MESSAGE FROM THE PRESIDENT
BY: STEVEN F. GRIFFITH, JR.

For roughly twenty years, I have been a member of the New Orleans Chapter of the Federal Bar Association, reading the Advocate for the President’s message which provided insight into the coming year. And, for twenty straight years, each President offered some form of assurance about the stability of the Chapter and plans for the coming year.

This year, as I write this message, we find our lives and our practices interrupted by COVID-19. But, as the reopening of our communities continue, as our children and grandchildren return to school, and as our Courts transition back to in-person proceedings as quickly as they are able, normalcy begins to return to all our lives. And with that, this Chapter remains stable and plans to serve its membership in the coming year, just as it has in the past.

We are the largest and strongest Chapter of the Federal Bar Association in the United States. That strength is fueled by the support and partnership we enjoy with the Court and with the active support and participation of all of you in our programming. We will, once again, count on all of you for that support and participation.

As this year progresses, we will continue to provide our top notch, and award-winning, programming— even where it means we’ll do it virtually. And, we plan to offer our CLE programming free of charge to members through at least the end of this year. We’ll continue to be a resource in the community for support of meaningful programs, and we’ll continue to solicit your input on the issues that impact your practice on a day to day basis.

To take advantage of our free CLE, you will need to be a member of the FBA. And, you may have noticed that the FBA changed its membership procedures this year, with all membership renewals coming due on October 1. We trust you had no difficulty in renewing, but if you have any questions, do not hesitate to reach out to Amanda Kaiser, our Executive Director, and she can assist you with renewal.

Before concluding, a word of thanks to the Immediate Past President, Chief Judge Nannette Jolivette Brown. Chief Judge Brown assumed her role as President of this organization a year ago with all the enthusiasm and energy we expected. And then . . . 2020. The pandemic created never-before-seen disruptions to our lives and practices, and then the Civil Rights issues of the late Spring and early Summer provided a new challenge and call for this organization to which we needed to respond. Chief Judge Brown answered each of these challenges, with this organization seamlessly transitioning to online programming, serving our members in the difficult times, while also responding to the issues of the day. At the Annual Meeting, I was able to offer my thanks and appreciation for her efforts, but it rang hollow a bit in the Zoom format, so I do so again here. Our organization is stronger this year because of her leadership last year.

cont’d on page 2
MESSAGE FROM THE PRESIDENT (cont'd)

Over the next few months, I would encourage you to stay in touch with us via social media or our website, as we’ll be communicating the details around our traditional programming. But, you’ll also see some new programming, specific to the social issues of the day, highlighting the unique and critical role the Eastern District and Fifth Circuit played in development of Civil Rights jurisprudence. As the year continues, I encourage each of you to stay in touch with us, tell us how we can assist your practices, and attend our events. We are excited for another strong year for this organization, and your support is a key part of it.

LESSONS FROM THE FIELD – IMPROVING POLICY PRACTICES CLE

On September 8, 2020, the CLE Programming Committee held a CLE by Zoom entitled “Lessons from the Field—Improving Police Practices.” The one-hour CLE was held immediately following the Annual Meeting and focused on practical issues in policing that affect constitutional rights.

The CLE was done in collaboration with the Greater New Orleans Louis A. Martinet Legal Society. The Martinet President, Kimberly Silas, and CLE Programming Committee co-chair, Sharonda R. Williams, began the CLE with an overview of the law related to claims of constitutional violations by police. The remainder of the CLE consisted of a panel presentation by Debra Kirby, Robert Haas, and Mark Giuffre, experts from Hillard Heintze, a Chicago-based company that focuses on providing law enforcement consulting services to police departments across the country. The panel provided information regarding steps that police departments could and should take to revise and implement policies that protect citizens’ constitutional rights.

The event was well-attended and received positive ratings and feedback. Participants especially enjoyed the practical information provided in light of recent events in our country. The CLE Programming Committee extends a special thanks to Hillard Heintze for the time and effort they put into planning and presenting this informative and interesting program. The Committee also thanks the many attendees who participated in this CLE.

U.S. DISTRICT COURT FOR THE EASTERN DISTRICT OF LOUISIANA HOSTS "YET SHE IS ADVANCING": THE 19TH AMENDMENT, NEW ORLEANS WOMEN, AND THE RIGHT TO VOTE, 1878-1970 VIRTUAL CLE

By: Rebecca Coman, United States District Court Eastern District of Louisiana

Originally published by the United States District Court Eastern District of Louisiana.

On August 18, 2020, the U.S. District Court for the Eastern District of Louisiana hosted a continuing legal education seminar entitled, “Yet She is Advancing”: The 19th Amendment, New Orleans Women, and the Right to Vote, 1878-1970. The seminar was held in celebration of the 100th anniversary of the 19th Amendment’s ratification. Dr. Libby Neidenbach, curator of The Historic New Orleans Collection’s “Yet She is Advancing” virtual exhibit, made a presentation focused on the New Orleans women’s suffrage movement and highlighted local African American women’s fight for ballot access. A panel discussion followed with Sybil Morial, civil rights activist and former First Lady of New Orleans; Mary Zervigon, former official with the Moon Landrieu administration and daughter of civil rights activist, Rosa Keller; and Dr. Neidenbach. The panel discussion was moderated by the Honorable Nannette Jolivette Brown, Chief Judge for the U.S. District Court for the Eastern District of Louisiana. The seminar may be viewed at http://www.laed.uscourts.gov/sites/default/files/19th%20Amendment%20CLE%20Video.mp4.
COVID-19 Ethics and Professionalism
November 19, 2020
Noon – 2:15 pm

Join the New Orleans Chapter of the FBA for one hour of Ethics and one hour of Professionalism on Thursday, November 19th.

Honesty, Civility, Competency, Community: Professionalism in the Time of COVID 19

The Louisiana Code of Professionalism was revised in 2018. Clustering its mandates into core qualities of honesty, civility, competency, and community, the panel will examine what it means to be a truly professional attorney in the time of COVID. What are the challenges presented by the pandemic? How are they being addressed? Are you meeting your obligations? Can you do more?

The Hon. Janis van Meerveld, Magistrate Judge, U.S. District Court – EDLA
José R. Cot, Hurley & Cot
Atoyia Harris, Proskauer Rose

COVID19-Ethics in the New Virtual Practice

The new demands of practicing law during the Coronavirus pandemic pose additional ethical considerations that must be considered. Issues of competency, communications, truthfulness, integrity, candor, unauthorized practice of law, and confidentiality in this new primarily virtual practice of law will be examined.

The Hon. Dana Douglas, Magistrate Judge, U.S. District Court – EDLA
Professor Dane Ciolino, Loyola University New Orleans College of Law

Details

Date & Time: November 19, 2020 from noon to 2:15 pm
CLE: 1 Hour of Ethics and 1 Hour of Professionalism.

Location: Zoom

COVID-19 Ethics and Professionalism CLE Registration

Name: __________________________________________
Firm/Organization: __________________________________________________________
Telephone: ________________________ Email: _____________________________________

FBA Member* Non-Member Gov’t/Public
Ethics and Professionalism $50 FREE $80 $45

Total $ ________

To register online, please go to www.nofba.org. Otherwise, please complete the above registration and remit payment to the Federal Bar Association, New Orleans Chapter, 500 Poydras Street, Rm. B-245, New Orleans, LA 70130. Cancellations must be received in writing two days in advance in order to receive a refund. Please contact Amanda Kaiser at (504) 589-7990 or akaiser@nofba.org with questions.
The Chapter’s sixth annual installment of the Federal Practice CLE series overcame challenges presented by the COVID-19 pandemic, as well as an active hurricane season, yet nonetheless was completed successfully in August. Originally scheduled in the spring as a series of in-person, lunch-hour CLEs, the 2020 Federal Practice Series was reconfigured into an online CLE Series and moved into August. Notwithstanding the new format, the Series attracted record numbers of attendees. Program chair and Chapter Board Member Stephen Myers would like to sincerely thank all the speakers for their dedication to the program and flexibility in rescheduling, ultimately resulting in four excellent CLE programs for the Chapter’s membership.

The 2020 Federal Practice Series focused on trial related topics. After its reboot, the Series began on August 6th with the Honorable Ivan L.R. Lemelle and Timothy Daniels of Irwin Fritchie Urquhart & Moore presenting “The Art of Persuasion – Openings and Closings.” The presentation included essential practice pointers for attorneys, as well as a handful of interesting and sometimes hilarious anecdotes. Attendees also heard from the panel about implicit bias in the context of voir dire and jury selection, which was an added bonus.

The second installment of the 2020 Series occurred on August 13th focused on “Examination and Cross Examination of Experts at Trial,” presented by the Honorable Jane Triche Milazzo and Celeste Coco-Ewing of Barrasso Usdin Kupperman Freeman & Sarver. The presenters shared valuable insights from both the perspective of a seasoned practitioner and an experienced judge on skilled advocacy through expert evidence and examination, in addition to touching on some common missteps and basic requirements to properly present expert evidence at trial.

Next, on August 20th, the Series turned to the Honorable Susie Morgan and Stephen Herman of Herman, Herman, & Katz to discuss “Building your Case through Lay Witness Testimony.” This program focused on the admissibility of lay witness opinion evidence at trial, sometimes in lieu of expert testimony, an effective but often overlooked tool of trial advocacy.

The final CLE presentation of the 2020 Series was held on August 31st by the Honorable Wendy Vitter and Thomas Flanagan of the Flanagan Partners. The topic was “Pre-Trial and Trial Motions – Winning your Case before it Begins.” Judge Vitter and Mr. Flanagan addressed the use of pre-trial motions to effectively frame the case to be tried, the standards associated with such motions, and a host of practical tips for attorneys in the (virtual) audience.

Again, a special thanks is owed to all the distinguished panelists given the truly unique circumstances of this year’s Series. We look forward to next year’s CLE Series. In the meantime, please contact Amanda Kaiser via email at akaiser@nofba.org to suggest topics for future sessions of the Federal Practice Series.
Together with the Federal Defender’s Office, the FBA hosted its Annual CJA and Federal Defender Training Program over Zoom on September 21, 23, and 25, 2020. This year’s program featured an impressive slate of speakers from across the country.

Mary Mulligan of Freidman Kaplan in Manhattan brought more than 25 years of experience to a presentation on litigating and responding to grand jury subpoenas.

Judge Evelyn Furse, a Bail Reform Act expert who served as a United States Magistrate Judge for the District of Utah, broke down the ins and outs of pre-trial detention and identified common mistakes that may be resulting in the unnecessary and unlawful detention of arrestees.

Chris Fabricant, who coordinates national litigation strategies for the Innocence Project, gave an engaging talk on ballistics analysis and provided helpful tips for requesting discovery and cross-examining witnesses on firearm evidence.

The Federal Public Defender for the Northern and Southern Districts of Mississippi, Omodare Jupiter, discussed an emerging topic in Fourth Amendment law that criminal defense attorneys increasingly must face: the law enforcement “knock and talk.”

Akin Adepoju, an assistant federal defender currently serving as a Visiting Attorney Advisor to the Office of the United States Courts, gave an engaging and practical talk on ethical issues that confront criminal defense attorneys.

And keeping with tradition, Alan Dorhoffer of the United States Sentencing Commission closed out the program with an update on developments in the Sentencing Guidelines, the First Step Act, and Fifth Circuit cases on federal sentencing.

Despite the virtual format, participants were able to engage in lively discussions about unlawful searches and complex ethical conundrums. The FBA and the Federal Defender’s Office are grateful to this year’s speakers for their fantastic presentations.

CIVIL PRO BONO COUNSEL PANEL

Special thanks to the following for serving on the New Orleans Chapter of the Federal Bar Association’s Civil Pro Bono Counsel Panel, and their invaluable support of the Federal District Court’s Civil Pro Bono Program in this past year.

April Dawn Davenport
Delise & Hall
Jeannette Monet Delise

Fishman Haygood L.L.P.
Kristen D. Amond
Alysson L. Mills

Liskow & Lewis
Trinity Morale
Raymond Waid

Law Offices of William S. Vincent, Jr.

Loyola Law School’s Workplace Justice Project
The ongoing Covid-19 pandemic failed to deter a large group of eager FBA members from attending the Younger Lawyer’s Division Lunch with the Court on Wednesday, July 15, 2020, hosted by the Honorable Judge Meredith S. Grabill of the Louisiana Eastern District Bankruptcy Court. Judge Grabill shared her advice on how to be a successful written and oral advocate in bankruptcy court, as well as the importance of striving to achieve the highest level of civility and professionalism. Judge Grabill’s discussion of how the Eastern District Bankruptcy court has thrived despite the technological challenges prompted by the pandemic was especially informative for those in attendance. Our members thoroughly enjoyed the event, and the FBA sends its thanks and appreciation to Judge Grabill for so generously sharing her time with us. The Honorable Donna Phillips Currau of the Eastern District of Louisiana will host the next Lunch with the Court.

Judge Meredith S. Grabill of the Louisiana Eastern District Bankruptcy Court is pictured with the July Lunch with the Court attendees on Zoom.

Federal Bar Association
New Orleans Chapter

Impacts of Social Movements in the Workplace CLE
December 10, 2020, Noon – 1 pm

Join the New Orleans Chapter of the FBA on December 10 as Monique Gougisha Doucette, Ogletree, Deakins, Nash, Smoak & Stewart, P.C., and Melanie C. Lockett, Lowe, Stein, Hoffman, Allweiss & Hauver L.L.P., present a CLE entitled Impacts of Social Movements in the Workplace. Employers have long-faced changes to labor and employment laws due to social movements. The recent movements such as #BlackLivesMatter, #MeToo, #LoveWins have thrust issues of workplace inequality and diversity into the spotlight. This one-hour CLE will share recent developments in the labor and employment law resulting from social movements, and provide practical tips to minimize legal risk and improve workplace diversity. This CLE is free to all, but registration is required. To register online, please go to www.nofba.org.

Location: Zoom  
CLE: 1 Hour
All New Orleans Chapter FBA members can attend this event for free. Registration and information online at [https://www.etouffeelaw.com](https://www.etouffeelaw.com) or email civilrightssection@fedbar.org. This year the Étouffée will be online, giving everyone an equal opportunity to participate!

**Police Practice**
*How Implicit Bias impacts policing, training as well as legal advocacy*
Presenters: Colonel Heston Silbert, Director, Arizona Department of Public Safety; Moderator: Wylie Stecklow

**Education**
*Responses and Remedies to COVID-19 for students with disabilities and other vulnerable populations*
Presenters: Margie Wakelin (Educ Law Center Philly), Carl Beard (represents school districts in Pennsylvania); Moderator: Caryl Oberman

**Title IX in the Era of #metoo**
*Litigating Title IX cases — different standards, different strategies, expansion of the right, expansion of claims.*
Presenters: Mica Mckinney, general counsel from Utah State; Ann Olivarius, a national renowned plaintiff’s attorney; Moderator: Kyle Kaiser

**Intersection of First Amendment & LGBTQ Rights**
*The 1st Amendment vs. LGBTQ Rights: An Update on Religious Exemptions Litigation*
Presenters: Camilla Taylor, Constitutional Litigation, Lambda Legal; Chris Lund, Wayne State University, History of First Amendment jurisprudence; Moderator: Robin Wagner

**A.I. Machine Learning, Big Data & Civil Rights**
*Reliance on Artificial Intelligence has already led to errors and damages to individuals, as well as violations of privacy*
Presenters: Phil Mayor, ACLU Michigan; Vincent Southerland, NYU Professor, Chair on Race and Inequality; Moderator: Jennifer Lord

**What is Climate Justice?**
*The Intersection of Environmental and Civil Rights*
Rebecca Bratspies, Professor & Director of the Center for Urban Environmental Reform, CUNY;
Presenters: Emily Posner, private practitioner; Marianne Cufone, Director of the Loyola Environmental Law Center; Moderator: Laura Sanchez Fowler

**Keynote**
*How to Handle Media & Social Media in the age of a Twitter President*
Joseph Bondy, Counsel for Lev Parnas, creator of #LetLevSpeak
We are delighted to spotlight our own Amanda Kaiser, the Executive Director of the New Orleans Chapter of the Federal Bar Association. Amanda began her role in late 2017. Amanda’s positive attitude and attention to detail are huge assets to our organization. We are excited that this profile will introduce Amanda to some of our membership and all will learn a thing or two about our wonderful Executive Director.

AMANDA LOVES LITERATURE

Amanda loves literature and the written word. Amanda’s love for literature started as a child, growing up in a family surrounded by books and fellow book lovers. She grew up in Metairie where she attended Archbishop Chapelle High School. Amanda went on to study at Tulane University and graduated in 2009 with a Bachelor of Arts in English Literature and a minor in Political Science.

While studying at Tulane, Amanda enjoyed her New Orleans Literature class which furthered her love for literature. The class was taught by a disc jockey at WWOZ. The class read biographies of New Orleans jazz greats and Amanda enjoyed reading the true stories of New Orleans characters. It is obligatory that every New Orleans Literature class read *A Confederacy of Dunces*, the John Kennedy Toole novel set in New Orleans that earned the author a posthumous Pulitzer Prize for Fiction in 1981. Amanda was not overly impressed with *A Confederacy of Dunces*, but did enjoy the non-fiction book *Managing Ignatius* by Jerry Strahan. *Managing Ignatius* is subtitled: *The Lunacy of Lucky Dogs and Life in the Quarter* and takes its title from Ignatius J. Reilly, the main character’s name in *A Confederacy of Dunces*. *Managing Ignatius* is the author’s account of managing a motley crew of Lucky Dog vendors in the French Quarter in the 1970s. The fact that Amanda enjoyed reading about how to manage several characters with varying personalities gives us insight as to where she learned her managerial skills.

AMANDA WORKED IN THE RESTAURANT INDUSTRY

While a student at Tulane University, Amanda worked at Crepe’s A La Cart on Broadway Street near The Boot (a popular undergraduate watering hole). Amanda worked the night shift that ended at 6 am. Amanda’s experiences dealing with the late-night patrons of Crepe’s A La Cart taught her how to be patient yet firm when dealing with customers.

While still a student and after having enough fun serving crepes on the late-night shift, Amanda got a job in fine dining. Amanda started working at Brennan’s Restaurant on Royal Street, across from the Louisiana Supreme Court. While working at Brennan’s, Amanda worked with a bartender named Blake who would later become her husband. Throughout undergraduate school, Amanda and Blake worked in various restaurants. Amanda’s favorite restaurant job was working private events at Restaurant August where she worked primarily in the penthouse apartment. Working in that small space with only a banquet captain and chef yielded them bountiful leftover delicacies not served to the guests.

Although the restaurant life was exciting and adventurous, after graduation from Tulane University, Amanda went back to her love of literature and worked for Pelican Publishing where she set up book signings at book stores, called on book stores with previews of the titles from the publisher, and increased the sales of the Pelican Publishing titles. But the restaurant industry still had a hold on her. In 2011, an opportunity arose for Amanda and Blake to own and operate a coffee shop. The Kaisers owned and operated the Avenue Café located at 1907 St. Charles Avenue, next to The Trolley Stop Café. In 2013, Amanda and Blake sold the coffee shop as they had a new child and the building was damaged by Hurricane Isaac. The Avenue Café is still in operation today, but thankfully and for the benefit of the FBA, under new ownership.

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AMANDA WAS A FREELANCE WRITER AND THEN BEGAN WORKING FOR BAR ASSOCIATIONS

While owning and running the Avenue Café, Amanda began freelance writing. Most of the writing was technical writing, such as writing the descriptions of Halloween costumes, or writing gun safety articles. Amanda loves to learn. She will research anything, and she really took to freelance technical writing. Amanda eventually developed an expertise in writing fashion pieces for online retailers.

In addition to her freelance writing, Amanda worked for various bar associations including the Louisiana State Bar Association where she assisted with preparation for its annual meeting. Amanda also previously worked at the New Orleans Bar Association where she was the Assistant Special Projects Manager. While working at the New Orleans Bar Association, Amanda befriended her co-worker, C.C. Kahr, who immediately preceded Amanda as the Executive Director of our organization. When C.C. Kahr moved on to become the Executive Director of The Pro Bono Project, she recommended that Amanda apply for the vacant position. It was a perfect fit. C.C. and Amanda remain close friends to this day and can be seen together at lunch discussing the challenges facing their respective organizations.

AMANDA AT HOME

Amanda and Blake live in Metairie with their three children: Barrett – age 11, Adalina – age 8, and Brayden – age 4. Barrett plays football, basketball, and baseball. Adalina’s softball team won the Jefferson Parish softball championship title last season. Adalina also takes dance lessons and is in the Girl Scouts. Amanda serves as the Girl Scout leader for Adalina’s troop. Brayden, being the third child and four years younger than his closest sibling in age, is into whatever his older siblings happen to be into at that moment but especially loves basketball.

With the obligations of a young family, Blake Kaiser gave up the restaurant life and now works in real estate and construction. However, famous bartender Chris McMillian of Revel Café & Bar fame tells Amanda that Blake’s “retirement” from the restaurant industry is depriving the world of Blake’s cocktail talent. Blake hopes to get back in the restaurant scene in the future.

When it comes to gifting books, the books that Amanda has gifted the most are cookbooks: particularly *Cooking Up a Storm: Recipes Lost and Found from The Times-Picayune of New Orleans* and *La Bouche Creole* by Leon E. Soniat. As the days start to get cooler, you can find Amanda in her kitchen on a cold Saturday morning cooking chicken gumbo or VEG-A-TA-BLE soup (said staccato and in her grandfather’s 9th ward accent).

AMANDA’S FBA EXPERIENCES

Amanda is impressed with our organization, particularly with the judges that take active roles. Amanda has never seen a board as engaged as our Board of Directors. Amanda was impressed with the way the Board of Directors quickly adapted to Zoom meetings in the post COVID-19 world that we are currently living in.

Since the Eastern District of Louisiana courthouse had restricted access due to COVID-19, Amanda misses seeing the lawyers that often would visit her in her office at the Attorney Conference Center & Lounge on the second floor of the Hale Boggs Federal Building. Since COVID-19, Amanda has passed the time with her love of literature. Her husband built a tiny library two years ago that stands at the edge of their front yard. The books in the tiny library have been replenished by Amanda at a steady clip as Amanda reads three to four books per week. Although she usually prefers non-fiction, Amanda has found herself reading more novels in the COVID-19 lockdown era.

*Our chapter President, Steve Griffith, had this to say about Amanda:*  
“As Executive Director, Amanda is the most critical part of the organization’s entire operation on a day to day basis. She manages to juggle the responsibilities of managing the largest Chapter of the Federal Bar Association, the Attorney Conference Center, and our continuing legal education programs. We are very fortunate to have her.”

*Our chapter President-Elect, the Honorable Donna Phillips Currault, stated:*  
“Our continued success as a chapter since 2017 is due in large part to Amanda’s organization, diligence and simply delightful personality. When anyone on our Board imagines a great program, Amanda brings the
dream to fruition. She arranges our program, ensures we receive CLE authorization for the program, handles the attorney registrations, makes sure that the speakers have everything they need, and with COVID-19, has become a master at Zoom scheduling! And Amanda does all of these things not just for our Chapter, but also for our extremely active YLD Board as well. In addition, she runs the Attorney Conference Center, organizes Executive Committee meetings, maintains Board Meeting Minutes, and plans fun bench-bar and community activities to keep our members engaged in our Chapter events beyond the CLEs. And she does it all with a smile, never ceasing to ask if there is anything else she can do to help. We are grateful for Amanda’s hard work and efforts.”

Our Secretary, Brian Capitelli, had this to say about Amanda:

“Amanda has worked tirelessly for our chapter over the last several years. I have always been impressed with her work ethic and insight in assisting the Board, but her ability to adapt and help the Chapter continue to provide premier programming in these challenging has been tremendous. The New Orleans Chapter owes significant credit to Amanda for helping us maintain our status as a leading bar association.”

The Membership Chair of our Chapter, Jose Cot, said:

“Amanda is a consummate professional. She is diligent and always well-prepared, and she understands the crucial importance of effectively administering our time and resources to support our Chapter’s mission and goals. She is a wonderful asset to our organization; we are very lucky to be able to rely on her wisdom, experience and vision.”

The New Orleans Chapter of the FBA continues to be grateful for Amanda’s hard work and dedication to our organization.

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**Gifting You More Free CLE!**

**FREE CLEs for New Orleans Chapter members in 2021!**

Federal Bar Association

New Orleans Chapter

We are excited to announce that we are keeping the majority of our CLE programs FREE for New Orleans FBA members in 2021! We began offering free CLEs to our members as part of the 100 year celebration of the national FBA, and are delighted to continue offering this incredible gift in appreciation of our members. The Judge Alvin B. Rubin Symposium and Malcom Monroe Seminar will be the only 2021 CLE programs with a fee for members. Not a member? Join now.

**Join online at nofba.org/join-the-fba/**
Malcolm Monroe Federal Practice Seminar

January 13, 2021 8:50 a.m. to 11:35 a.m.
Zoom
CLE & Admission to the Federal Courts in Louisiana

Earn 2 hours of CLE credit
including Professionalism

Newly admitted attorneys in Louisiana are required to take 12.5 hours of CLE credits by December 31, 2021, and those admitted under the Louisiana Supreme Court Emergency Admission Order are required to take 25 hours. Of these credits, eight (8) of them must be in Law Practice Management, Professionalism and Ethics.

- Attendance at the Malcolm W. Monroe Seminar on January 13, 2021, will provide **two hours of CLE**, including one and a half hours of professionalism.
- As an added bonus, the seminar will culminate with a virtual swearing in at which attendees can be **sworn into all federal courts in Louisiana**, including the U.S. Court of Appeals for the Fifth Circuit.
- Prior to the ceremony, the Younger Lawyers Division of the New Orleans Chapter of the Federal Bar Association is providing **free coffee** to all participants from a local coffee shop in the CBD. Specific details will be sent to registrants in advance of the program.

Registration Details

For detailed information and to receive the registration packet, go to [http://nofba.org](http://nofba.org), email akaiser@nofba.org, or call the New Orleans Chapter of the Federal Bar Association at 504-589-7990. Registration includes membership in the Federal Bar Association, an organization dedicated to improving the quality of practice in federal courts and facilitating interaction and communications between the bar and the judiciary.

**Attendees wishing to earn CLE and be admitted to the Federal Courts in Louisiana** -
For those who want to be admitted to the Eastern, Western, and Middle Districts of Louisiana as well as the U.S. Fifth Circuit Court of Appeals, **the deadline to submit registration materials is December 8, 2020.**

**Attendees wishing to earn CLE only** -
Registration in advance up to the day prior to the program will be accepted.

*Malcolm W. Monroe was president of both the national Federal Bar Association and the New Orleans Chapter and a leader in the New Orleans legal community. It is in his honor that we present this seminar each year.*
The YLD welcomes its six newest board members—Kaja S. Elmer, A’Dair R. Flynt, Jeffrey J. Gelpi, Emily Olivier Kesler, Hannah Lommers-Johnson and Rachel M. Naquin. We also would like to thank members Laura C. Cannon, Eric A. Foley, Shirin Hakimzadeh, Sara A. Johnson, Sarah Voorhies Myers, Lacey E. Rochester and Meghan B. Senter, for their past service and contribution to the YLD Board.

During this unprecedented year, the YLD board is committed more than ever to providing our members with opportunities to attend (via Zoom for now) a variety of quality programs, the ability to grow their professional networks, and to interact with the Eastern District Judges and staff.

Speaking of quality programming, on September 21, 23, and 25, 2020, the YLD’s CLE committee hosted its first virtual program, the Annual Federal Defender & CJA Panel Training CLE. Special thanks to Sara Johnson and Celia Rhoads for coordinating.

In addition to the foregoing, the YLD will sponsor again this year its popular Lunches with the Court (one will be held with the Honorable Donna Phillips Currault on October 30, 2020, at noon), virtual CLEs, and the Malcolm Monroe Federal Practice Seminar for new admittees. Speaking of which, our past-president Alysson Mills is putting together a virtual Malcolm Monroe seminar for mid-January that will feature a pre-event French Truck coffee for attendees to pick up; 2 hours of CLE credit addressing implicit bias (1 hour), federal rules (30 minutes), and the importance of pro bono work (30 minutes); remarks from Chief Judge Brown; and a short virtual swearing in. Look for updates on these and other activities from the YLD’s communication committee. (P.S. They also bring you the FBA website’s “Member Spotlight.”).

If you are interested in becoming more involved with the YLD, I encourage you to reach out to any of our committee chairs. We welcome your involvement, and we look forward to seeing many of you virtually and hopefully in person throughout the year at the YLD events.
The 2020 Annual Meeting of the New Orleans Chapter of the Federal Bar Association was held on September 8th via Zoom in light of the COVID-19 closures and precautions. Chief Judge Nannette Jolivette Brown announced the retirement of Judge Jerry Brown and Magistrate Judge Wilkinson and thanked them for their longstanding dedication to the New Orleans Chapter of the Federal Bar Association, as well as welcomed Magistrate Judge Currault. Chief Judge Brown also announced that she expects the court to remain closed to the public until at least November 1st with all jury trials suspended through January 2021. However, grand juries have continued to convene in a separate building with all necessary precautions taken. Chief Judge Brown also commended the Court and the Bar for their adaptability and utilization of new technologies during these challenging times.

During the meeting, new Chapter and Younger Lawyers Division Officers were elected and took their oaths of office. Several members were also recognized as recipients of Chapter Awards for their outstanding contributions to our legal community: the President’s Award to Mr. José R. Cot, the John R. “Jack” Martzell Professionalism Award to Ms. Kathryn M. Knight, and the Camille F. Gravel Jr. Award for Public Service to Mr. William C. Snowden.

Chief Judge Brown passed the gavel to incoming President Mr. Steven F. Griffith, Jr. Mr. Griffith thanked Chief Judge Brown for her many years of service to the Bar and especially for her leadership in light of the COVID-19 pandemic. Mr. Griffith expressed his hope to return to some semblance of normalcy in the coming year and bring back CLE programs that many have come to look forward to, as well as to launch a new series of CLE programs that focus on civil rights issues and delve into the roles that the Eastern District of Louisiana and the Fifth Circuit have played in civil rights cases. Before the meeting was closed, Mr. Griffith thanked everyone for all of their work and perseverance over the last year and that he is looking forward to many great things that will come in the next.

**New Orleans Chapter Officers**

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<th>Office</th>
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<tr>
<td>President</td>
<td>Steven F. Griffith, Jr.</td>
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<td>President-Elect</td>
<td>Hon. Donna Phillips Currault</td>
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<td>Treasurer</td>
<td>Michael J. Ecuyer</td>
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<td>Recording Secretary</td>
<td>Brian J. Capitelli</td>
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<td>Membership Chair</td>
<td>José R. Cot</td>
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<td>Younger Lawyers Division Chair</td>
<td>Laura F. Ashley</td>
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<td>Immediate Past President</td>
<td>Hon. Nannette Jolivette Brown</td>
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**New Orleans Chapter Board of Directors**

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<td>William D. Aaron, Jr.</td>
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ANNUAL MEETING (cont’d)

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Amanda T. Kaiser • Hon. Carol L. Michel

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Chair..............................................................Laura F. Ashley
Vice-Chair ......................................................M. Palmer Lambert
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Camille R. Bryant         Jonathan S. Forester            Rachel M. Naquin             J. Christopher Zainey, Jr.
Chloé M. Chetta

José R. Cot received the 2020 President’s Award.

Kathryn M. Knight received the 2020 John R. “Jack” Martzell Professionalism Award.

William C. Snowden received the 2020 Camille Gravel Pro Bono/Public Service Award.


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Use of Online Platforms During COVID-19 Pandemic

In early March 2020, when the news of COVID-19 was burgeoning, Chief Judge Nannette Jolivette Brown directed the Clerk’s Office of the Eastern District of Louisiana to put into place procedures and processes to address the issues created by the pandemic. With no track record for telework within our office, Clerk of Court Carol Michel and several supervisors were called upon to ensure the continued operations of our court, while helping to keep our employees safe by working remotely. In short order, nearly the entire court began teleworking, with our judges adeptly dispensing justice via virtual platforms. There are many outstanding examples of those in the Clerk’s Office who worked painstakingly to shore up this herculean effort. Here we are highlighting four key units. These four units are the Information Technology Systems Unit, managed by Patricia Soule, the Criminal Magistrate Unit, managed by Kimberly County, the Pro Se Unit, managed by Jay Susslin, and the Training, Education, and Naturalization Unit, staffed by Director of Training and Education, Rebecca Coman.

Information Technology/Systems Unit

When the pandemic began affecting our region, procuring electronic equipment quickly became impossible due to a disruption in manufacturing and distribution chains around the world. The court shifted 99% of staff working on-site to remote work within a week. The IT staff required equipment on hand for telework and was assisted by the Fifth Circuit in obtaining laptops. Training and assisting staff for this new way of working was a near constant effort for the initial days, accomplished largely through IT staff being able to “shadow” court staff’s remote equipment while they, themselves, worked from home. With the court embracing teleworking, working hours for staff expanded - both earlier and later than normal operating hours - so the need for IT support also expanded to more hours of the day. Even with the expanded hours, IT/Systems staff members consistently responded to all requests for assistance.

The court quickly took advantage of CISCO, the in-place, secure federal judiciary’s video conferencing system to facilitate video conferencing. IT/Systems staff teamed up with judges’ staff to manage and assist with sessions while all participants appeared remotely. Testing ahead of court proceedings was the secret to success for all participants. Where video was not required, telephone conferences were held either through use of the remote office desk phones or by via dial-in conference bridges. At the same time, several video platforms were explored for remote proceeding use. When ZoomGov updated its security profile in May 2020, the court quickly adopted this second video conference platform to help with proceedings authorized under the CARES Act and other meetings with attorneys. In short order, use of ZoomGov was commonplace among most members of the court, attorneys, and other constituents. Overall, the IT/Systems staff of eight, led by Systems Manager, Patricia Soule, created and implemented a network of resources, which empowered the court to remain operational throughout the pandemic.

cont’d on page 16
Criminal Magistrate Unit

In large part, the Criminal Magistrate Unit ("Crim Mag"), managed by Kimberly County and staffed by three Case Managers, has continued its work on-site, supporting others to participate remotely. Crim Mag began by working collaboratively with the IT Systems Unit to develop a plan to hold virtual hearings. Once training was complete, Crim Mag began to set up and execute hearings via the CISCO video conference platform. This platform enabled remote participation by several agencies, including the U.S. Marshal Service, U.S. Probation Office, U.S. Attorney’s Office, and the Federal Public Defender’s Office, as well as by privately retained counsel and detained and released defendants. Crim Mag also successfully coordinated with the facilities where EDLA pre-trial prisoners are held, enabling detained defendants to participate from holding facilities and prisons.

Pro Se Unit

For a large portion of the pandemic period, the Federal Courthouse Building has been closed to the general public, including pro se litigants. The Clerk of Court’s Pro Se Unit, led by Manager Jay Susslin along with two Pro Se Unit Clerks, was tasked with solving the dilemma of continuing to serve pro se litigants by means other than over-the-counter, in-person filing. Additionally, the Pro Se Unit, working with the Intake Unit, had to figure out how best to handle large amounts of pro se mail delivered daily to the courthouse by the U.S. Postal Service.

To accomplish these objectives, the Pro Se Unit, with IT/Systems assistance, enabled electronic access through a dedicated electronic fax line and email address, for use by pro se litigants. Both of those means were accessible by Clerk’s Office staff from remote locations. All pro se documents received by email and fax are remotely reviewed, filed, and transmitted to Case Administrators for filing into the CM/ECF electronic case filing system. Notices of deficiencies and related correspondence were remotely prepared, transmitted, and printed in the Pro Se Unit on-site at the courthouse for processing and mailing.

Dedicated Pro Se Unit staff were responsible for being on-site on a daily rotational basis to retrieve mail deliveries, process paper documents, scan and transmit those paper documents, and to process outgoing mail. To enhance the ability to work remotely, Pro Se staff members received take-home telephones that functioned like the ones at the courthouse, and the phones were answered by staff working remotely. As a result, it was a seamless process for those calling the courthouse, who were unaware that they were being assisted by Pro Se Unit staff working remotely. The net result of the great efforts by the Pro Se Unit, working with other Clerk’s Office Units, was the effective and efficient handling of all matters related to pro se litigants.

Training, Education, and Naturalization Unit

The Clerk’s Office has continued to support the court’s mission with the same diligence and dedication as before the pandemic by using various online judiciary training resources and platforms. In fact, while teleworking, Clerk’s Office employees have taken advantage of online judiciary training resources such as: JNet, the federal judiciary’s internal website; the Judicial Online University, a centralized resource of...
e-learning courses, books and videos; and, the Federal Judicial Center’s website, dedicated to promoting court employees’ continued education and training. Once employees complete training through these excellent judiciary training resources, it is recorded in the Learning Center, the judiciary’s learning management system.

In addition, several educational and training programs, normally provided through in-person instruction, have been provided through online platforms during the pandemic. These platforms include the Learning Center and Zoom Meeting & Webinar. Through the benefit of these interactive, virtual platforms, the Clerk’s Office employees completed annual emergency preparedness training via the Learning Center in June. Then, in mid-August, the Eastern District of Louisiana, with Clerk’s Office support, hosted a 19th Amendment continuing legal education seminar via Zoom Webinar. Nearly 300 lawyers, judges, and court employees were in attendance, virtually. Earlier this month, Clerk’s Office employees attended workplace conduct training via several Zoom Meeting sessions. The forward-leaning leadership of our Education and Training Unit, staffed by Training and Education Director, Rebecca Coman, has been instrumental in ensuring that all members of our judiciary continue top-notch professional development through the successful use of remote platforms.

**Conclusion**

“The dedication to excellence exemplified by the Clerk’s Office staff in applying a collaborative approach for unprecedented support to the Eastern District of Louisiana during this pandemic is sincerely appreciated, so that we may continue to serve the bar and the community at large seamlessly,” said Chief Judge Brown. “From IT/Systems to Crim Mag to Pro Se to Training and Education and beyond, our dynamic units continue to demonstrate great resilience in overcoming challenges that face our court, while valiantly maintaining operations,” she added. Chief Judge Brown further said, “on behalf of all the judges of this court, we thank each member of the Clerk’s Office for working diligently – both remotely and on-site – to support our court and the public.”

By: Tamia N. Gordon
Chief Deputy Clerk of Court
United States District Court
Eastern District of Louisiana
The New Orleans Chapter is proud to acknowledge our members who celebrate landmark years of continuous membership in the Federal Bar Association in 2020.

**55 YEARS** – Mr. Louis B. Merhige

**45 YEARS** – Hon. Edith B. Clement

**40 YEARS**

Mr. A. Gordon Grant, Jr.
Mr. R. P. Vance

**35 YEARS**

Ms. M. Nan Alessandra
Ms. Ashley Belleau
Mr. Roy C. Cheatwood
Ms. Debra J. Fischman
Mr. Gregory G. Gremillion
Mr. Bruce R. Hoefer, Jr.
Mr. Joseph J. Lowenthal, Jr.
Mr. Michael Meunier
Mr. Richard E. Santora
Mr. Warren Wingertter, Jr.

**25 YEARS**

Mr. J. Robert Ates
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Hon. Stanwood R. Duval, Jr.
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**20 YEARS**

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Ms. Beverly A. Delaune
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Mr. Christopher K. Ralston
Mr. William M. Ross
Mr. Jason P. Waguespack
Mr. Matthew A. Woolf

**30 YEARS**

Hon. Lance M. Africk
Mr. Daniel J. Balhoff
Mr. Brian S. Moore
Mr. Charles A. Nunmaker
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.

Maritime Foreclosure

Prosperity Bank v. Tom’s Marine and Salvage, LLC, et al.

Prosperity Bank filed a Complaint to enforce maritime liens against Defendants Tom’s Marine & Salvage, LLC and Tom’s Welding, Inc. regarding a debt of $1,980,000. Four vessels that Defendants mortgaged as collateral for a two million dollar revolving credit promissory note (executed in December 2016) were seized in November 2018 under warrants of arrest issued by this Court. Shortly after seizure, Prosperity Bank obtained two appraisals for the vessels, which valued the four vessels between $390,000 and $430,000. Pursuant to Court Order, the vessels were sold at a marshal’s sale, and Prosperity Bank purchased all four vessels for a total credit bid/bargain of $40,000. Prosperity Bank filed suit to recover the balance owed by Defendants, subject to a credit of $40,000. Defendants contested only the value of the offset to which they were entitled. They did not contest liability.

The issue before the Court was whether Defendants were entitled to an offset for the fair market value of the vessels and, if so, what the fair market value of the vessels was at the time of sale.

The Court held that Prosperity Bank was entitled to a judgment for the deficiency balance owed by Defendants, totaling $1,969,968.75, with late charges ($4,293.75) and interest, together with reasonable attorney’s fees, costs and storage fees incurred. The Court concluded that Defendants proved entitlement to an offset for the fair market value of the vessels at the time of sale. Because the parties failed to provide the Court with expert reports or testimony regarding the fair market value of the vessels at the time of sale, the Court relied on the two appraisals obtained by Prosperity Bank in November and December 2018. The Court calculated the fair market value of the vessels based upon their lowest appraised values (totaling $346,500). The Court then calculated the offset to which Defendants are entitled by subtracting the $40,000 sales price from the vessels’ lowest appraised values, which totaled $306,500. Prosperity Bank was ordered to recalculate the interest owed on the outstanding debt in light of the offset to which Defendants are entitled, based upon the interest rate agreed upon by the parties. The Court also awarded Prosperity Bank the costs for storing the vessels ($48,500) and obtaining the two appraisals ($6,200).

Docket No. 18-cv-9106 (Non-Jury Trial before Judge Wendy Vitter on 8/12/20)

Contract Dispute

Specialty Fabricators, LLC v. Davie Shoring, Inc.

Plaintiff David Weinhoffer, the Liquidating Trustee for Offshore Specialty Fabricators, LLC, entered into an agreement with Henderson Auctions for the sale of a 205-man housing module that was auctioned on May 16, 2018. Defendant Davie Shoring, Inc., was the highest bidder at the auction at $177,500. The parties agreed that the terms of the auction required the buyer to move the module and that it was sold “As Is, Where Is.” After being declared winner of the module, Defendant consulted experts who indicated there would be significant logistical hurdles to moving the module. Defendant refused to pay the bid price and argued, among other things, that the contract should be rescinded due to impossibility or error.

The issues before the Court were: (1) whether Defendant should be excused from contractual performance because of the logistical difficulties discovered after purchase, and (2) whether the terms of the sale included a disputed stipulated damages clause.

The Court found that Defendant breached its obligation to pay the bid price for the module. The Court rejected Defendant’s various arguments for why the Court should rescind the contract, in large part because Defendant inspected the module at least twice before placing its bid, and because Defendant was an experienced purchaser of large-scale equipment.

Defendant submitted evidence demonstrating that the stipulated damages clause was included in the advertisement for the module on the auction webpage. Defendant testified to reviewing the clause before the sale. Plaintiff argued that the auction company had no right to include such a stipulated damage clause. Notably, the auction company was not a party to the litigation. The Court found that the terms of the sale included an enforceable stipulated damages clause limiting damages to 20% of the bid price, or $35,500.

Docket No. 19-cv-11175, (Non-Jury Trial before Judge Wendy Vitter from 8/19/20-8/21/20)
SAVE THE DATE FOR UPCOMING EVENTS

All programs listed will be held via Zoom.

Ethics and Professionalism CLE
November 19, 2020

Virtual Lunch with the Court
with the Hon. Stephen A. Higginson
December 9, 2020

Impacts of Social Movements in the
Workplace CLE
December 10, 2020

Evenings with the FBA: In the Kitchen
with Chief Judge Nannette Jolivette Brown
and Marcus Brown
December 15, 2020

Malcolm Monroe Federal Practice Seminar
CLE & Swearing In
January 13, 2021

Federal District Courts in Louisiana:
Differences and Practice Pointers
January 27, 2021

Civil Rights Étouffée
January 28-29, 2021