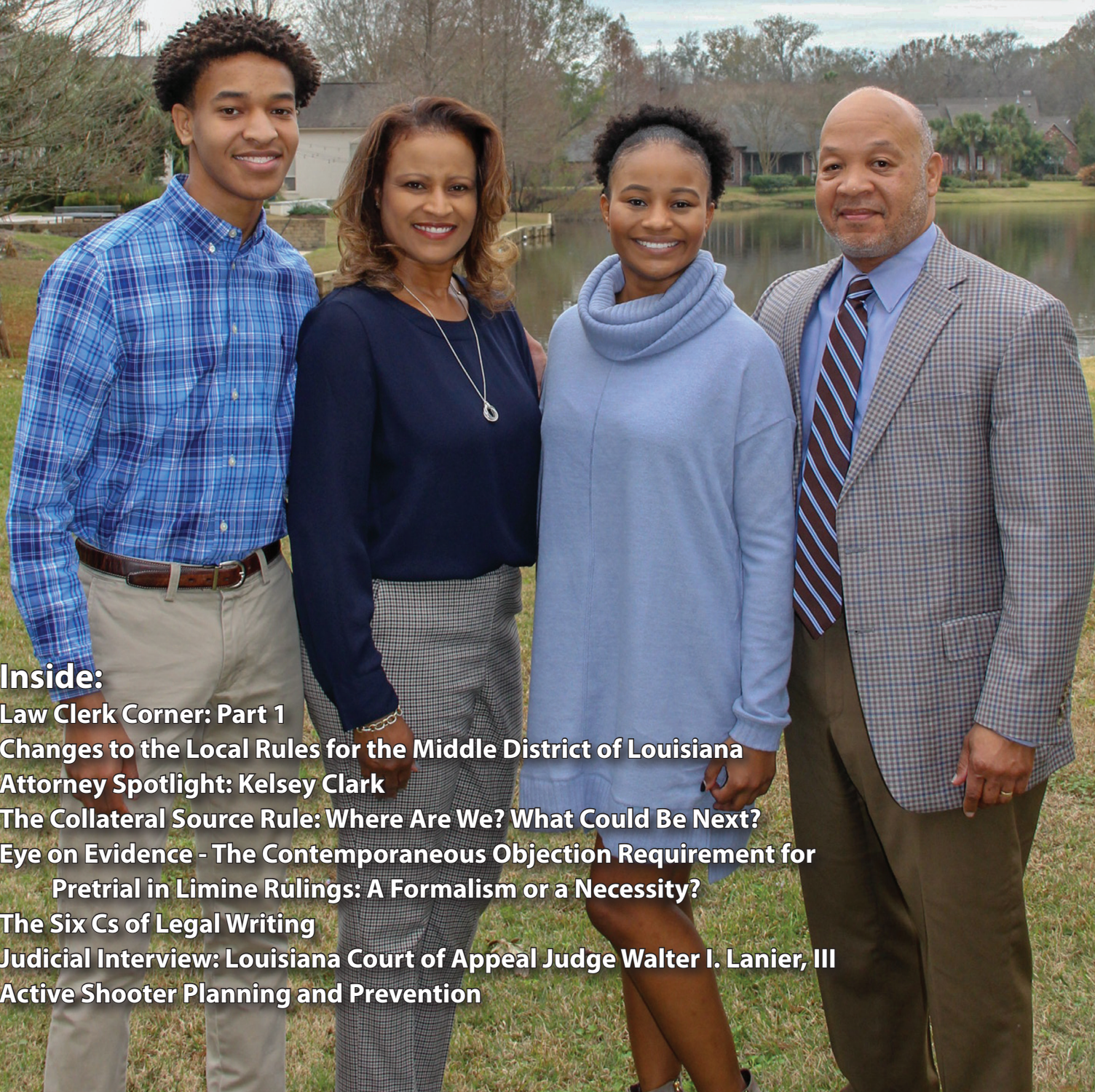


VOL. 3, ISSUE 1
JANUARY/FEBRUARY 2020

THE MAGAZINE OF THE BATON ROUGE BAR ASSOCIATION

THE BATON ROUGE LAWYER



Inside:

Law Clerk Corner: Part 1

Changes to the Local Rules for the Middle District of Louisiana

Attorney Spotlight: Kelsey Clark

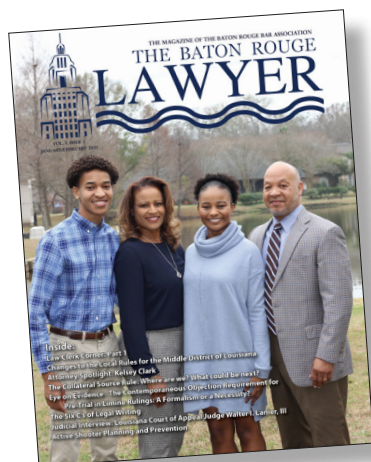
The Collateral Source Rule: Where Are We? What Could Be Next?

**Eye on Evidence - The Contemporaneous Objection Requirement for
Pretrial in Limine Rulings: A Formalism or a Necessity?**

The Six Cs of Legal Writing

Judicial Interview: Louisiana Court of Appeal Judge Walter I. Lanier, III

Active Shooter Planning and Prevention



On the cover:

2020 BRBA President Shelton Dennis Blunt and his family Valerie Blunt, Jordan Blunt and Dennis Blunt, Jr.

The BRBA's investiture of Shelton Dennis Blunt will take place at 3 p.m. Wednesday, Jan. 8, 2020, at the U.S. District Court for the Middle District of Louisiana in Courtroom 1 (third floor) of the Russell B. Long Federal Building and United States Courthouse, 777 Florida St.

Cover Photo by Landon T. Hester

Editors Note: In the November/December issue, the first two questions of the U.S. Attorney Brandon Freeman's Attorney Spotlight were inadvertently omitted. They are:

TBRL: Where were you born?

BF: I was born here in Baton Rouge at the Woman's Hospital, and then lived in Plaquemine for a short time and grew up mostly in West Baton Rouge, until high school when I moved to Baton Rouge and went to Catholic High.

TBRL: All four years at Catholic High?

BF: Yes.



- 3 Contributors
- 4 Letter from the President
"What's Next"
BY SHELTON DENNIS BLUNT
- 6 Installation Ceremony & Reception
- 7 President's Awards
BY AMY C. LAMBERT
- 8 "Law Clerk Corner: Part 1"
BY DAVID BORGHARDT & JAMIE TULLIER
- 10 "Changes to the Local Rules for the Middle District of Louisiana"
BY KELSEY CLARK
- 12 "Attorney Spotlight: Kelsey Clark"
BY JOSEPH J. CEFALU, III
- 14 "The Collateral Source Rule: Where Are We? What Could Be Next?"
BY JORDAN FAIRCLOTH
- 16 "Eye on Evidence - The Contemporaneous Objection Requirement for Pretrial in Limine Rulings: A Formalism or a Necessity?"
BY MELISSA PESTALOZZI
- 18 "The Six Cs of Legal Writing"
BY HEIDI THOMPSON & ANNIE SCARDULLA
- 22 "Judicial Interview: Louisiana Court of Appeal Judge Walter I. Lanier, III"
BY KATHRYN DUFRENE
- 26 "Active Shooter Planning and Prevention"
BY JOHN FENNER
- 29 Bar News
- 32 2019 Bench Bar Conference Registration Form
- 34 Foundation Footnotes

Contributors



Shelton Dennis Blunt is a partner at Phelps Dunbar, LLP and the 2020 president of the Baton Rouge Bar Association.



David Borghardt is a law clerk for Judge deGravelles and a contributing writer.



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



Kelsey Clark is an associate at Breazeale, Sachse & Wilson, LLP and a contributing writer.



Kathryn Dufrene is a Staff Attorney at the Louisiana Court of Appeal, First Circuit and an assistant editor of *The Baton Rouge Lawyer*.



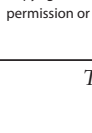
Jordan Faircloth is a local attorney, a member of the BRBA Board of Directors and a contributing writer.



John H. Fenner is vice president, corporate general counsel and chief ethics and compliance officer for Turner Industries. He is the Managing Editor of *The Baton Rouge Lawyer*.



Landon T. Hester is the communications coordinator at the Baton Rouge Bar Association.



Amy C. Lambert is a partner at Taylor Porter and the 2019 president of the Baton Rouge Bar Association.

Melissa Pestalozzi is an associate at Long Law Firm, LLP and a contributing writer.

Annie Scardulla is the Advocacy Fellow at LSU Law, where she teaches legal writing and helps manage the Law Center's nationally ranked competitive advocacy program.

Gail S. Stephenson, a senior assistant editor of *The Baton Rouge Lawyer*, is the director of legal analysis and writing and the Louisiana Outside Counsel A.A. Lenoir Endowed Professor at Southern University Law Center.

Heidi Thompson is an Assistant Professor of Professional Practice at the LSU Law Center.

Jamie Tullier is a law clerk for Chief Judge Shelly D. Dick and a contributing writer.



January/February 2020

Published by the Baton Rouge Bar Association
P.O. Box 2241, Baton Rouge, LA 70821
Phone (225) 344-4803 • Fax (225) 344-4805 • www.brba.org

The Baton Rouge Bar Association is the hub of our diverse, thriving, and inclusive legal community in service to lawyers and the public interest.

OFFICERS

Shelton Dennis Blunt, President376-0231
Christopher K. Jones, President-elect383-3796
David Abboud Thomas, Treasurer236-3636
Melanie Newkome Jones, Secretary344-2200
Amy C. Lambert, Past-President381-0283

DIRECTORS AT LARGE

Jordan FairclothLoren Shanklin Fleshman
Jennifer MoisantHayden Moore
Monica Vela-VickLuke Williamson

EX OFFICIO

Brad Barback • John H. Fenner • Nicole Hazey Ben Jumonville •
Erin Kenny • Robin Krumholt • Heather Landry
Debra Parker • Michelle Sorrells

ABA DELEGATE

Jeanne C. Comeaux

APPELLATE SECTION

Heather LandryChair

BANKRUPTCY SECTION

BUSINESS/CORPORATE LAW SECTION

Ben JumonvilleChair

CONSTRUCTION LAW SECTION

Brad BarbackChair

FAMILY LAW SECTION

Nicole HazeyChair
Nicole TempletChair-elect
Jennifer M. MoisantPast chair

IN-HOUSE COUNSEL SECTION

John FennerChair

WORKERS' COMPENSATION SECTION

Robin L. KrumholtCo-Chair
Debra T. ParkerCo-Chair
Michelle M. SorrellsCo-Chair
Judge Pamela Moses-LaramoreJudicial Liaison

YOUNG LAWYERS SECTION OFFICERS

Erin Kenny, Chair381-0263
Chelsea Gomez Caswell, Chair-elect382-3405
Kellye Rosenweig Grinton, Secretary383-8900
Jordan Faircloth, Chair387-4000

YOUNG LAWYERS SECTION COUNCIL

Kimberly BoudreauxAshley N. Butler
Kelsey ClarkBrad Cranmer
Lauren Temento

BATON ROUGE BAR ASSOCIATION STAFF

Ann K. Gregorie, Executive Director214-5563
Donna Buuck, Youth Education Coordinator214-5556
R. Lynn S. Haynes, Asst. Teen Court Coordinator214-5564
Landon T. Hester, Communications Coordinator214-5560
Robin Kay, Pro Bono Coordinator214-5561
Claudia McBride, Administrative Assistant344-4803
Chris McNeil, Lawyer Referral Coordinator214-5557
Julie Ourso, Bookkeeper214-5572

PUBLICATIONS COMMITTEE

Editor-in-chief: Joseph J. Cefalu III — 381-3176
Managing Editor: John Fenner — 439-6174

Sr. Asst. Ed.: Gail S. Stephenson — 771-4900, ext. 216
Art Vingiello — 751-1751
Vincent Fornias — 769-4553
Asst. Eds.: Kathryn Dufrene — 382-3110
A.J. Sabine — 344-3555

Former Editor: Ed Walters — 236-3636
Design/Advertising: Landon T. Hester — 225-214-5560

Mark AssadDale LeeGracella Simmons
Katherine DampfJohn McLindonRebecca Wisbar
Dianne M. IrvineMary E. RoperJeff Wittenbrink
Justin Jack

All Rights Reserved • Copyright ©2020

THE BATON ROUGE LAWYER supports participation of the membership in its production. We encourage the submission of articles and letters to the editor. Articles should be less than 1,800 words, typed and single-spaced. A Word file should be emailed as an attachment to: landon@BRBA.org.

For advertising information call 225-344-4803 or 225-214-5560. Display ads should be high-resolution attachments (.PDF), and classified ads as text only. Please email all ad artwork to landon@brba.org. Publication of any advertisement shall not be considered an endorsement of the product or service involved. The editor reserves the right to reject any advertisement, article or letter.

Copyright © by the Baton Rouge Bar Association. All rights reserved. Reproduction in whole or part without permission is prohibited. To request permission or for more information, call the BRBA: 225-344-4803.

EYE ON EVIDENCE

THE CONTEMPORANEOUS OBJECTION REQUIREMENT FOR PRETRIAL IN LIMINE RULINGS: A FORMALISM OR A NECESSITY?

One of the most difficult questions arising from pretrial in limine rulings is whether an unsuccessful motion in limine alone is sufficient to preserve for appeal the question of the admissibility of evidence if the movant fails to reiterate the objection at trial.

Louisiana Code of Evidence article 103, unlike its Federal Rule counterpart, is silent on this issue. Under Rule 103 of the Federal Rules of Evidence, definitive pretrial in limine rulings are automatically preserved for appeal without the need to renew an objection at trial. *See* Fed. R. Evid. 103(b).¹ In Louisiana, it is well-established that the failure to make a “contemporaneous” objection to the introduction of objectionable evidence stating the grounds for the objection waives the right to contest the issue on appeal.² The issue arises in the context of a court’s denial of a pretrial motion in limine to exclude evidence and whether it is necessary for the movant to contemporaneously object to the admission of that evidence at the time it is presented at trial. Another source of confusion is the applicability and scope of La. C.C.P. art. 1635, which governs trial procedure for civil matters of decisions made by the court during trial. For instance, in *Maldonado v. Kiewit Louisiana Co.*, the appellate court held a pending pretrial in limine motion that was brought to the court’s attention during trial, which fully briefed the issue(s) of admissibility and stated the ground(s) for the objection, was sufficient to preserve the appeal issues of admissibility of the evidence sought to be excluded.³

Another important consideration in whether to contemporaneously re-urge an objection at trial is that a court’s pretrial ruling on a motion in limine does not necessarily prohibit the court from revisiting its decision when the evidence is offered at trial and presented in its full context. This is because a trial court’s pretrial decision is often a preliminary or presumptive ruling concerning an anticipated evidentiary issue.

Therefore, absent legislative clarification, this procedural precaution should nonetheless be taken by litigators. As commentator Frank L. Maraist has suggested, “If evidence is deemed admissible on a motion in limine, the opponent probably should reurge the objection when the evidence is offered at trial.”⁴ ■



WRITTEN BY MELISSA PESTALOZZI

¹ As an initial note, there is a recognizable difference between reurging an unsuccessful in limine motion during trial and reiterating an objection to admission of evidence at the time the evidence is offered

during trial.

² *Relan v. State Through Dep’t of Health & Hosps.*, 18-348, p. 3 (La. App. 5 Cir. 12/19/18); 262 So.3d 445, 449, *see also* La. C.E. art. 103(A)(1).

³ *Maldonado v. Kiewit La. Co.*, 12-1868 (La. App. 1 Cir. 5/30/14), 152 So.3d 909, *writ denied*, 14-2246 (La. 1/16/15), 157 So.3d 1129 (citing La. C.C.P. art. 1635).

⁴ Frank L. Maraist, 19 LOUISIANA CIVIL LAW TREATISE, EVIDENCE AND PROOF § 2.7 (2012 ed.).



LAW★DAY 2020

The Baton Rouge Bar Foundation will celebrate LAW DAY on Friday, May 1, 2020. Following the opening ceremony, middle and high school students will converge on the City, Family and the 19th Judicial District Courts.

The interactive sessions last from 10:30 a.m. to noon. Volunteers will reviews a scenario reflecting the 2020 theme with students.

To volunteer, please contact Donna at
225-214-5556 or
email to: donna@brba.org