

# THE PROMULGATOR

*The Official Magazine of the Lafayette Bar Association*

# LOVE IN THE BAR



**LOVING THE LBA  
FEBRUARY 2024 | VOLUME 37 | ISSUE 1**





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## LAFAYETTE BAR ASSOCIATION & FOUNDATION

OUR MISSION is to serve the profession, its members and the community by promoting professional excellence, respect for the rule of law and fellowship among attorneys and the court.

THE PROMULGATOR is the official magazine of the Lafayette Bar Association, and is published six times per year. The opinions expressed herein do not necessarily reflect the views of the Editorial Committee.



### ON THE COVER

In this 2024 February issue of The Promulgator we spotlight our LBA members who "found love through the Bar."  
Read more on pages 10 & 11.

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# PRESIDENT'S MESSAGE



Lindsay Meador Young

Dear Fellow Members of the Lafayette Bar Association:

First, thank you to all who attended the Red Mass. It was beautiful, as always. A special thank you to Broussard, David, & Mo-

roux for generously hosting the reception and providing the delicious gumbo.

This year is off to an incredible start as we again had record attendance at CLE by the Hour. We appreciate your support as this allows us to continue the wealth of socials, CLEs, and other events throughout the year. Also, a big thank you to the amazing

LBA staff and chair of the CLE by the Hour, Jonathan Jarrett.

Thank you to all of our members and their families who joined us on Mardi Gras Day to celebrate along the parade route. I had a great day spent with all of you!

Finally, please try and join us for one of the 2024 Bench Bar Quarterly Lunches and the Birdie with the Bar Golf Tournament on March 8, 2024 which helps to fund many of the Lafayette Bar Foundation's pro bono programs. And as always, a continued reminder that the 2024 Bench Bar Conference will be held at The Grand Hotel Golf Resort and Spa in Point Clear, Alabama. Dates will be sent soon and we hope each of you will attend.

Lindsay Meador Young  
President, LBA; 2023-2024

# EXECUTIVE DIRECTOR'S MESSAGE

The great chill of 2024!

What a way to begin the new year – with below freezing temps! I don't know about you, but I am not equipped for the cold. I will have to remember this feeling in August when we are experiencing blistering heat.

Our first event of the year, Red Mass, was a nice event. The mass was beautiful and despite the rainy weather, we had a great turnout. We were pleased to welcome guest homilist, Fr. John Paul Kimes, Associate Professor of the Practice at Notre Dame Law School. Fr. Kimes gave an inspiring and insightful homily. We are grateful to all who helped plan and/or participated in Red Mass including Fr. Kimes, Bishop Douglas Deshotel, Fr. Josh Guillory, and the Bishop's office staff as well as Fr. Chester Arceneaux and Danielle Huval from the Cathedral of St. John. Thank you also to Richard Broussard, Blake David, and Jerome Moroux of Broussard, David & Moroux for sponsoring the gumbo luncheon that followed mass.

And speaking of Thank You... I would like to express my gratitude to all who attended CLE by the Hour at the LBA in December. We had fantastic participation for the second year in a row throughout the 8.5 days of the program. If you were here, you know that seating was at capacity most days, demand for coffee was high, and the presentations were relevant and thought-provoking. Thank you to chair Jonathan Jarrett for your assistance in securing speakers. And thank you to the outstanding speakers without whom none of this would be possible!

The annual High School Mock Trial tournament took place on Saturday, Feb. 24.



Pam Landaiche

Thank you to our chairs, Reed Ellis and Ani Boudreaux, for tirelessly working on this event, reaching out to the high schools in the region to solicit teams to participate, recruiting volunteer attorneys, and, overall, making sure this event was a success.

The 16th Annual Birdie with the Bar Golf Tournament is scheduled for Friday, March 8 at the Wetlands Golf Course. If you are interested in helping to ensure the success of this event with a sponsorship or a team, please contact me at [pam@lafayettebar.org](mailto:pam@lafayettebar.org) or 237-4700, ext. 105. You can register on our website, [lafayettebar.org](http://lafayettebar.org). The Golf Tournament is the largest fundraiser for the pro bono programs of the Lafayette Bar Foundation.

The LBA staff remains committed to serving our members and the underserved in our community. If you are interested in taking a pro bono case, providing a CLE or Seminar, have an idea for a program not currently being offered by the LBA, want to take advantage of Westlaw in the Law Library, need space for a mediation, or just want to drop me a line, please feel free to reach out to me, [pam@lafayettebar.org](mailto:pam@lafayettebar.org).

Until next time, take care and stay well.



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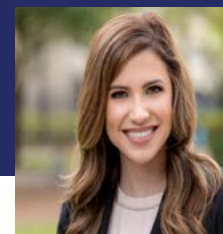
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## YOUNG LAWYERS SECTION

AN UPDATE FROM PRESIDENT  
**JAMI ISHEE**

"Power at its best is love implementing the demands of justice, and justice at its best is power correcting everything that stands against love." Dr. Martin Luther King, Jr.

Our role as an attorney is a powerful thing. It is important to remember that with this power comes great responsibility-to our clients, our opponents, our peers, our community, and most importantly, to the law itself. Thank you to those who volunteered their time at the annual Mock Trial Competition on February 24, 2024 at the Federal Courthouse! This was an incredible event where high school students from local area schools and southwest Louisiana schools gathered and competed for an opportunity to participate in the 2024 Richard N. Ware, IV State High School Mock Trial Competition in Baton Rouge on March 23, 2024. The trial presentations put on by these students were nothing short of impressive and inspiring. They are true advocates who I am sure will be trailblazers in their future legal careers. Thank you to our Young Lawyers Section Mock Trial Chair, Reed Ellis, and Co-Chair, Ani Boudreaux, who worked hard to plan a very successful competition this year.

I hope to see all of the LBA attorneys out on the greens with their clients and friends for some more friendly

competition at our Annual Birdie with the Bar Annual Golf Tournament that will take place on March 8, 2024 at the Wetlands. Mark your calendars! Before then, I hope everyone had a very safe and extra happy Mardi Gras season! Until next time!



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# ACCESS TO JUSTICE

A report of the Lafayette Bar Foundation, provided by Foundation Chair Gregory Tonore



I hope each of you are having a happy and prosperous new year. Here at the Bar Foundation as many of you know we had a fire in the kitchen which caused extensive damage. I'm happy report we're approximately 95% complete with the restoration. Thank you to Pam Landaiche, Miles Matt, and the bar staff for their patience and hard work on getting our building back to back up to speed. With the exception of a few appliances we are nearly finished with the restoration. I'm also happy to report that we started construction on the outdoor patio. As many of you know this has been an eyesore for many years. After looking at different possibilities, ultimately we decided on expanding and restoring our current patio to make it more functional and usable in the future. I think after the remodel all will be pleased with the upgrade outside. We are also looking at other upgrades to the building including the possibility of replacing the windows in the conference room so that we can reduce the outside noise during meetings and CLE's.

As I mentioned in my column last month a new initiative called "Adopt a Month of Service with the Lafayette Bar Foundation for 2024" has started.

This program is open to all firms and practitioners. We thank all who have volunteered their time already. Please consider participating in this program to help provide legal services to the less advantaged in our community. If you'd like to learn more, check out page 13 for an update from the Lafayette Bar Foundation.

As part of my duties as the chair of the Bar Foundation, I am a member of the executive committee of the Lafayette Parish Bar Association. I attend all meetings of the Bar Association. I'm impressed with the energy and drive that the volunteer board members of the Association exhibit at each and every meeting I attend. Please note your Bar Association is in good hands with the leadership we currently have in place as well as the board members new and old who volunteer their time and efforts to make the legal community a better place for the public and Bar Association members.

Thank you for your continued support and participation in the Lafayette Bar Foundation programs.

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# FAMILY LAW SECTION

AN UPDATE FROM PRESIDENT  
**CLAIRE EDWARDS**

Dear Membership,

As we step into the new year, our hearts are filled with hope and joy, and we hope yours is too!

During the holiday season, our Family Law Section embarked on a heart-warming initiative, collecting toys and spreading the festive spirit by donating them to The Extra Mile for Christmas presents for children in need. It was a small gesture that brought immense joy and warmth to those who needed it the most.

Reflecting on the past year, we're grateful for the wonderful moments we shared together. From our large meeting in August to the November gathering and the festive Christmas get-together, our members truly embraced the holiday spirit. It's moments like these that make our section feel like a family.

As we eagerly journey through the new year, our optimism is soaring. We were excited to host a large meeting in January, offering 3 hours of CLE credit! The CLEs were well attended setting the bar high for attendance in 2024. Additionally, there are two more CLE offerings in the pipeline, with the cherry on top being our much-anticipated crawfish boil scheduled for the first Saturday in May.

Our presenters have included and will continue to include hearing officers in both the 15th and 16th JDCs, judges from the family law divisions of the 15th JDC, the 15th JDC commissioner, as well as juvenile jurisdiction, general jurisdiction, and appellate court judges. We are proud to bring in a di-

verse array of experts, including law professors, mental health professionals, CPAs, and other specialists in other areas that intertwine with family law.

At the heart of our section is a deep respect for our past, paying homage to the late Paula K. Woodruff, the namesake of our section. She was one of the initial proponents behind the section's creation and a major champion of justice in the family law arena. Our mission remains steadfast—to provide a forum for discussion and exchange of ideas and concerns leading to the improvement of the practice and substance of family law; aid practitioners in the development of skills and resources for the practice of family law; promote the continuing education of the family law attorney; foster a mutually cooperative relationship with courts handling family law matters; and foster a high standard of ethical conduct, civility and professionalism by all attorneys who participate in the family court system.

As we look to the future, we aspire to live up to these ideals and continue benefiting the practice of family law. We approach our 26th year as a Family Law Section, and we raise a toast to many more years of creating incredible memories together.

I eagerly anticipate seeing you all in the near future. If you're interested in joining our section, please reach out to me or our LBA staff liaison, Katie Blanchet.





## Roya & Alfred Boustany

I met my husband Alfred on May 4, 2004 at The Bulldog Bar here in Lafayette. I think it was my second time ever going out as I had just turned 18 . I am two weeks to the day his senior as he was born April 30th so we were both new to the bar scene. We often joke about how he married a cougar, even though it is not my alma mater. I met him through mutual friends. He went to St. Thomas More, and I was a proud Lafayette High Mighty Lion. I went to meet my dear friends, Patrick Williamson and Miles Reaney, at The Bulldog that evening. Some of you may know Patrick as he was killed during active duty in 2009 while deployed in Afghanistan. We often pray that Patrick knows how important he is in our lives today and how our kids will know about his bravery and great sacrifice for our country.

I would love to sit here and tell you that it was love at first sight, but he had a bit of a difficult time learning my name so for the first six weeks he would just say “hey girl.” In all truth I was the seeker in this situation and somehow perhaps my advocacy skills eventually swayed him to see me as more than a friend. We did not make anything official until November 4, 2004 when he finally kissed me under a lamp post behind The Keg. Romantic, I know but 20 years later I think it was the single most romantic thing that has ever happened to me.

If you knew Alfred back then you may have known that his dad was a highly motivated, highly skilled, and quite amazing criminal defense attorney. However, Alfred wanted to be a businessman like his grandfather who owned Boustany’s Big & Tall and operated Boustany’s General Store. Law school was not in the cards for him early on. Meanwhile, outside of my dream of being a racecar driver and international DJ, the only job I have ever felt called to pursue was that of a prosecutor seeking out justice through advocacy which is something my upbringing has compelled me to seek out since a very young age.

Throughout our tenure at UL, where our paths seamlessly intertwined, our competitive spirits fueled our academic pursuits. Be it vying for superior GPAs or witnessing Alfred’s academic prowess, exemplified by his lone A in a class exploring “The Feminist Case Against Bureaucracy,” our college years were defined by shared ambition and mutual admiration.

When we graduated and set out for law school, we were lucky enough to go to Southern University Law Center together. Our time at Southern was an incredibly treasured time for us to cultivate a love for our beloved legal profession. We were blessed to live with my childhood friend Margo Huval Dugas in a big townhouse. Margo and I lived upstairs, while Alfred lived downstairs. Throughout the years, I saw this carefree boy who I fell in love with develop into this incredibly diligent, hardworking, smart man.

For my 21st birthday, we took a trip to Las Vegas. While there we ate at this incredible restaurant at the Paris Hotel-Mon Ami Gabi. We talked about our future, and what our children would be named if we had boys- Ace (a nickname for Alfred) and Jack. That dinner was such a core memory for us. On May 4, 2012, eight years after we started dating we got engaged in what was the most genuinely Alfred way. We were back in Vegas as a graduation trip from law school, set to return the next day to Lafayette. Dinner was set that evening, a return to our beloved Mon Ami Gabi. We were walking down the hallway from our hotel and Alfred said he forgot something. He ran back to the room and as he came out and was walking toward me, my eye caught the ring box in his dress pants. So until this article, he has never known I saw that box. I knew what was happening that night before it happened. I could tell he was nervous, and that made me more nervous. Both of us barely ate! He did propose in the most amazing way at dinner, and our life together has been magical ever since.

After nearly 20 years together, I could not have fathomed in my deepest dreams that I would be blessed with this amazing life. God has blessed us with 3 little miracles- Ace, Ali Grace, and Jack. Alfred is the most hardworking, diligent, and witty lawyer I know, and every day I am in awe of his ability to further dedicate himself to his profession. I am sure many people who have been together as long as we have might say this, but I truly feel as though my life before May 4, 2004 was a phantom dream. I do not really remember my life before Alfred. He was the single most important decision I have ever made, and I thank God daily that he made a conscious decision to learn more than just my name.

## Reed & Kevin Ellis

Kevin and Reed Ellis met the week before law school at a “meet your tutors” dinner at Schlitz & Giggles in Baton Rouge, LA. Kevin was a tutor for federal civil procedure at LSU Law for Reed’s section, and the pair had a natural connection to each other becoming fast friends. Throughout her first semester, Kevin was a constant confidant and support system to Reed. At the annual law school Christmas party, Reed asked for Kevin’s number with a thinly-veiled excuse to “keep in touch over the break...” only to be denied by Kevin. However, after the holiday break, Kevin quickly realized that they were much more than friends and promptly asked Reed on their first date to Ingas sandwich shop just off of campus. Reed quickly knew Kevin was the one over a bottle of wine while studying abroad in Lyon, France that following summer.

Kevin and Reed continued to date throughout law school and shared raising their first puppy. During Kevin’s 3L year, the pair took their first (and only) class together. They sat on opposite sides of the room and quickly gave up studying with one another after Kevin’s contributions to their joint outline was barely decipherable (to anyone but Kevin). While Reed suffered through environmental law, Kevin, of course, called the class. Kevin later graduated and eventually moved back to Lafayette to start his practice. Reed graduated the following year and followed Kevin back home.

Kevin proposed soon thereafter on their four-year anniversary over a homecooked French meal. The pair married in May of 2022 at the Cathedral St. John, which serves as a sweet reminder of their wedding whenever they’re downtown for court.

## Brooke & Grant Schexnailder

Grant and Brooke Schexnailder share a unique story that began on Brooke’s first day of law school. After being introduced through mutual friends, Grant generously and selflessly shared his outlines for all of her 1L classes. Grant claims to this day that he was just being friendly and had no ulterior motives. As you can imagine, it wasn’t long before the two began talking every day, and Grant eventually mustered up the courage to ask Brooke on a date. Soon after, COVID-19 was upgraded to a global pandemic and the world shut down, but luckily for Grant and Brooke, it only brought them closer together.

As Grant and Brooke progressed through Zoom School of Law, their relationship grew stronger. They faced the rigors of legal education as a team, supporting each other through late-night study sessions, Brooke’s moot court competitions, and the stresses of finals. Naturally, like most couples testing it out, the pair got their first dog together, who they affectionately named Judge.

After graduating, Grant returned home to Lafayette and accepted a position at Borne, Wilkes, and Rabalias, while Brooke was finishing up school in Baton Rouge. During this year, the pair got engaged and began building their first home together. Upon Brooke completing the bar exam, she made the move to Lafayette, and three months later the pair tied the knot on October 29, 2022, in Carmel Valley, California. Shortly after, Brooke accepted a position at Caffery, Oubre, Campbell, & Garrison. Now the two work a block away from each other and enjoy lunching often (and carpooling only when they have to).

## Nora Stelly & Commissioner Andre’ Doguet

Andre’ and I met as adults on my first day at law school. He was starting his second year. In my ‘other life,’ I had been a high school teacher at Crowley High School, where he was a student, so I recognized him, and he recognized me. We became friends, trial competition partners and members of our little law school tribe of 6-7 students thrown together by circumstance and our combined efforts to survive. We eventually became more, and we both started our law practices in the Lafayette area-totally different law practices. Andre was a sole practitioner doing personal injury work and building a family law practice. I worked at a larger firm doing insurance defense work in the areas of civil rights and employment law. We had one of those ‘I won’t tell you about my day if you don’t tell me about yours’ arrangements, working hard to keep our home life less stressful. Getting a dog helped too.

In 1994, to the great surprise of our families and friends, we eloped and left on a trip to Germany, leaving emails for our secretaries. Reactions were mixed, from raised eyebrows(the age difference) to voicemails asking why we had waited so long. I’m sure there were some bets made about whether and how long we’d last. That was 29 years ago, and we’re still going strong. When it’s right it’s right.

I retired a few years ago, and Andre’ has transitioned from his days of stressful community property work to his current position as Commissioner in the 15th JDC. We still travel as often as we can; we enjoy our friends and neighbors, and we still don’t talk much about law at home. Oh, and we still have a dog. That might be the secret to all of it. Our new rescue Joey continues to remind us that we lawyers are not ‘all that,’ and our lives are blessed and enriched by so much more.



# Guidance on Conflicts Arising Out of Personal Relationship with Opposing Counsel

By Clare Roubion

May a lawyer handle a matter in which the lawyer’s opponent is represented by the lawyer’s good friend? The lawyer’s neighbor? Girlfriend or boyfriend?

The ABA Standing Committee on Ethics and Professional Responsibility has issued Formal Opinion 494 to assist lawyers in evaluating whether a personal relationship with opposing counsel creates a conflict of interest under Model Rule 1.7(a)(2). See ABA Formal Op. No. 494 (July 29, 2020). The opinion identifies and analyzes three categories of potential relationships between opposing counsel that raise concerns under Rule 1.7(a)(2)—intimate relationships, friendships, and acquaintances.

## Intimate Relationships

A significant risk of a conflict exists when a lawyer is married to, engaged to be married to, or in an exclusive intimate relationship with opposing counsel. Under such circumstances, neither lawyer in the relationship may represent a client in the matter unless the affected clients give informed consent and the lawyers reasonably believe that they will be able to provide competent and diligent representation to their clients. As to non-exclusive intimate relationships, a lawyer need not inform a client if the lawyer reasonably believes that the lawyer’s representation will not be limited by the relationship. But, of course, the best practice would be to obtain the client’s informed consent.

## Friendships

Friendships between opposing counsel remain a gray area. The disclosure and informed consent rules depend on the closeness of the friendship. A lawyer should disclose if the lawyer has a close friendship with opposing counsel, and when appropriate, obtain the client’s informed consent. Opposing counsel who “exchange gifts at holidays and special occasions, regularly socialize together, regularly communicate and coordinate activities because their children are close friends and routinely spend time at each other’s

homes, vacation together with their families, share a mentor-protégé relationship developed while colleagues . . . [or] share confidences and intimate details of their lives” may be considered close friends. See ABA Formal Op. 488 at 4.

As to more distant friendships, a lawyer should inform the lawyer’s client about the friendship, but ordinarily the lawyer need not obtain informed consent. Such friendships might include former co-workers or those who occasionally share a meal with the lawyer. Finally, as to friendships remote in time or place, a disclosure may not even be required. For example, adversaries who were law school classmates but don’t stay in close contact will typically not be required to obtain informed consent and may not be required even to disclose the relationship.

## Acquaintances

A lawyer need not inform the lawyer’s client or obtain informed consent if opposing counsel is simply an acquaintance. “Acquaintances” do not make any particular effort to seek each other’s company. Examples of such relationships might include belonging to the same gym or professional organization, living in the same neighborhood, frequenting the same business or restaurant, seeing each other when socializing with mutual friends, and representing co-parties in litigation.

## Conclusion

The ABA’s opinion is helpful, particularly at the outer ends of the relationship spectrum. But in the “friend zone” in between, lawyers still must evaluate their personal relationships with opposing counsel, consider whether such relationships may impair their professional judgment, and disclose and obtain client consents when appropriate.

## AN UPDATE FROM THE LAFAYETTE BAR FOUNDATION

**BANG WILLS FOR HEROES**

Saturday, March 16, 2024 | LBA Office  
2607 Johnston St., Lafayette, LA 70503

The Lafayette Bar Foundation will be hosting a Wills for Heroes event on Saturday, March 16, 2024, where local Heroes can have their wills drafted for free. Attorney volunteers, notary publics, and general volunteers are needed to serve as many as possible.

★ 8:00-9:00 AM Free CLE & Training ★  
★ 9:00-11:00 AM Preparing & Executing Wills ★

IB LAFAYETTE BAR FOUNDATION

The Lafayette Bar Foundation will be hosting a Wills for Heroes event on Saturday, March 16, 2024 at the Lafayette Bar Association Office located at 2607 Johnston St., Lafayette, LA 70503. This event is where local Heroes can have their wills drafted for free. Attorney volunteers, notary publics, and general volunteers are needed to serve as many as possible. For more information, call the LBA office at 337-237-4700 Ext. 102, email [marilyn@lafayettebar.org](mailto:marilyn@lafayettebar.org).

**Schedule:**  
8:00 - 9:00 AM - Free CLE and Training  
9:00-11:00 AM - Preparing and Executing Wills

THE LAFAYETTE BAR FOUNDATION IS EXCITED TO HOLD AN **EASTER BASKET DONATION**

Items will be collected to ensure that each child at the shelter will have an Easter basket come Easter Morning.

Donations can be dropped off at the LBA Office at 2607 Johnston St. starting now until March 25, 2024.

Sample Items to Donate:  
Small Toys  
Coloring Books  
Colors/Markers  
Toothbrushes  
Candy  
Bibles  
Easter Baskets  
Items from the Registry on Amazon

As we approach the Easter season, The Lafayette Bar Foundation is partnering with Faith House in Lafayette to collect items for Easter baskets to ensure each child at the shelter will have one.

Sample items to donate include: Small toys, Coloring books, Colors/markers, Toothbrushes, Candy, Children’s Bibles, Easter baskets, etc.\*Firms can also donate already-made baskets.\*

We are accepting donations now until March 25, 2024. Please drop off collected items at the Lafayette Bar Office. We have also created an Amazon wish list if you prefer to shop that way. You can access the link at [lafayettebar.org](http://lafayettebar.org) on the Home Page.

THE LAFAYETTE BAR FOUNDATION presents **ADOPT A MONTH**

The Lafayette Bar Foundation is asking firms (solo, small, medium, large) to adopt a month of service for the New Year with the Lafayette Bar Foundation. Some of the volunteering opportunities will include, but are not limited to:

- Counsel on Call
- H.E.L.P. programs
- Giving a free informational seminar to the public
- Accepting some ALSC cases
- Volunteering at St. Joseph Diner

**I AM INTERESTED**

Email Marilyn Lopez at [marilyn@lafayettebar.org](mailto:marilyn@lafayettebar.org)

IB LAFAYETTE BAR FOUNDATION

The Lafayette Bar Foundation is asking firms (solo, small, medium, and large) to adopt a month of service for the New Year. A month of service is a unique opportunity for firms to bring their workforce together to create meaningful impact through employee volunteering with the Lafayette Bar Foundation. Some of the volunteer opportunities will include, but are not limited to, our Counsel on Call (COC) and H.E.L.P. programs, presenting a free informational seminar to the public, accepting some ALSC cases, and volunteering at St. Joseph’s Diner. As a thank you for your month of service, we will promote the firms on our social media pages, in The Promulgator, and on flyers. Please email Marilyn at [marilyn@lafayettebar.org](mailto:marilyn@lafayettebar.org) to inform her of which month your firm would like to volunteer.

### Thank you to NeunerPate Law Firm!

The Lafayette Bar Foundation would like to give a special thank you to NeunerPate Law Firm for taking the first month of the 2024 Adopt a Month Program. NeunerPate assisted with our Counsel on Call program (January 12th), H.E.L.P. program (January 19th), Protective Order Panel (January 25th), volunteered at St. Joseph’s Diner on MLK, Jr. Day of Service (January 15th), and accepted an ALSC referred case (January 30th).







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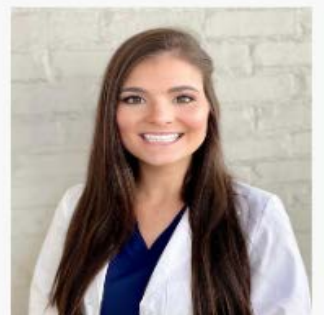
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# Red Mass

JANUARY 5, 2024

THE CATHEDRAL OF ST. JOHN THE EVANGELIST

RECEPTION SPONSORED BY BROUSSARD, DAVID, & MOROUX



The 2024 Red Mass was held on Friday, January 5th, at Noon at the Cathedral of St. John the Evangelist in Downtown Lafayette. We were honored to have Fr. John Paul Kimes, Associate Professor of the Practice at Notre Dame Law School, join us as the homilist for this special occasion.

The custom of solemn Mass invoking the Holy Spirit at the beginning of the judicial year originated in the 13th century. The Red Mass is offered to invoke the Holy Spirit as the source of the gifts of wisdom, understanding, counsel, and fortitude, for the dispensing of justice in the courtroom and in the lawyer's office. Since the judicial year is no longer so clearly defined, the Red Mass is offered in some places as part of the observance of Law Day, while in other areas it is still offered at the beginning of the fall.

Following Mass there was a gumbo luncheon at the Cathedral Hall generously sponsored by Broussard, David & Moroux Law Firm.



## Watch Out For Cupid's Arrow

**Cupid's arrow can strike us anywhere and at any time. If struck by one of Cupid's arrows, it is believed that you will instantly fall in love with the person you are meant to be with. But what is a lawyer to do if Cupid's arrow strikes and causes sparks to fly with a client?**

### *Sparks Flying With a Current Client*

It is a bad idea for a lawyer and a client to engage in an intimate relationship. It's also unethical. ABA Model Rule of Professional Conduct 1.8(j) provides that a "lawyer shall not have sexual relations with a client unless a consensual sexual relationship existed between them when the client-lawyer relationship commenced." Model Rules of Prof'l Cond R. 1.8(j). The Louisiana Rules of Professional Conduct do not expressly prohibit sexual relations between a lawyer and client. However, the Louisiana Supreme Court has sanctioned lawyers for inappropriate sexual relationships under other rules. For example, the Louisiana Supreme Court has suspended a lawyer for six months, with all but three months deferred, for having a consensual sexual relationship with a current client. According to the Court, the lawyer violated Rules 1.7(a)(2) (in which a conflict of interest exists because of a personal interest of the lawyer) and 8.4(d) (conduct prejudicial to the administration of justice) because he had a sexual relationship with his client.

### *Sparks Flying With Former Clients or Prospective Clients*

Neither the Model Rules of Professional Conduct nor the Louisiana Rules of Professional Conduct prohibit a lawyer from having an intimate relationship with a former or prospective client. Although presented with the opportunity to do so, the Louisiana Supreme Court has refused extend the prohibition against lawyer-client sexual relationships to former clients and prospective clients. But how long do you have to wait? There is no definitive time, but a useful guideline is to wait until the entire matter (and not just the representation) is over.

### *The Takeaway*

Lawyers should exercise caution when personal relationships become intertwined with their professional relationships. This is because such relationships could present a conflict between the lawyer's personal interest in the relationship and the prospective or former client's interests. The Louisiana Supreme Court has disciplined lawyers when personal relationships have interfered with their ability to exercise independent professional judgment and to render candid advice. For example, the Court has disciplined lawyers for engaging in a sexual relationship with client, for appointing the lawyer's wife as succession trustee over client's trust, and for a lawyer who engaged in inappropriate sexual relations with client despite the existence of a preexisting relationship. Notably, in each of these discipline cases, the court concluded that the particular sexual relationship in issue substantially interfered with the lawyer's professional responsibilities.

### *The Conclusion*

Cupid brings love to those that he shoots with his bow and arrow. But Cupid's arrow may bring more than just love to lawyers who feel the sparks flying with a current client—that is, professional discipline. Lawyers who want to continue practicing law should not engage in intimate relationships with current clients. As to former and prospective clients, you may not need to put out the sparks—but tread carefully.





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