

# THE Key Piece

A MONTHLY PUBLICATION OF  
LOYD J. BOURGEOIS LLC



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## 'Expectations were a little different'



In the aftermath of LSU Women's Basketball National Championship (Geaux Tigers!), I read a lot about the character and personality of the team and the philosophy of its coach, multi-national champion, Kim Mulkey.

One quote resonated with me in particular. She was talking about how she gave a little more "tough love" to two of her star players, Angel Reese and Alexis Morris. She stated, for these two players, the , "Expectations were a little different."

Why? It's because they were stars; the best players on a team full of great players. And because of this, Mulkey's expectations of them were different than those she had for the other players. She expected them to act and perform like the best players on the court at all times. If they did not live up to the lofty expectations, there would be a bit of tough love.

By all accounts, Reese and Morris thrived under these expectations. As noted in a post-game press conference, the players needed it, wanted it, and embraced it. Mulkey sensed their greatness and – as all great coaches do – did her best to get the greatness out of them. It doesn't sound like it was easy for the players... it's usually not easy when tough love is directed squarely at you.

The quote resonated with me because I relate it to the passage in Luke 12:48: "Much will be expected from the one who is given much." Whether it is talent in sports, blessings in life, or simply the ability to make others smile, when we are given such gifts, the expectations surrounding our use of such gifts are different. **And that's OK.**

Embrace the higher expectations! It means others see the gifts we have, even if sometimes we don't.

Sincerely,

Donelon supports  
'tort reform' for  
homeowner's  
insurance

By WESLEY MULLER, *LaIlluminator.com*

After pushing so-called tort reform legislation in 2020 that failed to reduce auto insurance rates, Louisiana Insurance Commissioner Jim Donelon is

CONTINUED ON NEXT PAGE...



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I created this workbook for you to document all the evidence you need to obtain a fair settlement from the insurance company after getting hurt in a wreck; things you may forget with time, like:

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# LJB's Cookin' Corner

## RED VELVET CHOCOLATE CHIP COOKIES

### INGREDIENTS

- 2 1/4 cups all-purpose flour
- 2 1/2 tbsp. cocoa powder
- 1 1/2 tsp. corn starch
- 3/4 tsp. baking soda
- 1/2 tsp. salt
- 8 tbsp. unsalted butter, room temperature
- 6 tbsp. vegetable shortening
- 1 1/2 cups granulated sugar
- 1 large egg
- 1 large egg yolk
- 1 1/2 tsp. white vinegar
- 1 1/2 tsp. pure vanilla extract
- 1 tbsp. red food coloring
- 1 1/3 cups white chocolate chips, divided

### INSTRUCTIONS

1. Take out wet ingredients like eggs and butter

ahead of time so they are at room temperature before adding them to your batter.

2. Preheat oven to 375 degrees. In a medium mixing bowl, combine flour, cocoa powder, cornstarch, baking soda, and salt. Set aside.
3. In another mixing bowl or stand mixer, cream together the butter, shortening, and sugar for about 3 minutes until fluffy. Slowly add in the egg yolk and egg and mix to combine. Add vinegar, vanilla, and food coloring and mix until just combined.
4. Add in the dry ingredients until combined. Mix in 1/2 cup white chocolate chips.
5. Line cookie sheets with parchment paper and scoop out the cookie dough into heaping tablespoons. Be careful not to flatten the cookies.
6. Bake for 8-9 minutes in the preheated oven. Transfer to a wire rack to cool and



press extra chocolate chips on top. Keep the cookies in an airtight container.

*If you have a recipe that you'd like to submit to the newsletter, please share it with us at [info@LJBLegal.com](mailto:info@LJBLegal.com).*

*We're always looking for new recipes to try and share.*

## STRIVING FOR CONTINUOUS IMPROVEMENT

During a recent conversation with Reid regarding his potential career paths, I emphasized the significance of continuously learning and striving for personal and professional growth, regardless of the job he ultimately chooses. However, I am aware that words alone hold little value without being modeled. We're always striving for improvement and are dedicated to providing our team members with opportunities to improve.

Over the past few months, I have participated in the Trial Lawyer's College in Hunt, Texas and an attorney Mastermind in Fairfax, Va. Additionally, Christy attended the National Association of Disability Representatives conference in Denver, while Megan attended a personal injury case management boot camp. Megan and I traveled to Atlanta to attend a business management seminar for personal injury attorneys.

We are committed to investing in improving our customer experience, case results, and our team.



### Reminder About Our Firm's COMMUNICATION POLICY

Our promise to you is that while we are working on YOUR case – we are WORKING on YOUR case. And this goes for each and every one of our clients. This means that our focus and attention are squarely on your case

and not anything else. Because of this, Loyd Bourgeois DOES NOT take unscheduled phone calls, emails, or walk-ins. This makes all of us more productive, efficient, and knowledgeable about YOUR case. It may help get your issue resolved faster. You can always call the office at (985) 240-9773 and schedule a phone appointment or in-person visit.

### DISCLAIMER:

*This publication is intended to educate our clients, referral sources, and others in our network. This is not intended to be legal advice.*

*Each case is different You can pass this information along to your family and friends as long as the newsletter is copied in its entirety.*

## DONELON SUPPORTS TORT REFORM CONTINUED

backing a similar proposal this year to benefit homeowner's insurance companies.

During a town hall meeting, Donelon said he would "absolutely" support a proposal that would make it harder and more expensive for property owners in Louisiana to file lawsuits against insurance companies that refuse to pay claims. Donelon's proposal is modeled after a bill approved in Florida in a December special session on insurance. Lawmakers in Florida have advanced a measure that would place similar restrictions on other forms of tort — wrongful acts where a person injured or impacted can seek remedy.

Real Reform Louisiana, a nonprofit that opposes laws that shield insurance companies from lawsuits, has criticized a legislative package the Louisiana Department of Insurance unveiled at a March 12 meeting with insurance industry executives. One of the slides in Donelon's presentation summarized three provisions in the Florida legislation that would give insurance companies legal advantages over homeowners and small businesses.

The first would repeal the ability of courts to award attorney fees as a penalty when insurers fail to pay claims on time. This would force policyholders to pay their own legal expenses even if they win in court. The second would introduce the requirement of an adverse adjudication, which means policyholders would have to first win a court judgment proving a breach of contract before seeking additional bad faith damages. This stipulation would essentially force policyholders to go to court twice, according to Real Reform Louisiana Executive Director Ben Riggs.

The third provision says that if an insurance company's appraiser recommends more in damages than the insurer awards, the policyholder must still go to court for the adverse adjudication. Republican state lawmakers, in general, have supported legislation that benefits corporate interests. Republicans hold super majorities in both chambers of the legislature. In 2020, Donelon proposed similar legislation for automobile owners. Business lobbyists promised the proposal would lower auto insurance rates, arguing that Louisiana was an overly litigious state with laws that were too harsh on insurance companies. Lawmakers believed that argument and approved the legislation. It became harder for car accident victims to sue insurance companies, but it did nothing to bring down policy premiums. Auto insurance rates only got worse.

Donelon's latest proposal comes on the heels of a \$45 million incentive package the legislature approved in February to get insurance companies to write more policies. The insurance department has approved grants totaling \$41.8 million for eight insurance companies that will remove roughly 90,000 policies from Louisiana Citizens Property Insurance Corp., the state's insurer of last resort. Donelon wasn't available for comment.

## LOYD'S TAKE

From the perspective of both a homeowner and an attorney, recovering money needed to repair our homes is hard enough already. Insurance companies are playing a numbers game. Claimants get frustrated and give up. Litigation costs, possible bad faith penalties, and attorney's fees for the few who fight back are more than made up for by the many who give up and accept low offers.

Donelon's proposed changes will further stack the numbers in the insurance company's favor. If there is essentially no threat of paying penalties and fees, the insurance companies will have no reason to make reasonable offers. Even if they have to pay in the end, they will not do so upfront. They can hold on to their money while the homeowner is left living in temporary housing no negotiating tools.

Donelon announced in March he will not seek re-election. Candidate Tim Temple says Louisiana's insurance rates are too high because of too much regulation and litigation. He says he wants to "deregulate," which I assume means he also wants to loosen restrictions on insurance companies and make it harder to recover payments. As mentioned in the article and discussed here, the "tort reform" passed in 2020 failed to reduce car insurance rates. After the legislation passed and rates went UP, insurance lobbyists bragged they knew it wouldn't lower rates.

The head of the Independent Insurance Agents & Brokers of Louisiana admitted that after years of unsuccessfully trying to pass bills that would limit the ability of individuals to recover losses, the group took a different tack: "Strategically, we did something different this year in pressing forward on tort reform. Historically, we've talked about tort reform from the perspective of, 'We need to improve the business environment, and tort reform is an important part of [that]...' But it is not really an issue that is going to excite Joe Six-Pack to call their legislator and press for tort reform. And so, the change in strategy was, we kind of tied tort reform to automobile insurance rates this time."

Is someone referring to you as "Joe Six-Pack" really looking out for your best interests?

Two other claimed goals of tort reform are to reduce the number of lawsuits filed and attorney's fees paid. These proposals will have the opposite effect. If everyone who needs to recover damages is forced to sue, the number of suits will go up. Attorney's fees will increase as more people will need to hire a lawyer to settle their claims. (Many attorneys like myself only charge a fee on the increased amount gained above the insurance offer that was presented before the attorney was hired.)

While everyone can agree Louisiana's insurance rates are high, and many insurers have left the market post-Ida, as evidenced in previous reform, taking away the rights of homeowners to recover damages will do nothing to solve the actual issues.

## REVIEW ROUNDUP



"When someone is sick and then loses their only source of income it becomes more difficult for them. Loyd's office took that stress away. They helped when no one else would. Thank you for caring about my needs."

— *Bobbie Driver*



"The team at Loyd's are professional, concerned, courteous, experienced and they talk to you as a person to person not just a client. I will recommend them to any and everybody I can."

— *David Burns*



## REID'S JOKE CORNER

When's the best time to wash your Slinky?  
**During Spring cleaning.**

I tried to catch the fog...  
**But I mist.**

Why are frogs so happy?  
**Because they eat whatever bugs them!**

## LEGAL VIP PERKS

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IN THIS ISSUE: Red Velvet Chocolate Chip Cookies // Expectations with Kim Mulkey // Tort Reform

### DRIVING FOR A RIDE SHARE? READ THIS

We recently evaluated a case for an Uber driver who was crashed into from behind by a driver who fled the scene and was never caught. He was a good, responsible driver – a school teacher driving Uber to make some extra money. He was hurt really badly. Neck surgery was required. But when he made a claim with Uber, their insurance said, "Sorry, this is not covered."

He was floored.

"Not covered? I purchased all available

insurance from Uber. What do you mean this is not covered?"

Under state law, ride-share companies are required to have liability insurance and uninsured/under-insured motorists ("UM") coverage. However, the statute includes a wrinkle. If the policyholder is informed of and rejects UM coverage, then UM coverage is not required. In this case, Uber rejected the UM coverage; it says so right on the declarations page provided in the account summary on the driver's app (AKA "the fine print").

Of course, the driver's personal policy does not cover him while driving for hire. So he was left holding the bag and dealing with his injuries and the many costs associated with them without a clear avenue of recovery.

THE LESSON: If you are a ride share driver, make sure you are fully aware of whether or not you have UM coverage through the ride share platform (Uber, Lyft, etc.) by checking the declarations page before each trip. If you do not, you may want to inquire about purchasing it.

### THANKS FOR YOUR RECENT REFERRALS

- Steve Seipel
- John Zeringue
- Chip Morrison, attorney
- Christy Moore
- Jake Lemmon, attorney
- Lesley LeGlue

- Martina Salles
- Grady Mabry
- Steven Griffith, attorney
- Kevin Vogeltanz, attorney
- Gary Jollins
- Kelli Oertling

- Osterhout Berger  
Disability Law
- Tim Benedetto, attorney
- Guy Perrier, attorney
- Law Office of Ramsey Skiles,  
Streva & Bourgeois

- Scott "Camp" Sledge, attorney

We are always thankful to those who trust us enough to recommend us to their family, friends, and/or clients.