

VOL. 7, ISSUE 5 | September/October 2024



THE BATON ROUGE LAWYER

THE MAGAZINE OF THE BATON ROUGE BAR ASSOCIATION

Celebrate Pro Bono

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

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

26th Annual
BELLY UP
with
THE BAR



The list of BRBF's Youth Education Programs include Teen Court of Greater Baton Rouge, Law Day, High School Mock Trial Competition and Lawyers in the Classroom.

BELLY UP TICKET INFORMATION:

Event tickets are available at the BRBA by calling 225-344-4803 or through the BRBA website: www.BRBA.org.

- **ADVANCE GENERAL ADMISSION TICKET PRICES:** \$35 / ADULT; \$25/LAW STUDENT; \$15/CHILD (AGES 12-17); \$5/CHILD (AGES 3-11)
- **AT THE DOOR:** \$45/ADULT OR LAW STUDENT; \$20/CHILD (AGES 12-17); \$10/CHILD (3-11)
- **CHILDREN UNDER AGE 3 GET IN FREE WITH AN ADULT WHO HAS A TICKET**

WHILE AT THE EVENT:

LIVE MUSIC performed by THE EDDIE SMITH BAND | Stop by our **FACE PAINTING** table | Visit our Belly Up **PHOTO BOOTH**

WIN GREAT **DOOR PRIZES!** (GIFT CARDS from local RESTAURANTS)

SOFT DRINKS & BOTTLED WATER donated by Coca-Cola Bottling Company United, Inc. - Baton Rouge.

Enjoy **DELICIOUS DISHES, COCKTAILS & MOCKTAILS** while voting online (PEOPLE'S CHOICE) for your favorites.
Bring your SMARTPHONE and look for the QR CODE POSTED PROMINENTLY at the venue to access the ballot.

An **AWARDS CEREMONY** will honor all winning teams selected by our **PANEL OF CHEF and CELEBRITY JUDGES**
and our ticket holders, who choose the winners of our **PEOPLE'S CHOICE** awards.

BELLY UP SPONSORS:

PREMIER SPONSORS:

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THREE SPOONS: Committee to Elect Brittany Bryant Jorden for Judge
Quality Investigative Group | Tomeny Best Injury Lawyers | Wampold Companies

TWO SPOONS: DeCuir, Clark & Adams, LLP | Magnolia Disability
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DOOR PRIZES DONATED BY:

Capital City Grill | Cecelia Creole Bistro

Chow Main | J. Alexander's

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Louie's Café | Mike Anderson's

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Serop's Express Downtown Baton Rouge

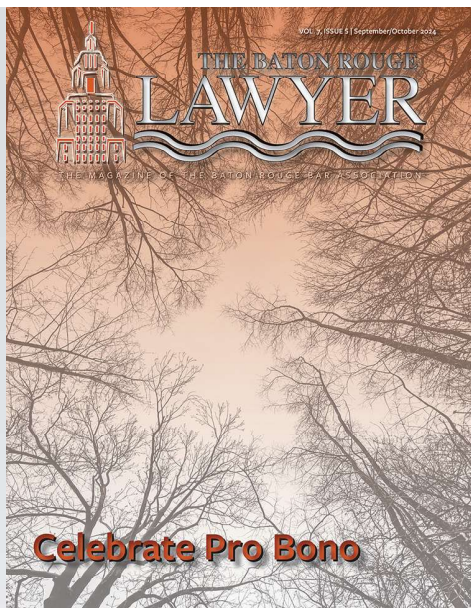
TJ Ribs | Town Square Pizza

SEE PAGE 15 FOR THE BRBF BELLY UP TEAM REGISTRATION FORM.

REGISTER YOUR COOKING TEAM!

SPONSORSHIPS STILL AVAILABLE

For more information, contact Pamela Labbe at pam@brba.org OR 225-214-5560.



On the Cover

On the cover of the September/October 2024 issue of TBRL is an image of tree branches that pairs well with Prentice L. White's Back to Basics article concerning tree-related disputes among neighbors. See his article on page 10. Additionally, Celebrate Pro Bono Week takes place in October. Join us as the BRBF honors lawyers who give back to the community by volunteering with The Pro Bono Project's community outreach programs and by accepting legal cases.

Cover art designed by Pamela Labbe

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Celebrate Pro Bono

The 2024 National Celebration of Pro Bono is Oct. 20-26.

*The Baton Rouge Bar Foundation Pro Bono Project
will honor BRBA members for their volunteer pro bono efforts at
an awards ceremony in October at the Middleton Bar Center,
544 Main Street. More details to come.*

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CORRECTION:

The photo by Kent Moroux on the cover of the July/August issue was taken at Chef Folse's White Oak Plantation, the location of the "Stirrin' It Up" set. We regret not including the name of the restaurant in our "On the Cover" segment of the issue.

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.

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SAVE THE DATE

11.07.24

Gavel Gala

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Contact Ann K. Gregorie: ann@brba.org or 225-214-5563

Letter from the President

by Luke Williamson

Learn the Lingo

Skibidi Ohio Rizz What the Sigma!? If you know what these words mean, you likely have a child in middle school or younger. If you have no idea what these words mean, then you probably know the proper use of the terms “gag me with a spoon” or “totally tubular.” For the record, the meme-based terms above represent the current vernacular of preteens and are an offshoot of a YouTube video titled “Skibidi Toilet.”

Lawyers use specialized words that have very specific meanings, words we have learned through intensive education, experience and osmosis. Ninety-nine percent of our clients do not know the meaning of the words we often use, similar to how you likely don’t know that “rizz” means charming and attractive, a derivative of the word charisma. I will let you go down your own Subreddit and YouTube wormholes on the meanings of the other words.

My wife and kids often accuse me of using too much lingo in explaining card games. Whether referring to the fifth community card in Texas Hold-Em as “the River” or extra “tricks” in Spades as “bags,” they likely have a point. My defense is if you are going to play a game, you need to know the terms of art that are central to the game. However, our clients are not playing a game in their legal proceedings and do not need to learn legal terms of art for future use. Instead, they need to understand what is going on relative to one of the most important issues occurring in their lives—important enough to hire an attorney.

When we tell our clients we scheduled a Rule 26 discovery conference, and they say, “okay,” that does not mean they realize this is simply a preliminary conference with opposing counsel to discuss cutoff dates for a Status Report that will set deadlines for a trial 12 to 18 months in the future. Instead, they express understanding because they do not want to acknowledge to their attorney that they do not understand. I know this because a client once called me after a Rule 26 conference to ask me if we had settled the case. If we tell a client we are scheduling a 1442 deposition of a juridical person, they likely have no idea what we are saying. When a defense lawyer asks my client, “Have you aggravated your pre-existing underlying condition in any subsequent claims?” I usually object and ask them to define every word used besides “your” and “the.”



In 1992, James Carville wrote, “It’s the economy, stupid” on the white board of Bill Clinton’s floundering campaign’s War Room to focus the campaign’s messaging on a simple mantra. It worked! While the KISS (Keep It Simple, Stupid) principle was first coined during WWII and applied to aeronautical design, the concept lives on and has become a standard for public relations, advertising and messaging campaigns. When we talk to our clients, it is vitally important to keep it simple. We need to talk to them like an uninitiated card player with simple terms that are not lawyer lingo. Think “Go Fish” and not “Bridge.”

Now, on to bar business. We have some exciting fall events scheduled:

1. **Bar elections:** Nomination forms to elect new bar leadership are due Monday, Sept. 30.
2. **Belly Up with the Bar** is Friday, Oct. 4. More than a quarter century of fundraising and good times have been had by all at this event.
3. **Our Veterans Day celebration and CLE event** will be Monday, Nov. 4. It’s always inspiring and illuminating to hear from our colleagues who served.
4. **Gavel Gala**, where the Baton Rouge Bar gathers to celebrate the year and award a surprise Lifetime Achievement Award, will be Thursday, Nov. 7.
5. **“Fearless Lawyers, Unpopular Causes, Unpopular Clients, and the Concept of Justice,”** an engaging CLE by Baton Rouge’s own Mike Rubin, will be held at the Old State Capitol from 4-6 p.m. Wednesday, Nov. 13. The CLE is in conjunction with an exhibit titled: “Lawyers without Rights: Jewish Lawyers in Germany Under the Third Reich.” *Do not miss this seminar.*
6. **An Artificial Intelligence CLE seminar**, curated by Jason Melancon, is scheduled for Tuesday, Nov. 19.

Yes, the fall is going to be busy for the Baton Rouge Bar Association. We work hard to provide our members with great educational, networking and service options throughout the year, so get your Sigma Rizz flowing and join us.

Nomination forms to elect new bar leadership are due Sept. 30.

Contributors



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



Brad Cranmer practices with *Mansfield, Melancon, Cranmer & Dick, LLC*, and is the 2024 chair of the Young Lawyers Section.



Bradley C. Guin, a shareholder in the Baton Rouge office of *Roedel Parsons Blache Fontana Piontek & Piscano*, is a contributing writer.



Cornelius Troy Hall, an associate attorney at *Lindsey Scott Law Firm, APLC*, is chair of the Belly Up with the Bar Committee and a Publications Committee member.



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*.



Prentice L. White, the associate vice chancellor for the Evening & Emerging Initiatives and the Horatio C. Thompson Endowed Professor at *Southern University Law Center*, is a contributing writer.



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

Teen Court of Greater Baton Rouge, a program of the Baton Rouge Bar Foundation, received the LexisNexis Community & Educational Outreach Award for being an outstanding bar public service and law-related education program. Congratulations to the program and to Reagan Haik, BRBA youth education coordinator.



BRBA Bookkeeper Julie Ourso (left) accepted the award Aug. 1, 2024, on behalf of the BRBF Teen Court Program during the 2024 Annual Meeting of the National Association of Bar Executives in Chicago.

September/October 2024

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BRBA Young Lawyers Section Sidebar with Baton Rouge City Court

Registration: 11:45 a.m.
Judges' Panel: 12 - 1 p.m.
11:45-1 PM | Thursday, Oct. 17
Middleton Bar Center
BRBA Office, 544 Main Street, Baton Rouge, La.

CLE Title: "Do's and Don'ts for Practicing in City Court"

Description: Once upon a time there were five lawyers who became Baton Rouge City Court judges, and they were assigned "very hazardous" duties . . . In this seminar, registrants will learn about those duties and much more as a panel of City Court judges discusses what young lawyers need to know to successfully practice before the court.

Content: This seminar qualifies for 1.0 hour of CLE credit and networking.

Cost Options: A box lunch is included with the price.

- ☐ \$30 for BRBA Young Lawyers Section members
- ☐ \$50 for BRBA members who are not members of the Young Lawyers Section
- ☐ \$60 for non-BRBA members

Cancellation Policy: Registration deadline and deadline to cancel without penalty is 4:30 p.m. Tuesday, Oct. 15, 2024. **"No shows" will be billed.**

Questions? Contact Susan Saye for more information: susan@brba.org or 225-344-4803.
Fax completed form to: 225-344-4805. *Make checks payable to: BRBA, 544 Main Street, Baton Rouge, LA 70801.*

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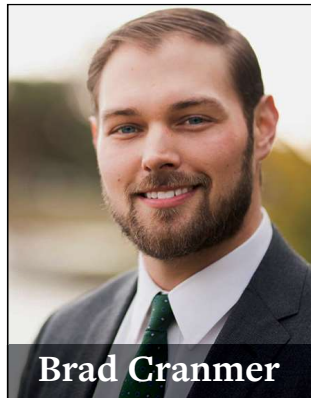
FOR BRBA MEMBERS ONLY: To register for this CLE seminar online and pay by credit card, go to www.BRBA.org, select the EVENTS tab, then click on EVENT LIST and choose the appropriate event.

Message to Young Lawyers

Impact of Pro Bono Work

by Brad Cranmer, 2024 YLS Chair

Young lawyers often are caught up in the fast-paced world of billable hours, client demands and courtroom pressures. Amidst the hustle, it's easy to overlook the profound impact we can make through pro bono work. Pro bono publico, meaning "for the public good," embodies the heart of our profession—a commitment to justice and service. I want to highlight the importance of pro bono work and share some fulfilling experiences from my own journey.



Brad Cranmer

The Baton Rouge Bar Foundation offers a variety of pro bono opportunities that are both rewarding and essential for our community. These opportunities can be found on the BRBA website and cater to a wide range of legal needs. One of the main initiatives is the BRBF Pro Bono Project, which accepts a limited number of civil cases each year. These cases are referred directly by the Southeast Louisiana Legal Services Corporation to the Pro Bono Project for placement with volunteer attorneys. Eligibility is based on gross income, family size, assets and case type.

One of the most accessible and impactful pro bono services offered by the BRBF is the Pro Bono Project Legal Advice Hotline. This hotline provides free legal advice to low-income individuals in the Greater Baton Rouge area. Interested individuals can apply for legal advice through the Pro Bono Project's online application. Usually, attorneys who volunteer for the Hotline will be placed with potential clients whom they can contact. For more information, contact Lynn Haynes at lynn@brba.org.

Additionally, you can receive up to three hours of CLE credit annually for pro bono work. According to Supreme Court Rule XXX, Regulations/Rule 3.21:

Credit may also be earned through providing uncompensated pro bono legal representation to an indigent or near-indigent client or clients. To be eligible for credit, the matter must have been assigned to the Member by a court, a bar

association, or a legal services or pro bono organization that has as its primary purpose the furnishing of such pro bono legal services and that has filed a statement with the Louisiana State Bar Association MCLE Department.

A Member providing such pro bono legal representation shall receive one (1) hour of CLE credit for each five (5) hours of pro bono representation, up to a maximum of three (3) hours of CLE credit for each calendar year.

Now, I want to share a personal story that illustrates the fulfillment that comes from pro bono work. A few years ago, I had the privilege of assisting a client through a particularly challenging divorce. This client was trapped in an abusive relationship, with limited financial resources and nowhere to turn. Her situation was dire, and she needed legal intervention to secure her safety and future.

The moment the judge granted her divorce was incredibly rewarding. She was overjoyed, not just for the legal victory, but for the sense of empowerment and hope that came with it. This experience reminded me why I became a lawyer in the first place—to make a difference in people's lives.

Pro bono work offers young lawyers invaluable opportunities to develop professionally and personally. It allows us to hone our legal skills, gain courtroom experience and handle cases that we might not encounter in our typical practice. More importantly, it connects us to the community and reinforces our commitment to justice and equality.

I encourage each of you to explore the pro bono opportunities available through the BRBF. Whether you take on a case through the Pro Bono Project, offer advice via the Legal Advice Hotline or assist with a future Ask-A-Lawyer event, your contributions will have a lasting impact. By dedicating a portion of our time and expertise to those in need, we uphold the highest ideals of our profession and contribute to the greater good.

Together, we can make a significant difference in the lives of those who need the help most. As Sir Winston Churchill said, "We make a living by what we get, but we make a life by what we give."

Let's embrace the spirit of pro bono publico and continue to serve our community with dedication and compassion.

Bar News

July Bar Luncheon Featured SU Football Coaches

The July 11, 2024, BRBA bar luncheon speakers—Southern University Football Head Coach Terrence Graves and Athletic Director Roman Banks—provided insight into the potential impacts of NILs and NCAA rule changes on student athletes and their mental health. Additionally, they discussed the challenges smaller universities are facing when recruiting talent. The luncheon, held at Ruffino's Catering at De La Ronde Hall, was organized by the Young Lawyers Section Council. YLS Council member Cornelius Troy Hall handled all introductions and announcements.

Belly Up With the Bar Event Is Friday, Oct. 4

Register your cooking team or commit to a sponsorship at this year's Belly Up with the Bar, Friday, Oct. 4, 2024, at the John M. Parker Coliseum on the LSU campus. Committee chair Cornelius Troy Hall and Michael Grace, vice chair, welcome your support of this fundraiser for BRBF Youth Education Programs. Deadlines are in early September, so don't delay! See the team registration form in this issue. For details, please contact Pamela Labbe at pam@brba.org or 225-214-5560

Veterans Day CLE to Take Place Nov. 4

The BRBA will host its annual Veterans Day CLE seminar titled "Basics of Veterans Law" Monday, Nov. 4, at the River Center Branch Library (4th Fl. large meeting room), 250 North Blvd. Time: Registration begins at 3:45 p.m. The CLE seminar is 4 - 5 p.m., and the reception will immediately follow, from 5 - 6 p.m.

This one-hour CLE seminar will focus on the basics of Veterans Law, including who is a veteran, the benefits of being a veteran and the law related to compensation for disabled veterans. Time allowing, a cursory overview of the Servicemembers' Civil Relief Act (SCRA) and Uniformed Services Employment and Reemployment Act (USERRA) will be discussed. Speakers will be Charlton J. Meginley, COL (USAF Retired), secretary of the Louisiana Department of Veterans Affairs; John Phillips, CDR (USN Retired) undersecretary, Louisiana Department of Veterans Affairs; and Connor Junkin, executive counsel, Louisiana Department of Veterans Affairs. This seminar is free to BRBA members who are U.S. military veterans.

BRBA to Host AI CLE Seminar on Nov. 19

The BRBA will host a CLE seminar Tuesday, Nov. 19, that will focus on artificial intelligence and the law. Contact Ann K. Gregorie at ann@brba.org or 225-214-5563 for details.

Ball Maul Golf Tournament Returns March 31

It is nearly time to gather your team together for the BRBF Ball Maul Golf Tournament, which takes place Monday, March 31, 2025, at The University Club. Sponsor this BRBF fundraiser by contacting Ann K. Gregorie at ann@brba.org or 225-214-5563.



Photographed after the July 11, 2024, BRBA Luncheon are guest speakers Terrence Graves and Roman Banks with BRBA President-elect Monica Vela-Vick and YLS Council member Cornelius Troy Hall. The July Bar Luncheon was organized by the Young Lawyers Section.



Representing the law firm of Breazeale Sachse & Wilson LLP at the July 11, 2024, Bar Luncheon are Joseph Cefalu III (partner) and his firm's law clerks. Photographed are Taylor Cherry, Kris Bromley, Cefalu, Macy Heroman and Mitchell Fillingim.



YLS Chair Brad Cranmer, Judge Guy Holdridge (retired) and YLS Council member Josef P. Ventulan are photographed at the 2024 YLS Summer Sizzlin' CLE at Mike Anderson's. The annual event took place Friday, June 28. Judge Holdridge was a seminar presenter.



Thanks to the 13 teams that participated in the BRBA Trivia Night, held Thursday, May 16, 2024, at Jolie Pearl Oyster Bar. Tournament champion was a team from Manasseh, Gill, Knipe & Belanger PLC. Photographed are (L to R) Yigal Bander, Tanner Woods, Meredith Wallace, Frank Breaux and Brooke Alexander. BRBA President Luke Williamson (right) led the trivia competition.



Editor's note: This article addresses mainly liabilities for encroaching tree limbs and roots.

Back to Basics: Tree Limbs and Roots

by Prentice L. White

Living in Louisiana is unlike any other experience. The food is remarkable. The music is hypnotic, and the culture is as diverse as the colors of the flowers that bloom along the walkways around the Louisiana State Capitol. The summer heat is not as desirable, but Louisiana hospitality is always preferred because it is gracious and hospitable. Our neighborhoods, which are draped with beautiful oak trees, magnolias and other glorious foliage, are picturesque and reflective of good Southern living. Everyone is neighborly to one another until our neighbor's massive oak tree limbs fall into our backyards, on top of our vehicles or onto our homes. Neighborly hospitality turns into rage, and asking for a cup of sugar will get a handful of sand thrown into your eyes. This article focuses on encroachment of limbs and roots.

Louisiana's hurricane season is notorious for rising waters and fallen tree limbs. For this reason, it is common for practitioners across the state to receive their fair share of liability questions from clients, family members and loved ones on how to resolve disputes with neighbors regarding falling tree limbs. I have subdivided the most common issues on the subject into three categories.

Location, Location, Location

This proverb among real estate professionals is also true in disputes over liability issues concerning fallen or unpruned trees. The tree's location will identify the owner, and also the tortfeasor. Louisiana Civil Code articles 687 and 688 outline the burden of proof for neighborly disputes involving trees, bushes and plants. According to article 688, the landowner who seeks to demand that his neighbor trim an overgrown tree must prove three essential elements: (1) the tree is situated on the neighbor's property (i.e., it's a component part of the neighbor's land); (2) the branches or roots of the neighbor's tree have extended to the landowner's property; and (3) the extension of these branches or roots from their neighbor's tree has interfered with the landowner's enjoyment of his property.

If the tree is situated on the boundary line between the disputing landowners, then article 687 declares that the tree will be classified as the common property of both landowners. Thus, if the landowner bringing the action cannot establish the first element, but satisfies the other two elements, the removal of the branches and/or roots from the overgrown tree can still take place, but it will be at the expense of the aggrieved landowner.

In *Jack v. Succession of Albert*, the plaintiffs filed suit against the succession of the adjacent landowners, alleging that the root system from the water oak tree on the defendants' property lifted the concrete driveway on the plaintiffs' property and started to crack the concrete slab near the plaintiffs' house.¹ The plaintiffs presented pictures of the water oak tree from 2003 when they purchased their property, as well as pictures taken 12 years later, showing how the tree grew onto the plaintiffs' property and invaded their sacred space. The plaintiffs sought reimbursement for the cost of removing the tree's massive root system from their driveway and for repairing their property, which totaled \$8,500.² The district court agreed with the plaintiffs' argument, observing that currently a large portion of the tree was located on the defendants' property, but only a small portion of the tree was on the plaintiffs' property.

On appeal, the First Circuit disagreed, finding that the water oak tree was on the boundary between both parties' properties, thereby establishing the presumption that the tree was the common property of both parties. The First Circuit went on to state that the *presumption of commonness* can only be overcome by proof to the contrary, which the plaintiffs failed to provide.³ The reviewing court concluded that because the tree was located on the boundary between the disputed parties' properties, the presumption of commonness demanded that the cost of removal should be borne only by the aggrieved party.

Thus, to prevail in a dispute involving a tree, the aggrieved party must definitely prove the defendant's complete ownership of the offending tree, using the tree's *location*.

The Type A Neighbor

As practitioners, we are trained to be problem solvers. Most Type A lawyers realize that avoiding potential problems is more cost effective because their personality description defines them as impatient, aggressive, highly aware of time management and highly organized. While this might be a welcome trait among lawyers, it is not an asset for the Type A neighbors who arbitrarily decide to take matters into their own hands and trim the branches or remove the roots of their neighbor's tree without consent from the tree's owner. The vigilante neighbor may soon discover that their actions are not cost effective—at all.

In *Mathews v. Steib*, the parties were next-door neighbors in Slaughter, Louisiana.⁴ Over the years, the landowners had frequent and heated quarrels about the trees that were situated on the plaintiff's property. In response to these arguments, the plaintiff had several surveys done to confirm the location of the boundary line between the parties' individual properties, and he even erected a six-foot tall wooden fence as a buffer between the properties.⁵ Unfortunately, the defendant ignored the results from these surveys and disregarded the presence of the plaintiff's fence by determining the trees were a nuisance to him and repeatedly cutting, trimming and removing the plaintiff's trees (62 trees to be precise). Ultimately, the district court ruled in the plaintiff's favor, awarding him over \$20,000 in damages.

On appeal, the defendant argued that the district court abused

its discretion by ruling in the plaintiff's favor because the plaintiff's surveys showed an ill-defined boundary line between the two tracts of land.⁶ Disgusted by his neighbor's arrogance, the plaintiff answered the appeal, seeking treble damages. The First Circuit affirmed the district court's judgment, noting that La. R.S. 3:4278.1 provides that treble damages against a landowner who willfully and intentionally cuts, destroys, removes or diverts for sale any trees growing or lying on the land of another is appropriate when it is done without the consent, direction or authority of the owner or legal possessor of those trees.⁷

The statute also indicates that civil damages must be calculated at "three times the fair market value of the trees cut, felled, destroyed, removed or diverted" if the tortfeasor neighbors knew or should have known that their actions were done without the consent or direction of the owner or legal possessor of the trees.⁸ The statute further indicates that reasonable attorney fees are available to the aggrieved landowner if the offending landowner fails to make payment within 30 days after notification and demand by the owner.⁹ Was the defendant in *Mathews* being cost-effective in his actions? I think not.

Blaming God Will Not Provide Relief

As mentioned previously, Louisiana has been in the path of many hurricanes in the last 20 years. It is not surprising that landowners will attempt to evade liability for their fallen trees by claiming the "Act of God" defense. However, pursuant to La. C.C. art. 2317.1, when defects in the tree are apparent, ownership and liability are classified as "twins." With ownership comes liability.

In *Allen v. Simon*, the plaintiffs filed a petition against their neighbor and the defendant's homeowner's insurer, seeking reimbursement for the costs of removing the neighbor's tree that fell on top of their home, their greenhouse and in their swimming pool.¹⁰ Hoping to avoid the costs of reimbursing his neighbor \$4,000 in expenses, the defendant claimed that the entire incident was an Act of God because it was generated from an unusual, extraordinary, sudden and unexpected force of nature.¹¹ The defendant moved for summary judgment, asserting that the Act of God defense absolved him of any liability. The district court agreed, stating that the Act of God defense was applicable. The Third Circuit disagreed, opining that while the incident was an Act of God, the defense did not absolve the defendants of liability.¹²

It might be argued that Adam also attempted to absolve himself of liability by blaming God, and this defense did not work for him either. Solving tree disputes could very well solve the world's problems. After all, doesn't the Bible tell us that the world's problems grew from a dispute about a tree?¹³

Summary

The rules for tree disputes can be summarized as follows:

- If a tree situated 100% on your neighbor's land is interfering with the enjoyment of your property due to roots or branches that extend to your property, the neighbor/tree owner is responsible for the cost of trimming the branches or roots.

- If part of the trunk is on your property, you can trim the branches or roots, but you are responsible for the cost.
- If you cut the neighbor's tree without his consent or direction, you may be responsible for treble damages and attorney fees.
- If your tree damages your neighbor's property, you—the tree owner—are responsible under La. C.C. art. 2317.1 if there are visible signs of decay or damage.

¹ See *Jack v. Succession of Albert*, 18-1240 (La. App. 1 Cir. 9/4/19), 286 So.3d 432.

² See *id.* at 434.

³ *Id.* at 436.

⁴ See *Mathews v. Steib*, 11-0356 (La. App. 1 Cir. 12/15/11), 82 So.3d 483.

⁵ See *id.* at 485.

⁶ See *id.*

⁷ See La. R.S. 3:4278.1(A) and (B).

⁸ La. R.S. 3:4278.1(C).

⁹ See La. R.S. 3:4278.1(D).

¹⁰ See *Allen v. Simon*, 04-0004 (La. App. 3 Cir. 12/8/04), 888 So.2d 1140.

¹¹ See *id.*

¹² See *id.* at 1145.

¹³ See Genesis 2:17; 3:12-13. When God asked Adam and Eve if they'd eaten from the one tree he'd commanded them to eschew, Adam said, "The woman [Eve] *whom You gave to be with me*, she gave me of the tree" Genesis 3:12 (emphasis added). Adam insinuated that if God had not given Eve to be with him, he would not have eaten from the tree. But God punished Adam, Eve and the serpent Eve blamed. The "Act of God" defense simply does not work.



Young Lawyers Section Holiday Star Project

SIGN UP TO SPONSOR A CHILD

COMPLETE THE FORM BELOW AND FAX IT TO THE BRBA OFFICE: 225-344-4805

Name: _____

Firm: _____

Address: _____

City: _____ State: _____ Zip: _____

Phone: _____ Fax: _____

Number of stars you wish to sponsor: _____ Email: _____

Special requests: _____

Please check one: ☐ Pick up star(s) from BRBA ☐ Mail star(s) to above address

If indicated, the Baton Rouge Bar Foundation will mail your star and child's wish list directly to you, along with instructions.

Should you have any questions, call the BRBA at 225-344-4803.

Attorney Spotlight

Interview with Danielle L. “Dani” Borel *by Joseph Cefalu III*

TBRL: Tell us something interesting about yourself.

DLB: While I think it is perfectly normal, the thing that usually amuses people is that in high school I was the Delcambre Teen Shrimp Queen and drove a 1980 Trans Am Pace Car. Once, I even sat on the T-top of my Trans Am in my Shrimp Queen crown for a parade. Yes, a picture does exist.

TBRL: Where are you from?

DLB: I consider myself from Baton Rouge, as I’ve lived here for 17 years. When people ask this question, I believe the answer they are looking for is Loreauville, Louisiana. My husband and I met in high school in Loreauville, and both our parents still live there, a few miles from each other. Our daughter enjoys returning to “the farm” when we visit.

TBRL: Tell us about your education.

DLB: I graduated from Loreauville High School in 2007, LSU as a business major in 2011 and LSU Law School in 2014. I wanted to be a lawyer since I was young, so my résumé is full of debate team, speaking competitions, student government and other nerdy activities.

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

DLB: I practice commercial litigation with a focus on healthcare litigation for Breazeale, Sachse & Wilson, LLP. My practice includes litigation all over the state, in the administrative, state and federal courts.

TBRL: Why did you want to become an attorney?

DLB: I made my first court appearance in the third grade as the star witness in a criminal prosecution of a pedophile. The prosecutor on that case was my hero. From then forward, I wanted to be a criminal prosecutor to help lock the bad guys away. As I aged, I realized I’m too competitive to be a prosecutor because every case I lost would consume me. As a business major in undergrad who really enjoyed my contracts and business associations classes, commercial litigation seemed like a natural fit when it came time to choose my career.

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

DLB: I wish I had understood the effect of simple healthy habits—eating healthy, working out, sleeping, etc.—on a person’s well-being and productivity. I came to understand how impactful those small things can be after law school, but could have certainly benefited from better habits during that time.

TBRL: Tell us about your involvement with the LSBA and the ABA.

DLB: I am VERY involved. I just finished my involvement with the LSBA YLD after completing a year as YLD past chair this June, serving as chair for the 2022-23 bar year. I’m very proud to have implemented the LSBA YLD’s Top 40 award and Level Up Learning series; to have hosted a Southeastern Regional Conference alongside Tennessee, Florida and Georgia; and to have urged the LSBA House of Delegates to adopt a resolution advocating for more opportunities for young lawyers to speak in court. I served on the LSBA YLD Council for several years beginning in 2018 and thoroughly enjoyed my experience.

I was just sworn in as and began the bar year as chair of the 90,000+ member ABA YLD, after years of involvement. In 2015, I became involved in a minor role on the YLD’s Health Law Committee. From there, I continued to stay involved and found myself in bigger and more involved leadership roles each year. Enjoying my participation in the YLD and the impact the division has on our country’s young lawyers, I declared my candidacy for the role of secretary in 2022. Remaining unopposed, I was elected that year and began an automatic succession to chair. Louisiana’s last ABA YLD chair was former ABA President Judy Perry Martinez in 1990-91. I am cognizant that I have big shoes to fill. As chair, I’m excited to have the opportunity to showcase Louisiana to young lawyers all over the country. I’ll be hosting the ABA YLD’s senior leadership in Baton Rouge for a Cabinet meeting in October and have set the 2025 Spring Conference in New Orleans.



Danielle L. “Dani” Borel

I'm a big advocate of levels of involvement. There are aspects of service to the profession that are best accomplished at the local, state and national level. The access to and education on our local judiciary provided by the BRBA is unmatched. The LSBA is exemplary at providing programs to benefit our profession as a whole. The national networking and policy impact of the ABA is unparalleled. As a result, I advocate for involvement or participation in bar associations at all levels.

TBRL: Congratulations on receiving the Judge Joseph Keogh Memorial Award this year. Were you surprised?

DLB: Very! I had no idea. I wondered why some of my non-litigation or non-young lawyer coworkers were at the announcement event. I did not recall the award being handed out at Cocktails with the Court, which I always attend because it is a fantastic event. When the announcement for the award began, I thought one of my friends was the recipient, so I was attempting to get my camera ready to take pictures of him. When I heard the word "she," I lamented that he clearly was not the winner. I was completely surprised.

TBRL: As a leader in multiple organizations and recent recipient of the BRBA's award for outstanding young lawyer, what advice do you have for the young lawyers entering our profession?

DLB: I can offer this:

- **You deserve to be here.** You earned it. You are not an imposter. You are not faking it. You are a lawyer and you can do this.
- **Just keep swimming.** Every monumental goal can be accomplished if you take it one stroke at a time.
- **Treat your health as your most important client.** You cannot serve others with the best version of your work if you are far from the best version of yourself. Take time to care for yourself and your family.
- **Asking for help is one of the strongest things you can do.** Whether it is a difficult case, your workload, your stress or your coping mechanisms, every lawyer faces challenges that he or she can't get through alone. A sign of strong analytical reasoning is the ability to pinpoint where help is needed and have the strength to ask for it.
- **You are not alone.** No matter the struggle you are going through as a lawyer, a resource is available to help. If you feel lost, your bar associations are here to guide you.

TBRL: Are you involved with other organizations or causes?

DLB: Yes. I'm a part of the Baton Rouge Area Chamber's 2024 Leadership Class, which I'm thoroughly enjoying. I serve on the Louisiana Law Institute's Civil Procedure Committee and volunteer to judge trial advocacy with the LSU Law School whenever possible. I was touched to be an honoree at Club Blue's Great Futures Gala this year. The Gala was a ton of fun, and we raised a lot of money for the Boys & Girls Club.

I served with Lighthouse Louisiana, a non-profit serving Louisiana's blind and deaf communities, for years. I termed out of my board service this year and am going to focus on my ABA YLD chairship before getting involved with another non-profit.

TBRL: What is your favorite BRBA activity or event?

DLB: I'm a sucker for Belly Up. I love events where I get to eat lots of food. As some know, my husband (@recreationalchef) is quite a cook, so we enjoy trying and tasting new things. Throw in friendly (most of the time) competition, and I'm there.

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

DLB: How political it feels at times. Maybe I'm becoming jaded as the years pass, but I want a system where the law is applied equally and fairly and both sides are treated the same.

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

DLB: Something in the field of business management. I enjoy tackling large projects, particularly those that address how an entity is run or governed from a high-level perspective. My enjoyment of project management contributes to my enjoyment of bar association involvement.

TBRL: What are your leisure activities?

DLB: I have a toddler and a baby, so my "leisure" activities are few and far between. But, in my free time, I enjoy spending time with my family. You can find us at the Farmers Market, library or an LSU tailgate on Saturdays. I enjoy traveling, reading (which took a while after law school), hanging out with my friends and being outdoors. I've also recently begun playing tennis again with a few of my coworkers.

TBRL: What is the last book that you read?

DLB: This answer changes frequently. My book club is one of my favorite leisure activities, and we have been going strong since 2015. We've read over 100 books and even been featured in *The Advocate*. We actually read the books! No excuse for wine drinking for us. We select books through a democratic voting process by a system of unwritten bylaws. One month, our book pitches are confined to a previously selected genre; the next month we have open pitches.

The type of books I read varies greatly. The books I remember the most are the ones that surprise me: "I'm Glad My Mom Died," "Killers of the Flower Moon," "Lessons in Chemistry," "This is How It Always Is," "Beartown" and "The Circle." These all surprised me with how much I enjoyed them or simply thought about them after I was finished. I love John Grisham, though these are a bit less appealing when you live the realities of some of the storylines. The impact of our book club can be seen in my ABA YLD work, where the division is now hosting its own monthly book club on all topics applicable to young lawyers, including professional development, legal writing, trial strategy and facing discrimination. Some of the books are fictional; others are non-fiction written by legal giants.

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

DLB: The job will take from you as much as you give it. You are the only person that can set boundaries on your time. Hearing this helped me feel confident in setting boundaries on my time that help me be a healthier, happy person so I can be a better lawyer.

TEAM ENTRY FORM

Belly Up with the Bar

COOK-OFF & BREWFEST

EVENT DATE: **Friday, Oct. 4, 2024**

26th Annual
BELLY UP
with
THE BAR



The 26th Annual "Belly Up with the Bar" is a cook-off, brewfest and party with live music—sponsored by the Young Lawyers Section of the Baton Rouge Bar Association. Proceeds from this event will benefit the BRBF's Youth Education Program.

Team and individual entries are welcome. Judges will select winners in a variety of categories.

Advance general admission tickets: \$35 per adult, \$25 per law student, \$15 per child ages 12 to 17, \$5 per child ages 3 to 11.

Prices at the door are \$45 per adult or law student; \$20 per child (12-17); \$10 per child (3-11) so buy 'em now!

All children under 3 get in FREE.

LOCATION: LSU AgCenter, John M. Parker Coliseum, 91 AgCenter Lane
(Off Highland Road between S. Stadium Dr. & Parker Blvd.)

DATE: **Friday, Oct. 4, 2024 | General Admission: 6 - 9 p.m.** — mark your calendar!

WHO ENTERS: Anyone who's willing to cook and serve enough to feed/water our local bar.
The \$175 per team (up to 5 members) entry fee gets you:
(1) in the door to try all the fabulous food and drinks
(2) all the beer you care to drink, and
(3) the chance to show off your culinary talents

PLEASE COMPLETE THIS FORM. EMAIL IT TO PAMELA LABBE AT **PAM@BRBA.ORG** OR FAX IT TO: **(225) 344-4805**.
Registration Deadline: Monday, Sept. 9. Make Checks Payable to: "BRBF" (re: BELLY UP WITH THE BAR)

TEAM NAME: _____

TEAM CAPTAIN: _____

CAPTAIN'S LAW FIRM: _____

CAPTAIN'S EMAIL ADDRESS: _____

CAPTAIN'S MAILING ADDRESS: _____

CAPTAIN'S CITY/STATE/ZIP: _____

CAPTAIN'S CONTACT NUMBER: _____

WHAT YOU'LL SERVE: _____

QUESTIONS ABOUT "BELLY UP WITH THE BAR" **TICKETS**? PLEASE CONTACT THE BRBA AT 225-344-4803.

**If you are unable to participate or attend, yet you wish to make a donation to the Baton Rouge Bar Foundation's award-winning Youth Education Program, please make your check payable to the BRBF.*



Ending Jungle Primaries in Louisiana

by Cornelius Troy Hall

This article will examine the creation of Louisiana's newly adopted closed primary structure for specified elections (New Primary Law or the Act). This examination includes a review of Louisiana's open primary system, a/k/a the "jungle" primary, that was in operation for 49 years and was partially eliminated when Gov. Jeff Landry signed Act 1 of the 2024 Extraordinary Session into law on Jan. 22, 2024.¹ The Act takes effect Jan. 1, 2026.

The Act provides the following structure for Louisiana elections:

1. The Act applies only to party primary elections for the offices of "senator or representatives in the United States Congress, justice of the supreme court, and the State Board of Elementary and Secondary Education, and the Public Service Commission"²
2. The state central committee of a recognized political party is no longer allowed to determine whether unaffiliated voters may vote in its primary. "Voters not affiliated with a political party may vote in a recognized party primary, but such voter may only vote in one recognized party primary."³
3. "A candidate who receives the majority of votes in the party primary qualifies for the general election as the party's nominee for the office."⁴ A tie-breaking

procedure is provided if no candidate receives the majority of votes in the first party primary.⁵

4. "There shall be no third party primary"⁶ and under certain circumstances, "the state central committee of the recognized political party involved shall provide for the selection of a nominee from its candidates and shall provide notice of the selection of a nominee to the secretary of state no later than five business days after the second party primary election."⁷
5. "Candidates unaffiliated with a political party w[ill] be forced to collect signatures to run for election, but only signatures from registered voters who are also unaffiliated would qualify."⁸

Wesley Muller, in his article titled "Senators Pull Back on Gov. Landry's Closed Party Primary Proposal," noted the following regarding the number of unaffiliated voters in Louisiana: "More than 820,000 registered voters—27% of the total—are neither Republican nor Democrat. About 662,000 are not registered with any party, 134,000 are Independents, 16,000 are Libertarians, 2,600 are Green Party members and 6,700 are registered with other minor parties."⁹

The Public Affairs Research Council of Louisiana estimates that the cost to implement the Act will range from "\$31 million to \$47 million over three election cycles."¹⁰ The Legislative

Fiscal Office estimates the cost to be “just under \$10 million for 2024, with the Secretary of State projecting \$9 million in total election costs next year and \$6 million for closed primaries in 2026.”¹¹ House members approved allocating \$5 million for the New Primary law.¹²

Viewpoint

Advocates of the New Primary Law argue that it creates a system “where the people of their party now get to decide who their candidate will be.”¹³ However, opponents of the New Primary Law argue that this legislation “would disenfranchise 800,000 independent voters, voters who are not registered as Democrats or Republicans.”¹⁴ Opponents also cite issues with an amendment to the New Primary Law that blocks independent voters from participating in the primary of their choice.¹⁵

Varying perspectives on Louisiana’s closed versus open primary election structures are also illustrated in analytical polls. Most notably:

1. Baton Rouge pollster John Couvillon of JMC Analytics presented lawmakers with results of a poll that asked voters which system they prefer. The poll found that “approximately 65% of respondents said they preferred Louisiana’s current open primary system, and 56% said they opposed changing to a closed system. Couvillon conducted the poll for a national political action committee that opposes closed primaries.”¹⁶
2. In a poll in the *Acadiana Advocate*, voters gave the New Primary Law “a thumbs-down, with over half either opposed to the final outcome or relieved lawmakers didn’t approve” the New Primary Law’s original version.¹⁷
3. The same further noted the following perspectives regarding Louisiana’s current jungle primary system: “60% favor keeping it; 53% said it is fair and gives a level playing field for all candidates and lets voters decide; 17% said it’s not fair and voters should pick their party candidates; 17% said it’s more cost effective since a closed primary could have more elections; 13% said it’s out of step with the systems several other states use.”¹⁸

Although there is much debate and disagreement about the New Primary Law and whether it was a needed change in Louisiana’s election structure or it will turn out to be a positive or negative change in Louisiana’s election law, there is no doubt that the New Primary Law will create a major shift in how Louisiana conducts its primary elections.

Old Primary Law—Open Jungle Primary System

Since 1975, Louisiana has used an open primary system, known as a jungle primary system, for its “state, parish and municipal elections.” Under this structure a “candidate can win outright with more than 50% of the votes in the primary. If no one receives more than 50%, the two candidates with the most votes advance to a general election runoff to decide a winner.”¹⁹

In 1978, Louisiana implemented the open primary structure for use in its federal elections. However, Louisiana does not apply the open primary structure for its presidential primary.²⁰

Typically, but not always, in open primaries, “voters of any affiliation may vote in the primary of any party.”²¹ This choice allows “a voter to cast a vote across party lines in a primary election.”²²

Supporters of open primaries argue that it “gives voters maximal flexibility—allowing them to cross party lines—and maintains their privacy,” while opponents argue that “an open primary dilutes the parties’ ability to nominate.”²³

Prior attempts to implement closed primaries

The New Primary Law is not the first attempt to restructure Louisiana’s open primary system. In 2021, Louisiana legislators debated closed primaries legislation. However, the proposed legislation was eventually rejected.²⁴

The legislation, sponsored by Louisiana State Sen. Sharron Hewitt, was based on the premise that Louisiana’s open primary process often has Louisiana electing its Congressional members later than the rest of the country, e.g., “competitive Congressional races without an incumbent that are typically decided through a December runoff.” According to U.S. Rep. Steve Scalise, this dynamic “puts Louisiana’s newest congressional delegation members at a disadvantage in seniority, committee assignments and orientation sessions.”²⁵

Opponents of Sen. Hewitt’s legislation, including Louisiana Lt. Gov. Billy Nungesser, argued that changing Louisiana’s open primary system would “shrink voter participation, confuse and frustrate voters and lead to more partisanship.”²⁶

One of Gov. Landry’s main arguments in supporting the New Primary Law was to emphasize other states that have been more economically successful. Per Gov. Landry, “All of our fellow Southern states are succeeding They have a closed primary system.”²⁷ However, the governor’s statement regarding other states’ primary systems is inaccurate. As shown in Table 1 (on page 18), most of Louisiana’s neighboring states have open primaries. In addition to open and closed primaries, some states have primaries that are partially closed, partially open or open to unaffiliated voters.²⁸

Partially Closed:

Allows “political parties to choose whether to allow unaffiliated voters or voters not registered with the party to participate in their nominating contests before each election cycle. In this system, parties may allow unaffiliated voters, while still excluding members of opposing parties. This system gives the parties more flexibility from year to year about which voters to include. At the same time, it can create uncertainty about whether certain voters can participate in party primaries in a given year.”

Partially Open:

“[P]ermits voters to cross party lines, but their ballot choice may be regarded as a form of registration with the corresponding party. Iowa, for instance, asks voters to

choose a party on the state voter registration form, yet it allows a primary voter to publicly change party affiliation for purposes of voting in a primary election.”

Open to Unaffiliated Voters:

This process “differs from a true open primary because a Democrat cannot cross over and vote in a Republican party primary, or vice versa.”²⁹

Why v. Why Not

Louisiana State Representative Julie Emerson sees the New Primary Legislation Law as a means to “change the process of how people get elected,” noting that “the current system might have room for improvement.”³⁰

Opponents contend the New Primary Law is the wrong decision because it “[r]educes voter power” and “[u]ndermines good governance.”³¹

Proponents:

- According to U.S. Congressman Steve Scalise, revising Louisiana’s “jungle primaries” provides a way to eliminate newly elected Louisiana congressional delegation members from having to “miss orientation sessions where committee assignments are negotiated, thus, allowing relationships to be formed and favorable committee assignments to be attained.”³²
- U.S. Congressman Clay Higgins said, “The ... jungle primary system puts Louisiana at a disadvantage. In contrast to other states, our primary elections take place in November and often require a costly and time-consuming December runoff. The resulting delay also means that Louisiana’s federal representatives are a month behind our peers in building a staff, receiving briefings, noting committee preferences, and performing other critical transition tasks.”³³

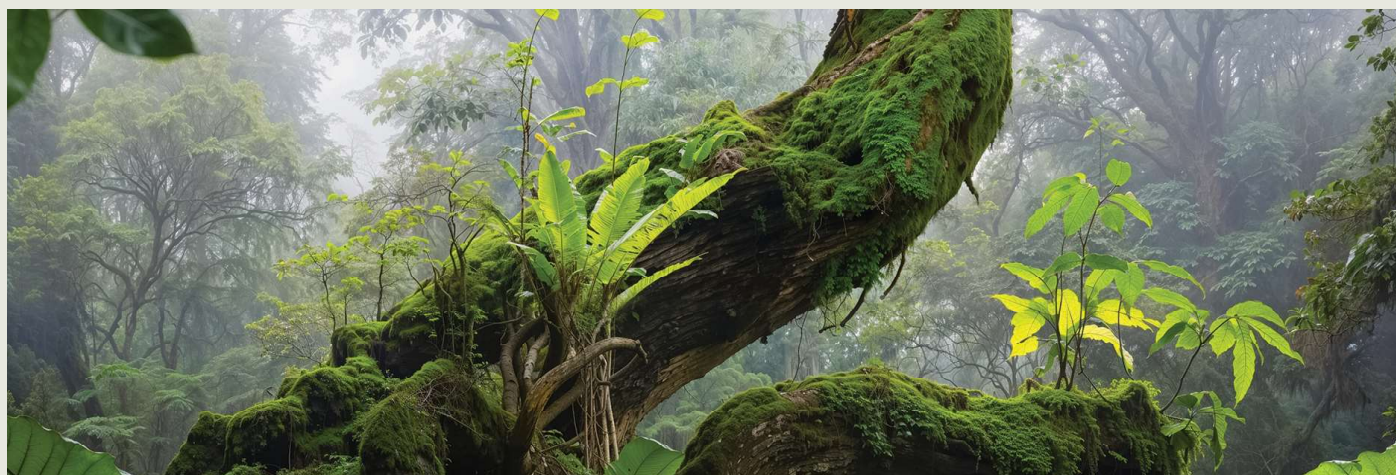
Table 1: States Categorized According to Primary Election Type

CLOSED	PARTIALLY CLOSED	OPEN	PARTIALLY OPEN	OPEN TO UNAFFILIATED VOTERS
Delaware Florida Kentucky Nevada New Jersey New Mexico New York Pennsylvania Tennessee Wyoming	Connecticut Idaho Kansas Maryland Oklahoma Oregon South Dakota Utah West Virginia	Alabama Arkansas Hawaii Georgia Virginia Montana Michigan Minnesota Mississippi Missouri Nebraska North Dakota South Carolina Texas Vermont Wisconsin	Illinois Indiana Iowa Ohio	Arizona Colorado Maine Massachusetts New Hampshire North Carolina Rhode Island

- GOP members argue that the New Primary Law will “strengthen the party’s hand in elections and give voters affiliated with the Democrat and Republican parties a more direct say in picking their nominees.”³⁴
- According to Louisiana State Rep. Josh Carlson, “Every registered voter in the general election is still going to have the ability for their vote to count. We’re not talking about any system that would disenfranchise any voter, take away their ability to vote.”³⁵
- Gov. Jeff Landry said, “It is fair and common sense ... And, for our independent or no party voters who by their own choice decide not to join a political party—their voice is heard and counted ... on a simpler, shorter, clearer November election ballot containing generally one Democrat, one Republican and ballot qualified independent candidates.”³⁶

Opponents:

- Rosalind Blanco Cook of the League of Women Voters



of New Orleans “thinks voters are accustomed to the current open primary system and could be put off by a change.” Per Cook, “I think it will only confuse people”³⁷

- Louisiana State Rep. C. Denise Marcelle said the New Primary Law “will likely prompt many third-party members to change their registration to unaffiliated just so they can vote in the primaries.”³⁸
- According to Louisiana Sen. Jay Luneau, the New Primary Law “could have a corrupting effect on Louisiana’s judicial system by encouraging candidates to run on extreme platforms to appeal to their bases in a closed party primary.”³⁹
- U.S. Sen. Bill Cassidy opined that the monies to support the potential cost to operate a closed primary election “would be better used to address crime, build infrastructure, raise teacher salaries and for coastal protection.”⁴⁰
- Former Louisiana State Rep. Barry Ivey said: “Under a closed partisan primary, many voters would not get to cast ballots at all because many races don’t require a general election.” Per Ivey, this scenario could happen in Congressional and Louisiana Supreme Court races in heavily Democratic and Republican districts. “It will be the most restricted electoral process in the nation I guarantee it,” he said.⁴¹
- The president of the Public Affairs Research Council of Louisiana commented that “the unnecessary switch could cost more, confuse voters and disenfranchises those who don’t belong to either the Republican or Democratic party.” He said, “The public receives no benefit from such a move, and even the potential partisan gain is speculative.”⁴²

Conclusion

Although the New Primary Law will not officially take effect until 2026, discussions regarding its implementation and future impact have already begun. This change requires a significant amount of funding and asks voters to adjust to a new way of expressing themselves at the ballot box. It also represents a

change that research indicates was neither wanted nor thought needed by a majority of Louisiana voters. Nevertheless, the effects of the New Primary Law, both anticipated and unanticipated, will continue to be studied, discussed and felt for years to come.

¹ The Act amends R.S. 18:2(12), 401(B), 423(E), 441(C)(1), 467(intro.para.), 481, 511(A) adn (B), 521(A), 1254(A), 1272(A), 1278(B), 1280.22(A), 1401(A), 1461(A)(1); and adds R.S. 18:2(12), (13), and (14), 401(C), 410.1-410.10, and 411.1-411.3.

² La. R.S. 18:2(12) (eff. Jan. 1, 2026).

³ La. R.S. 18:410.3 (eff. Jan. 1, 2026).

⁴ La. R.S. 18:410.7(A) (eff. Jan. 1, 2026).

⁵ La. R.S. 18:410.7(B) (eff. Jan. 1, 2026).

⁶ La. R.S. 18:410.7(C) (eff. Jan. 1, 2026).

⁷ *Id.*

⁸ Julie O’Donoghue, *How Gov. Landry Is Proposing To ‘Close’ Louisiana’s Primaries*. LA. ILLUMINATOR, (Jan. 16, 2024), <https://lailluminator.com/2024/01/16/how-gov-jeff-landry-is-proposing-to-close-louisianas-primaries/>; La. R.S. 18:410.8 (eff. Jan. 1, 2026).

⁹ Wesley Muller, *Senators Pull Back on Gov. Landry’s Closed Party Primaries Proposal*. LA. ILLUMINATOR, (Jan. 18, 2024), <https://lailluminator.com/2024/01/18/senators-pull-back-on-gov-landrys-closed-party-primaries-proposal/>.

¹⁰ Emily Burleigh, *Cassidy: Most La. Voters Not On Board With Closed Primaries*. AM. PRESS, (Jan. 23, 2024), 6:14 P.M. <https://www.americanpress.com/2024/01/23/cassidy-most-la-voters-not-on-board-with-closed-primaries/>.

¹¹ Greg, Larose, *Louisiana Edges Closer To Closed Party Primary*. LA. ILLUMINATOR, (Jan. 18, 2024, 5:00 A.M.), <https://lailluminator.com/2024/01/18/closed-primaries/>.

¹² *Id.*

¹³ Michael Lunsford, *Bolted Primaries—The Ultimate Test*. CITIZENS FOR NEW LA. (Jan. 21, 2024), <https://www.newlouisiana.org/closed-primaries-the-ultimate-test/>.

¹⁴ Rita Lebleu, *Cassidy Speaks out About Changing La.’s Primary System*. AM. PRESS, (Jan. 18, 2024, 5:38 A.M.), <https://www.americanpress.com/2024/01/18/cassidy-speaks-out-about-changing-la-s-primary-system/>.

¹⁵ Chelsea Brasted, *With Special Session’s End, Louisiana To Get New Congressional Map and Close Some Primaries*. AXIOS NEW ORLEANS, (Jan. 22, 2024), <https://www.axios.com/local/new-orleans/2024/01/22/special-sessions-louisiana-congressional-map-primaries>.

¹⁶ Wesley Muller, *Lawmakers Consider End Of ‘Jungle’ Primary Elections in Louisiana*. LA. ILLUMINATOR, (Jan. 17, 2024, 5:00 A.M.), <https://lailluminator.com/2024/01/17/jungle-primary/>.

¹⁷ Adam Daigle, *Do Louisiana Voters Want Closed Primaries? Most Lafayette Power Poll Voters Say No*. ACADIANA ADVOC. (Lafayette, La.), (Jan. 26, 2024), https://www.theadvocate.com/acadiana/news/business/most-lafayette-power-poll-voters-say-no-to-closed-primaries/article_5378fff8-bc43-11ee-8ce9-ff372of24dee.html.

¹⁸ Adam Daigle, *Are Voters Wanting to Abandon Louisiana’s Jungle Primary?* POWERPOLL. (Lafayette, La.), (Jan. 26, 2024), <https://www.powerpoll.com/>



la/lafayette/articles/are-voters-wanting-to-abandon-louisianas-jungle-primary-2246.

¹⁹ U.S. News, *Lawmakers May Look at Ditching Louisiana's 'Jungle Primary' System for a Partisan One* (Jan. 12, 2024), <https://www.usnews.com/news/us/articles/2024-01-12/lawmakers-may-look-at-ditching-louisianas-unique-jungle-primary-system-for-a-partisan-one>.

²⁰ PBS News, *Louisiana Uses a 'Jungle Primary' for Its Elections. What Does That Mean?* (Oct. 22, 2022, 10:55 A.M.), <https://www.pbs.org/newshour/politics/louisiana-uses-a-jungle-primary-for-its-elections-what-does-that-mean>.

²¹ FAIR VOTE, *Open and Closed Primaries*, <https://fairvote.org/archives/open-and-closed-primaries/> (last visited Jun. 21, 2024).

²² NCSL, *State Primary Election Types*, <https://www.ncsl.org/elections-and-campaigns/state-primary-election-types#to> (last visited Jun. 20, 2024).

²³ *Id.*

²⁴ Melinda Deslatte, *Louisiana Closed Primary Fight Ends Without Legislative Vote*, AP, (May 5, 2021, 1:29 P.M.), <https://apnews.com/article/louisiana-government-and-politics-ea1499b138abc482932a01fd446b202d>.

²⁵ *Id.*

²⁶ *Id.*

²⁷ O'Donoghue, *supra* note 8.

²⁸ *See id.*

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³⁰ Wesley Muller, *Gov. Landry, Lawmakers Disrupt How Louisiana Has Voted For Nearly 50 Years*, LA. ILLUMINATOR, (Jan. 19, 2024, 5:40 P.M.), <https://lailluminator.com/2024/01/19/closed-primaries-2/>.

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³² Melinda Deslatte, *Louisiana Spotlight: Revisiting Louisiana's Open Primary System a Difficult Issue*, ADVOC., (Baton Rouge, La.) (Jan. 7, 2021), https://www.theadvocate.com/baton_rouge/opinion/louisiana-spotlight-revisiting-louisianas-open-primary-system-a-difficult-issue/article_e51e3ee-4eb9-11eb-a0b6-a74de1a3468c.html.

³³ Clay Higgins, *Higgins: Closed Party Primaries Needed In Louisiana*, CLAY HIGGINS, <https://clayhiggins.house.gov/2024/01/15/higgins-closed-party-primaries-needed-in-louisiana/> (last visited Aug. 8, 2024).

³⁴ James Finn, *Louisiana Republicans Again Try Eliminating 'jungle primary' For Legislative, Statewide Races*, NOLA.COM, (New Orleans, Louisiana), (Mar. 12, 2024), https://www.nola.com/news/politics/legislature/jeff-landry-closed-primary-bill-back-up-in-regular-session/article_2bf25542-dfde-11ee-b3a3-d7e1003be151.html.

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³⁶ Greg Hilburn, *Louisiana Takes First Steps Toward Closed Primary Elections Supported by Gov. Landry*, SHREVEPORT TIMES (Shreveport, La.), (Jan. 16, 2024), <https://www.shreveporttimes.com/story/news/2024/01/16/louisiana-takes-first-step-toward-changing-its-election-system-to-closed-party-primaries/72239719007/>.

³⁷ Sabrina Wilson, *Sen. Cassidy Strongly Opposes the Push to End Louisiana's Open Primary System*, FOX8, (Jan. 10, 2024, 8:23 P.M.), <https://www.fox8live.com/2024/01/11/cassidy-strongly-opposes-push-end-louisianas-open-primary-system/>.

³⁸ Muller, *supra* note 30.

³⁹ *Id.*

⁴⁰ Sara Cline, *Lawmakers May Look At Ditching Louisiana's Unusual "Jungle Primary" System For a Partisan One*, AP, (Jan. 13, 2024, 4:21 P.M.), <https://apnews.com/article/louisiana-jungle-primary-election-different-9d358e8b8fb1b0b7b82c33a80601bbb7>.

Lebleu, *supra* note 16.

⁴¹ Muller, *supra* note 9.

⁴² Steven Procopio, *Partisan Primaries Would Be a Move Backward for Louisiana: Potential Changes Could Boost Party Leaders with Little Benefit to the Public* (Jan. 15, 2024, 5:00 A.M.), LA. ILLUMINATOR, <https://lailluminator.com/2024/01/15/party-primaries/>.

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VITAL STATISTICS

Position:

Chief Disciplinary Counsel

Age: 51**Born & Raised:**

Monroe, Louisiana

High School:

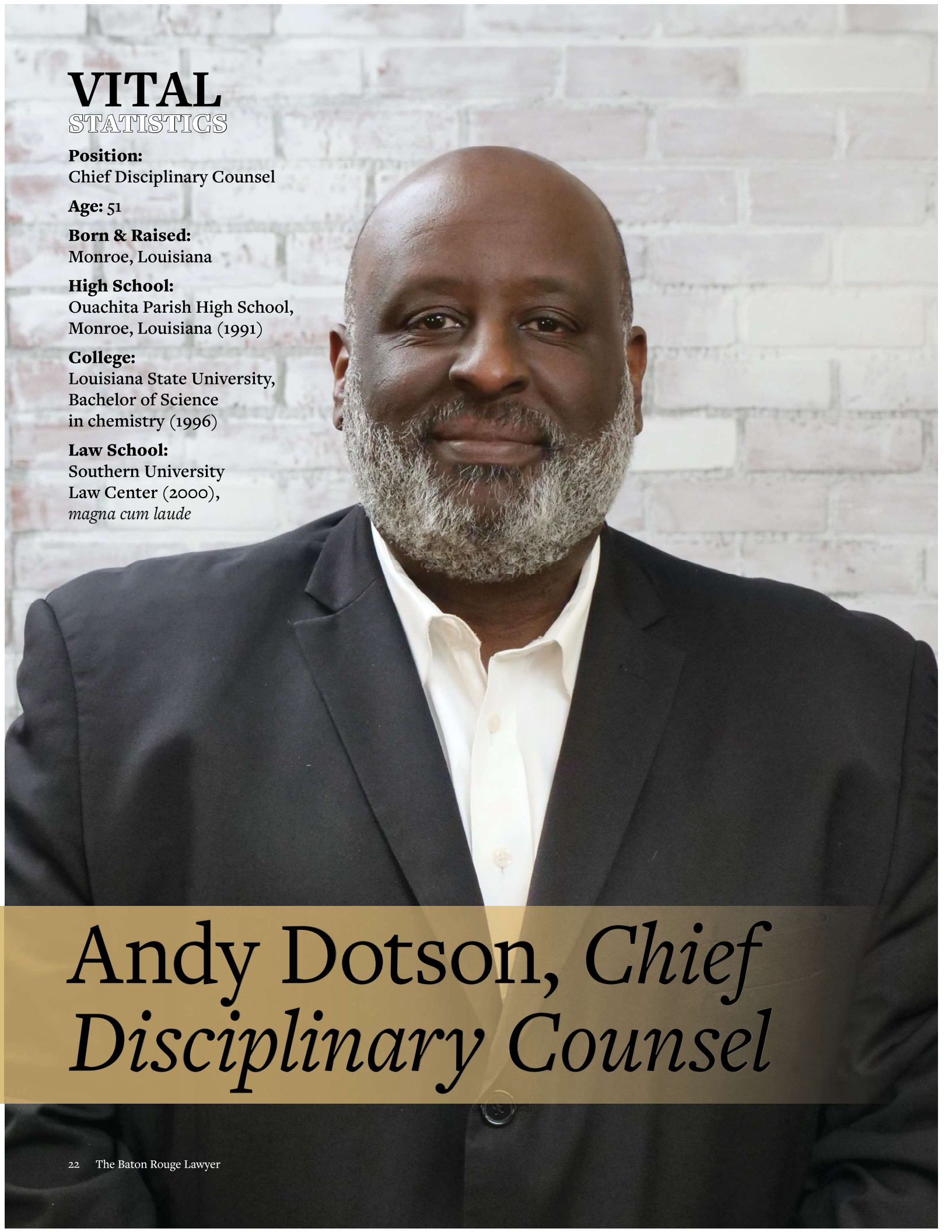
Ouachita Parish High School,
Monroe, Louisiana (1991)

College:

Louisiana State University,
Bachelor of Science
in chemistry (1996)

Law School:

Southern University
Law Center (2000),
magna cum laude

A portrait of Andy Dotson, a Black man with a grey beard, wearing a dark suit jacket over a white shirt. He is smiling slightly and looking towards the camera. The background is a light-colored brick wall.

Andy Dotson, *Chief
Disciplinary Counsel*

Interview with Anderson O. “Andy” Dotson III

by Pamela Labbe

TBRL: What did you do before landing the position of chief disciplinary counsel?

AOD: Before becoming chief disciplinary counsel, I worked at the City-Parish for almost 15 years, starting as an assistant city prosecutor and working my way up to first assistant prosecutor, and then chief city prosecutor. Then, in 2019, I was appointed parish attorney and held that position until I left to become chief disciplinary counsel on March 11, 2024. Prior to my employment with the City-Parish, I worked at Phelps Dunbar, LLP, for nearly a decade.

TBRL: What is the primary function of the chief disciplinary counsel's office?

AOD: The primary function of the chief disciplinary counsel's office is to handle all complaints regarding lawyers who are licensed in the State of Louisiana. If, after a screening process, it is determined that a complaint will be opened for a full investigation, it is assigned to a deputy disciplinary counsel who will investigate the matter. The complaint, upon full investigation, will either be closed, formal charges will be filed or, alternatively, our office can enter into some sort of joint consent discipline with the respondent attorney. Ultimately, whether it is by joint consent discipline or by recommendation of the hearing committee or Disciplinary Board, the [Louisiana] Supreme Court makes the decision on whether the attorney is in violation of the Rules of Professional Conduct and what, if any, sanctions will be levied.

TBRL: What is the process of becoming the chief disciplinary counsel?

AOD: It was a very interesting process. I submitted my interest in the position to the Louisiana Attorney Disciplinary Board. They contacted me, and I had an interview with all of the members of the Louisiana Attorney Disciplinary Board. After all the interviews, they recommended me to the Supreme Court to fill the position of chief disciplinary counsel. I then had an interview with all of the justices of the Supreme Court. Shortly thereafter, I was notified by Chief Justice Weimer that the Supreme Court confirmed my appointment as the Chief Disciplinary Counsel.

TBRL: What is the most difficult part of your job, something that you don't look forward to doing?

AOD: To be honest, there is no difficult part of my job. There are times, though, that the complainants/victims don't understand that we have a very narrow area in which we operate, that being the Rules of Professional Conduct, and do not have the ability/authority to solve every problem or issue that they may have with their attorney as it is something that is more readily addressed through either a malpractice claim,

or through other legal/administrative remedies. Explaining that can be disheartening to the complainant/victim, and is not always easy but is a necessary part of my job.

TBRL: What is your favorite part of your job?

AOD: I truly enjoy interacting with all of the citizens (attorneys and non-attorneys) of our wonderful state. Even in unfortunate circumstances at times, it is a very enjoyable part of this job.

TBRL: What is your least favorite part of your job?

AOD: The least favorite part of my job is having to deal with the unfortunate realization that not every attorney operates with the same professionalism, ethics and responsibilities toward their clients, the judiciary and other attorneys.

TBRL: What is the most common violation that may lead to an attorney's disbarment?

AOD: I think it is more informative to assess it from what are the most common violations that lead to opening a file. Unfortunately, the most common violations by statistics, in the order of the number of violations, are:

1. Neglect (of client matter)
2. Misrepresentation/dishonesty/fraud
3. Lack of communication (with client)

TBRL: What is the usual reaction of an attorney who has been prosecuted for misconduct?

AOD: Denial and fear, which unfortunately leads, a lot of time, to a lack of communication with our office.

TBRL: What areas of law practice have the most complaints?

AOD: It is hard to say but, most likely, criminal defense and family law, including successions.

TBRL: How many complaints do you receive per month?

AOD: We do our statistics on a yearly basis. In 2023, we had a total of 2,439 complaints. As of July 31, we registered 1,410 complaints thus far in 2024.

TBRL: What are some of the disciplinary counsel's current programs? What is the function of each?

AOD: The office doesn't have "programs," as such, but we have numerous responsibilities beyond prosecutions. These include:

1. **Probation Monitoring:**
Coordinate all aspects of probation monitoring as set forth in Court orders of discipline.

Monitor compliance with the Court's (or the Board's) orders of discipline that include a term of probation/

supervision. This includes investigating any potential issues related to noncompliance, and reporting same to the Court, when appropriate.

Recruit attorneys licensed to practice in the state who agree to serve as probation monitors, and whose actions shall be pursuant to Rule XIX.

2. **Conditional Admissions:**

Monitor attorneys who have been conditionally admitted to the Louisiana Bar, subject to a probationary period. This includes investigating any potential issues related to noncompliance and reporting same to the Court, when appropriate.

Make recommendations to the Court as to whether an attorney's conditional admission should be extended, terminated or revoked.

3. **Relational Referrals:** The function of Relational Referrals is to give a Complainant an opportunity to better understand the complaint process and the function of the Office of Disciplinary Counsel, once it becomes apparent a matter will not be opened for further investigation. The matter is referred to the Louisiana State Bar Association to assist with mediation, counseling, etc., to assist the complainant.
4. **Screening Diversion:** The function of Screening Diversion is to divert matters considered relatively minor, for referral to the Practice Assistance and Improvement Program

administered by the Louisiana State Bar Association and approved by the Supreme Court.

5. **Disability Inactive**

Monitor attorneys who have been placed on disability inactive status by the court.

Investigate any information that comes to the attention of the ODC related to an attorney on disability inactive status, and report to the Court, when appropriate.

TBRL: Are there any programs you would consider creating since starting your position?

AOD: That is a great question. There are several programs that I am considering right now based upon my evaluation of the office. I would rather not discuss those at this time, but as I have been mentioning when talking around the state, I am looking into alternative ways to address some of the most common issues that plague some of our attorneys.

TBRL: Is there a duty for an attorney to turn in another attorney for engaging in unethical behavior?

AOD: There is a specific Rule of Professional Conduct (Rule 8.3) that requires attorneys to notify our office if they see another attorney violating the RPC. It is not always an easy task for an attorney to turn in another attorney, but it is something that is necessary to ensure that we protect our practice and protect the citizens of this state.

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TBRL: How often do you see complaints that are not real violations? Is it more or less than the ones that are genuine?

AOD: We see a lot of these complaints. We had 2,439 complaints in 2023 and only 981 were opened for a full disciplinary investigation. We have a great screening department that is able to purge those complaints that are not genuine or not actual violations of the Rules of Professional Conduct. This is something that I stress to a lot of attorneys to make sure that they understand that our goal is not to prosecute every complaint that comes in, but we do our best to ascertain exactly what happened to ensure that whatever complaint we prosecute is one that has the factual basis of a violation of the Rules of Professional Conduct that we can prove by clear and convincing evidence.

TBRL: Do you believe most attorneys are familiar with how the disciplinary system operates? And why or why not?

AOD: This is another great question. I think most attorneys are not familiar with how the disciplinary system works, which is why I want to travel the state to talk with attorneys to ensure they understand how the process works. More importantly, as I said before, to ensure they understand that we are not just taking every complaint that comes in and moving forward.

TBRL: How can attorneys stay informed about ethics in law?

AOD: The best way for attorneys to stay current or informed about ethics is to make sure they satisfy their ethics requirement through our continuing legal education responsibilities (one hour of Ethics CLE required per year). If the attorney wants any additional training, they can go to the Louisiana Attorney Disciplinary Board website. There are several free online ethics seminars to partake in. Also, the *Nota Bene*, a regular publication from the Louisiana Attorney Disciplinary Board, provides recent decisions and other information beneficial to lawyers staying informed about ethics in law.

TBRL: Why do you believe lawyer regulation is important? Could you ever see a day when lawyer regulation will go away?

AOD: Lawyer regulation is important as regulation is important in any other professional area. It is to ensure consistency, fairness and compliance, such that the person is receiving the services that they need and is not being taken advantage of, or losing his right to obtain whatever relief that he may need. As I sit here today, I do not ever see a situation where lawyer regulation will go away. I certainly see ways in which it may be augmented, streamlined, or made to become more technologically based, but I do not think it will ever go away.

TBRL: What is a goal you have set for yourself as the chief disciplinary counsel?

AOD: My goal in life is to always be of service to others, do the right thing and make a difference wherever I can.

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THE ORAL A

When preparing for my first appellate oral argument, I printed out the entire record on appeal—some 2,000-plus pages, then carted the unwieldy thing to the hearing. It was a rookie mistake.

While I looked primed and prepared for a trial, this was not a trial. As a result, I never opened the box during the argument. Since then, I have refined my approach to oral argument preparation and left the carts and boxes behind. Now, my oral argument preparation centers around what I call the *oral argument toolkit*: two binders that contain only the essential documents and information needed for the hearing.

The toolkit serves two primary functions. First, creating the toolkit is preparation for the oral argument, and the process of crafting the toolkit carries equal weight to the toolkit's substance. Often oral arguments are scheduled several months after final briefs have been submitted. This lapse necessitates revisiting the legal issues and reacquainting oneself with the case's finer details and evidentiary record. Assembling the toolkit demands a meticulous reexamination of the record, briefs and the case's complex legal issues. Thoroughly retracing these steps by creating the toolkit ensures optimal preparation for the upcoming oral argument.

Second, the toolkit serves as a practical resource up to and at the hearing. The toolkit streamlines the process of navigating complex appellate records by distilling voluminous materials into a compilation of essential briefs, pleadings and record evidence. By centralizing your preparation within this toolkit, you can swiftly access and analyze pertinent information without wading through a dense record.

So whether you are preparing for your first or your 50th appellate oral argument, consider creating an oral argument toolkit.

The Oral Argument Binder

My approach is to divide the toolkit into two binders: first, the *oral argument* binder; and second, the *briefs and major documents* binder. The oral argument binder contains the critical materials you will reference at the podium during the hearing itself. Carefully curate this binder to include:

Oral Argument Script and Outline. This item may be controversial to some. Many practice guides and articles on oral argument caution against creating a script.¹ The fear is that the oralist will read directly from the script during oral argument, thus turning what should be a free-flowing question-and-answer session between the advocate and the

ARGUMENT TOOLKIT

by Bradley C. Guin

panel into a stale, rigid lecture. My preparation involves writing out the script, then condensing that script into an outline of the main points that I want to make and the order I want to make them.² If you are concerned about overreliance on the script, then forgo this item and skip straight to the outline. And, as always, do not read from the script or the outline at the hearing.³

Question-and-Answer Table. Prepare for the inevitable back-and-forth by creating a two-column table. List potential questions from the panel in one column, organized by topic area. In the second column, provide corresponding bullet-point answers drawing from the evidence, record materials and legal arguments raised in your briefing.

Challenging Issues and Responses. No case is as open-and-shut as one might hope. Many times, you may think, “I hope the judge doesn’t ask about X or Y.” As tricky as these questions may be, it is essential to tackle thorny issues directly. Having thoughtful responses ready for “hard” questions prevents being caught off guard during questioning.

Caselaw Table. Be prepared to discuss the major cases relied on by the parties in the briefs. Summarize the critical facts, procedural posture, holdings and rationales of the major precedents cited in the briefs. A concise table allows you to reference quickly how these key cases do or do not apply to the case before the court.

Statutory and Regulatory Provisions. If statutory language, regulations or other codified authorities are central to the disputed issues, extract and compile the relevant provisions verbatim into your binder to easily reference during the argument. For example, if a key issue on appeal is whether the trial court erred in admitting or excluding certain evidence on a motion for summary judgment, it is advisable to have the text of Code of Civil Procedure article 966 (or at least the portion of article 966 pertaining to admissible summary-judgment evidence) at hand.

Record Citations List. Before the briefing stage, you should have reviewed the entire record on appeal. During your review, keep track of any notable record citations by creating a list with descriptions and pincites for the record’s important materials.

Critical Record Excerpts. Gather pivotal record excerpts—whether a contract clause, statutory provision or key trial testimony—into a single document. This dedicated compilation ensures easy access to critical evidence throughout the hearing.

The Briefs and Major Documents Binder

The briefs and major documents binder should contain all key written advocacy and record materials related to the appeal that you will not need directly at the podium. It provides a convenient repository for all of the most important case materials in one place. Specifically, this binder should include:

- All briefs filed by the parties (opening, response and reply briefs)
- Any substantive motions filed in the appellate court (e.g., motions to dismiss or strike)
- The judgment being appealed from the lower court
- Any written reasons by the lower court explaining the judgment
- Key pleadings from the lower court that are central to the issues on appeal (e.g., petition or motion for summary judgment)
- Any critical exhibits or evidence from the record

While this supplementary binder will likely remain untouched during the actual oral argument, having the briefs and key record materials consolidated in one place allows for efficient preparation and fact checking ahead of the hearing.

Conclusion

The oral argument toolkit enables you to step confidently to the lectern, having thoroughly retraced your steps through the record and arguments. With key materials organized for easy reference, you can maintain full command of the issues while focusing your delivery on persuasively engaging the court’s questions. Leverage these tools properly, and you will be well equipped to advocate effectively at the oral argument hearing.

¹ See, e.g., Stephen J. Dwyer et al., *Effective Oral Argument: Six Pitches, Five Do’s, and Five Don’ts from One Judge and Two Lawyers*, 33 STETSON L. REV. 347, 356–67 (2010).

² *Id.* at 357.

³ See UNIF. R. LA. CTS. APP. r. 2-15.3 (prohibiting counsel from reading from briefs).

Nomination Form

2025 BOARD OF DIRECTORS

This form is to be returned to the Baton Rouge Bar Association office at P. O. Box 2241, Baton Rouge, LA 70821, or drop it off at the BRBA office at 544 Main St. no later than 4:30 p.m. Monday, Sept. 30, 2024.

Please place my name on the ballot for the 2025 Board of Directors election. I understand that I must be a regular member of the Baton Rouge Bar Association in good standing, and my 2025 dues assessment must be paid by Friday, Nov. 15, 2024. I understand that, if elected, I am expected to make a good faith effort to attend board meetings, monthly luncheons, special events and meetings of the committees to which I am assigned as a liaison. Further, I understand that I will bear my pro-rated expense for board meetings, whether I am present or not. I understand that this is a working body and that I will be expected to accept and fulfill designated responsibilities. The Baton Rouge Bar Association Board of Directors also serves as the Board of Directors for the Baton Rouge Bar Foundation.

I wish to run for the position of: President-Elect ____ | Secretary ____ | Treasurer ____ | Director at Large (6) ____

Name _____

Signature _____ Date _____

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Name _____ Date of Birth _____

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Firm _____

Address _____

City/State/Zip _____

Law School _____

Year admitted to practice _____ Email _____

Additional information requested (see list below). Note: Please include this information as a one-page (letter-sized, 8.5 inches wide by 11 inches tall) document using 12-point font.

- State your involvement with the BRBA, including committees, programs, projects and leadership positions.
- Include professional information and awards received.
- Answer these two questions: What do you see as one significant issue facing the BRBA? How would you address this issue?
- If elected, what resources and talents will you bring to the BRBA board?

Nomination Form

2025 YOUNG LAWYERS SECTION

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Please place my name on the ballot for the 2025 Young Lawyers Section election. I understand that I must be a regular member of the Baton Rouge Bar Association in good standing, and my 2025 dues assessment must be paid by Friday, Nov. 15, 2024. I understand that I must be eligible for membership in the Baton Rouge Bar Association Young Lawyers Section. Eligibility is limited to all lawyers under the age of 39, or who have been admitted to the first bar less than five years, who pay any dues as set and assessed by the Board of the Baton Rouge Bar Association. Membership in this section terminates automatically at the end of the calendar year within which a member attains 39 years of age after admission to his or her first bar, whichever last shall occur. I understand that this is a working body and that any officer or council member failing to attend three successive meetings of the council shall be asked to vacate his or her position. I also understand that I will bear my pro-rated expense for all YLS meetings and Board of Director meetings.

I wish to run for the position of: Chair-Elect ____ | Secretary/Treasurer ____ | Council Member (5) ____

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Position for which you are running _____

Firm _____

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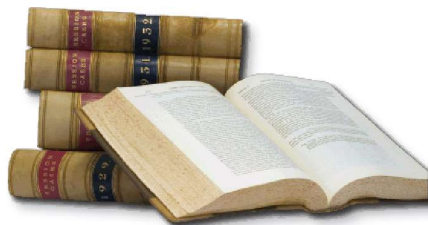
Foundation Footnotes

Pro Bono Reports — May and June 2024

Teen Court Volunteers: In May two hearings were held. Volunteers were Monica Vela-Vick, *Dugan Law Firm*; Lauren Tarver, *Jones Walker, LLP*; and Jessica Fuqua, *law student, Southern University Law Center*.

In June four hearings were held. Volunteers were Lauren Tarver, *Jones Walker, LLP*; Tiffany Carriere, *First Circuit Court of Appeal*; Monica Vela-Vick, *Dugan Law Firm*; Jessica Fuqua, *law student, Southern University Law Center*; and BRBF intern Eric Roshak, *law student, LSU Law*.

Law Day Volunteers: Law Day, celebrated May 1 at the Raising Cane's River Center Theatre, was held prior to several mock trial sessions at City Court and the 19th Judicial District Court. Participating judges were Magistrate Judge Richard Bourgeois Jr.; Judge Fred Crifasi; Judge John W. deGravelles; Chief Judge Shelly D. Dick; Judge Tiffany Foxworth-Roberts; Judge Brian A. Jackson; Judge Don R. Johnson; Judge Ron R. Johnson; Judge Johnell Matthews; Judge Judy Moore Vendetto; Judge Darrell White, retired; and Magistrate Judge Erin Wilder-Doomes. Other volunteers were Beau Brock; John Fenner; Loren Shanklin Fleshman; Farah Gheith; Crishauna Goldsby; Aislyn Grimm; Cornelius Troy Hall; Bria Jones; Melanie Newkome Jones; Emily LaCerte; Brandi Lawrence; Emily Lindig; Charles "Mac" McCowan; Hayden Moore; John Obebe; Marcus Plaisance; Shannon Powell; and Luke Williamson. Committee members were Valerie Black (co-chair); Lori Palmintier (co-chair); Naveen Adusumilli; Talya Bergeron; Stanley J. Bordelon II; Richard Bromfield; Charmane Brooks; Jamie Flowers Jr.; Diana Gibbens; Niles Haymer; Christopher Jenkins; Quintillis Lawrence; Ross



LeBlanc; Tara Madison; Rebecca Moreno; Monica Vela-Vick; and Jeffrey Wittenbrink.

Accepted Pro Bono Cases in May & June:

Janeane Gorcyca Abbott, *Abbott Prescott Attorneys at Law*; Dominick Abrams, *attorney at law*; Jarvis Antwine, *attorney at law*; Edward R. Atebara, *The Law Office of Edward R. Atebara*; Evan Gaudet, *Taylor, Porter, Brooks & Phillips, LLP*; David S. Gunn, *Gunn & York*; Tammerral Hills, *Hills Law Firm, LLC*; Michael Jefferson, *attorney at law*; Derrick McCorey, *attorney at law*; Ryan Richmond, *Sternberg, Naccari & White, LLC*; LaKendra D. Sampson, *attorney at law*; William Shea, *Adams & Reese*; Victor Woods, *Dickerson, Leblanc & Woods*.

Legal Hotline Volunteers: 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: Candace B. Ford, *U.S. Attorney's Office*; Jeff Nicholson, *attorney at law*; Todd Gaudin, *Gaudin Law Group*; Lykisha Vaughan, *Southeast Louisiana Legal Services*.

Training for Legal Interns: Special thanks to Scott Gaspard, *attorney at law*, who gave a presentation on Family Law. Also, thanks to Luke Williamson, *Williamson Campbell & Whittington, LLC*, who gave a presentation on Ethics and Professional Responsibility.

Teen Court is made possible in part by grants from the Louisiana Bar Foundation and the Charles Lamar Family 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

The Latin *et cetera*, abbreviated *etc.*, is so common that you've probably never imagined there are rules governing its use. But it's my job to disabuse you of that notion—you can't just go around sticking *etc.* willy nilly after every list. Here are the three primary rules for using *etc.*

- (1) The phrase literally means and (*et*) the rest (*cetera*). Because *et* means "and," it is redundant to write "and *etc.*"
- (2) *Cetera* refers to the rest of the items *in the same class*. Do not use *etc.* for a list of different types of items.
- (3) *Etc.* should never be used for a list introduced by words like *including*, *such as*, *e.g.* or *for example*.

Instead, use "and" between the last two words in the list.

INCORRECT EXAMPLES: She taught students how to draft petitions, answers, motions, exceptions, emails, *etc.* (emails are not in the same class as pleadings). My favorite tailgate foods include fried chicken, ribs, jambalaya, *etc.* (the list should read "fried chicken, ribs and jambalaya").

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

SEPTEMBER 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 *					

OCTOBER 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		

IMPORTANT DATES

September

- 2 BRBA Office Closed—Labor Day
- 7 Ask-A-Lawyer, 9 a.m., Baker Branch of Library, 3501 Groom Rd. in Baker
- 9 Teen Court Hearing via Zoom, 6 p.m. & 7 p.m.
- 11 Operations & Finance Committee meeting, 12:15 p.m.
- 12 LSU Family Law CLE
- 13 Executive Committee meeting via Zoom, 8:30 a.m.; LSU Family Law CLE
- 18 BRBA Board meeting, 6 p.m., Juban's
- 19 Belly Up with the Bar Committee meeting (in-person), Middleton Bar Center, noon
- 20 Publications Committee meeting via Zoom, 8 a.m.
- 23 Teen Court Hearing via Zoom, 6 p.m. & 7 p.m.
- 24 Belly Up (Zoom) meeting with competition judges, noon
- 26 Belly Up (Zoom) meeting with team captains, noon

- 30 Deadline to return Bar Leader Self-Nomination Forms

October

- 4 Belly Up with the Bar EVENT, 6-9 p.m., John M. Parker Coliseum, LSU campus
- 5 Ask-A-Lawyer, 9 a.m., Scotlandville Branch Library, 7373 Scenic Hwy.
- 11 YLS CLE: Conquering the Maze, 19th Judicial District Court, 8 a.m.
- 16 Operations & Finance Committee meeting, 12:15 p.m.; Board of Directors' meeting, 6 p.m., TBA
- 17 Executive Committee meeting via Zoom, 8:30 a.m.;
YLS City Court Sidebar Luncheon, Middleton Bar Center, 11:45 a.m.-1:30 p.m.
- 24 Family Law Section meeting & CLE, 11:30 a.m. - 3:30 p.m., Mike Anderson's Seafood Restaurant

DUTY SCHEDULE

19th JDC Civil	
8/26 - 9/06	Judge R. Johnson
9/09 - 9/20	Judge D. Johnson
9/23 - 10/04	Judge Higginbotham
10/07 - 10/18	Judge Balfour
10/21 - 11/01	Judge Moore

19th JDC Criminal***	
8/30 - 9/06	Judge Smith
9/06 - 9/13	Judge Jorden
9/13 - 9/20	Judge Hines
9/20 - 9/27	Judge Greggs
9/27 - 10/04	Judge Crifasi
10/04 - 10/11	Judge Ray
10/11 - 10/18	Judge Myers
10/18 - 10/25	Ad Hoc Judge
10/25 - 11/01	Judge Smith

Baton Rouge City Court*	
8/26 - 9/01	Judge Marcantel
9/02 - 9/08	Judge Temple
9/09 - 9/15	Judge Matthews
9/16 - 9/22	Judge Alexander
9/23 - 9/29	Judge Vendetto
9/30 - 10/06	Judge Marcantel
10/07 - 10/13	Judge Temple
10/14 - 10/20	Judge Matthews
10/21 - 10/27	Judge Alexander
10/28 - 11/03	Judge Vendetto

Juvenile Court	
September	Judge Grover
October	Judge Haney

Family Court**	
9/02	HOLIDAY
9/03	Judge Russ (Div. D)
9/04	Judge Baker (Div. A)
9/05-9/06	Judge E. Green (Div. B)
9/09	Judge Day (Div. C)
9/10	Judge Russ (Div. D)
9/11	Judge Baker (Div. A)
9/12	Judge E. Green (Div. B)
9/13, 9/16	Judge Day (Div. C)
9/17	Judge Russ (Div. D)
9/18	Judge Baker (Div. A)
9/19	Judge E. Green (Div. B)
9/20	Judge Russ (Div. D)
9/23	Judge Day (Div. C)
9/24	Judge Russ (Div. D)
9/25	Judge Baker (Div. A)
9/26	Judge E. Green (Div. B)
9/27	Judge Baker (Div. A)
9/30	Judge Day (Div. C)
10/01	Judge Russ (Div. D)
10/02	Judge Baker (Div. A)
10/03, 10/04	Judge E. Green (Div. B)
10/07	Judge Day (Div. C)
10/08	Judge Russ (Div. D)

Family Court (Continued)	
10/09	Judge Baker (Div. A)
10/10	Judge E. Green (Div. B)
10/11	Judge Day (Div. C)
10/14	HOLIDAY
10/15	Judge Russ (Div. D)
10/16	Judge Baker (Div. A)
10/17	Judge E. Green (Div. B)
10/18	Judge Russ (Div. D)
10/21	Judge Day (Div. C)
10/22	Judge Russ (Div. D)
10/23	Judge Baker (Div. A)
10/24	Judge E. Green (Div. B)
10/25	Judge Baker (Div. A)
10/28	Judge Day (Div. C)
10/29	Judge Russ (Div. D)
10/30	Judge Baker (Div. A)
10/31	Judge E. Green (Div. B)

Court Holidays	
Monday, Sept. 2	Labor Day
Monday, Oct. 14	Columbus Day (Family Court only)

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.

Baton Rouge Bar Association

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Attorney David Abboud Thomas is responsible for this ad.