

# United States Senate

WASHINGTON, DC 20510-1804

November 2, 2010

The Honorable Barack Obama  
The White House  
Washington, DC 20500

Dear President Obama:

In light of the vacancy on the U.S. Eastern District Court of Louisiana, you requested that I submit to you three potential candidates for your nomination to the United States Senate. I appreciate the care that you and your administration provide to the selection of federal judges and recognize as well that we need to move as quickly as possible to fill this important post to insure the fair administration of justice. Accordingly, it is my honor to present to you three distinguished legal practitioners from Louisiana. All of the candidates have demonstrated extraordinary acumen throughout their respective careers and each represents a unique aspect of the legal tradition. The three candidates, in no particular order, are: Nannette Jolivet-Brown, Judge Jane Triche-Milazzo, and Stephen Herman.

**Nannette Jolivet-Brown** currently serves as the City Attorney for the City of New Orleans. Attorney Jolivet-Brown possesses an outstanding working knowledge of the federal courts and is an authority on matters related to Environmental Law. She developed that expertise in both her practice and by earning an advanced legal degree, a LLM in Energy and Environmental Law. Attorney Jolivet-Brown emerged from a very humble background to be one of only a very few African Americans to hold leadership positions in the New Orleans Federal Bar association. In addition to her work as a practicing lawyer, Jolivet-Brown has served as a law professor at Loyola Law School and as a mediator. She appears to have a very even disposition that is perfectly suited to become a model judge of whom we all can be proud. Our research shows us that should you recommend Attorney Jolivet-Brown and the Senate ultimately confirms her, she would be the First African American woman to serve as an Article III judge in the state of Louisiana. Jolivet-Brown is 46 years old.

**Judge Jane Triche-Milazzo** currently serves as District Judge for the 23rd Judicial District Court of Louisiana. Judge Triche-Milazzo hails from the River parishes, a geographic area that is included in the Eastern District and too often feels neglected. As the first female elected to the bench from the 23rd Judicial District, Judge Triche-Milazzo is a natural leader in her legal community. Prior to serving as district judge, Triche-Milazzo practiced at the offices of Risley Triche in Napoleonville, LA. She is a proud graduate of Louisiana State University Law School and would serve with distinction. Judge Triche-Milazzo is 51 years old.

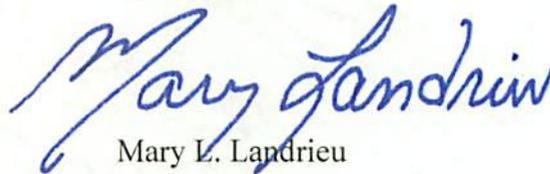
**Stephen Herman** is a partner of Herman, Herman, Katz & Cotlar, L.L.P. Attorney Herman is a serious legal practitioner who has published and spoken extensively on a myriad of topics related to civil law. He was just named co-liaison for the oil spill litigation along with James P. Roy of Lafayette, an indication that Attorney Herman represents the next generation of leaders in major federal cases. In addition to his work in private practice, Herman teaches complex litigation and class actions as an adjunct professor for Tulane Law School and Loyola School of Law, respectively. He graduated magna Cum Laude from Tulane Law School. Herman is 42 years old.

To further aid in your efforts, I have enclosed the full resumes of each candidate. Should you need any additional assistance from me or my staff, please contact my Chief of Staff, Jane Campbell at [Jane\\_Campbell@landrieu.senate.gov](mailto:Jane_Campbell@landrieu.senate.gov) or by phone at 202/224-0095 at work or 202/251-1332 on her cell.

Thank you so much for your consideration. I stand ready to assist you as needed.

With warm regards, I am

Sincerely,



Mary L. Landrieu  
United States Senator

MLL:jlc

**Nannette Jolivet Brown, J.D., LL.M.**  
**4917 Saint Charles Avenue**  
**New Orleans, LA 70115**  
**(504)491-1202; njolivet\_brown@yahoo.com**

### **Experienced Attorney, Negotiator and Mediator**

Experienced attorney, negotiator and mediator successful in implementing creative problem solving techniques, guiding clients in developing strategies, and forecasting business decisions in a variety of individual and business settings. Twenty years of experience leading and managing teams of attorneys and experts in winning complex regulatory, insurance, commercial, maritime, rail road, real estate and environmental litigation averting exposure to millions of dollars in liability. Demonstrated ability to negotiate, teach, lead, counsel and advocate; and effectively manage internal and external resources in meeting regulatory guidelines, judicial and administrative deadlines and compliance while providing critical legal advice. Committed to conduct at the highest level of integrity and professionalism.

### **Highlights of Qualifications**

- Direct and Supervise the legal affairs of major American city through major budget deficit, rehabilitation after major hurricane, Hurricane Katrina, and through the largest environmental disaster, BP Oil Spill
- Mediated over 300 disputes in the past three years alone
- Actively represent parties in mediation for nearly 20 years demonstrating ability to work collaboratively in solving problems.
- Expertise in negotiation and mediation using problem-solving strategies to resolve disputes and avoid future conflict in a variety of contexts including environment, contractual, labor and employment, property damages, personal injury, insurance, education and criminal matters
- Numerous appearances before administrative agencies, regulatory and legislative bodies, district and appellate courts, presentations in public hearings and before boards and commissions
- Provide private consulting and training services to law students, and businesses on negotiation techniques and theories and on preparations for successful mediation
- All aspects of the environmental law and regulations including Resource Conservation and Recovery Act (RCRA) and Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), Clean Water Act (CWA), Clean Air Act (CAA), Underground Storage Tanks (UST) and managed aspects of Brownsfield Projects for the City of New Orleans
- Lead and managed Litigation of property contamination cases and personal injury claims involving Naturally Occurring Radioactive Material (NORM), Technically Enhanced Radioactive Material (TERM), Technically Enhanced Naturally Occurring Radioactive Material (TENORM) and Non-hazardous Oilfield Waste (NOW) or where property is identified as or designated a SUPERFUND site as well as lead and manage other types of toxic tort cases
- Lead, managed, analyzed and litigated insurance coverage claims involving pollution, property contamination and personal injury arising out of exposure to toxic or hazardous substances
- Participated in and managed numerous commercial and business matters involving drafting, interpretation and application of contractual provisions
- Experience in drafting bid documents and procurement contracts and in drafting and meeting RFPs and RFQs.
- Managed and conducted due diligences procedures in the sale and/ or purchase of businesses or other commercial entities
- Hearing Officer and Committee Chair for the Louisiana Attorney Disciplinary Board
- Proven success in alternative dispute resolution in representing various parties in such procedures and in the successful mediation of hundreds of matters as a trained mediator hired by AAA and The Louisiana Department of Insurance to mediate Hurricane Katrina and Rita disputes and as a law professor training two qualifying teams to regional and national ABA Representation in Mediation Competition in 2008
- Highly ethical and competent as demonstrated by an AV Martindale-Hubbard rating by peers

### **Education**

**Masters of Laws in Energy and Environment - Tulane Law School, New Orleans, Louisiana**  
**Juris Doctorate - Tulane Law School, New Orleans, Louisiana, Certification- Program on Negotiation, Harvard Law School, Cambridge, Mass**

## PROFESSIONAL ADDENDUM

### Professional Experience:

**May 3, 2010 City of New Orleans, Mayor Mitchell J. Landrieu  
City Attorney**

Lead the Law Department of major American city consisting of nearly 50 attorneys and 20 support staff in the siting through construction of 3 major hospitals (Veterans Administration, Charity and Methodist Hospitals) involving coordination of federal, state and local governmental assets; lead attorney in the largest environmental disaster in the country's history, the BP Oil Spill; lead attorney in a Department of Justice ("DOJ") review of the New Orleans Police Department involving policy and organizational changes to what was seen as systemic problems in effective policing and public safety; as well as protect the city's interests in DOJ interventions for alleged in ADA violations in city owned facilities, a consent decree involving the Orleans Parish prison, and an overhaul of the Municipal Court System of prosecutions. More generally, responsibilities include directing and supervising the legal affairs of the City by:

- Providing legal advice to the Mayor and City Council and to all officers, departments, and boards concerning any matter affecting the interests of the City;
- In charge of all legal matters in which the City has an interest or to which the City is a party, with power and authority, when directed by the Mayor or the Council, to institute and prosecute or to intervene in any and all suits or other proceedings, *civil and criminal*, as deemed necessary for the assertion or protection of the rights and interests of the City;
- Prepare proposed ordinances, executive orders declarations and proclamations for the Mayor and City Council;
- Prepare and approve all contracts, documents and instruments creating any legal or conventional obligation affecting the City.

Initiating institutional changes to address systemic problems in the City:

- Reorganized the Law Department to optimize resources and talent by moving from department divided by clients to department united by areas of law separated into units for efficiency and economies in limited resources
- Fortified an abandoned Municipal and Traffic Court system creating a Municipal Criminal Justice Program that focuses on non-violent crimes and institute diversion programs and alternatives to imprisonment to allow Police Department and District Attorney to focus on more violent crimes and to relieve the Sherriff from burdens of continued jail space expansions.
- Created a comprehensive attack on city-wide blight by establishing a multi-faceted approach to adjudicating blighted properties, prosecuting offenders and putting properties back into stream of commerce through a unified approach of administrative, civil, prosecutorial and adjudicative methods.

**2003 - May 3, 2010 Chaffe, McCall, LLP, New Orleans, LA.**

**Special Counsel**

Lead and develop strategy in commercial and environmental litigation as lead counsel; Provide advices regarding environmental impact/regulatory compliance in commercial/business transactions where environmental laws and statutory schemes are applied. Litigated variety of cases involving real estate transactions and other contracts on behalf of developers and other businesses, such as railroad companies and in oil and gas industry. Responsible for the management of extensive docket of litigation, regulatory deadlines and compliance order schedules. Managing Partner, Corinne Morrison (504) 585-7000.

- Focus, direct and manage the efforts and internal and external resources while providing critical legal advice.
- Advise and Represent Clients in Alternative Dispute Resolution Processes such as Arbitration and Mediation
- Conduct and defend depositions, manage thousands of documents and evidence, identify legal issues, draft briefs, oral argument in court and appearances before regulatory bodies; provide defense within budgetary guidelines without sacrificing quality.
- Lead trial attorney, negotiator and counselor
- Hearing Officer, Committee Chair, Louisiana Attorney Disciplinary Board
- Mediator, Louisiana Hurricane Mediation Program

**2007-2009 Loyola College of Law. Law Clinic, Mediation Section, New Orleans, LA**

**Visiting Asst. Clinical Prof. of Law**

Supervise student negotiators and mediators in law school clinical setting while teaching law students mediation and negotiation skills and techniques to be applied in resolving disputes in a variety of disputes using collaborative problem-solving techniques such as shared-interests and value-added solutions. Provide private consulting and training services to businesses on negotiation techniques and theories. Supervisor: Prof. Bill Quigley, Director Law Clinic and Gillis Long Poverty Law Center (504) 861-5591 or Dean Brian Bromberger (504) 861-5405

- Planned and implemented ABA Region V Representation in Mediation Competition for Loyola University College of Law March 6 & 7, 2009 while preparing and coaching two teams who placed 3<sup>rd</sup> and 6<sup>th</sup> in competition
- Coached two teams of law students to compete in ABA Representation in Mediation Competition Feb. 2008 and for first time in school's history students placed first and second in regional competition and first place team went on to compete in national ABA competition ultimate ranking among the top 10 students negotiators in the country.
- Completed Harvard Law School's Mediation Certification Program where I refined and expanded upon my skills and techniques in mediation and negotiation
- Nominated by New Orleans Bar Association and appointed by City of New Orleans as a Community Panel Representative to serve on the Selection Review Panel for Environmental Law and Acquisition responses to Requests for Proposals submitted to the City
- Published four articles
- Participated in six continuing legal education presentations
- Chair, Hearing Committee, Louisiana Attorney Disciplinary Board
- Successfully marketed mediation program

**2003 - 2004 Hoffman, Siegal, Seydel, Bienvenu and Centola, LLP, New Orleans, LA.**

**Special Counsel**

In charge of leading and developing environmental practice group. Responsible for managing docket of litigation, regulatory deadlines and compliance schedules. Focus, direct and manage efforts of internal and external resources while providing high quality legal advice. Responsible for developing and implementing trial strategy within predetermined scope and budgets; providing defense of clients within budgetary guidelines without sacrificing quality of representation. Firm dissolved. Contact David Bienvenue at Simone, Peragine, Smith & Redfeare, LLP (504) 569-2030

- Conducted and defended depositions, identified and managed documents, drafted briefs, identified issues to be litigated and defense positions to be taken, presented argument in court, and made presentations to regulatory bodies and governing boards.

**2000 - 2003 Milling Benson Woodward, LLP, New Orleans, LA.**

**Equity Partner**

Chaired Environmental and Toxic Tort Department. Provided environmental regulatory advice to banking and lending institutions in commercial matters. Responsible for communicating the requirements of CAA, CWA, RCRA, CERCLA, Superfund regulations and rules governing Underground storage tanks (USTs) to firms clients and helping them meet those regulations. Managing Partner, Hilton Bell (504) 569-7190.

- Represented energy, oil and chemical companies in appearances before regulatory bodies and in litigation.
- Appeared before regulatory bodies, conducted and defended depositions, drafted briefs and made oral argument in court, lead attorney in trials, and managed thousands of documents and support personnel.
- Lead trial attorney, negotiator and counselor
- Created and participated in marketing and public relations promotions for practice group and firm

**1998 - 2000 Southern University Law Center, Baton Rouge, LA.**

**Assistant Professor of Law**

In charge of teaching and counseling law students. Responsible for teaching Environmental Law (CAA, NEPA, CWA, RCRA, CERCLA et., al) , Environmental Justice, Federal Civil Procedure, Sale and Lease of Property Law, Professional Responsibility, Family Law and Conflicts of Law. Chancellor who was in role at time no longer there, Vice-Chancellor at time, Arthur Stallworth still on faculty: (225) 771-2552

- Co-Chair of Speakers Committee.
- Taught students daily and counsel them through bar passage and job searches.

**1996 - 1998 Onebane Law Firm, New Orleans, LA.**

**Associate**

Managed an extensive docket of litigation, regulatory deadlines, and compliance orders schedules; several files involving public bid issues and issues affecting governmental bodies and their governing principals. Responsible for creating defense strategy to law suits, identifying, analyzing and resolving legal issues, identifying and collecting evidence, maintaining and managing thousands of documents, presenting oral argument in court and presentations before regulatory bodies. Managing Partner, Jim Diaz (retired) (337) 266-1232

- Conducted and defended depositions, oral argument in court, drafting and respond to written discovery; identified issues and draft briefs, and provided legal advice within budget without sacrificing quality of representation.

**1994 - 1996 City of New Orleans, New Orleans, LA.**

**Director**

Managed the Department responsible for collection, transportation and disposal of waste; operation of solid waste disposal facilities, recycling program, street cleaning, enforcement of Sanitation Code and creating/implementing environmental programs. Responsible for the supervision of eight departmental divisions consisting of 175 employees and annual budget of \$23 million and contractual commitments of over \$100 million. Reported directly to Mayor. Mayor at time, Marc M. Morial, currently President of National Urban League in New York, New York mmorial@urbanleague.org

- Led negotiations with regulatory bodies, drafted bid specifications and agreements, lobbied before governmental bodies, drafted and negotiated contracts and consensus builder in community.
- Initiated first curb-side recycling program for the City of New Orleans

**1992 - 1994 Tulane Law School, New Orleans, LA.**

**Teaching Fellow**

Taught law students environmental litigation and strategy, Administrative law, Civil Procedure and Professional Responsibility. Responsible for advocating for community organizations on local, state and federal environmental matters. (Reported to Dean and Clinical Director, Dean Kramer no longer alive, clinical Director, Robert Kuehn, no long on staff).

- Prepared students to accompany me in hearings before local, state and federal regulatory bodies and courts.
- Managed cases involving permitting of hazardous waste disposal facilities, storage wells, lead permitting challenges to siting of facilities.
- Successfully obtained funding to continue programs already in place and start new areas of concentration

**1988 - 1992 Adams & Reese, LLP, New Orleans, LA.**

**Associate**

In charge of keeping an extensive docket of litigation, regulatory deadlines and compliance order schedules. Responsible for setting and maintaining deadlines in discovery; identifying and meeting court and regulatory deadlines; participating in team of lawyers and staff defending clients. Only Partner left at firm to whom I reported was Phillip Franco (504) 581-3234.

- Research and writing of briefs, argue discovery and dispositive motions in court, collected and organized evidence and documents.

## FORMAL EDUCATION

Harvard Law School, Program on Negotiation, Certificate, June 2008

Loyola Law School Mediation Training, June 2006

Tulane Law School, LL.M. Energy and Environmental Law. 1998

- Environmental Law Fellowship; Contributing Editor, Environmental Law Journal

Harvard Law School Summer Institute for Lawyers, Certificate June 1991 in Environmental Law, Securities Law, Tax, Mergers and Acquisitions

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Tulane Law School, New Orleans, J.D. 1988;

- Dean's Honor Scholarship Award; • Earl Warren Scholarship Award; • The Bench (Assistant Editor, 1986; Editor, 1987); • The Black Law Journal, Editor, 1987

University of Southwestern Louisiana, 1985 B.A. English-Journalism

- Treasurer, Student Government Association; • President, Vermilion Honor Society; • Blue Key Honor Society; • Alpha Kappa Alpha Sorority; • Member USL Honors Program Curriculum

## PUBLICATIONS

"The Many Faces of Environmental Justice: Which one Speaks the Truth?" to be published in the Louisiana Bar Journal's Diversity Edition April/May 2009.

"Negotiate?," A book review and article on the subjects covered by Linda Babcock and Sara Laschever in their books Women Don't Ask which illustrates that even women who negotiate brilliantly on behalf of others often falter when it comes to asking for themselves and Ask For It, which lays out a game plan or guide to negotiation that starts before you get to the bargaining table. Louisiana Bar Journal, publication date summer/fall 2008.

"75<sup>th</sup> Anniversary of *Powell v. Alabama*, Commemorated" Louisiana Bar Journal, June/July 2008, Vol. 56, No. 1.

"Coping with Psychological Trauma," Louisiana Bar Journal, February/March 2008, Vol. 55, Number 5.

Advocate, New Orleans Chapter, Federal Bar Association, Editor 2003-04

Criminal Prosecution for Violation of Environmental Laws, BIC Magazine, June 2003 Edition

Opinions Cited and published in Wall Street Journal; USA Today; New Orleans City Business; Times-Picavune; Morning Advocate; and Gambit Weekly.

Opinion Editorials on Environmental Issues published in Times-Picavune and Gambit Weekly.

## RELEVANT SEMINARS AND OTHER PRESENTATIONS

"Mediation Advocacy Workshop," Chair and Moderator, sponsored by the New Orleans Chapter of the Federal Bar Association, June 17, 2010.

"Drafting Mediation Laws," Tulane Law School's Annual International Legislative Drafters' Conference, June 24, 2010.

National Women's Leadership Summit focusing on Energy & Environmental Law, attendee nominated by Senator Mary Landrieu, September 24-26, 2009.

"Women in the Role of Mediator," Speaker, program sponsored by the New Orleans Bar Association, October 21, 2009

"Quality of Life and Work Balance," Speaker, seminar sponsored by the Quality of Life Committee of the Louisiana State Bar Association, December 7, 2009.

"Mediation Workshop," Chair and Moderator, sponsored by the New Orleans Chapter of the Federal Bar Association, September 10, 2009.

"Alternative Dispute Resolution," 2009 International Legislative Drafting Institute at Tulane Law School to be presented June 25, 2009

"Negotiating for Yourself," presented in CLE seminar sponsored by the Louisiana State Bar Association CLE directed to Women Attorneys, section entitled, Running with the Big Dogs without Running Away, to be presented April 24, 2009.

"What Clients and Participating Attorneys Expect from Mediators" and "Ways to Maximize Your Mediator's Effectiveness," Sponsored by Region V of the National Bar Association in Shreveport Louisiana, February 27, 2009.

"Collaborative Law, Interest-based Negotiation and Value-added Solutions as used in Mediation," Lafayette Bench Bar Conference, September 19, 2008

"Drafting Alternative Dispute Resolution Laws," 2008 International Legislative Drafting Institute at Tulane Law School, June 19, 2008

Moderator, *Powell v. Alabama*, 75<sup>th</sup> Anniversary Symposium presented by the New Orleans Federal Bar association, March 13, 2008.

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"Closing the Deal: A Mediator's Perspective on Negotiating Agreement," presented at Tulane Law School, November 19, 2007

"Hurricane Katrina: Environmental Impact and Lessons on Public Health and Justice," Thurgood Marshall School of Law, Texas Southern University, March 31, 2006

## BAR ADMISSIONS

Supreme Court of the United States of America  
U.S. Court of Appeals, Fifth Circuit  
U.S. District Court for the Eastern, Middle and Western Districts of Louisiana  
State of Louisiana

## SIGNIFICANT LITIGATION

**Sherry D. Alday v. CSX Transportation, Inc.** Civil District Court, Parish of Orleans, No 03-08154 (N-8); won a directed verdict in client's favor at close of plaintiff's case and without putting on any evidence for client who was CSX Railroad where plaintiff claimed over \$3 million in damages from injuries sustained when railcar fell upon her and where plaintiff was the conductor with complete responsibility for the casualty.

**Samuel Norman v. National Railroad Passenger Corporation** CDC No.: 2001-18256; Division "J" settled case in low six figures after plaintiff's deposition where plaintiff was in car accident while passenger in employer's vehicle when driver lost control of vehicle when trying to avoid hitting a car that ran a red light (and never found) and claiming \$5 million in damages.

**Rathborne, et al. v. Exxon Mobil Corporation, et al., James Bailey, et al. v. Exxon Mobil Corporation, et al., Rickie Brown, et al. v. Exxon Mobil Corporation, et al.**, resolved while pending in Civil District Court for the Parish of Orleans: Represent primary insurers of Intracoastal Tubular, Inc. in various litigation involving TERM exposure and contamination. Result in Rathborne: Successfully received dismissal on venue exception based on Louisiana Direct Action statute and La. C.C.P. art 42; case resolved before refiling in proper venue.

**Sealed v. Sealed:** (Before Hon. Helen Berrigan, U.S.D.C., E.D. of La. No. 02-0511 c/w 02-1104) Lead counsel in matter that involved claims and counter claims of trade secrets and alleged breach of confidentiality agreement by corporate executive, Civil RICO and Unfair Trade Practices. Settled and dismissed with client having to pay no amount to opposing side and with client being granted ownership of patents.

**Texaco v. AmClyde Engineered:** Lead trial attorney in successful defense of oldest classification society, Lloyd's Register of Shipping, in six weeks trial wherein judge found no liability on part of client in case and granted client costs where damages estimated at \$500 million for loss of Texaco's Petronius Offshore Module in Gulf of Mexico in 1998. (Order entered in Lloyd's Register of Shipping's on April 5, 2002 by Hon. Ivan L.R. Lemelle).

**In Re Logicom Systems, Inc.:** Lead trial attorney successfully representing lowest responsive bidder on state computer hardware contract valued at more than \$3 million against challenges by unsuccessful bidder.

**Ford v. Murphy Oil Co.,** 96-2913 (La. 9/9/97), 703 So. 2d 542: Member of team of litigators in successful defense of Murphy Oil Company in proposed class action toxic tort arising out of explosion at the Murphy Oil Refinery in Chalmette, Louisiana and other continuing nuisance claims filed by neighboring residents. Noted as a land-mark decision in Louisiana class- action and environmental law.

## PROFESSIONAL AWARDS

National Federal Bar Associations' President's Award for New Orleans' Bar Association program on *Powell v. Alabama*, Award to be presented September 20, 2008 (Chair of *Powell v. Alabama* Committee who developed program and moderated event)

Tulane Law School Distinguished Minority Graduate Award (2001-02)

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**LA. Jaycee's Outstanding Young Women (Recognized for Accomplishments in Protecting and Preserving the Environment) (1995)**

**1994 Black Achiever In Business Award, Dryades WMCA**

**Louisiana Bar Foundation Fellow (2002)**

**Association for Women Attorneys Lifetime Membership Award (1997)**

**Honoree, Mayor's Council on Women (1995)**

**New Orleans Magazine 50 People to Watch (Recognized for establishing New Orleans' First Curbside Recycling Program) (1995)**

## **PROFESSIONAL ASSOCIATIONS**

- **Federal Bar Association (member 1988-present), Board of Directors (2001-09) Editor, Advocate (2003-04): Award for Outstanding Publication, National FBA**
- **American Inns of Court (Barrister) (Acadiana) (1996-98)**
- **Institute for Energy Law of the Center for American and International Law, Advisory Board Member (2002-03)**
- **Louisiana State Bar Association: House of Delegates (2000-04); Minority Involvement Section (1988 - present); Environmental Law Section (1988 - present): Alternative Dispute Resolution Committee; Quality of Life Committee Appointment 2007-09**
- **New Orleans Bar Association (1988 - present)**
- **American Bar Association: Litigation Section, Environmental (1988 - present)**
- **Association of Women Attorneys, (Past President, Past Board Member)(1990-93)**
- **Fifth Circuit Court of Appeal Bar Association**
- **Louis A. Martinet Society (1988 - present)**
- **Maritime Law Association, Associate Member (2002 - present)**

## **CIVIC AND COMMUNITY INVOLVEMENT**

**New Orleans Chapter of Coalition of One Hundred Black Women**

**Judge, Coach, Teen Court**

**Regularly volunteer as peer counselor and speaker at various community organization events to talk about environmental issues, mediation, special education issues and the law, in general. Donates a significant amount of time to providing free legal and mediation services to those in the community in need.**

**United Way of Greater New Orleans, Women's leadership Initiatives, since 2002**

**Jack and Jill of America, New Orleans Chapter, since 2003. Executive Board Member, 2007-08, Chair, Foundation and Grants for children's leadership programs**

**Big Brothers Big Sisters of Greater Houston, Fall 2005 - Spring 2006. Appointed member of Fundraising Committee. Raised money and secured sponsors for Gala to help defray costs incurred by organization taking on little brothers and sisters from New Orleans after Hurricane Katrina.**

**Committee of 21, 1994-96**

**Institute of Politics, 1995**

**BAR AND TRIAL ASSOCIATIONS (cont.)**

*Wiedemann-Wysocki Award, 2001.*  
ATLA Press Advisory Board, 1999-2002, 2007 -  
*Amicus Curiae* Committee, 2008 -  
Keyperson Committee, 1996 -  
Constitutional Litigation Committee, 1997 -  
Member, Commercial Law Section, 1996 -  
Member, Insurance Law Section, 1996 -  
Member, Tobacco Litigation Group, 1996 -  
Member, Health Care Finance Litigation Group, 1998 -  
Member, Electronic Discovery Litigation Group, 2004 -  
Member, Cox-2 (Vioxx) Litigation Group, 2005 -  
Member, Preemption Task Force, 2008 -

**Civil Justice Foundation.**

President, 2003-2004.  
Board of Trustees, 1999 -  
*President's Award, 2001.*

**Louisiana Bar Association, 1994 -**  
Member, Consumer Protection Section, 1996 - 1998.

**Louisiana Association for Justice, (formerly LTLA), 1995 -**  
Board of Governors, 2004 -  
Council of Directors, 2006 -  
AAJ State Delegate, 2007 -  
Chair, Law Office Technology Section, 2006 - 2007.  
*Amicus Curiae* Committee, 1999 -  
President's Advisory Board, 1996-1997, 1999-2000.  
Constitutional Litigation Committee, 1996 -  
Key Contacts Committee, 1997 -  
Speakers Bureau, 1999 -

**Litigation Counsel of America.**  
Fellow, 2007 -

**Federal Bar Association, New Orleans Chapter.**

**Bar Association of the Fifth Federal Circuit.**

**New Orleans Bar Association.**

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**PUBLICATIONS**

*America and the Law: Challenges for the 21<sup>st</sup> Century*, Austin & Winfield, 1998, (revised edition, Gravier House Press, 1999).  
"HMO Litigation" Tort Litigation: Preparation and Tactics - 2000 and Beyond (West 2003).  
"Spoliation of Evidence" Civil Trial Practice: Winning Techniques of Successful Trial Attorneys (Lawyers & Judges Publishing, 2000),  
revised and reprinted in, Aircraft Accident Reconstruction and Litigation (Lawyers & Judges Publishing, 2003).  
"Percentage Fee Awards in Common Fund Cases" Tulane Law Review Vol. 74, Nos. 5-6, p.2033 (June 2000).  
"Evidence Preservation and Spoliation" TRIAL Magazine, September 2005, p.50.  
"Federal Preemption: *Geler* and Its Implications" Louisiana Advocates Vol.XVI, No.1, p.8 (Jan. 2001).  
"The Use and Abuse of Privilege in Discovery" Australian Products Liability Reporter, Vol. 10, No.5 (June 1999).  
"Understanding Spoliation of Evidence" TRIAL Magazine March 2001, p.45.  
Review of *In Defense of Tort Law*, TRIAL Magazine November 2001, p.86.  
"Proposed Changes to Rule 23: Consulting with Practicing Attorneys" Sidebar Vol. 3, No. 2, p.7 (Spring 2002),  
reprinted in, The Federal Lawyer Vol. 49, No.8, p.14 (Sept. 2002).  
"Fighting Mandatory Arbitration" Louisiana Advocates Vol.XVII, No.5, p.13 (May 2002).  
"*Roark v. Humana*: What This New Decision Means for Your Medical Malpractice Cases Involving HMOs"  
Louisiana Advocates Vol. XVIII, No. 1, p.8 (Jan. 2003).  
"TLPJ Urges Trial Lawyers to Fight Court Secrecy" Louisiana Advocates Vol.XVII, No.6, p.13 (June 2002).

**PUBLICATIONS (cont.)**

- "Federal Court Upholds Rights of Plaintiffs Who Opted Out of Nationwide Class Action Settlement to Pursue Individual Claims" Louisiana Advocates Vol. XVIII, No. 1, p.14 (Jan. 2003).
- "U.S. Supreme Court Rules Asbestosis Victims Can Recover Damages Based on Fear of Cancer" Louisiana Advocates Vol.XVII, No.6, p.7 (June 2003).
- "Being a Savvy Blogger" Louisiana Advocates (July 2007), p.12.
- "How to Maximize the Advantages of E-Mail and Eliminate the Risks" Louisiana Advocates (August 2007), p.6.
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**SPEECHES AND PAPERS**

- "Removal by Preemption Under the *Avco* Exception..." Litigation at Sunrise, 1996 ATLA Annual Convention, Boston, Massachusetts, July 23, 1996.
- "Spoliation of Evidence and Related Topics" Yours to Choose Seminar, LTLA, New Orleans, Louisiana, December 28, 1996.
- "The Use and Abuse of Privilege in Discovery" Litigation at Sunrise, 1998 ATLA Annual Convention, Washington D.C., July 1998, and Yours to Choose Seminar, LTLA, Baton Rouge, Louisiana, December 30, 1998.
- "Force-Placed Insurance: Banks' Failure to Disclose" Last Chance Seminar, LTLA, New Orleans, Louisiana, December 18, 1998.
- "HMO Litigation" Winter Ski Seminar, LTLA, Aspen, Colorado, March 6, 2000, and Last Chance Seminar, Winning With the Masters, LTLA, New Orleans, Louisiana, Dec. 14, 2000.
- "Class Action Litigation Against HMOs" 2001 ATLA Annual Convention, Montreal, Canada, July 17, 2001.
- "Managing Complex Litigation for the Louisiana Paralegal" Institute for Paralegal Education, New Orleans, Louisiana, July 9, 1999.
- "Subrogation and Loss Recovery in Louisiana" National Business Institute, New Orleans, Louisiana, March 24, 2000.
- "Can We 'Import' Better Law in Personal Injury Cases?" LTLA Spring CLE Retreat, Orlando, Florida, March 31, 2002.
- "Case Evaluation and Other Pre-Filing Considerations" Tobacco Litigation Group, ATLA Annual Convention, Atlanta, Georgia, July 21, 2002.
- "Proving Fraud in Tobacco Cases" ATLA Annual Convention, Atlanta, Georgia, July 21, 2002.
- "Preparing and Taking Depositions for Use at Trial" STLA, New Orleans, Louisiana, February 28, 2003, and LTLA *A La Carte* Seminar, New Orleans, Louisiana, December 30, 2004.
- "Trial and Post-Trial Motions: The Plaintiff's Perspective" National Business Institute, New Orleans, Louisiana, June 20, 2003.
- "A Practical Framework for Class Action Litigation" ABA National Institute on Class Actions, San Francisco, California, Oct. 24, 2003, and Washington, D.C., Nov. 7, 2003.
- "Identifying Spoliation of Evidence Issues and Related Issues Surrounding the Preservation and Discovery of Electronic Data" National Business Institute, New Orleans, LA, March 30, 2004, and Lafayette, LA, December 2, 2004.
- "Civil Discovery Sanctions" Dealing with Destruction: Preservation and Spoliation of Electronic Data and Other Evidence in Louisiana, National Business Institute, New Orleans, LA, March 30, 2004, and Lafayette, LA, December 2, 2004.
- "Plaintiff's Personal Injury from Start to Finish" National Business Institute, New Orleans, Louisiana, November 30, 2004, and New Orleans, Louisiana, June 30, 2006.
- "Litigating the Class Action Suit in Louisiana" National Business Institute, New Orleans, Louisiana, January 7, 2005.
- "Proposed Changes to the Federal Rules" Electronic Discovery Teleseminar, May 10, 2005, and, ATLA Annual Convention, Toronto, Canada, July 25, 2005.
- "Recent Decisions Affecting E-Discovery" E-Discovery: Get Ready to Apply the New FRCP Changes, National Business Institute, New Orleans, Louisiana, December 20, 2006.
- "E-Discovery Procedures and Compliance with the New Rules" E-Discovery: Get Ready to Apply the New FRCP Changes, National Business Institute, New Orleans, Louisiana, December 20, 2006.
- "Conducting Forensic Analysis" E-Discovery: Get Ready to Apply the New FRCP Changes, National Business Institute, New Orleans, Louisiana, December 20, 2006.
- "E-Discovery Under the New Rules" LTLA *A La Carte* Seminar, New Orleans, Louisiana, December 29, 2006.
- "The E-Discovery Amendments to the Federal Rules: Panel Discussion - E-Discovery Practical Considerations" Federal Bar Association, New Orleans Chapter, February 2, 2007.



### VERDICTS, DECISIONS, REPORTED SETTLEMENTS AND AWARDS

- Scott v. American Tobacco, et al**, Civil District Court for the Parish of Orleans, State of Louisiana, No. 96-8461, July 28, 2003, (Jury verdict in Phase I trial for class of Louisiana smokers finding tobacco industry liable for fraud, conspiracy, and intentional torts, and responsible for the establishment of a court-supervised medical monitoring and/or cessation program), and, May 21, 2004 (Jury verdict in Phase II in the amount of \$591 Million for 10-year comprehensive court-supervised smoking cessation program), *aff'd, in part*, No. 2004-2095 (La. App. 4<sup>th</sup> Cir. 2/7/07) (upholding award of \$279 Million fund to Class for 10-year cessation program) (Member of Trial Team, Philip Morris Team, and co-Lead of Briefing Team).
- Niven v. Boston Old Colony, et al**, 24<sup>th</sup> JDC, State of Louisiana, No.373-299, December 28, 1998, (judgment of \$529,027.02 for plaintiff against La. DOTD - total damages \$5,290,270.20), *rev'd*, No. 99-783 (La. App. 5<sup>th</sup> Cir. 1/25/2000).
- Marchesani v. Pellerin-Milnor**, 248 F.3d 423 (5th Cir. 2001), *and*, 269 F.3d 481 (5th Cir. 2001), *and*, *Louisiana Advocates* Vol.XVIII, No.4 (April 2003) p.14, *and* *ATLA Law Reporter*, Vol. 46, p.240 (Sept. 2003) (\$3.375 million settlement).
- Turner v. Angelo Infrate, et al**, No. 596-274 (La. 24<sup>th</sup> JDC), *Louisiana Advocates*, Vol.XXI, No.10, p.15 (Oct. 2006), *and*, *AAJ Law Reporter*, Vol.L, No.6 (Aug. 2007) (\$4.5 million settlement).
- In re: Vioxx Prod. Liab. Lit.**, MDL No. 1657 (E.D.La.), *Louisiana Advocates*, Vol.XXIII, No.1 (Jan. 2008) (\$4.85 Billion Settlement Fund) (Co-Chair of Sales & Marketing Committee, Insurance Committee, Member of Drafting Team for PNC).
- DeGarmo v. Healthcare Recoveries, Inc.**, No. 5:94cv14 (N.D.W.Va. 2001), 45 *ATLA Law Reporter* 180 (June 2002), *and* *Louisiana Advocates*, Vol.XVI, No.9, p.10 (Sept. 2001) (\$3 million settlement for class of policyholders for unlawful subrogation practices).
- Galuzska v. Rosamond and GEICO**, No.618-435 (La. 24<sup>th</sup> JDC), *Louisiana Advocates*, Vol.XXIII, No.6 (June 2008) (\$925,000 settlement in auto case).
- Marberry v. Sears**, 15<sup>th</sup> JDC, State of Louisiana, No.96-3244, December 7, 1998, (judgment of \$195,054.96 for plaintiff).
- Kettles v. Hartford Life**, 1998 U.S. Dist. LEXIS 12899 (E.D.La. Aug. 14, 1998) (summary judgment for plaintiff awarding over \$80,000 in disability benefits).

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### ACTIVITIES, OFFICES, APPOINTMENTS AND AWARDS

- A/V Rated, Martindale-Hubbe.
- Finalist, Trial Lawyer of the Year Award, TLPJ, 2005.
- "Superlawyer" in the area of Class Actions and Mass Torts, 2007, 2008,
- Appointed to the Plaintiffs' Steering Committee, *In re: Express Scripts Pharmacy Benefits Management Litigation*, MDL No. 1672, Civil Action No. 4:05-md-01672-SNL, USDC for the Eastern District of Missouri.
- Public Justice, (formerly TLPJ), Louisiana State Network Coordinator, 2000 -
- Host Committee, Fifth Circuit Judicial Conference, New Orleans, Louisiana, April 19-22, 1998.
- Curator *Ad Hoc*, *Boomco LLC vs. Ambassador Inn Properties, et al*, CDC No. 98-21208, Parish of Orleans, State of Louisiana.
- Moderator, "Winning With the Masters", Last Chance Seminar, LTLA, New Orleans, Louisiana, December 19, 1998.
- Moderator, "Winning With the Masters", Last Chance Seminar, LTLA, New Orleans, Louisiana, December 14, 2000.
- Welcome, ATLA Jazz Fest Seminar, New Orleans, Louisiana, May 1, 2003.
- Guest Appearance, *It's the Law* "Challenges for the 21<sup>st</sup> Century" New Orleans Bar Association, March 15, 1999.
- Guest Appearance, *Bev Smith Show* "Is Tobacco Litigation Good For America?" American Urban Radio Network, June 8, 2000.
- Guest Appearance, *The Morning Show* "Are Tobacco Lawsuits Good For America?" KRLV Radio, June 9, 2000.
- Guest Appearance, *On the Air with Mike Bung* "Tobacco Litigation and Challenges for the 21<sup>st</sup> Century" 1540 AM, June 15, 2000.
- Guest Lecturer, "The Nuremberg Trials" Touro Synagogue Religious School, April 2003.
- Judge, ATLA Student Trial Advocacy Competition, Finals, New Orleans, Louisiana, March 26, 1999.



**JANE TRICHE-MILAZZO****PERSONAL:****BIRTHDATE:** March 2, 1957**SPOUSE:** John W. Milazzo, Jr.**CHILDREN:** Richard G. Perque, Anne L. Perque, Jerome F. Perque, K. Joseph Perque .**STEPCHILDREN:** John W. Milazzo, III, Jennifer S. Milazzo**HOME ADDRESS:** 5184 Hwy 308, Napoleonville, Louisiana 70390**WORK ADDRESS:** 305 Chetimaches Street, Donaldsonville, Louisiana 70346 .**EDUCATIONAL BACKGROUND:**

Nicholls State University, Thibodaux, Louisiana, B.A., Magna Cum Laude, 1977;

Paul M. Hebert Law Center, Baton Rouge, Louisiana, J.D. 1992.

**PROFESSIONAL BACKGROUND:**

Law Office of Risley C. Triche, LLC, Napoleonville, Louisiana, 1992-2008;

District Judge, Twenty third Judicial District Court, Parishes of Assumption, Ascension, and St. James, August 2008-present.

**POLITICAL AFFILIATIONS:**

Louisiana Democratic Party State Central Committee, Member 2000-2007;

Louisiana Democratic Party Patrons, Member 1997-2007;

Assumption Parish Democratic Committee, Member 1999-2007;

Democratic National Convention, Delegate 2000 and 2004.

**PROFESSIONAL ASSOCIATIONS:**

**LSU Law School Board of Trustees, Member 2000-present;**

**American Bar Association, Member 1992-present;**

**Louisiana State Bar Association, Member 1992-present;**

**House of Delegates, Member 2005-2008;**

**Member , Legislative committee 2006-2008;**

**Chair, Legislative committee, 2007-2008;**

**Twenty Third Judicial Bar Association, Member 1992-present;**

**Vice President, 2006-2007;**

**President, 2005-2006;**

**Assumption Parish Bar Association, Member 1992-present;**

**Louisiana District Judges Association, Member 2008-present;**

**National Association of Women Judges, Member 2008-present.**

Jane Triche-Milazzo, District Judge for the 23<sup>rd</sup> Judicial District Court, was sworn into office on August 1, 2008, as the first female judge elected to the 23<sup>rd</sup> judicial district bench. Judge Triche-Milazzo is married to John Milazzo, Jr. and has 4 children and 2 step children; they have 1 grandchild. She is the daughter of Risley "Pappy" and Clara Triche of Napoleonville, Louisiana

Judge Triche-Milazzo attended Assumption High School, and graduated with a BA from Nicholls State University In 1977, magna cum laude. She graduated from LSU law school in 1992. After law school graduation, she immediately went into practice with her family, Law Offices of Risley Triche, in Napoleonville, where she engaged in a general practice.

During her years in private practice, Judge Triche-Milazzo was active in several legal organizations and served as president of both the Assumption Parish Bar Association and the Twenty Third Judicial District Bar Association. She was also a member of the Louisiana State Bar Association House of Delegates, where she served as a member of the Legislative Committee and as Chair in 2007.

Judge Triche-Milazzo is a member of the LSU Law School Board of Trustees, American Bar Association, and Louisiana State Bar Association, Fifth Circuit Court of Appeal Bar Association, 23<sup>rd</sup> Judicial District Bar Association, Baton Rouge Bar Association, National Association of Women Judges, and Louisiana District Court Judges Association.

## STEPHEN J. HERMAN

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### EDUCATION

**Isidore Newman School** New Orleans, LA  
Board of Regents Scholar, 1987.  
National Merit Letter of Commendation, 1986.

**Dartmouth College** Hanover, NH  
Bachelor of Arts, 1991.  
GPA, Overall: 3.3; Major (English): 3.6.  
Third Honor Group, 1989-1990.  
Citation of Excellence in the Study of Milton, 1990.  
Citation of Excellence in the Study of Shakespeare, 1990.  
Winner of the Elenor Frost Playwriting Competition, 1991.

**Tulane University School of Law** New Orleans, LA  
Juris Doctor, *Magna Cum Laude*, 1994.  
GPA: 3.52; Class Rank: Top Ten Percent.  
*Order of the Coif*.

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### EMPLOYMENT

**Herman, Herman, Katz & Cotlar, L.L.P.** New Orleans, LA  
Associate, 1995 - 2001.  
Partner, 2002 -

**Herman Gerei, L.L.P.** Atlanta, GA  
Associate, 1999 - 2001.  
Partner, 2002 -

**Justice Harry T. Lemmon, Louisiana Supreme Court** New Orleans, LA  
Judicial Clerk, 1994-1995.

**Democratic Senatorial Campaign Committee** Washington, DC  
Paid Intern, 1989.

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### ACADEMIC POSITIONS

**Tulane University School of Law** New Orleans, LA  
Adjunct Professor, Complex Litigation, 2009 -

**Loyola University School of Law** New Orleans, LA  
Adjunct Professor, Advanced Torts: Class Actions, 2005 -

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### PROFESSIONAL APPOINTMENTS

Louisiana Attorney Disciplinary Board, Hearing Committee Member, 4<sup>th</sup> and 5<sup>th</sup> Circuits, 2008 -

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### ADMISSIONS TO PRACTICE

State of Louisiana, Supreme Court and all Inferior Courts, 1994.  
United States District Courts, Eastern, Western, and Middle Districts of Louisiana, 1995.  
U.S. Fifth Circuit Court of Appeals, 1995.  
U.S. Ninth Circuit Court of Appeals, 2004.  
U.S. Supreme Court, 2007.

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### BAR AND TRIAL ASSOCIATIONS

American Bar Association, 1994 -  
Member, Labor and Employment Section, 2004 -

American Association for Justice, (formerly ATLA), 1995 -  
State Delegate, Louisiana, 2007 -  
"Advocate" - National College of Advocacy, 1996.