

THE FIRM LINE - IN THIS ISSUE:

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**December 2015**

Season's Greetings! All of Them!

Jones, Swanson, Huddell and Garrison wishes you Happy Holidays...and we offer you this, from humorist Dave Barry:

"In the old days, it was not called the Holiday Season; the Christians called it 'Christmas' and went to church; the Jews called it 'Hanukka' and went to synagogue; the atheists went to parties and drank. People passing each other on the street would say 'Merry Christmas!' or 'Happy Hanukka!' or (to the atheists) 'Look out for the wall!'" - [Christmas Shopping: A Survivor's Guide](#)

How Land Loss Can Force Louisiana's Landowners To Give Up Their Property, Mineral Rights

By John Arnold



Over the past 80 years, Louisiana has lost nearly [1,700 square miles of land](#), causing a former prairie-like coastline to become more like a real-life Atlantis. With another [1,750 square miles at risk](#) of being lost over the next 50 years, researchers have warned us that South Louisiana's environmental and economic future looks bleak.

But coastal erosion has also created another major problem in our state, one that has not gotten so much attention: the potential loss of private property and mineral rights.

As coastal lands erode, existing laws render private lands susceptible to state ownership, so that huge swaths of private property may be converted into public waterbottoms. The legal basis for this conversion lies largely in the Louisiana Civil Code (see La Civ. Code arts. 450, 499-506).

Under Louisiana law, when landowners lose their surface rights to the state, they also lose their rights to the underlying minerals.

At the individual level, this means that, virtually overnight, a landowner can lose his or her property rights, opportunities for land use, and revenue sources.

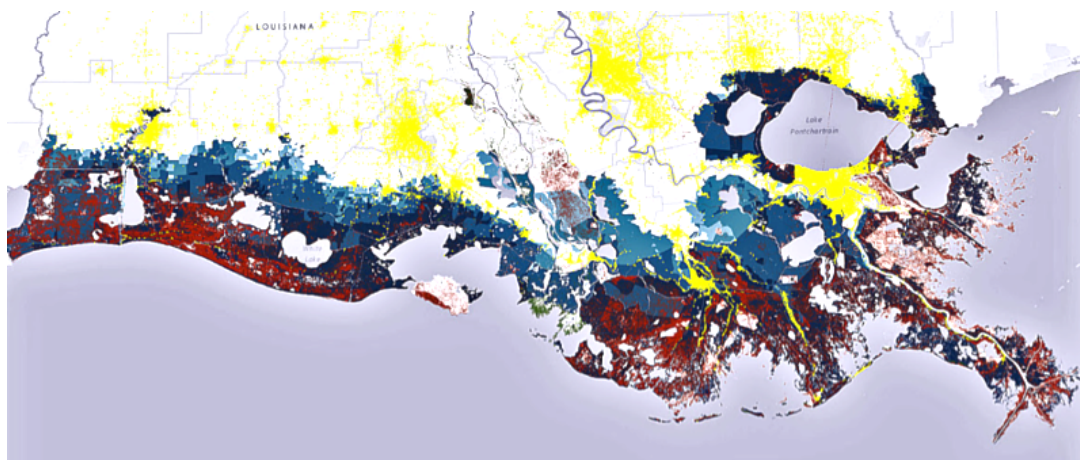
On a broad scale, this amounts to a potentially massive transfer of wealth from Louisiana's private landowners - who currently own at least 80 percent of the land along the coast - to the state. In 1997, Marc Hebert [explored this possibility](#) in his article "Coastal Restoration Under CWPPRA and Property Rights Issues."

In 2015, state representative Chris Leopold introduced a bill to address these challenges faced by private landowners. The bill proposed amendments to existing reclamation statutes that would have offered landowners new alternatives to retain their property interests. That bill, however, died in committee.

Without legislative enactments, the state could ultimately acquire ownership over much of the coast, at the expense of its own citizens.

Louisiana's Disappearing Coast: The Bad News Just Got Worse

How our coastal crisis could also trigger an economic disaster



This is a map from a study released just this month by Louisiana's Coastal Protection and Restoration Authority (CPRA), and produced jointly by the [Rand Corporation and Louisiana State University](#). It's a map of how Louisiana's coast will look in 50 years without any coastal restoration:

- Red represents land loss;
- Blue represents what would be flooded in a storm;
- Yellow represents population centers.

CPRA commissioned this study to measure the effects of not pursuing an aggressive coastal restoration

policy. Or, as one of the study's authors [put it](#): "Louisiana will have hurricanes. They will cause a lot of destruction. What we've measured is how much more destruction do we get because of land loss?"

The answer, as this map shows, is terrifying for just about anyone living in South Louisiana. Whole cities, towns, and industrial centers will be under water. Lake Pontchartrain will be more like a bay than a lake. New Orleans - the patch of yellow at the bottom of Lake Pontchartrain - will be on the brink of disappearing into the Gulf of Mexico.

The CPRA study also predicts staggering [economic costs](#) if Louisiana doesn't pursue a coastal restoration plan:

- Louisiana taxpayers will have to pay about **\$2 billion to \$3.5 billion** to replace lost buildings and infrastructure
- The state and its citizens will lose about **\$5.8 billion to \$7.4 billion** annually in business and other economic activity.
- The state and its citizens will face up to **\$133 billion** in increased storm damage costs, as it becomes more and more vulnerable to hurricanes and floods.

And that's not the end of the bad news.

[Read More](#)

Contractor Says He Lost Business after Refusing To Bribe State Official; Wins \$20M Lawsuit

From The Associated Press

MONROE - A former contractor has won a \$20 million suit he filed against the state Department of Transportation and Development over a 2007 incident he says cost him his business because he refused to pay a bribe to a state official. [Click here to read the full article.](#)

Alan Dershowitz on the Defense (His Own)

From The New York Times

Helping a friend accused of sexual offenses led to accusations of misconduct against the prominent lawyer Alan Dershowitz. Now he's fighting to clear his name. [Click here to read the full article.](#)

2015: A Year of Amazing Images

It's the last *Firm Line* of the year. We'd like to thank you for being such wonderful friends and colleagues, and leave you with these inspiring / heartbreaking / outrageous / extraordinary images from 2015:

- [Louisiana News](#)
- [World News](#)
- [World Business and Politics](#)
- [Nature](#)
- [Wildlife](#)
- [Food](#)

- [Space](#)

Looking forward to next year...Best wishes from Jones, Swanson, Huddell, and Garrison!



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ABOUT THE FIRM

Jones, Swanson, Huddell & Garrison, LLC, is a boutique litigation law firm based in New Orleans, with a second office in Baton Rouge, Louisiana. The firm primarily handles complex commercial and environmental/property disputes. In those litigation arenas, the firm has a strong nationwide presence, continues to represent many of Louisiana's and the Southeast's largest and most active business entrepreneurs and landholders, and retains a sharp focus on the customized representation of smaller businesses and individuals. Jones Swanson has served as lead counsel in New York, Connecticut, Massachusetts, California, and Texas, as well as in Mississippi, Alabama, Florida, and Louisiana.

The Firm Line is a newsletter designed to inform our clients and friends about legal issues that may impact their lives and businesses, developments at the firm, and other items of interest. Our intention is to keep the information we provide in this newsletter concise. We welcome further discussion on the topics addressed herein, as well as ideas and suggestions as to topics of interest that we could cover in future issues, and thoughts as to how we can deliver better, more insightful information to our readership. Above all, we hope that The Firm Line proves interesting and noteworthy.

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