

NEWS FROM THE DOCKS



Louisiana Ports Deliver

ASSOCIATION OF LOUISIANA

May 2012
Volume 13, No.5

Message from the PAL Office

April showers bring May flowers?? Spring is in the air??? All of those adages are appropriate but it just seems a little too warm too early...but since we had such a mild winter, maybe we're about right. Or maybe I am just confused...at this point I am dreading August.

PAL activities continue with the current Legislative session drawing most of our attention. The Economic Impact Study is virtually complete and we hope to make appointments with Secretary LeBas and Secretary Moret to present the findings. Once that is accomplished, the study will be posted to our website for everyone to review. The findings are impressive and are consistent with our mantra that "Ports are ImPORTant" to Louisiana's economy.

PAL is already looking forward to our 2013 conference. It will be hosted by the Ports of Fourchon, Grand Isle, Terrebonne and Morgan City. The conference location is being discussed and we will let you know as soon as arrangements are complete. Again, PAL would like to thank all of you who participated in the 2012 conference. Without your support the conference would not be possible.

Legislative Update

Congressional News

Boustany Wins RAMP Amendment Inclusion
Congressman Charles W. Boustany, Jr., M.D. (R-South Louisiana), released the following statement after adding the Boustany Amendment

to H.R. 4348, The Highway Bill. The Boustany Amendment is a modified version of H.R. 104, the Realize America's Maritime Promise (RAMP) Act, bipartisan legislation introduced by Boustany:

"The Boustany Amendment ensures revenue coming into the Harbor Maintenance Trust Fund (HMTF) is used and spent for its designated purposes: harbor maintenance and dredging. According to the Army Corps of Engineers, America's arteries of commerce and job creation are blocked: almost 30 percent of our nation's ports are hindered because of inadequate channel depths attributed to a lack of proper dredging. This amendment guarantees the total amount available for spending from the HMTF each fiscal year is equal to the HMTF receipts as estimated by the President's budget for that year.

"As Chairman of the House Ways & Means Subcommittee on Oversight, I held a hearing on this egregious abuse and diversion of taxpayer dollars from the HMTF. Neglecting our nation's infrastructure hurts American competitiveness and threatens the viability of our nation's ports and harbors. Strengthened language included in the Boustany Amendment bolsters the House's ability to negotiate with the Senate during a Conference Committee," stated Boustany.

Bill Rase, Director of the Port of Lake Charles added, "Every year channel users pay more than enough money in federal Harbor Maintenance Taxes to pay for the dredging needs of our harbors, but every year the federal government fails to use those funds as they were intended. As a result, our ports are less efficient. The increased shipping costs are passed on to consumers and our products are less competitive in overseas markets. Rep. Boustany's leadership on this issue is critical to the success of the Port

of Lake Charles and the 31,000 jobs that the Port provides.”

Boustany continued, “I applaud the passage of the RESTORE Act. As an original cosponsor of the legislation and as a member of the Gulf Coast Caucus, I am proud to see it included in this package. I remain committed to Gulf Coast restoration and completion of the Southwest Coastal Study to repair South Louisiana’s precious wetlands.

“Another important provision supports the Keystone XL pipeline. American families and businesses including refineries on the Gulf Coast will benefit greatly from this pipeline.”

Louisiana State Legislative News

1. *International Trade*-- SB 723 by Senator Appel

a. The Senate Commerce Committee, on which Senator Appel is a member, considered his SB 723, which will create the Office of International Commerce within the Department of Economic Development, and The La. Board of International Commerce within LED .

b. The Board will be comprised of 23 members, 6 of which are slated to be deep water port nominees, 4 representing the departments of LED, Transportation, Agriculture, CRT (Culture, Recreation and Tourism), 8 representing the non-governmental economic development organizations, 2 representing international businesses, 2 representing manufacturing engaged in international trade, 1 representing airports.

c. The Board is charged with: (1) developing, coordinating, and implementing a “Master International Trade Plan”, to be revised yearly , (2) prioritizing “projects” which support the Plan, (3) developing a coordinated planning and marketing approach. The original emphasis was to center on "projects" which would affect international trade carried on by deepwater ports. The bill is limited to the 6 deep-water port. It has a minimum project cost/threshold of \$1 million.

d. The bill was amended by Senator Appel with 82 amendments, many of them technical. Several substantially improved the bill. Specifically, an amendment provided for the

addition of Section 3118-Exceptions: which is intended to exclude the Port Priority Program as well as the Airport Priority Program from the provisions of the bill.

e. The definitions of "International Trade" and "projects" are written very broadly and unless amended, infrastructure undertakings by ports (deepwater, coastal, & inland) may be subject to the provisions of the bill. Under the provisions of the bill, if a port undertakes construction which fits the definition of "projects" in the bill for which capital outlay or other funding may be required, said port will have to apply to the Office of International Commerce for inclusion in the "Master Plan" by The Board of International Commerce. If the proposed construction is found to support the Master Plan or if it is disapproved, this information will be provided to the Legislature for consideration when approving the Capital Outlay projects. The suggestion that the definition of projects and international commerce be more narrowly drawn and that only the listed deepwater ports be subject to the application of the law has been raised with Senator Appel in several meetings.

f. The bill passed out of the Senate by a vote of 34-0.

2. *Design-Build* --HB 652 by Rep. Leger

This bill has passed the House, and is scheduled to be considered by the Senate Transportation Committee on May 10th. As currently written, it is a pilot program of 10 projects, with a sunset of December 31, 2015.

3. *Hydrokinetic Generator*-- SB 257 by Senator Jody Amedee

SB 257 will allow ports to recover costs incurred in determining if the location of hydrokinetic generators will impair navigation has passed the Senate without opposition and will be scheduled for a hearing in the House Natural Resources Committee.

4. *Port Leasing*-- HB 384 by Rep. Danahay

HB 384 will remove the provision in the law which requires some ports to advertise prior to leasing facilities. It has passed the House and will be considered by the Senate Transportation Committee in the near future.

5. *Coastal Protection and Restoration Plan*

2012 has been submitted to the Legislature for review by the Natural Resources and

Transportation Committees. Approval of the plan is anticipated.

6. PAL Economic Study--The Communications Institute is finalizing the PowerPoint, which will present the significant points of the study. Dr. Richardson is reviewing it to insure that it accurately presents his findings.

7. Harbor Dredge Funding--PAL as member of the Big River Coalition supports the effort by Congressman Boustany as provided in the Realize America Maritime Promise Bill (RAMP Act) to require that all Harbor Maintenance Taxes be appropriated to the U. S. Army Corps of Engineers for harbor maintenance. Although progress has been made with support from an increasing number of members of Congress, the effort is stalled by the continuing dispute between the Senate and House on appropriations and spending, although the substance of the act is included in each of the separate Senate and House Transportation bills, inclusion in the conference committee report is uncertain.

8. Port Priority Program

a. The funding for the Port Priority Program is a part of HB 2 which is the Capital Outlay bill and is currently under consideration by the House Ways and Means Committee.

(1) The bill contains \$19.7 million for PPP.

(2) As filed the bill also contains approximately \$17 million in priority 1 for various port projects.

(3) However, due to recent estimates by the Revenue Estimating Committee, of an approximately \$210 million deficit in this fiscal year the effects of which may carry over into the next fiscal year, it is possible that the PPP appropriations may be reduced proportionately.

b. As reported last month the PPP has 8 continuing projects from previous years requiring \$57.176 million for completion. This fact indicates that the \$19.7 million in this year's capital outlay will only partially fund the continuing projects, leaving a balance of \$37.258 million. The 4 new projects contained in the 2012-13 program will require \$26.3 million of additional funding, leaving a short fall

of \$63.56 million to complete the 8 continuing and 4 new projects.

Joe Accardo, Jr.
325 Belle Terre Blvd, Suite A
Laplace, La. 70068
985-817-0238 (cell)
985-359-4300 (office)
985-359-4303 (fax)



Joe Accardo
Executive

Corporate Member News

Port of Shreveport-Bossier

Job Announcement

Director of Operational Services

The Caddo-Bossier Port Commission is an equal opportunity employer and is currently seeking applications for the position of Director of Operational Services. Responsibilities include leading, supervising and overseeing Port Commission operational, safety, security and environmental activity and policies.

Credentials: Bachelor's degree in Marine Transportation, Transportation, Logistics or related discipline, Business administration or Engineering and ten years' experience managing public and private organizational operations, and/or safety & security, or equivalent combination of education and experience.

Application: E-mail resumé to: Attention: Marilyn Haley, mhaley@portsb.com
Deadline for submitting resumé is May 8, 2012.
Job announcement also available via the website www.portsb.com

West Cameron Port

General Employment:
Executive Director

The West Cameron Port and Harbor District (WCPHD) is seeking an Executive Director.

Successful candidate must have experience in all facets of executive leadership/management, and will be charged with the responsibilities of forging relationships between private/public sector interests of Cameron Parish. Candidates must have a minimum of a bachelor's degree in a related field. WCPHD is an equal opportunity employer. Please send letter of interest and resume to: P.O. Box 280, 110 Smith Circle, Cameron, La 70631 or email to tombarrnet@camtel.net.

All submissions are due May 15, 2012.

***West Cameron Port and Harbor District
Executive Director***

Job Description

Job Title: WCPHD Executive Director
Supervisors: West Cameron Port and Harbor
District Board of Commissioners

JOB SUMMARY

Provide leadership, strategic and tactical direction for staff and resources of the West Cameron Port and Harbor District (WCPHD) toward the accomplishment of the organization's mission.

PRINCIPAL DUTIES & RESPONSIBILITIES

1. Lead new project development, including research of potential projects that fit with the organization's mission, financial viability, resource development, obtain Board approval for action, and develop and implement the plan.
2. Provide support and leverage as needed to ensure successful completion of projects.
3. Maintain an awareness of governmental, management, industry trends, and other developments that would be helpful to the WCPHD and current /future projects through publications, attendance at appropriate seminars, contact with federal/state/local officials and participation in relevant conferences and meeting.
4. Coordinate and be responsible for communication with and assignment of work to legal counsel of the WCPHD, including preparation of agreements or contracts between the organization and third parties.
5. Develop and maintain proper liaison with the Parish and the municipal corporations

therein and other appropriate governmental agencies, and other interested organizations (i.e. regional economic development organizations, etc.)

6. Provide WCPHD with key information/updates (i.e. status of obligations under contracts, operating budget, policy recommendations, etc.) via Executive Director's Report and ad hoc communication.
7. Apply for available grants and execute grant documents as authorized by the WCPHD Board.
8. Serve as key public relations representative with the media.
9. Responsible for daily operation of the WCPHD in compliance with organizational policies and procedures (i.e. establish annual budget, strategic plan and operations plan, including staffing).
10. Oversee recruitment, hiring/discharging, training/orientation, supervision, performance evaluation, and compensation assessment of staff.
11. Other reasonable related duties as assigned by the WCPHD Board.

JOB QUALIFICATIONS

Education Requirements: Minimum of bachelor's degree in a related field.

Experience Requirements: Executive leadership and management, marketing, construction management, contracts and contracting, environmental/hazardous material regulations and remediation, customer relation strategies, strategic planning, creative problem resolution, economic development, federal and state grant and program management, non-profit or public sector experience, knowledge of financial instruments and capital markets, and commitment to ethical conduct and principles.

SUMMARY OF CORE COMPETENCIES

Demonstrated project and people management skills, including fostering a strong team-oriented office environment and ability to delegate appropriately. Excellent analytical and decision making skills---both strategic and tactical. Able to effectively navigate through and accomplish goals while balancing political, financial, technical, public, timing and staffing

requirements/dements. Must be an excellent communicator, both written and verbal, and be able to speak effectively to the media, high-level business and political leaders, and the general public. Flexibility, patience, and creativity are essential.

Port of New Orleans

The Nation's three-year celebration commemorating the bicentennial of the War of 1812 and the Star-Spangled Banner kicks off at the Port of New Orleans. Events included free public tours of naval vessels and tall ships from the United States and across the world, fireworks over the Mississippi River and air shows by the Navy's famed Blue Angels.



The BAE Guayas, a sail training ship of the Ecuadoran Navy, arrived at the Port of New Orleans April 17, 2012. Launched in 1976, the ship is based in Guayaquil, Ecuador. The Guayas is one of 11 vessels berthed at the Port of New Orleans and open for tours this week in celebration of the bicentennial of the War of 1812 and the Star-Spangled Banner.

“The Port of New Orleans is honored to play host to the inaugural celebration commemorating these historical events in our Nation's history,” said Gary LaGrange, Port of New Orleans President and CEO. “This celebration focuses on the importance of the Port and the City of New Orleans not only to Louisiana, but to the United States and the world. I want to welcome visitors and encourage everyone to visit these remarkable vessels and participate in the festivities.”

The theme of the celebration, “Our Flag Was Still There,” will mark festivities in seven U.S. ports and across the country over a three-year period with the Port of New Orleans again playing host to the finale in 2015.

“It is remarkable that 200 years ago, one of the first wars in our country's history was fought against nations who have become our closest allies,” said U.S. Secretary of the Navy Ray Mabus.

“Bringing the tall ships of the world back to U.S. waters for the commemoration of this glorious American milestone excites the imagination,” said Jose Fuentes, chairman of Operation Sail, Inc. “Throughout 2012-2015, millions of people will witness these graceful and majestic sailing ships as they parade in together, and celebrate the brotherhood of the Sea, and of our freedoms.”

Vessels were berthed along the east bank of the Mississippi River from the Esplanade Ave. Wharf to the Thalia Street Wharf at the Port's Administration Building.

Associate Member News

T. Baker Smith



T. Baker Smith Earns LSU100 Fastest Growing Tiger Business Award

T. Baker Smith (TBS) recently received the LSU100 Fastest Growing Tiger Businesses Award for 2012.

The LSU100 identifies, recognizes and celebrates the 100 fastest growing LSU-owned or LSU-led businesses in the world. The LSU100 not only celebrates their success, it also provides a forum to pass lessons to the next generation of LSU entrepreneurs.

Kenneth Smith, President and CEO of TBS, said, “We at TBS are only as good as the people who make up this firm. We are honored to receive this award, and I am confident that there are more great things to come at TBS.”

A company can be nominated for the award based on the longevity, the growth and the profitability of the business. This year's award winners included honorees from seven states, including New York and Colorado. The total revenue of this year's honorees was \$40.7 billion and the average compounded annual growth rate was 12%.



Pictured accepting the award on behalf of T. Baker Smith is James Ledet, P.E., LSU graduate and Principal at TBS, with LSU Chancellor Mike Martin

Legal News



Post Traumatic Stress Disorder

When the attorney for a person allegedly injured in an accident filed his lawsuit, he would almost without exception, include claims for anxiety, stress and depression, *i.e.*, mental pain and suffering. This was common practice for decades. In conjunction with bringing these allegations, the attorney would schedule his client to be examined by a psychologist or psychiatrist (mental health professional) (MHP) who would inevitably proceed to see the client once or twice a month until the lawsuit was concluded. Ninety-nine percent of the time, the MHP would issue report after report opining that his client is so emotionally damaged by his experience that he is unable to work and/or will require continued therapy for years to come. When confronted with this situation, the attorney for the person or company being sued has no choice but to have the claimant examined by a MHP of his choice to rebut or debunk the opposition's opinion. At trial or at mediation it boils down to a swearing match contest between

the MHP's, the winner being the one the judge or jury finds more credible.

In recent years plaintiff's attorneys have latched onto the diagnosis de jour, post-traumatic stress disorder. The American Psychiatric Association has since the 1980's recognized PTSD as a legitimate anxiety disorder. As stated in the Diagnostic and Statistical Manual of Mental Disorders IV, "the essential feature of PTSD is the development of characteristic symptoms following exposure to an extreme traumatic stressor involving direct personal experience of an event that involves actual or threatened death or serious injury, or other threat to one's physical integrity; or witnessing an event that involves death, injury or threat to the physical integrity of another person; or learning about unexpected or violent death, serious harm or threat of death or injury experienced by a family member or other close associate. Symptoms include persistent re-experiencing of the traumatic event (nightmares, dreams), persistent avoidance of stimuli associated with the trauma (fear of being on boats/water) and persistent symptoms of increased arousal (difficulty sleeping, outbursts of anger, difficulty concentrating, hyper vigilance, and exaggerated startle response). MHP's traditionally associated a diagnosis of PTSD with traumatic events such as military combat, violent personal assault (sexual assault, physical attack, robbery, mugging), being kidnapped, terrorist attack, torture, incarceration as prisoner of war or in a concentration camp, natural or manmade disasters (earthquake, flood, volcano eruption) or severe automobile accidents.

However, what we in the legal profession are seeing more frequently are lawsuits for personal injury that do not involve the extreme traumatic events required for the diagnosis which include a claim for total and permanent disability due to PTSD. Any event that can result in anxiety is now the incubator for a PTSD claim. In the past, most people outside the medical/legal community had never heard of PTSD. Since the 1990's, when our country began its war on terror, many of our combat veterans have returned and have been diagnosed with PTSD as a consequence of their very real experiences. It is a subject of daily discussion on television and the internet. Most people have at least a layman's understanding of what PTSD is and its symptoms. Plaintiff's attorneys have co-opted PTSD, and when given the opportunity will

make it the centerpiece of their claim. This is especially true when the client has no obvious sign of injury.

To make a diagnosis of PTSD, the MHP has to rely on the truthfulness of the client. The MHP will take the subjective statements of the client and apply them to the objective criteria. If there is enough to correlate, the diagnosis of PTSD is made. The problem is that anyone who can click on and search the internet can find article after article which spell out the symptoms. All that person has to do is tell his psychologist what he needs to hear in order to meet the diagnosis. There is much to be gained. It has been described as a "money spinner." If you have the prospect of significant monetary reward by continuing to claim to experience anxiety, flashbacks, depression, etc., many people may not find it easy to relinquish those symptoms.

The Minnesota Multiphasic Personality Inventory-2 (MMPI-2) is the test commonly used by MPH's to assess PTSD. However, it is not fool proof. Studies have shown that persons with a layman's understanding of the symptoms can utilize that knowledge to assist them to develop a test profile that is consistent with PTSD. If individuals are able to fake PTSD successfully on the MMPI-2, monetary incentives will benefit not only the attorneys and their clients, but also those who develop strategies designed to inform individuals of ways to fake certain disorders. Studies have shown that persons involved in litigation report they are suffering from PTSD four times more often than those who are not.

How can the faker be revealed? Thorough investigation of the claimant's prior medical history and employment history is the first step. Does he have a history of making claims? A criminal history? Family or domestic problems? History of mental health care? Surveillance can be a useful tool. What is the claimant doing with his time? Are his daily living activities consistent with someone who claims to be so mentally and emotionally challenged? Retain a MHP (who has no stake in the outcome) with experience in the diagnosis of PTSD to conduct an objective evaluation. Look for signs of malingering and evidence of secondary gain.

There are legitimate cases of PTSD. However, the litigation industry has taken this real illness and used it to manufacture claims. This has

resulted in increased costs and, on occasion, unwarranted money judgments. Perhaps the worst consequence is that now virtually all litigation PTSD claims are treated with cynicism and skepticism, and the person really suffering with PTSD may not be justly compensated.



BY WILTON E. BLAND, PARTNER
MOULEDOUX, BLAND, LEGRAND &
BRACKETT.
504-595-3000 OR WWW.MBLB.COM

America's Wetland



TABASCO® IS HOT ON AMERICA'S WETLAND



The next time you spice up your meal, you might be asked to help America's WETLAND! Paul McIlhenny, chairman and CEO of the McIlhenny Company, announced that the company is using Tabasco product packages to take the plight of Louisiana's coastal crisis worldwide. "We are doing our part in bringing the attention to this serious problem," McIlhenny told reporters at the company's corporate headquarters in Avery Island. "To lose what you find in this region would be a catastrophe of international proportions." On one of the four sides of Tabasco product boxes, there will appear the headline: "Tabasco is hot on America's WETLAND and fired up to help save it." The message, coined by the America's WETLAND Foundation, lets everyone know that Louisiana's wetlands are disappearing at the rate of a football field every hour and directs them to the AWF web site to learn how they can help save it.

.....

Register to Attend for Final BLUE RIBBON Series Event in New Orleans and Take Part in The Big River Works Kickoff

America's WETLAND Foundation invites you to attend the last BLUE RIBBON Resilient Communities Leadership Forum In New Orleans from **Tuesday, May 29 to Wednesday, May 30** at the Hyatt Regency. After a series of forums in 10 Gulf Coast communities, America's WETLAND Foundation hosts its final event before making recommendations to the President's Gulf Coast Ecosystem Restoration Task Force and the federal and state agencies that will influence our coast for years to come. We welcome you to be a part of this final forum to ensure that our voice is heard. For more information see our full e-vite [here](#)



And plan to join us **May 31st** as America's WETLAND Foundation announces a major new initiative to sustain the Mississippi River System. AWF will lead an unprecedented analysis of the challenges facing the Mississippi River and outline needs for protecting this economic and cultural lifeline for America. Join us to be a part of this event as we set the agenda for this critically important endeavor.

To see an overview of the New Orleans schedule and timeline for our last forum and Big River kickoff please click [here](#)

Registration is free and if you are ready to attend, just send an email to [Dominick Maggio](#) with your RSVP.

The Hyatt Regency is located on **601 Loyola Avenue, New Orleans LA 70130**. To get a quoted friendly rate of \$139/night, please reserve your room as early as possible. Click [here](#)

MARK YOUR CALENDARS

May 3, 2012 – PAL Monthly Meeting, 10AM, Richmond Suites, Baton Rouge

June 7, 2012 – PAL Monthly Meeting, Louisiana Municipal Association Bldg., Baton Rouge, 10AM,

July 12, 2012 – PAL Monthly Meeting, 10AM, Location TBA

August 2, 2012 – PAL Monthly Meeting, 10AM, Richmond Suites, Baton Rouge

September 6, 2012 – PAL Monthly Meeting, 10AM, Richmond Suites, Baton Rouge

