



THE Advocate

RAISING THE BAR TO NEW HEIGHTS

SPRING EDITION 2013

VOL. 22, No. 3

MESSAGE FROM THE PRESIDENT

BY: ERIC R. NOWAK



Whether or not we knew it at the time we embarked on our professions in the law, our work places us next to and sometimes in the “action” of important events in the lives of our clients, community, and country. Our decisions and actions can and do have profound impacts on those around us.

It is something I don't think we give ourselves enough credit for – most of us just look at it as simply doing our jobs. I encourage all of you to reflect on how we make a positive and substantial difference in just doing our jobs. I also ask that you reflect on the fact that the importance of what we do and the very nature of being near the action can place any and all of us at risk. I hope this moment of reflection can lead to substantive efforts by lawyers, judges, and bar associations – including the Federal Bar Association – to address how we can improve lawyer and judicial safety.

My eyes were opened to this issue on January 30 when Mark Hummels, the president of the FBA's Phoenix Chapter, was shot along with his client at a mediation of a commercial dispute. Both died, and both families are tragically changed forever. I wish I could say that violence and the threat of violence against lawyers and judges are unusual. A simple news search reveals otherwise. And several state bar associations have surveyed their members, finding that over 40% of respondent attorneys had been threatened or assaulted serving as a member of the legal profession. I do not write this to be an alarmist, but rather to remind everyone that we need to be smart and careful for ourselves and our colleagues as we do our jobs. Additionally, I ask all of you to participate in the dialogue

of how we can do our jobs safely. The New Orleans FBA Chapter will do its part. We are already planning a CLE that will honor Mr. Hummels and address this topic.

I also encourage you to stay actively involved in the FBA. The FBA provides unique opportunities to meet, work with, and learn from great lawyers and judges from all over the country. Before summer begins, the FBA is giving you the opportunity to

- sign up for our acclaimed Rubin Symposium and CLE, which celebrates its 21st year honoring the late Judge Alvin C. Rubin;
- attend a CLE panel of nationally recognized Federal Magistrates from across the country;
- join the National FBA Labor & Employment Section for its national meeting in New Orleans;
- have “Lunch with the Court” and several of our local Judges;
- and, for young lawyers, enjoy free “Cocktails with Court.”

I would also like to highlight an exciting new development and service from our chapter. On the thoughtful recommendation of member Scott Silbert, we've added a section to our website that will list some of the upcoming trials at the United States District Court for the Eastern District of Louisiana. It is our Chapter's goal to update the list every Friday afternoon. We believe lawyers, especially young lawyers, can benefit greatly from watching other lawyers argue, present, and try cases before our local Judges. So stop by www.nofba.org, and schedule some time to see our bench and bar in action. I know I will.

CLERK'S CORNER

BY: LORETTA G. WHYTE



All I can really say in this, my last formal communication with you as Clerk of Court, is a resounding “Thank You.” Thank you for the privilege, for the many friendships, and for the unique learning opportunities I have been given over these many years as a member of the Federal Bar Association.

Shortly after I came to the court in 1970, fresh out of law school, a true neophyte, unaware of the ways of this new world, my good friend and I were invited to a meeting of the Federal Bar Association. We were so impressed with ourselves. We thought it an exceptional compliment to be invited into this very important organization and to be welcomed by such important people.

Little did we know then how right our instincts were. We gradually came to understand the work

of the Association and its value to the federal legal community and to us personally as fledgling members of that community. I personally have observed dedicated members work tirelessly to achieve the goals of the Association – promoting the interests and professional development of attorneys in federal practice, advocating for improvements in the federal system, creating opportunities for communication between the attorneys and the judges. The awesome list of individual projects undertaken and successfully accomplished clearly reflects the commitment and enthusiasm of its members.

I hope I have contributed in some small way to the mission of the Association. I am certain that my successor, William (Bill) Blevins, will find the same nurturing atmosphere that I have enjoyed here, and that he will join with all of you to continue the important work of the Federal Bar Association.

STAY CONNECTED WITH THE FBA

You’ve paid your dues and want to be an active participant in the Federal Bar Association’s New Orleans Chapter, but you are not receiving your national or local chapter newsletters, nor receiving any email notifications of current news or upcoming events. What’s wrong?

Updating your contact information with the FBA’s national office is the best way to stay connected with fellow FBA members and enjoy all the benefits of membership. A simple typographical error can send your emails into cyberspace. A change of firm affiliation not only will misdirect your mail, but may cause a lapse in membership if that was an automatic process of your prior firm’s human resources department.

To update your information on the national website, visit www.fedbar.org, and simply click the “[Update My Profile](#)” link. You will then be

instructed to log in. **Your username is your email address and your password is your last name.**

Once you have logged in, the “My Information” page will appear. Review your contact information for accuracy, and, if any changes are needed, click the Edit link at the top of the page. You have access to change your contact information as often as you need, and your information is automatically added to your FBA member record. The sooner you update your contact information, the fewer communications you will miss.

If you experience any difficulty navigating the website, please call the national office at (571) 481-9100 or call Camille Zeller locally at (504) 589-7990, and they will assist you.

LUNCH WITH THE COURT PROGRAM

The Younger Lawyers' Division of the FBA's New Orleans Chapter continues to organize monthly lunches with members of the local federal bench through its "Lunch with the Court" program. Fifth Circuit Judge Stephen A. Higginson, Chief District Judge Sarah S. Vance, and District Judge Stanwood R. Duval, Jr. hosted the most recent Lunches with the Court. All of the lunches were very well attended.

LUNCH WITH CHIEF JUDGE VANCE



On January 16, YLD members had lunch with Judge Vance—and celebrated a special occasion, her birthday! Chief Judge Vance and her law clerks talked to members about the characteristics of a good brief and the importance of anticipating the questions that the court will ask during oral argument. Members at the well-attended lunch also learned about Judge Vance's many interests and hobbies outside of the judiciary.



LUNCH WITH JUDGE HIGGINSON

On February 20, Judge Higginson and his law clerks graciously hosted a lunch at the Fifth Circuit. Judge Higginson provided a number of practice pointers on effective appellate advocacy, and he generously fielded questions from each of the attendees. YLD members enjoyed hearing about Judge Higginson's path to the bench and learning a little bit about how cases are processed at the Court of Appeals.



LUNCH WITH THE COURT PROGRAM (CONT'D)

LUNCH WITH JUDGE DUVAL

On March 13, the younger lawyers had the pleasure of lunching with Judge Duval. The attendees greatly appreciated learning about Judge Duval's background and experiences, as well as hearing a bit about the tremendous amount of Hurricane Katrina litigation that came through the Eastern District. Judge Duval kindly provided several practice tips to the YLD members, including the importance of being courteous and professional to one's adversaries.



The Lunch with the Court Program continues with District Judge Lance M. Africk on April 10, 2013, and District Judge Helen G. Berrigan on May 2, 2013. Please contact Camille Zeller at (504) 589-7990 if you are interested in attending one of the upcoming lunches.

SAVE THE DATE FOR UPCOMING EVENTS

E-Discovery & Diversity CLE
April 25, 2013

2013 Labor & Employment Law
Conference
May 2-3, 2013

21st Annual Judge Alvin B. Rubin
Symposium
May 23, 2013

Morning at the Federal Courthouse
June 19, 2013

Be sure to check future issues of The Advocate and monitor our website, www.nofba.org, for exact dates.

New Orleans Chapter of the Federal Bar Association
presents:

Current Trends in E-Discovery & Diversity in Federal Judiciary

(Application pending for 2 CLE hours, including 1 Professionalism hour)

Date: Thursday, April 25, 2013 from 5:00 p.m. - 7:00 p.m.

Location: Ceremonial Courtroom, 5th Floor
United States District Court, Eastern District of Louisiana
500 Poydras Street, New Orleans, Louisiana

E-Discovery Speakers: The Honorable John M. Facciola, DDC
Andrew R. Lee of Jones Walker

Federal Magistrate Judges Association Panel on Diversity:
The Honorable Lorenzo F. Garcia, DNM
The Honorable Sheila K. Oberto, EDCA
The Honorable Jay C. Gandhi, CDCA
The Honorable Charmiane G. Claxton, WDTN
Dr. Trudi Morrison, AO Fair Employment Practices Office

Moderators: Donna Phillips Currault of Gordon, Arata, McCollam, Duplantis & Eagan, LLC
Kelly McNeil Legier, LSBA, Director of Member Outreach and Diversity

NOFBA Registration Form

Name: _____

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Enclosed Fee: _____ \$50 for FBA Members or \$75 for non-FBA Members
\$25 fee for Federal Law Clerks/Staff & Agency Attorneys

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and Remittance to: Camille Zeller, Attorney Conference Center
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Email: fbano@bellsouth.net

Please **Make Checks Payable to the FBA** ** No Refunds after April 24, 2013 **

FBA GOES TO TULANE



Following the United States Fifth Circuit sitting at Tulane University Law School on Wednesday, February 6, the FBA helped to educate students further by hosting a panel on federal clerkships. Judge Kurt D. Engelhardt moderated a panel of Fifth Circuit clerks who answered questions such as how to become a federal law clerk, what a federal law clerk does, the benefits of clerking for a federal judge, and the differences in district court and appellate court clerkships. Additionally, Judge Engelhardt spoke to the students about the FBA and the advantages of joining the FBA as a student member. The FBA recently began an initiative to connect more with the area law schools and students, and the clerkship panel at Tulane was a great first event in achieving that goal.



DID YOU NOTICE?

As a service to younger lawyers seeking to observe jury trials, the New Orleans Chapter of the Federal Bar Association will, by permission of its board members on the bench, post on its website each Friday around 3 p.m. a schedule of some of the coming week's jury trials.

Not all proceedings (for instance, bench trials, oral arguments, or non-trial criminal proceedings) will be posted, and of course the jury trials posted can be continued, settled, or otherwise rescheduled. But it is hoped that younger lawyers may benefit from the opportunity to observe those jury trials that do proceed.

2013 LABOR & EMPLOYMENT LAW CONFERENCE SET FOR MAY IN NEW ORLEANS

The Labor & Employment Law Section of the Federal Bar Association will present its 5th Bi-Annual Labor & Employment Law Conference in New Orleans on May 2-3, 2013, at the Westin New Orleans. The conference includes an impressive lineup of CLE speakers who will address the following topics: FLSA: Wage and Hour, EEOC Enforcement and Litigation, ERISA Tips for Employment Practitioners, Ethics, NLRB Update, FMLA Update, Views from the Bench, EEO Update, and Internal Investigations / HR Audits. Further information about the conference is available at www.fedbar.org, and a registration form is included below. Several New Orleans Chapter board members are involved with hosting the conference, and our Chapter looks forward to welcoming FBA members to New Orleans.

THE FEDERAL BAR ASSOCIATION LABOR & EMPLOYMENT SECTION PRESENTS THE

2013 LABOR & EMPLOYMENT LAW CONFERENCE

MAY 2-3, 2013 • THE WESTIN • NEW ORLEANS, LA

REGISTRATION FORM

\$350 FBA Member \$450 Nonmember

REGISTRANT INFORMATION

Name _____ Title _____

Company Name _____

Address _____

City _____ State _____ Zip _____

Phone _____ E-mail Address _____

Signature _____

METHOD OF PAYMENT

Check, made payable to the "Federal Bar Association," is enclosed. Credit card: Visa American Express MasterCard

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Please fax or mail this form to Kate Koch

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The Federal Bar Association welcomes its new members:

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Deshazo

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Susan A. Austin
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Simon Peragine Smith & Redfearn

William B. London
Liskow & Lewis

Philip D. Lorio IV
Hailey McNamara et al

Conor T. Lutkewitte
Favret Demarest Russo &
Lutkewitte, APLC

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Flanagan Partners LLP

Richard E. Zubic
Montgomery Barnett LLP

If you would like to become a member of the FBA, or know someone who would like to become a member, please call Celeste Coco-Ewing, Membership Chair at (504) 589-9725, or Camille Zeller at 589-7990 for more information.

Federal Bar Association
New Orleans Chapter

presents the

21st Annual Judge Alvin B. Rubin Symposium

An Annual Discussion on Aspects of Federal Law or Federal Practice Held as a Living Memorial to Judge Rubin's Contribution to Federal Jurisprudence and Legal Scholarship.

Topics: Legal Ethics: Some Dilemmas and Some Thoughts About Them
(1 hour Ethics) (pending)
Revisiting Judge Rubin's Decisions (1 hour CLE) (pending)

Date: Thursday, May 23, 2013, 3:00 p.m. - 5:00 p.m.

Location: Ceremonial Courtroom, 5th Floor
United States District Court, Eastern District of Louisiana
500 Poydras Street, New Orleans, Louisiana

Speakers: Professor N. Gregory Smith, LSU Law Center
The Honorable Stephen Higginson, U.S. Fifth Circuit Court of Appeals

Rubin Symposium Registration Form

Name: _____

Firm/Employer: _____ Phone: _____

Email: _____ Fax: _____

Address: _____

Enclosed Fee: _____ (\$30 in advance for FBA Members; \$45 at the door)
(\$60 in advance for non-FBA Members; \$75 at the door)
(\$20 discounted fee for Federal Judicial Law Clerks, Staff Attorneys, and Governmental Agency Attorneys)

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New Orleans, Louisiana 70130
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Please Make Checks Payable to the FBA

** No Refunds after May 21, 2013 **

BANKRUPTCY COURT UPDATE

By: Brian J. Richoux, Acting Clerk of Court,
United States Bankruptcy Court, Eastern District of Louisiana

We in the court have always monitored case filings and the national budget outlook rather closely, but lately we find ourselves tuning in to them on a daily basis!

After the record number of filings in 2005 when the Bankruptcy Abuse Prevention and Consumer Protection Act took effect, there was a precipitous drop in filings in 2006. Filings increased over the next few years with a peak in 2010, and since then have decreased almost 10% each year. Should the trend hold true, the early outlook is for 2013 bankruptcy case filings to be almost 10% less than the 2012 total of 3,814.

The national budget has been front-page news for the last few years, but the effect on local agencies is far less known. I spoke recently to a group of lawyers about the effect of sequestration on the bankruptcy court, but let them know that sequestration is only one of several budget cuts this court has received since October 1, 2012, which was the beginning of the current fiscal year. Beginning last October 1, the bankruptcy courts received an 8% reduction to salaries, a 34% reduction to operation and automation allotments,

and an additional 28% local reduction to our salary allotment due to a revised staffing formula!

Sequestration, which took effect on March 1, 2013, imposed another 4% reduction to salaries. Unfortunately, for the fiscal year that begins on October 1, 2013, we look for an additional, planned reduction of 4.9%, as well as a budget reduction judiciary-wide of between 5 and 7%.

It is possible that the bankruptcy court will have to furlough staff in order to meet our budget this fiscal year, but that decision will not be made until we have a clearer picture of our final budget in the next month or two. If some furlough days are necessary, they will likely be scheduled on Fridays and the office will remain open.

The budget outlook is not good, and we will likely have to deal with these challenges on a number of fronts. But know that we are committed to maintaining the level of service that you have come to expect, and will do whatever it takes to minimize the effect of these budget cuts on you and the general public.

Federal Bar Association – New Orleans Chapter

Younger Lawyers Division

Presents the

Morning at the Federal Courthouse

June 19, 2013

The “Morning at the Federal Courthouse” program gives young lawyers and law students an opportunity to observe federal practice, including a panel presentation by a District Judge, Magistrate Judge, and a representative from the office of the United States District Clerk for the Eastern District of Louisiana.

More Information to Follow

NEW ORLEANS CHAPTER SPONSORS CULTURAL HERITAGE CLE

On Friday, January 25, 2013, the New Orleans Chapter sponsored the first of what is hoped will be an ongoing, annual CLE program in partnership with The Historic New Orleans Collection on the topic of cultural heritage preservation law. The program was a panel discussion entitled: **“Preparing for the Coming Storm: The Legal Framework Governing Cultural Heritage In Natural Disasters.”** The distinguished panel, led by moderator Tess Davis, the Executive Director of the Lawyers’ Committee for Cultural Heritage Preservation, Washington, DC, included John Stubbs, Director of Preservation Studies at Tulane University; James Reap, Associate Professor at the University of Georgia; Ole Varmer, Attorney-Advisor, International Section of the General Counsel, National Oceanic and Atmospheric Administration (NOAA); John Norris, Property Manager of Felicity Redevelopment; Robert Collins, General Counsel in the Office of the Louisiana Inspector General; and Marsh Davis, President of Indiana Landmarks. The program was

held at The Historic New Orleans Collection’s beautifully restored Williams Research Center, located at 410 Chartres Street in the French Quarter.

Committee members Chris Alfieri and Wendy Hickok-Robinson organized the program on behalf of the FBA New Orleans Chapter, partnering closely with Kathy Slimp, Financial Director and Events Coordinator of The Historic New Orleans Collection. The Committee extends its extreme gratitude to Ms. Slimp and The Collection for making the Williams Research Center available to the public for this event, and for their wonderful support.

The panel discussed the increase in natural disasters worldwide, from Joplin, Missouri, to Bangkok to Fukushima and those which preceded them, such as the Port-au-Prince Earthquake, Hurricane Katrina, and the Indian Ocean Tsunami. The panel focused on the preservation of the objects, places, and traditions that define



John Stubbs, Director of Preservation Studies, Tulane University; James Reap, Associate Professor, University of Georgia; Ole Varmer, Attorney-Advisor, International Section of the General Counsel, National Oceanic and Atmospheric Administration (NOAA); Tess Davis, Executive Director of the Lawyers’ Committee for Cultural Heritage Preservation, Moderator; John Norris, Property Manager, Felicity Redevelopment; Robert Collins, General Counsel, Office of Louisiana Inspector General; and Marsh Davis, President, Indiana Landmarks.

NEW ORLEANS CHAPTER SPONSORS CULTURAL HERITAGE CLE (CONT'D)

us as individuals, societies, nations, civilizations, and even human beings and the challenges of protecting such cultural heritage in the chaos of a natural disaster.

The panel also addressed the law — both national and international — which is just beginning to understand its role in this process. While these laws have long sought to protect cultural heritage from the acts of man, ranging from commercial development to outright war, laws have only recently sought to do the same for acts of nature, safeguarding cultural heritage before and after natural disasters.

Tess Davis, the panel moderator, led the panel in a very engaging, entertaining, and far-ranging discussion addressing the changing administrative and legal framework governing cultural heritage in times of natural disaster, including the mandate, structure, and policies of both disaster management and heritage management agencies, such as the Federal Emergency Management Agency (FEMA) and the National Park Service (NPS); the interplay between these two authorities; legislation such as the Stafford Disaster Relief and Emergency Assistance Act and the National Historic Preservation Act; case studies of successes and failures; and recommendations for better implementing and improving existing regulations and laws. The program was well-attended by Louisiana practitioners and non-practitioners alike and served as an introduction to a topic that has largely been overlooked, but will unfortunately become increasingly important in the coming years.



Eric Nowak and Wendy Hickok-Robinson



*Chris Alfieri and Kathy Slimp,
Financial Director / Events Coordinator,
The Historic New Orleans Collection.*

TRIALS AND TRIBULATIONS

Trials and Tribulations is your quarterly summary of matters recently tried in the United States District Court for the Eastern District of Louisiana. Organized by topic, the summaries below are compiled by the Editorial Board from Verdict Reporting Forms provided by the Court.

❖ CONTRACTS

➤ Breach of Contract

In *Alfred J. Theriot, III v. Brit Systems, Inc.*, plaintiff asserted claims for breach of an oral contract and sought to recover past and future commissions on sales. Plaintiff, an independent contractor, sold medical equipment, software, and service agreements for Brit Systems, Inc., but there was no written agreement governing the relationship between plaintiff and Brit Systems.

After Brit Systems terminated plaintiff, he filed suit arguing that Brit Systems owed him “past commissions” on sales he made prior to his termination. He also claimed that Brit Systems owed him five years of “future commissions,” because he expected customers to renew their service agreements annually for at least five years.

Regarding plaintiff’s claim for “past commissions,” Brit Systems argued that its agreement with plaintiff required him to provide ongoing services to customers beyond the original sale of the product. Defendant then argued that it did not owe “past commissions,” because plaintiff could not provide ongoing services to customers due to a conflict of interest. As for “future commissions,” Brit Systems argued that plaintiff could not prove that there was an oral contract requiring payment of commissions after termination of their relationship, because the parties had never discussed that contingency. Brit Systems also argued that any award of “future commissions” would be too speculative.

The jury awarded plaintiff \$67,458.00 in past commissions earned on sales occurring prior to termination of his relationship with Brit Systems. The jury rejected plaintiff’s claim for future commissions.

Docket No.: 11-1995, Section I (Jury trial held January 14-15, 2013).

❖ TORTS

➤ Jones Act Personal Injury and General Maritime Law

In *Alfred Francois v. Diamond Offshore Management Company and Diamond Offshore Services Company*, a crane operator, the 59-year-old plaintiff was injured on a jack-up vessel on April 10, 2009, when he fell through a hole in the vessel’s deck grating. The hole had been created when rough seas washed a section of the grating overboard on the previous day, while the vessel was under tow.

Plaintiff asserted a claim against his employer, Diamond Offshore Management Company, for Jones Act negligence and a claim against the vessel owner, Diamond Services Company, for unseaworthiness under general maritime law. Plaintiff did not assert a claim for maintenance and cure, since his employer had paid those benefits until plaintiff reached maximum cure.

After approximately 4.5 hours of deliberation, an eight-person jury found as follows: (1) that plaintiff’s employer was negligent; (2) that the vessel was not unseaworthy; and (3) that plaintiff was not contributorily negligent. The jury then awarded damages as follows: past physical and mental pain and suffering, \$87,500.00; future physical and mental pain and suffering, \$12,500.00; past lost wages, \$171,512.00; and loss of future earning capacity, \$297,861.00.

Docket No.: 11-2956, Section E (Jury trial held March 4-6, 2013).

➤ Outer Continental Shelf Lands Act, Marine Personal Injury

Plaintiff Stephen Hopkins, an employee of Trinity Catering, worked aboard Murphy

cont’d on page 15

TRIALS AND TRIBULATIONS (CONT'D)

Exploration & Production's MEDUSA platform as a galley hand. Plaintiff alleged that he injured his back when he carried a carton of water weighing approximately 50 pounds up a flight of stairs. He sued the rig's owner and operator, contending that the dumbwaiter on the rig was not working at the time of his injury and that Murphy's fault in leaving the dumbwaiter in disrepair caused his injury. In *Stephen Hopkins v. Murphy Exploration & Production*, a seven-person jury rendered a defense verdict.

Docket No.: 11-2968, Section A (Jury trial held March 5-6, 2013).

➤ **Outer Continental Shelf Lands Act, Marine Personal Injury**

In *Evangeline Matherne Knoblock, et al. v. Offshore Process Services, Inc., et al.*, the survivors of a maintenance technician working on the Louisiana Offshore Oil Platform ("LOOP") brought this negligence action, alleging that decedent Nolan Knoblock died when a crane that he was using as a work platform moved unexpectedly and pinned him against another piece of equipment. Plaintiffs alleged that the crane moved because of an unsafe wiring condition that should have been discovered by defendants, which were companies engaged to inspect the crane. In their defense, defendants argued that decedent died of a heart attack, a natural cause having nothing to do with the crane. Defendants also argued that decedent and/or his employer LOOP, a non-party, were negligent.

The jury rendered a defense verdict, finding that decedent did not die of natural causes but that the defendants were not negligent.

Docket No.: 11-2935, Section L (Jury trial held March 4, 2013).

➤ **Personal Injury**

In *Susanne Baber v. Tara Gibbs Riley, et al.*, plaintiff claimed to have sustained injuries in a multiple motor vehicle collision on Interstate

610 occurring on December 14, 2009. She sued her uninsured motorist carrier, State Farm Automobile Insurance Company, along with two alleged tortfeasors and their insurers. Prior to trial, plaintiff settled with all parties other than her uninsured motorist carrier, leaving State Farm as the sole defendant at trial.

The jury rendered judgment in favor of plaintiff and awarded damages as follows: past and future physical and mental pain and suffering, \$125,000.00; loss of enjoyment of life, \$37,500.00; past medical expenses, \$68,236.93; and future medical expenses, \$46,350.00. The jury declined to award damages for permanent disability.

Docket No.: 10-1633, Section A (Jury trial held February 19, 2013).

❖ **OTHER FEDERAL STATUTES**

➤ **Judicial Review of Naturalization Application**

➤ The plaintiff in *Mohamed Manah Saleh v. Department of Justice, et al.*, sought *de novo* review of the denial of his naturalization application pursuant to 8 U.S.C. §1421(c). An immigration officer of the United States Citizenship and Immigration Services had denied plaintiff's naturalization application because of his failure to establish good moral character. After a two-day bench trial, the court entered judgment in favor of the federal government. The court concluded that plaintiff provided false testimony for the purpose of obtaining an immigration benefit and that as a result, he was unable to establish the good moral character required to naturalize. Accordingly, plaintiff's application for naturalization was dismissed.

Docket No.: 12-425, Section H (Non-jury trial held March 11-12, 2013).

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