

# THE PROMULGATOR

THE OFFICIAL MAGAZINE OF THE LAFAYETTE BAR ASSOCIATION



A SUMMER OF SERVICE  
JUNE 2023 | VOLUME 36 | ISSUE 3



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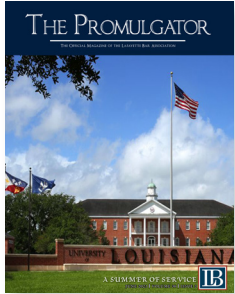
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**OUR MISSION** is to serve the profession, its members and the community by promoting professional excellence, respect for the rule of law and fellowship among attorneys and the court.

**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

Happy 4th of July!

The cover story summarizes the important work the legal community does in our community, both in the courtroom and outside of it. Read more on pages 10 & 11.

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## UPCOMING EVENTS

**August 24-26 BENCH BAR**

**SEPT 16 TENNIS TOURNAMENT**

Red Lerille's Health & Racquet Club  
8:00 AM - 5:00 PM

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# PRESIDENT'S MESSAGE



**Robert Kallam**

Dear Fellow Members,

First, I hope all of you are having a wonderful summer and taking time to enjoy your family, the great outdoors or just a little rest and relaxation away from the office! Have fun and be safe!

Second, I'm pleased to report that the 2023 15th JDC "Court Opening" will return to the Fall (instead

of January) and has been set for Thursday, October 5, 2023 at the Lafayette Parish Courthouse. The event will take place in the main courtroom and will begin at 3 pm with a reception to follow. Be on the look out for further details in coming weeks!

Third, if you or your Firm are hiring new lawyers, please send their names to Pam at the Lafayette Bar Association. We want to make sure that all of our new lawyers are properly welcomed, introduced and "sworn in" on October 5!! Of course, we will also eulogize those we have lost. As a side note, the Red Mass will continue to take place in January.

Finally, as many of you know, the Lafayette Bar Association completed a three-year strategic plan during 2022 and one of my priorities as President is to make sure that we aggressively "launch" the implementation of this plan. One of the goals that came out of the strategic plan and one of my goals as President is to make known the impact that attorneys have on the Lafayette/Acadiana community. As I mentioned during my swearing in ceremony, the community knows what we do as lawyers in the courtroom or conference room. However, we as a bar and lawyers do a poor job (in my opinion) of letting the community know what we do in our community and in our schools/universities, churches, for the arts, in our neighborhoods, civic, religious, non-profit, charitable organizations and the like to make Lafayette and Acadiana a great place to live and raise a family for all walks of life.

We are so very fortunate to have many generous attorneys within our Bar who give their time, talents and/or resources to make a difference in our community and beyond. Consistent with our strategic plan, the Bar Association would like to honor these attorneys as "Lawyers who care . . . legends of service!" and will be featuring their contributions in the upcoming issues of the Promulgator as well as other media/social media outlets. If you have a "nomination" for someone that should be so featured, please contact me (robert.kallam@keanmiller.com; 337.280.9365).

Take care and it continues to be an honor and privilege to serve the Lafayette Bar Association!

Robert M. Kallam  
LBA President, 2022-23



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# EXECUTIVE DIRECTOR'S MESSAGE

The LBA would like to congratulate our events coordinator, Shea Barber, on the recent birth of her son, Noah, born on June 9. We send our prayers and best wishes as she welcomes her precious baby boy to the LBA family!

The 38th Annual Pro Bono Publico and Children's Law Awards Ceremony, hosted by the Louisiana State Bar Association (LSBA), took place in New Orleans at the Louisiana Supreme Court on May 17. The LSBA honored the LBA Young Lawyers Section and LBA Member, Maggie Simar, as winners of the 2023 Friend of Pro Bono Award. Congratulations and thank you for your hard work with Pro Bono! We would like to continue to emphasize the importance of Pro Bono work in the Lafayette and surrounding community. We express our sincerest gratitude to all of the attorneys who volunteer to take Pro Bono cases and we encourage our members to consider taking a case for the underserved in our community.

Thanks to Running in Heels Chair, Vanessa Anseman, and her committee members for another successful CLE event held on May 12. Everyone in attendance appreciated the fruitful conversations and relative information presented. We would also like to thank our event sponsors, our speakers and panelists, and all of the attendees who came out to make it a great day.

When it comes to online CLEs, we know our members have plenty of options to choose from but I would ask that you consider the Lafayette Bar's offerings. We have new content available every quarter and offer member discounts.

I would also like to take a second to promote our Mediation Center. As a reminder, we have three smaller meeting rooms available for booking as well as our conference room which can be partitioned into two separate spaces. With your booking, we offer complimentary WiFi, snacks, coffee and other beverages. We can also order and pick up lunch for your group or assist you with AV setup. Our friendly staff ensures that your needs are met so that you can conduct business with ease and comfort.

Looking to the future...

Be sure and sign up today for Bench Bar, August 24 – 26 at the Windsor Court. This year's program will offer a great lineup of CLE topics and presenters including the return of the popular judicial round table. We are excited for our Thursday night dinner at Arnaud's and our Friday night reception at Mardi Gras World. If you have not already done so, please consider a firm sponsorship to help underwrite the cost of the event. We hope to see great attendance this year! Register soon before our rooms are



*Pam Landaiche*

gone by going online on our website at [lafayettebar.org](http://lafayettebar.org).

The Annual YLS Tennis Tournament will be held on Saturday, September 16 at Red Lerille's Health & Racquet Club. More information on registration and sponsorship opportunities to come soon.

The judges of the 15th JDC have decided to change things up for this year's Court Opening and we will be going back to having Court Opening in the Fall. It will be a separate event from Red Mass, which will remain in January. This year's Court Opening ceremony will be held at the Lafayette Parish Courthouse on Thursday, October 5.

Please stay tuned for more info regarding Bench Bar, Tennis Tournament, Court Opening, and other upcoming LBA events by reviewing the weekly blasts and LBA emails and staying in touch with us on our social media pages.

Until next time... peace and love.

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# YOUNG LAWYERS SECTION

AN UPDATE FROM PRESIDENT  
**ROYA BOUSTANY**

What a HOT summer it has been so far! The Young Lawyers Section of the Lafayette Bar has been busy planning for all the fun this summer and events taking place in the fall.

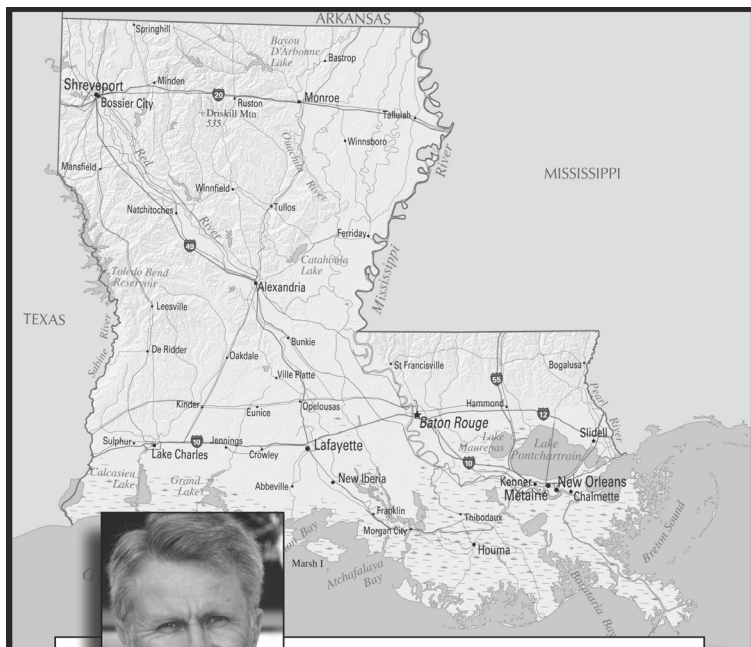
On Thursday, June 22, our section hosted a Summer CLE and Social. The CLE was presented by Mark Owens and Ross Roubion with a special guest, Dr. Tony Melito. It was a Wellness CLE entitled "Winning Actions." Dr. Melito is a Mental Game Expert, and "Winning Actions" was about enhancing one's performance whether you are in the courtroom, on an athletic field, or in any performance situation. The presentation explored the Natural Laws of the Mind. We had a great time and want to thank everyone who attended. Special thanks to our amazing Platinum Sponsors Domengeaux, Wright, Roy & Edwards LLC, Lafayette Bone & Joint Clinic, and Owens Law. We also want to thank our Silver Sponsors Accurate MSA Solutions LLC, Barczyk Spine & Joint, Kean Miller LLP,

and Louisiana Legal Ethics LLC. Major shoutout to our social chair, Jeremy Garcia for the fantastic social following the CLE!

On Wednesday, May 17, the Louisiana State Bar Association recognized the Young Lawyers Section with a 2023 Friend of Pro Bono Award at the Louisiana Supreme Court in New Orleans. The LSBA Pro Bono Publico and Children's Law Awards highlight the important and impactful work the Young Lawyers Section provides to our Lafayette community. We were incredibly grateful for the recognition.

The summer is a great time for reflection for the Young Lawyers Section, and a look to the future! Our incoming President, Jami Ishee, is seeking interested young lawyers to join the Board of Directors next year. If you are interested in joining a committee, please contact Jami at [jishee@davidson-meaux.com](mailto:jishee@davidson-meaux.com).

Our new board will be installed in conjunction with the Lafayette Bar Association Board of Directors in November. We look forward to you joining us!



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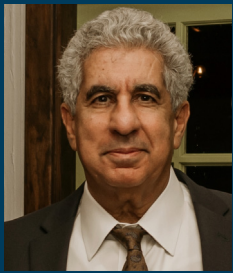
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## ACCESS TO JUSTICE

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



LAFAYETTE BAR  
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I hope everyone is having a great start to their summer. Summer is a time for finding balance in life whether it be through family, friends, vacations, exercise, hobbies or other interests. Only you can define what balance is in your life, but it's the time to reset mentally and physically. It is important for a lawyer's mental health to practice balance in their life.

Too often we hear of attorneys who become ill or die much too soon because of a lack of balance in their lives. I can recall when my family was younger I made it a point to not set depositions during the months of June and July so that I would be able to keep my calendar open for family and vacations. Some attorneys voiced displeasure. Most attorneys respected this decision. However one attorney decided to rule me into court to set depositions during those months. We went before the judge who ultimately ruled in my favor after I explained to him that I worked hard throughout the year and wanted to reserve a couple of months to spend time with family whether it be through vacations, hobbies, or other interests. The judge understood my argument and actually agreed that summer was a good time for attorneys to reset their priorities. The opposing counsel was not happy with the decision, but at the same time he didn't seem too upset since he also had a family and probably took his vacations at similar time. Balance in life can come in expected and unexpected ways.

I had the pleasure of speaking recently with a friend of mine who is 81 years old

and still practices law. He explained that over the weekend he was preparing for a zoom conference on cross-examination of witnesses during depositions. I found it surprising that he would do this activity on a weekend, but after listening to his explanation I learned that balance in his life was the option to choose when to do these type of conferences which he enjoyed.

I cannot tell you what your balance in life should be. It could be family, vacations, cookouts, friends, exercise, golf, fishing, yard work, shopping, decorating, cooking, or other activities. Whatever your balance might be summer is a great time to reset the body and mind and start fresh.

One way you can add balance to your life is to get involved with your Bar Association. I was Bar President in 1997. After my presidency I was not involved with the Bar Association for many years, until about seven years ago. Then I became involved with the Bar Foundation. Through the Bar Foundation I've met many attorneys who I would not have interacted with otherwise. Each Bar function always surprises me with something unexpected such as meeting a new person or learning information that is helpful in my practice. I would encourage each of you as part of your balancing act this summer to include Bar activities when possible. The Bar activities are a great place to unwind and add balance to your life. I hope each of you have a great summer.

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# AN UPDATE FROM THE FAMILY LAW SECTION

BY MANDI BUCHER

As my presidency comes to a close, I would like to thank each and every one of you who read these articles. I would also like to extend a heartfelt thank you to all of those who helped me make this executive term a fantastic term- the Lafayette Bar Association staff and board members, my FLS executive committee, our CLE presenters, our CLE sponsors, and past president sponsors.

This presidency was not without challenges in the wake of COVID 19. Without a doubt, the pandemic took a longer and more pronounced than expected blow to in-person events, and personnel changes during this time made for rougher than normal transitions from executive term to term. The executive committee, the bar association staff, the bar association board, and even some section members gave an enormous amount of energy, attention, and time to ensuring our section would bounce back and have a smooth transition to the next executive committee. Although I hate making specific public “thank yous,” because I’m bound to forget someone, between the 100s of emails, phone calls, and extra, and sometime last minute in person meetings, I want to personally thank Pam, Marilyn, and Katie with the Bar Association, FLS executive committee members Maggie Simar and Claire Edwards, FLS past president Elizabeth Dugal, Shawn Eller and Jonathan Jarrett, as well as Robert Kallam and Lindsay Young with the LBA Board of Directors for their patience, wisdom, insight, and efforts during my presidency. Also, I could not have done it without some amazing renewed and new relationships with sponsors throughout the year- AFCC Louisiana, Our Family Wizard, Acadiana Appraisals and Consulting, and Past-Presidents Maggie Simar, Jonathan Jarrett, Julia Autin, Judge David Blanchet, Diane Vote, Greg Koury, Dyan Schnaars and Reardon Stanford. I am proud to announce that we not only reconciled budgets and revised bylaws, but we improved past event ideas and created new events that assisted greatly with moving the section and bar association to pre-Covid days.

I encourage each of you to join and actively participate in the Lafayette Bar Association and Family Law Section. It truly makes for an unforgettable, fun experience, and helps you enjoy the practice of law significantly more. I’m incredibly excited for the fantastic things that those coming into the next executive committee term, Lesley Beam, Rebecca Bayless, Logan Istre, David Kobetz, Jessica Hapek, Lana Duhon, and Elizabeth Dugal, under the leadership of incoming President Claire Edwards, has in store, for the future! It was a pleasure serving you all, and I look forward to many more fantastic years with this section and Bar Association.

Your Outgoing President,  
Mandi Borne Bucher

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# The Importance of Service

By Stuart Breaux

What do you call one hundred lawyers at the bottom of the ocean? According to one popular joke: “A good start.” If you haven’t heard that howler, I am sure you’ve heard something similarly side-splitting. Unfortunately, society can sometimes take a rather dim view of lawyers, or at least a cynical one. We aim to counter that view with the truth: that lawyers are professionals committed to public service and are particularly generous with their time, talents and treasure in meeting that commitment.

To this end, one of the goals set forth in the Lafayette Bar Association’s recently updated Strategic Plan is to publicly highlight the community service provided by LBA members. Not only will this help to give well-deserved recognition to our extremely generous and community-oriented members, but, more importantly, it will also highlight the extent to which lawyers, and LBA members in particular, serve the community in many unique ways.

In furtherance of this goal, you will notice in upcoming issues of The Promulgator that we will begin profiling “Lawyers Who Care: Legends of Service.” This is one of several initiatives championed by 2022-2023

LBA President, Robert Kallam, who has made highlighting LBA Members’ community service one of the primary aims of his term. As Robert likes to say, the community understands what we do for our clients inside the courtroom and conference room, but the community needs to know what we do for our neighbors in schools and churches, on boards and commissions, and in support of so many important charitable causes.

Rule 6.1 of the Rules of Professional Conduct establishes that “[e]very lawyer should aspire to provide legal services to those unable to pay,” and that “[a] lawyer should aspire to render at least fifty hours of pro bono publico legal services per year.” According to Rule 1.6, a substantial majority of the fifty hours should be rendered through the direct provision of pro bono legal services to persons of limited means or the provision of pro bono legal services to charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means. But lawyers may also satisfy the aspirational goal by delivering legal



services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations, as well as participating in activities for improving the law, legal system or the legal profession. The number of lawyers who more than satisfy the aspirational goal set forth in Rule 1.6 is impressive and it's a story that needs to be told, especially considering the attitude of some in society toward the legal profession.

Many of you have already responded to surveys and requests for information about what you and your colleagues do in the community. If you have not responded, please reach out and let us know about your community service. If you are inspired by the service of someone else in the legal profession, let us know! (We will not publicize anything about you or anyone else without consent. We respect that many people do not want recognition for their efforts. But we still want to know!)

Lawyers should have thick skins and should be able to take a ribbing. Sometimes, we even deserve to be the butt of a joke. But we should also make sure that the public understands who we really are, what we really do, and how invested we really are in our communities. This is essential not because we need or deserve the adulation, but because trust in the legal profession is absolutely necessary to the proper functioning of our justice system.







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The Louisiana State Bar Association (LSBA) held its 38th annual Pro Bono Publico & Children's Law Awards Ceremony was held on May 17, 2023, at the Louisiana Supreme Court in New Orleans. Louisiana's seven Supreme Court Justices presided over the ceremony in an official court session to demonstrate their fervent support for pro bono and the efforts of the volunteers being honored.

Pro bono service is essential to ensuring that all people can access justice in Louisiana, where the number of people eligible for free legal services outnumbers legal aid attorneys by an enormous 11,250 to one. This means that while legal aid providers serve thousands of people each year, they cannot serve everyone who cannot afford an attorney. These awards recognize members of the legal profession who are leading the charge in closing the gap between needed legal services and available legal help through their pro bono service.

The LBA would like to congratulate two winners of the 2023 Friend of Pro Bono Award; LBA member, Maggie Simar, and the LBA Young Lawyers Section. We are so proud of you!

The Family Law Section installed their officers for the upcoming year today. The LBA would like to thank Mandi Borne Bucher for all of her hard work and dedication to this section as the 2022-2023 FLS President.

Judge Blanchet installed:  
Claire Edwards, President  
Leslie Beam, Vice President, and  
Logan Istre, Secretary

Officers not pictured include:  
Rebecca Bayless, Treasurer  
David Kobetz, At Large  
Lana Duhon, At Large  
Elizabeth Dugal, Ad Hoc Presidential Advisor



The LBA Young Lawyer Section represented the LBA at the 2023 LSBA Young Lawyers Division Annual Meeting.

The following LBA members were recognized as the 2022 LSBA Young Lawyers Division Top 40 Nominees: Katelyn Bayhi, Roya Boustany, Reed Ellis, Kenny Hebert, Phillip Smith, & Ambrose Stearns.

We'd also like to congratulate Jami Ishee who was awarded the Honorable Michaelle Pitard Wynne Professionalism Award.





## CRIMINAL LAW SECTION

### A MESSAGE FROM PRESIDENT CHASE MANUEL

Given the ongoing trend of states toward the legalization and decriminalization of marijuana, it is important to consider whether the doctrine of plain smell requires additional inquiry by law enforcement in order to establish probable cause to search. The Fourth Amendment to the United States Constitution protects individuals from unreasonable searches and seizures by the government, with an exception known as probable cause, which allows law enforcement officials to search a person or their property when there is a reasonable belief of finding evidence of criminal activity.

During a traffic stop, the odor of marijuana emanating from a vehicle has traditionally been used as a factor in establishing probable cause to search. However, in light of recent changes in marijuana laws, the mere presence of marijuana odor, alone, may no longer automatically establish probable cause to search a vehicle, especially when the individual in question may possess a valid medical marijuana prescription, as is the case in Louisiana. Unlike in previous years, where the odor of raw or burnt marijuana alone would suffice for law enforcement to search, it is now likely that law enforcement officials have a duty to further question the driver when they detect the odor of marijuana coming from a vehicle. Specifically, it may now behoove law enforcement to first inquire whether a driver or passenger possess a valid medical marijuana prescription.

When a suspect indicates that they have a valid medical marijuana prescription, law enforcement officials must consider this information when determining whether probable cause exists to search the vehicle. In the absence of additional evidence suggesting that the individual is using marijuana for illegal purposes, the presence of a valid prescription should be sufficient to dispel the suspicion of criminal activity and negate the establishment of probable cause. Moreover, a failure of law enforcement to now make such an inquiry may breach their duty to ensure that probable cause is properly established before conducting a search. Consequently, this failure may render any subsequent search unconstitutional and could result in the suppression of possible evidence related to a more serious offense.

# THE GRAPEVINE

We are so excited to welcome our newest office baby. Shea Barber's, LBA Events Coordinator, family grew as they welcomed Noah Charles Allen on June 9th measuring 21 inches and weighing 9.2 lbs.

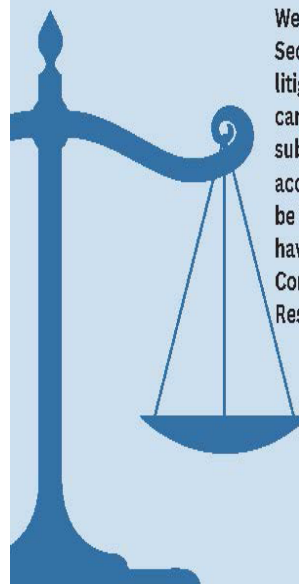
Chambers USA announced its 2023 Legal Guide, ranking nine Gordon Arata lawyers in multiple practice areas and recognizing multiple practice groups on its list. As a leading legal data and analytics provider, Chambers determines its rankings after a rigorous process conducted by independent researchers using a methodology that focuses on accuracy, depth, and quality to ultimately rank the top lawyers and law firms across the country. The firm's Energy & Natural Resources: Oil & Gas and Litigation: General Commercial practice areas were recognized in this year's guide. The LBA would like to congratulate 2 of our members:

Bob J. Duplantis – Energy & Natural Resources:  
Oil & Gas – Senior Statesperson

Samuel E. Masur – Energy & Natural Resources: Oil &  
Gas | Litigation: General Commercial

## Commercial Litigation Attorney

We are seeking a full-time attorney for our Commercial Section. Five+ years of experience in commercial litigation and business transactions is required. The candidate must be capable of handling matters of substantial legal significance, have a J.D. from an accredited law school, excellent academic credentials, be admitted to practice in the State of Louisiana, and have strong research, writing and interpersonal skills. Compensation is commensurate with experience. Resume may be forwarded to [info@onebane.com](mailto:info@onebane.com).



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# RUNNING *in Heels*

Running in Heels was held Friday, May 12th at the Lafayette Bar Association Office. This CLE was geared towards women's issues and addressed the unique issues women face in the legal profession. Running in Heels, while open to any attorney or legal professional who would like to attend, focuses on helping our female members develop strategies for dealing with these challenges.

Thanks to our amazing sponsors!

Mimosa & Breakfast Sponsor:  
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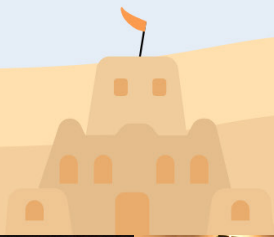
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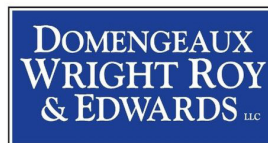


# YLS 2023 SUMMER CLE & SOCIAL



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Broussard & David's reputation for advocacy continues to grow across Louisiana. And so is our name. Broussard, David & Moroux embodies the same expertise and commitment to fighting for just compensation and protecting the rights of injured people.

For 13 years, partner Jerome Moroux has fought for our clients in the courtroom litigating serious personal injury and wrongful death cases. Today, Broussard, David & Moroux is 10 attorneys strong with offices in Lafayette and Covington.

Adding his name brings our firm's story full circle. His father, Anthony "Tony" Moroux, was the former law partner of Richard Broussard.

Now, as ever, the names Broussard, David & Moroux mean representation you can trust.

## BROUSSARD DAVID & MOROUX

### Tried and Trusted.

Nationally renowned in personal injury law, the attorneys of Broussard, David & Moroux are proven trial lawyers. We believe that justice is obtained by looking at the big picture of each case and focusing on every detail to secure maximum compensation for our clients.

[www.BDM.Law](http://www.BDM.Law)