



THREE NEW JUDGES JOIN THE EASTERN DISTRICT



LANCE M. AFRICK received a Bachelor of Arts and Laws degree from the University of North Carolina at Chapel Hill in 1973, and his J.D. from the University of North Carolina Law School at Chapel Hill in 1975, where he served as governor of the student bar association, a judge of the moot court board, and as a member of the Order of Barristers, a national moot court honorary society. Following a clerkship with the Honorable James Gulotta of the Louisiana Fourth Circuit Court of Appeal, Judge Africk practiced in the areas of insurance defense from 1976 to 1977, plaintiff's personal injury from 1980 to 1981, and served as corporate counsel for McDermott Incorporated from 1981 to 1982. He served as the Chief of the Career Criminal Bureau for the Orleans Parish District Attorney's office from 1977 to 1980 and as the Chief of the Criminal Division for the United States Attorney's office in New Orleans from 1982 to 1990. In 1990, he was appointed a United States Magistrate Judge for the Eastern District of Louisiana. Judge Africk has appointed counsel in CJA cases and conducted many detention hearings and

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KURT D. ENGELHARDT was nominated by President George W. Bush and confirmed on December 13, 2001 as a United States District Judge for the Eastern District of Louisiana. He was sworn in on December 14, 2001. Following the investiture, the New Orleans chapter of the Federal Bar Association hosted a formal reception in the Great Hall of the John Minor Wisdom Fifth Circuit Court Building.

Judge Engelhardt attended Brother Martin High School in New Orleans, where he graduated with honors in 1978. He attended the University of New Orleans and Louisiana State University in Baton Rouge, from which he graduated with a Bachelor of Arts degree in history in 1982. During his undergraduate years, Judge Engelhardt was invited to join the Mu Sigma Rho honor fraternity for his academic performance in his field of study. In the Fall of 1982, Judge Engelhardt commenced his legal education at the Paul M. Hebert Law Center at Louisiana State University, from which he graduated in May of 1985.

Judge Engelhardt served a two-year clerkship with Judge Charles Grisbaum, Jr. of the

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JAY C. ZAINEY was inducted to the bench of the United States District Court for the Eastern District of Louisiana on March 15 of this year. Before taking the bench, Judge Zainey, a solo practitioner, was an active member of the Federal Public Defender's Criminal Justice Act panel for nearly 20 years. He successfully defended one of the first federal capital prosecutions in the Eastern District. He also served as a member of the Louisiana Supreme Court's Committee on Judicial Ethics and frequently lectured on ethics and professional responsibility. A former president of the Louisiana State Bar Association, Judge Zainey established a special bar association committee to provide legal services for the disabled, and a community action committee to undertake charitable projects. He served on the Board of Directors of the Advocacy Center for the Disabled and Elderly and the President's Mental Retardation Task Force. He is the recipient of the Legal Services Project Director's Award and the Louisiana State Bar Association Community Action Committee Recognition Award. Judge Zainey received his undergraduate degree at the University of

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NEW ORLEANS CHAPTER FEDERAL BAR ASSOCIATION ANNUAL MEETING AND LUNCHEON

This year's Annual Meeting and Luncheon will be held at Arnaud's Restaurant on July 18, 2002. Lunch will be served at 12:00 p.m. and will be preceded by a cash bar cocktail hour beginning at 11:30 a.m. The cost of the Annual Luncheon is \$45.00 per person. All Federal Judicial Clerks and Government Lawyers are entitled to a special rate of \$35.00.

Our keynote speaker is The Honorable Edith Brown Clement, the newest member of the Fifth Circuit Court of Appeal, former Chief Judge of the Federal District Court for the Eastern District of Louisiana and former President of the New Orleans Chapter of The Federal Bar Association.

Below is a reservation form for the Annual Luncheon. Please complete and return your reservation form and check to Inge Hamidjaja at the Attorney Conference Center. Please make your reservations on or before July 12 so that Arnaud's can have a count of attendees. We look forward to seeing you at this year's Annual Meeting and Luncheon!

ANNUAL LUNCHEON RESERVATION FORM

Name _____ # Attending _____

Firm _____

Address _____

Phone No. _____ Amount enclosed \$ _____

Please return form and check to:
New Orleans Chapter Federal Bar Association
c/o Inge Hamidjaja
Attorney Conference Center
501 Magazine Street, Room 364
Hale Boggs Federal Building
New Orleans, LA 70130

ELECTION OF OFFICERS AND DIRECTORS AT ANNUAL MEETING - JULY 18, 2002

In accordance with the Chapter By-Laws, Don K. Haycraft, our current President Elect, will automatically succeed Andrew R. Lee as President of our Chapter. Election of the remaining officers and directors will take place at the Annual Meeting on Thursday, July 18, 2002, at Arnaud's. The Nominating Committee has nominated the following persons:

Chapter Officers

First Vice-President and President-Elect: A. Gregory Grimsal

Second Vice-President: Hon. Sally A. Shushan

Treasurer: Thomas M. Flanagan

Recording Secretary: M. Nan Alessandra

National Council Delegate: Hon. Carl J. Barbier

Membership Chair: Patrick E. O'Keefe

Immediate Past President: Andrew R. Lee

Chapter Board of Directors

Hon. Lance M. Africk Deborah Pearce Reggio

Hon. Ginger Berrigan Deborah B. Rouen

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Stevan C. Dittman Richard E. Sarver

James M. Garner Virginia L. Schlueter

Nannette Jolivet Richard W. Westling

Robert Lansden Gerald Durr Woods

Kelly Legier Hon. Loretta G. Whyte

James Letten Hon. Jay C. Zainey

Matthew B. Moreland

In addition, pursuant to Article 5, Section 1 of the Chapter's By-Laws, the chair of the Young Lawyers Division is automatically an officer and member of the Board of Directors.

WHITE HOUSE COUNSEL TO PARTICIPATE IN TULANE LATIN AMERICAN LAW INSTITUTE

Alberto Gonzales, Counsel to the President of the United States, will be a featured speaker at the upcoming Tulane Latin American Law Institute. Justice Gonzales is scheduled to participate in a session on Friday, June 28th, the final day of the three-day conference.

Justice Alberto Gonzales was commissioned as Counsel to the President in January of 2001. Prior to his service in the White House, Justice Gonzales sat on the Supreme Court of Texas. Before his appointment to the Supreme Court by then Governor Bush, he served as the 100th Secretary of State of Texas.

The Latin American Law Institute will take place on June 26th, 27th, and 28th at Tulane in the University Center and will serve as a forum to discuss freely the legal and business issues affecting Latin America and inter-American relationships. The theme of this year's inaugural conference is "Energy Law, Free Trade Agreements and Law Reform in Latin America." Prominent speakers include, among others, Senator Mary L. Landrieu (Honorary Chair), Dr. Jose Rizo, Vice-President of Nicaragua, Ambassador Otto Reich, Assistant Secretary of State, Bureau of Western Hemisphere Affairs, Dean E. Taylor, President, Tidewater, Inc., Jose Ceballos, Chief Operating Officer, PEMEX, James L. McCulloch, General Counsel, GlobalSantaFe Corp., and Ambassador Roger Noriega, U.S. Representative to the Organization of American States.

Attendees are eligible for up to 17 hours of CLE credit. For more information, please contact the Tulane Continuing Legal Education Office by telephone at (504) 865-5900 or email Paige LeMieux at plemieux@law.tulane.edu

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THE FEDERAL BAR ASSOCIATION'S
NEW ORLEANS CHAPTER AND SOCIAL SECURITY SECTION

Present a

Conference on Social Security Law and Policy

JUNE 13, 2002 • 8:30 a.m – 12:30 p.m

Courtroom of Judge Lemmon
U. S. Courthouse, Room C414 • 500 Camp Street, New Orleans

EST. 4 CLE CREDIT HOURS AVAILABLE (including 1 hour of Ethics) (CLE app. pending)

TOPICS AND SPEAKERS

Ethical Issues Facing the Social Security Practitioner: A. George Lowe, Special Counsel to the Associate Commissioner, Office of Hearings and Appeals, SSA; Matt Greenbaum, Esq.; Ethics Law Professor, Richard C. Stanley, Esq.

The New Musculoskeletal Section of the Listings of Impairments:
Barry Eigen, Executive Program Policy Officer, Office of Disability, SSA

Panel on the Application of the New Musculoskeletal Listings:
Sally Gilbert, Deputy Director, Louisiana DDS; Hon. Donald Fishman, Hearing Office Chief Administrative Law Judge, Metairie OHA; Camille Strachan, Esq., New Orleans.

VE Hypotheticals and Evaluation of Subjective Complaints:
Moderator: Hon. Mary Ann Vial Lemmon, United States District Court Judge, EDLA.
Panelists: TBA, Assistant United States Attorney, EDLA; Hon. Dan Dadabo, Administrative Law Judge, Office of Hearing and Appeals, New Orleans; Kim E. Garcia, Assistant Regional Counsel, SSA; Robert Moffett, Esq., New Orleans.

COST: FBA MEMBERS: \$70.00
NON-FBA MEMBERS: \$90.00
GOVERNMENT OR NON-PROFIT ATTORNEYS: \$50.00
STUDENTS (includes FBA Membership): \$10.00
All Judges may attend free of charge
No refunds after June 6, 2002. Registration at the door is \$10.00 additional.

For further information contact: M. Nan Alessandra alessann@phelps.com/504-584-9297
Inge Hamidjaja 504-589-7990

REGISTRATION FORM

Name: _____

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Mail to: Inge Hamidjaja, Attorney Conference Center, Hale Boggs Federal Building,
501 Magazine St., Room 364, New Orleans, LA 70130

LANCE M. AFRICK cont'd from page 1

arraignments. On April 17, 2002, he was confirmed as a United States District Judge for the Eastern District of Louisiana.

Judge Africk has authored articles in the area of criminal law and civil procedure and he has served as a lecturer at the FBI Academy, the University of New Orleans, Tulane University School of Law, and the Loyola University School of Law. He has served on the faculty of the National Institute for Trial Advocacy and lectured at programs presented by the National Association of Criminal Defense Lawyers, U.S. Attorney General's Advocacy Institute, American Bar Association, Federal Bar Association, and Louisiana State Bar Association. He is a member of the board for the New Orleans Chapter of the Federal Bar Association and he serves on the Louisiana State Bar Association's Federal court bench bar liaison committee.

Judge Africk is a member of the Sugar Bowl Committee and he is a former member of the Board of Directors of the March of Dimes. He has served on the Civil Justice Reform Act Alternative Dispute Resolution Committee for the Eastern District of Louisiana and is the Court liaison to the Federal Bar Association Rules Committee.

Judge Africk's investiture will take place on June 13, 2002 at 3:00 p.m. Following the investiture, the New Orleans chapter of the Federal Bar Association will host a formal reception in the Great Hall of the John Minor Wisdom Fifth Circuit Court Building.

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Louisiana Fifth Circuit Court of Appeal. He later associated with the law firm of Little, Metzger and Lamz (APLC) where he practiced commercial litigation, including real estate, bankruptcy, RICO, contract disputes, construction litigation, and succession litigation. In 1992, he joined the law firm of Hailey, McNamara where he expanded his practice to include personal injury litigation, environmental law, white collar criminal defense work, insurance defense and coverage issues, and, in particular, attorney malpractice defense. He became a partner in July of 1998.

In 1995, Judge Engelhardt was nominated to the nine-member Louisiana Judiciary Commission, and was appointed by the Governor to serve a four-year term on that body. As a member of the Judiciary Commission of Louisiana, Judge Engelhardt and the other eight members handled ethical complaints against state judges across the entire state of Louisiana, making recommendations to the Louisiana Supreme Court regarding appropriate actions. In 1998, he was elected by his fellow commission members to serve as Chairman of the Judiciary Commission. He presided over the Commission's trials of formal charges lodged against sitting state judges.

Judge Engelhardt also serves on the Board of Directors of the Cancer Association of Greater New Orleans.

JAY C. ZAINEY cont'd from page 1

New Orleans and earned his juris doctorate at the Paul M. Hebert Law Center at Louisiana State University.

At his investiture, N.O. Federal Bar President Andy Lee presented Judge Zainey with his judicial robe. He was honored at a reception at Gallier Hall which the New Orleans chapter of the Federal Bar hosted.

TENTH ANNUAL JUDGE ALVIN B. RUBIN SYMPOSIUM

On April 18, 2002, the New Orleans Chapter hosted another successful Judge Alvin B. Rubin Symposium. The Rubin Symposium is an annual panel discussion on aspects of Federal law or Federal practice held as a living memorial to Judge Rubin's contribution to the Federal Jurisprudence and Legal Scholarship. This year's topic was "Rule 11 and What Judges Will Not Tolerate!" Over 200 judges, attorneys, government attorneys and judicial law clerks attended this Ethics and Professionalism program.

The panelists included Judge James Brady, United States District Judge, Middle District of Louisiana, Magistrate Judge Sally Shushan, Eastern District of Louisiana, and litigators, Gerald Meunier, and James Garner. Ashley L. Belleau moderated the program.

Judge Carl J. Barbier, the Chair of the Rubin Symposium, commenced the program by sharing with the audience a few Judge Rubin stories, which illustrated Judge Rubin's contribution to the Federal Jurisprudence and Legal Scholarship. After a quick review of the Code of Professionalism for the United States District Court for the Eastern District of Louisiana, the Louisiana Code of Professionalism, and the Supreme Court of Louisiana's Code of Professionalism in the Courts, Judge Brady addressed "What Judges Will Not Tolerate!" and addressed the powers of the Federal District Court to impose sanctions. Thereafter, the panelists discussed three hypotheticals: (1) settlement (2) bankruptcy; and (3) sanctions, in terms of how attorneys should act, both ethically and professionally. Audience participation was lively!

It was interesting to note that the Code of Professionalism for the United States District Court for the Eastern District of Louisiana provides that the Court "considers any violation of the Code a sanctionable offense to be treated with the same seriousness as a violation of the Code of Ethics." (emphasis added) Consequently, if an attorney is practicing in the Eastern District, he or she should be aware that the Court could exercise its inherent powers to sanction an attorney for a violation of the Eastern District's Code of Professionalism.

Truth is sometimes stranger than fiction. The bankruptcy hypothetical was probably the most interesting of the hypos because it is based on a true case, In the Matter of First City Bank Corp. of Texas, Inc. In that case, even after receiving warnings from the Bankruptcy Judge, the attorney made numerous personal attacks on opposing counsel and his clients and utilized "bullying" tactics, including throwing a bagel at one of the defendants during settlement negotiations! A Motion for Sanctions was filed and the Bankruptcy Court imposed monetary sanctions of \$25,000.00 and barred the attorney from practicing in the Bankruptcy Court of that district without first obtaining written permission from the court. The sanctions were imposed pursuant to Rule 9011 of the Federal Bankruptcy Rules of Procedure and the Court's inherent authority to police practitioners before it. The District Court affirmed the decision and just recently the Fifth Circuit affirmed the lower court's decision.

Many attendees reported that they enjoyed the CLE program and look forward to attending next year!

Interested in becoming a member of the Federal Bar Association?

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365 Canal Street, Suite 2000
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Federal Bar Association New Orleans Chapter

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Chapter President
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New Orleans, LA 70130

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