instead inherited the property from the donor at the donor’s death, the income-tax cost basis of the property would have

been “stepped-up” to the value at the date of death,⁴ with the result that a sale of the property by the heir shortly after death generally results in little or no income tax.

Another benefit of giving involves the unlimited exclusion for qualifying gifts of tuition or medical care. This exclusion is in addition to the \$18,000 annual exclusion described above and is permitted regardless of the relationship between the donor and donee. The exclusion applies only to direct payments to, for instance, the educational institution or medical-service provider.

Beneficiary Designations

Since many clients have a large portion of their estates invested in pensions, annuities, IRAs or life insurance, the beneficiary designations are important and should be coordinated with the overall estate plan. The designation with the insurance company or trustee overrides any contrary bequest within the will. Many clients designate their spouse as the beneficiary of these assets. In small estates, this technique can be beneficial, providing financial security for the surviving spouse.

Life insurance policies can provide substantial benefit to a loved one, without death taxation, if properly structured. As a result, the client must consider his or her life insurance and pension beneficiary designations with the recipients of property under the will. Importantly, if the designated beneficiary-spouse predeceases the insured with no alternative beneficiary being designated, most insurance policies provide that the estate of the insured is the beneficiary.

Relevant to pensions and IRAs, clients should be advised that most of these assets are characterized as income in respect of a decedent (IRD).⁵ As a result, beneficiaries will owe income taxes upon receipt of these assets. Considering the death taxes already paid, 80% or more of these IRD assets can be lost to the combined confiscatory estate and income taxes.

Summary

In summary, there is much that we can do for our clients in this area that is often ignored for decades. The attorney, assisted by the client’s accountant or tax consultant as trusted advisers, are in prime position to greatly assist and benefit the client while dramatically improving their professional relationship with the client.

¹ It is also important to recognize that, without further changes in the law, this federal and cumulative gift-tax exclusion amount will revert to the 2017 amount of \$5 million (which amount would be indexed for inflation), for deaths that occur after December 31, 2025.

² An executor or representative of the estate can value the assets either at the date of death or on the six-month anniversary of death (known as the “alternate valuation date”), which can be helpful in the case of assets that have depreciated since the decedent’s death.

³ Effective January 1, 2011, the law was changed to allow the transfer (often referred to as “portability”) of a deceased spouse’s unused estate-tax exclusion to the surviving spouse’s estate, enabling the survivor to use the unused exclusion amount “inherited” from the first spouse to die against lifetime gifts or to his or her estate. The IRS ultimately extended the timeline for electing portability (by the survivor’s estate) to five years after the first decedent’s death.

⁴ 26 U.S.C. § 1014(a).

⁵ 26 U.S.C. § 691(a).



Arbitrator & Mediator

maps welcomes to its
Panel of Neutrals the
Honorable Bernette Johnson,
former Chief Justice of the
Louisiana Supreme Court.

Hon. Bernette Joshua Johnson (ret.) - Arbitrator & Mediator

**New Orleans • Baton Rouge • Mandeville
Virtual • Nationwide**

VITAL STATISTICS

Position: Judicial Administrator
for the 19th Judicial District Court

Age: 52

Born & Raised:
Baton Rouge, Louisiana

College: B.S. in nutrition from LSU

Law School: J.D. and bachelor of
civil law from LSU Paul M. Hebert
School of Law

Spouse: Greg Gibbens

Children:

(Son) Colby Moore and
his wife, Jenna (Baton Rouge);

(Stepdaughter) Ashlyn Lawson
and her husband, Jason
(Fort Worth, Texas)

Grandchildren:
Reese and Tucker
(Baton Rouge);
James, Elizabeth
and Haynes
(Fort Worth)

Hobbies:
Travel, cooking,
reading, art and
entertaining



Interview with Diana B. Gibbens, Judicial Administrator of the 19th JDC

by Pamela Labbe & Ava Laborde

TBRL: *Tell us about your current position. What is a typical work day like for you?*

DBG: There is no typical day! Each day brings new challenges and rewards. There is never a dull moment at the 19th JDC.

TBRL: *What is the best part of your day?*

DBG: Coming home after a long day at work to my husband, Greg, to cook dinner and recount the events of the day. In my mind, I am a fantastic storyteller. Greg may not agree.

TBRL: *What was your prior position with the court?*

DBG: I have been with the 19th JDC for over four years now. First, I began as a staff attorney working for all of the civil judges. Primarily, I reviewed successions and other uncontested civil matters. Then, in May 2022, I was given the position of general counsel. I remained in that position until July 2023, when I was given the position of judicial administrator. At first, it was on an interim basis until December 2023, when the position became permanent.

TBRL: *And where were you before that?*

DBG: Before coming to the court, I worked as a private practice attorney for over 15 years. My primary focus when practicing was civil litigation with some work involving trusts, successions and interdictions.

TBRL: *What prepared you most for your current position?*

DBG: My experience as an attorney for over 20 years and my four years working as a staff member of the court most prepared me for my current position. It is amazing how different things are once you are “behind the scenes.” Each day, I learn something new about how the court works or what things the court needs to succeed. The dual perspective of a practicing attorney and a staff member of the court have been invaluable as I navigate my way through the responsibilities as judicial administrator.

TBRL: *What is the most rewarding aspect of your position?*

DBG: It is incredibly rewarding to work as part of a team creating new court programs that will inevitably have a positive impact on the entire community. During much of my first year, the court was preparing to launch a Court Intervention Program, a program that will truly change the way the court processes criminal matters. As part of the team implementing these innovative programs, I have had the pleasure of working with and getting to know so many intelligent members of the Baton Rouge community who truly care about making a positive difference, as opposed to sitting by and complaining.

My father-in-law often said, “There are doers in this world and there are talkers.” As the judicial administrator for the 19th JDC, I am fortunate to be surrounded by “doers.”

TBRL: *What surprised you most about your position?*

DBG: I always knew that this position required a lot of work, but I really had no idea of the depth and breadth of the responsibilities that I have undertaken in this role. The job of the judicial administrator at the 19th JDC involves a wide range of responsibilities: from overseeing security of the courthouse to working with the budget including administration of grant funding for specific court programs, to addressing courthouse maintenance issues, working with all 90+ staff members of the court to address needs and resolve any problems, and representing the 19th Judicial District Court when interacting with our various publics, including the Louisiana Supreme Court, LSBA and BRBA.

TBRL: *Tell us about your staff. Whom do you supervise? To whom do you report?*

DBG: I work directly with all 15 judges of the 19th JDC, but I primarily report to the chief judge on administrative matters. I absolutely could not do this job without my staff. They are amazing and assist me in every aspect of my day. My immediate staff consists of 10 to 12 people who are within the administration. Kim M. Ford and Antonequia Butler are in the Finance Department; Charise Patterson is my deputy judicial administrator; Genevieve Robichaux is the payroll and benefits coordinator; Kim Sledge is the court reporter liaison; Lauryn Stelly is the staff attorney for judicial administration; Susan Bienville is civil duty and relief coordinator; Ashley Rankins is the Court Intervention Program coordinator; Susan Bienville is the civil duty and relief coordinator; Kendra Rankins and Lauren Wilkinson are both relief staff secretaries; and last but certainly not least is the fabulous Charmane Brooks, my administrative assistant.

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

DBG: My uncle, Don Beard, once told me that my grandmother always wanted to go to law school. The reality that I could indirectly live her dream was inspiring to me. Another influence was a trip to Washington, D.C., that my dad gifted to me for graduating from LSU. I had originally wanted to go to medical school; however, after visiting D.C., I was filled with such an immense passion for our governmental system and the legal process that I had no other choice but to attend law school.

TBRL: Who have been your role models and mentors?

DBG: I have always admired female trailblazers in the law, including Justice Ruth Bader Ginsburg, Chief U.S. District Judge Shelley Dick and Judge Janice Clark. These women made it possible for me to obtain the career I have and live out my grandmother's dream. Without their sacrifice and determination, things would be quite different for women in the legal profession today. As for mentors, I have so many that I could not list them all. It is safe to say that I currently have about 15 mentors who are serving on the bench at the 19th JDC.

TBRL: Provide some background information about yourself. Where did you grow up? Tell us about your family.

DBG: I grew up in Baton Rouge. My father worked for Exxon Chemical, but my dad was not about his work. Instead, he was a master hobbyist. Dad worked on cars and could repair just about any engine put in front of him. He liked to build things, enjoyed model airplanes and loved to cook for an army. My mother was an amazingly talented artist with a keen eye for design. I have one brother, Keith, who inherited my dad's ability to fix anything, and he is the father to three beautiful girls and is soon to be a grandfather. I am fortunate to have picked up so many lessons along the way from both my parents. From my dad, I have an appreciation for creative problem solving; from my mom, an appreciation of the arts.

TBRL: What will you do when you retire?

DBG: Greg and I dream of retiring somewhere beautiful, like a Caribbean island, the mountains of Southern Spain or somewhere closer to home. I hope to spend my retirement enjoying the outdoors, writing a book and maybe learning to paint. Most of all, I look forward to sharing a love of travel and experiencing other cultures with our grandchildren.

TBRL: Are you currently listening to any podcasts (and if so, which ones)?

DBG: "HBR on Leadership"—good tips for work. "And What Now? With Trevor Noah" for a good laugh and some solid informational interviews.

TBRL: What is the last book you read (or what are you reading currently)?

DBG: I have been reading "The Warmth of Other Suns" by Isabel Wilkerson; "Protocol—The Power of Diplomacy" by Capricia Penavic Marshall; and I am just beginning to read "Dispatches from Pluto—Lost and Found in the Mississippi Delta" by Richard Grant.

TBRL: What was your favorite vacation destination?

DBG: Without a doubt, it is Granada, Spain. I visited Granada on vacation for the first time in 2011 and absolutely fell in love with the people, place and culture. In 2012, I spent six months studying Spanish at a school located in the Albaicin in Granada. Each morning, as I would walk to school, I would be in awe that the city walls were over 1,000 years old! Is there anything in Louisiana that even approaches that age? In the afternoons, my friends and I would hike around the Alhambra Palace or sit in a café sipping wine and sharing stories of life in Spanglish. Granada, and all of Andalusia, is such a beautiful place. It is safe to say that part of my heart will always be in Granada. This year, I will take Greg to Granada for the first time to attend the wedding of one of my dearest friends, whom I met on my first visit to Spain in 2011. I am so excited about this trip as this will be my first visit back to Spain since before COVID. Far too long to be away!

TBRL: What advice might you have for young lawyers?

DBG: Do not ever hesitate to ask questions. You will be learning throughout your career. Those who succeed as attorneys seek out a mentor and ask for guidance along the way. Most importantly, enjoy the journey throughout your career.

Trying a Construction Case to a Jury: Lessons Learned from Recent Experience

BRBA Construction Law Section CLE

12 - 1 PM | Thursday, May 23

Middleton Bar Center | 544 Main Street, Baton Rouge, La. 70801

Speakers: Kelsey Funes & Adrian Nadeau | **Cost:** \$30/section member; \$50/non-section BRBA member; \$60/non BRBA member

Description: Construction cases are document intensive and often involve complicated and highly technical concepts. While an experienced arbitrator or judge may be easier to teach, you may find yourself needing to explain these complicated concepts to a jury. Join us for a CLE presented by Kelsey Funes and Adrian Nadeau, two experienced construction lawyers who recently tried two different construction cases to juries. This seminar qualifies for 1.0 hour of CLE credit; networking; lunch.

**Contact Susan Saye at 225-344-4803 or susan@brba.org
for more information or to register.**

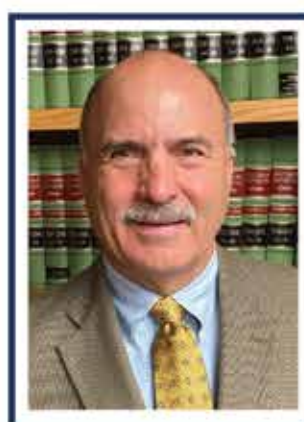


Joe Hassinger

maps welcomes 5 Superstars to your Panel of Neutrals



Hon. Bernette J. Johnson (ret.)



Gary J. Giepert



William "Billy" Justice



Mickey S. deLaup



John R. Walker

New Orleans • Baton Rouge • Mandeville • Virtual • Nationwide

800.443.7351 | maps-adr.com | resolutions@maps-adr.com

Riding Circuit at LSU Law

article by Kacy Collins Thomas | photos by Jennifer C. Tran

In what has become an annual tradition, the legal writing faculty of the Paul M. Hebert Law Center invited a panel of judges from the Louisiana First Circuit Court of Appeal to hold arguments at the Law Center so that law students could observe a demonstration of appellate practice and advocacy. As one faculty member said, the faculty appreciates how observation of the arguments reinforces the concepts and principles of written and oral advocacy that are taught in the classroom.

A three-judge panel composed of Chief Judge John Michael Guidry of Baton Rouge, Judge Wayne Ray Chutz of Livingston and Judge Walter Lanier III of Thibodaux held oral arguments Feb. 26, 2024, in the Robinson Courtroom of the law center. Observing the arguments in the courtroom were first-year law students from the law center.

Judge Chutz (1985) and Judge Lanier (1993) are both graduates of the law center. While Chief Judge Guidry is a graduate of the Southern University Law Center, he obtained his undergraduate degree from LSU.

Before oral arguments began, LSU Law Dean Alena Allen greeted and welcomed the visiting panel. On behalf of the panel, Chief Judge Guidry said they were pleased to assist in the development of a future generation of lawyers. He also thanked attorneys presenting arguments for accommodating the change of venue, as normally arguments are held at the First Circuit courthouse located behind the state capitol in downtown Baton Rouge. For each appeal argued, Chief Judge Guidry asked the attorneys to first address the audience of students and provide a brief summary of the facts and issues to be argued in their respective cases. The five appeals argued before the students included a medical-malpractice action, an arbitration dispute, a nuisance complaint, a subrogation claim and, ironically, a proposed class action on behalf of LSU students.

In addition to the first-year students who attended the arguments in the Robinson Courtroom, the law center live-streamed the arguments to the McKernan Auditorium for other law students, and even undergraduates, to observe. Present in the auditorium with those observers was Judge Jude Gravois of the Louisiana Fifth Circuit Court of Appeal and recently retired First Circuit Judge Guy Holdridge, who also serves as an adjunct faculty member of the Law Center teaching Louisiana Civil Procedure. Judges Gravois and Holdridge

provided commentary on the arguments being presented to help the students better appreciate the interaction between the panel of judges and the attorneys during the arguments. At one point during a particularly lively exchange of questioning by a judge and an attorney, Judge Holdridge advised the audience jokingly that in such contests of views, the judge always wins.

Although the first-year law students did not have the pleasure of hearing the live commentary provided by Judges Gravois and Holdridge, later that afternoon those students assembled together in the McKernan Auditorium for an in-depth panel presentation on effective appellate brief writing and oral argument that highlighted aspects of the oral arguments that were presented that morning. Chief Judge Guidry, Judge Lanier and Judge Gravois served on the panel for the presentation. The presentation panel also included Marcus Plaisance, a private attorney with an active appellate practice, especially before the First Circuit and Louisiana Supreme Court, who provided a practitioner's perspective, and Kacy Collins Thomas, Administrative General Counsel at the First Circuit, who provided the perspective of the court staff who assist appellate court judges in rendering their opinions.

When first established by an amendment to the state constitution in 1906, the First Circuit had no official "domicile," but held court sessions in ten specified cities throughout the southern part of Louisiana (excluding the seven parishes of the greater New Orleans area) in a practice referred to as "riding circuit." Later, the 1921 state constitution established Baton Rouge as the domicile of the First Circuit, and in 1960, the routine of riding circuit was eliminated. Nonetheless, the judges of the First Circuit embrace the opportunity to venture into the community and provide a glimpse of the work that they do as appellate court judges. Hence, in addition to riding circuit to the LSU Law Center in February, another panel of the court also accepted an invitation to hold oral arguments at Southeastern Louisiana State University in Hammond in April, and previously, in September 2023, Chief Judge Guidry's panel likewise accepted an invitation to hold oral arguments at the Southern University Law Center.

As one faculty member said, the faculty appreciates how observation of the arguments often reinforces the concepts and principles of written and oral advocacy that are taught in the classroom.



Judge Guy Holdridge (retired) speaks to law students in the McKernan Auditorium.



The three-judge panel of First Circuit includes Judge Wayne Ray Chutz, Chief Judge John Michael Guidry and Judge Walter I. Lanier III.



First Circuit 2024 panel with LSU Law Dean Alena M. Allen (Standing, L to R) Marcus J. Plaisance, Dean Alena M. Allen, Kacy Collins Thomas; (seated, L to R) Judge Jude G. Gravois, Chief Judge John Michael Guidry and Judge Walter I. Lanier III.

19th JDC Launches Domestic Violence Intervention Court to Offer Comprehensive Support for Victims and Offenders

by Judge Tiffany Foxworth-Roberts

In a groundbreaking move toward addressing domestic violence in East Baton Rouge Parish, the 19th Judicial District Court has established a Domestic Violence Intervention Court pilot program. It will provide a holistic approach to tackling this pressing issue. This innovative court aims to hold offenders accountable for their actions and to provide them with necessary tools to break the cycle of violence. Louisiana currently ranks fifth in the nation in femicide with over half stemming from intimate partnership relations. To combat these acts of violence that have continued to escalate after the 2020 COVID-19 shutdown, the 19th JDC and the Office of District Attorney for East Baton Rouge Parish collectively support efforts of educating, treating and providing resources to perpetrators of domestic violence who seek reunification, have children and a willingness and desire to rehabilitate.

Judge Tiffany Foxworth-Roberts presides over the pilot program, which began April 5, 2024. Defendant participation in this program is voluntary and requires a commitment to adhere to all guidelines during the 12-to-18-month time frame. Defendants will be interviewed by case navigators in partnership with the Criminal Justice Coordinating Council (CJCC) and be screened by the Office of District Attorney. They must plead guilty to a felony-grade offense. During the probationary period, defendants will be supervised by the Office of Probation and Parole. One of the key features of this Domestic Violence



Intervention Court is its adoption of the Duluth Model domestic-violence-offender course.

The Duluth Model is a widely recognized and evidence-based approach to addressing domestic violence. The 27-week course will be administered by a licensed clinical psychologist. Offenders are required to attend all classes. The court's objective is to educate them about the dynamics of abuse, promote accountability for their actions and help with developing healthier behaviors and relationships. Furthermore, the court recognizes the complex interplay between

domestic violence, substance abuse and mental-health issues. To treat these underlying factors, the Domestic Violence Intervention Court will provide defendants with the support they need to make positive changes in their lives. It is anticipated that addressing these root causes of violence will reduce the likelihood of re-offending and promote long-term rehabilitation. Successful outcomes will be incentivized by the setting aside of the conviction, and subsequent violators will be removed from the program.

In addition to supporting offenders, the Domestic Violence Intervention Court is committed to providing comprehensive



Photographed (L to R) are Melanie Fields, ADA; Lindsey Blouin, Gen. Counsel YWCA; Judge Tiffany Foxworth-Roberts, 19th JDC; Christopher Csonka, ED CJCC; Jermaine Guillory, ADA; and Christina Lafleur, OPP.



Photographed (L to R, in the front row) are Lindsey Blouin, Gen. Counsel YWCA; Jermaine Guillory, ADA; District Attorney Hillar Moore; Harmoni Proctor, HS intern; Judge Tiffany Foxworth-Roberts, 19th JDC; Dianna Payton, CEO YWCA; Rene Taylor, ED and Doris Dawson, LPC of Family Services of GBR; Tristan Sullivan, HS intern; Dane Washington, HS intern. In the back row (L to R) are Evan Polozola, 2L LSU Law Intern, and Lasalle Christoff, Law Clerk, Div M.

services to victims of domestic violence. By collaborating with the YWCA of Greater Baton Rouge and National Network for Safe Communities, the court will ensure that victims and their children have access to a wide range of support services, including counseling, advocacy and assistance with obtaining job-skills training. This collaborative effort will empower victims to break free from the cycle of abuse, rebuild their lives and create a safer and more secure future for themselves and their families.

Overall, the launch of the Domestic Violence Intervention Court represents a significant step forward in addressing

domestic violence. The widespread and integrated approach to supporting both offenders and victims will be one of the first concepts utilized in the state. This initiative underscores the commitment of the 19th JDC and its partners in creating a community where all individuals can live free from fear and violence. The data obtained from this pilot program will be used for application to the Louisiana State Supreme Court to be recognized and subsequently approved as a specialty court.

Please contact Lassalle Christoff, law clerk to Judge Tiffany Foxworth-Roberts, at 225-389-4737 or Melanie Fields, ADA, at 225-389-3400 for referrals or more information.

Save the Date: The 26th annual Belly Up with the Bar will be held Friday, Oct. 4, at the LSU John M. Parker Coliseum (6-9 p.m.)

Belly Up is a fundraiser for the Youth Education Programs
supported by the Baton Rouge Bar Foundation.

Sponsorships Available

For more information, contact Pamela Labbe at pam@brba.org

Foundation Footnotes

Pro Bono Reports — January and February 2024

Teen Court Volunteers

In January, one hearing and one training were held. Volunteers were **Candace B. Ford**, *U.S. Attorney's Office*; **Naveen Adusumilli**, *BRBA law student member*; **Tammeral Hills**, *Hills Law Firm, LLC*; and **Quintillis Lawrence**, *U.S. Dept. of Homeland Security*.

In February, four hearings and one training were held. Volunteers were **O. Curtis Nelson Jr.**, *attorney at law*; **Jamie Flowers Jr.**, *U.S. Attorney's Office*; **Tammeral Hills**, *Hills Law Firm, LLC*; **Rebecca Moreno**, *Southern University Law Center*; **Tiffany Carriere**, *First Circuit Court of Appeal*; **Monica Vela-Vick**, *Dugan Law Firm*; and **Naveen Adusumilli**, *BRBA law student member*.

Attorneys Accepting Cases

Accepting legal cases in January and February were **Marsha H. Burden**, *Southern University Law Center*; **Terrel Dupard**, *Dupard Law Firm*; **DeVonna Ponthieu**, *Law Office of DeVonna Ponthieu*; **Rena Hester**, *attorney at law*; **Derrick McCorey**, *attorney at law*; and **James A. Word II**, *attorney at law*.

Self Help Resource Center Volunteers

Volunteering with Self-Help Resource Center during January

and February 2024 were **Carlesia C. Bibbins**, *attorney at law*; and **Derrick McCorey**, *attorney at law*.

Spring Pro Bono Project Interns

Whitney Graham, *Southern University Law Center*; **Eric J. Roshak**, *LSU Law Center*.

Legal Hotline Volunteers

Volunteering during January and February 2024 for the Legal Hotline were **Scott Gaspard**, *attorney at law*; **Cherita McNeal**, *attorney at law*; **Lashonda Hubbard**, *attorney at law*; and **James "Jimmy" Zito**, *attorney at law*.

Ask-A-Lawyer Volunteers

Volunteering for Ask-A-Lawyer events held in January and February 2024 were **Marlon Battley**, *attorney at law*; **Derrick McCorey**, *attorney at law*; and **Sharita Spears**, *attorney at law*. BRBF law student interns **Whitney Peters**, *Southern University Law Center*, and **Eric J. Roshak**, *LSU Law Center*, volunteered as well.

Teen Court is made possible in part by grants from the Louisiana Bar Foundation. The Pro Bono Project is financially assisted by the Interest on Lawyers' Trust Account (IOLTA) Program of the Louisiana Bar Foundation; Southeast Louisiana Legal Services; Family, District and City Court Fees; and the Baton Rouge Bar Foundation.



GAIL'S GRAMMAR

April 24 was the internationally recognized Take Your Child to Work Day. The event is sometimes called by the grammatically incorrect name "Bring Your Child to Work Day." *Take* and *bring* are related to *go* and *come*. The usage depends both on the direction of the motion and the perspective of the speaker. If you are moving away from home and toward your office, you are *going* to work, and you are *taking* your child with you. If you are moving away from the office and toward your home, from the perspective of the person waiting for you at home, you are *coming* home, and you are *bringing* your child home with you.

Yes, it's confusing. Just remember that when you are moving away (going), you are *taking*, and when you are moving toward (coming) you are *bringing*.

CORRECT EXAMPLE:

I *took* my laptop with me to the deposition. (moving toward the deposition)

When my husband comes home from work, he will *bring* a pizza for dinner. (moving away from the office).

Thanks to Olga Svendson for suggesting this topic. Send suggestions for future Gail's Grammar columns to Gail Stephenson at GStephenson@sulc.edu or call Gail at (225) 926-1399.

MAY 2024						
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 *	

JUNE 2024						
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 *
23/30	24	25	26	27	28	29

IMPORTANT DATES

May

- 1 BRBF Law Day
- 9 Cocktails with the Court, City Club of Baton Rouge, 5:30 p.m.
- 14 Workers' Compensation Section meeting & CLE seminar, 11:30 a.m., location: TBD
- 15 BRBA Board meeting, 6 p.m., Juban's
- 16 Family Law Section meeting & CLE seminar, 11:30 a.m., City Club of BR; Belly Up with the Bar Committee meeting, noon, via Zoom; Trivia Night at Jolie Pearl Oyster Bar, 5:30-7:30 p.m.
- 17 Publications Committee meeting via Zoom, 8 a.m.
- 18 Ask-A-Lawyer, 9 a.m., Jones Creek Branch of EPRP Library
- 20 Teen Court Hearing via Zoom, 6 p.m. & 7 p.m.
- 23 Construction Law Section meeting & CLE seminar, 11:30 a.m., Middleton Bar Center

- 24 Youth Education Committee meeting, noon, via Zoom
- 27 Bar Office Closed—Memorial Day
- 30 In-House Section CLE, "GC Primer: Non-Competes and Sales and Tax Issues," 11:30 a.m., Breazeale Saschse & Wilson
- 31 Eviction CLE, 9-11 a.m., Middleton Bar Center

June

- 3-7 LSBA Summer School and Annual Meeting
- 14 Bar Office Closed—Juneteenth
- 20 Family Law Section meeting & CLE seminar, 11:30 a.m., Location: TBD; Belly Up with the Bar Committee meeting, via Zoom, noon
- 22 Ask-A-Lawyer, 9 a.m., Carver Branch of EPRP Library

DUTY COURT SCHEDULE

19th JDC Civil Duty Court	
4/22 - 5/03	Judge Foxworth-Roberts
5/6 - 5/17	Judge Fields
5/20 - 5/31	Judge Ron Johnson
6/03 - 6/14	Judge Don Johnson
6/17 - 6/28	Judge Higginbotham

19th JDC Criminal Duty Court***	
4/26 - 5/03	Judge Myers
5/03 - 5/10	Judge Johnson Rose^
5/10 - 5/17	Judge Smith
5/17 - 5/24	Judge Jorden
5/24 - 5/31	Judge Hines
5/31 - 6/07	Judge Greggs
6/07 - 6/14	Judge Crifasi
6/14 - 6/21	Judge Ray
6/21 - 6/28	Judge Myers
6/28 - 7/05	Judge Johnson Rose^

Baton Rouge City Court*	
4/29 - 5/05	Judge Alexander
5/06 - 5/12	Judge Vendetto
5/13 - 5/19	Judge Marcantel
5/20 - 5/26	Judge Temple
5/27 - 6/02	Judge Matthews
6/03 - 6/09	Judge Alexander
6/10 - 6/16	Judge Vendetto
6/17 - 6/23	Judge Marcantel
6/24 - 6/30	Judge Temple

Juvenile Court	
May	Judge Grover
June	Judge Haney

Family Court**	
5/01	Judge Baker (Div. A)
5/02	Judge E. Green (Div. B)
5/03	Judge Baker (Div. A)
5/06	Judge Day (Div. C)
5/07	Judge Russ (Div. D)
5/08	Judge Baker (Div. A)
5/09, 5/10	Judge E. Green (Div. B)
5/13	Judge Day (Div. C)
5/14	Judge Russ (Div. D)
5/15	Judge Baker (Div. A)
5/16	Judge E. Green (Div. B)
5/17, 5/20	Judge Day (Div. C)
5/21	Judge Russ (Div. D)
5/22	Judge Baker (Div. A)
5/23	Judge E. Green (Div. B)
5/27	HOLIDAY
5/28	Judge Russ (Div. D)
5/29	Judge Baker (Div. A)
5/30	Judge E. Green (Div. B)
5/31	Judge Baker (Div. A)
6/03	Judge Russ (Div. D)
6/04	Judge Baker (Div. A)
6/05	Judge E. Green (Div. B)
6/06	Judge Day (Div. C)
7/07	Judge Russ (Div. D)

Family Court (Continued)	
7/10	Judge Day (Div. C)
7/11	Judge Russ (Div. D)
7/12	Judge Baker (Div. A)
7/13	Judge E. Green (Div. B)
7/14, 7/17	HOLIDAY ¹
7/18	Judge Russ (Div. D)
7/19	Judge Baker (Div. A)
7/20	Judge E. Green (Div. B)
7/21, 7/24	Judge Day (Div. C)
7/25	Judge Russ (Div. D)
7/26	Judge Baker (Div. A)
7/27	Judge E. Green (Div. B)
7/28	Judge Russ (Div. D)

Court Holidays	
Friday, May 27	Memorial Day
Friday, June 14	Juneteenth

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.

¹Section IV is currently the only section conducting Saturday callout.

¹Family Court will be closed on Friday, June 14, and Monday, June 17, for Flag Day and Juneteenth.

Baton Rouge Bar Association

P.O. Box 2241

Baton Rouge, LA 70821

PRSRT STD
U.S. POSTAGE

PAID

BATON ROUGE, LA

PERMIT NO. 746

BOLD. PROVEN. TRUSTED.

J. CULLENS

ABBOUD THOMAS

ED WALTERS

12345 Perkins Road
Baton Rouge, LA 70810
lawbr.net
225-236-3636

WALTERS
THOMAS
CULLENS
ATTORNEYS at LAW

LA-23-15274

Attorney David Abboud Thomas is responsible for this ad.