Q&A With Adams and Reese's Louis LaCour

Law360, New York (March 18, 2013, 3:06 PM ET) -- Louis LaCour joined Adams and Reese in 1984 and is a founding member of the firm's Appellate Practice Team. Since that time, Louis has carefully nurtured its growth and attracted national clientele. He is the former Vice-Chair and now serves as the Chairman of the Louisiana State Bar Association's Appellate Section. Louis's entire practice is devoted to appeals at the state and federal level, in all substantive practice areas. As an adjunct professor for Tulane University, Louis has taught courses in legal writing, civil procedure, and class actions.

Q: What is the most challenging case you have worked on and what made it challenging?

A: In one very serious, multiple-plaintiff personal injury suit, my client prevailed after a week-long jury trial. Plaintiffs appealed, and the court of appeal reversed the jury's verdict and determined, on its own, the quantum of damages for the five plaintiffs, resulting in a multi-million dollar adverse judgment. Review was sought in the Louisiana Supreme Court (a court of discretionary jurisdiction), and the court unanimously reversed the court of appeal, reinstating the original defense verdict. Persuading the Supreme Court to take the case for review, and then persuading it to reject outright the judgment of the intermediate court of appeal was most difficult, and time consuming. But the outcome was ultimately correct.

Q: What aspects of your practice area are in need of reform and why?

A: Oral argument is poorly used by too many courts of appeal, primarily because the advocate has no forewarning what issues are of interest to the court. This causes two unfortunate results: first, the practitioner has no choice but to be completely prepared to address any issue in the case, and master the entire district-court record. This is enormously time-consuming and expensive for the client. Second, if the court were to indicate, before argument, what issues are of most importance, all concerned would find the experience much more useful and efficient. I would suggest that the appellate courts simply issue a pre-argument order stating what issues the lawyers are to address. While such a listing would be enormously useful, it should not, of course, preclude discussion of other issues in the case.

Q: What is an important issue or case relevant to your practice area and why?

A: The standard of review applied by appellate courts can be very difficult to apply in any given instance. The courts too often compound the problem by announcing that it will use one standard or another to consider an issue, and then decide the issue

inappropriately on that standard, or use a different standard altogether. Which standard is used, and how it is used, creates much mischief for the appellate practitioner.

Q: Outside your own firm, name an attorney in your field who has impressed you and explain why.

A: Mike Rubin (attorney at McGlinchey Stafford in the firm's Baton Rouge office) has been a professional, skilled appellate advocate for many years, and is held in wide esteem in this area.

Q: What is a mistake you made early in your career and what did you learn from it?

A: As a young lawyer I did not fully understand how essential it was for your written product to be tight, crisp, and precise. Every word, clause, sentence, and paragraph must pull its weight and not be mere filler on a page. Law schools have not done a very good job in training students how to write effectively. Too often a lawyer's written product is judged by how verbose it is, and how dense the prose, and this despite the appellate bench consistently complaining about the lengths of briefs, their repetitiveness, and their generally flaccid style. Hence the nascent interest in "plain language for lawyers."