JAMES J. HAUTOT

PERSONAL

Born in Williamsburg, Virginia, September 27, 1957. Shareholder, Judice & Adley since 1992-2022. Founder. Hautot and Hautot, APLC. Married to Pam, 1983. Son, Alex and Daughter, Elizabeth, are both graduates of theniversity of Louisiana-Lafayette. Kappa Sigma Fraternity, initiated 1978, Alpha Upsilon Chapter.

Contact information:

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PROFESSIONAL

Admitted to Bar 1987. Admitted to practice before all Louisiana courts and administrative bodies, U.S. District Court, Eastern, Middle and Western Districts of Louisiana, U. S. Court of Appeals, Fifth Circuit.

Member, Judice and Adley, 1988-2022. Founder, Hautot and Hautot, APLC, 2022-present.

Extensive Trial and Transactional Experience in the Following Practice Areas:

Auto Liability

Maritime Casualty

Constitutional Law

Professional Liability of all kinds, medical, legal, architectural, engineering, accounting, etc.

Construction Contracts and Litigation

Discrimination Claims and Compliance

Employment Related Contracts and Litigation

General Liability

Toxic and Environmental Claims

Governmental Law

Governmental and Business Regulatory Compliance

Insurance Coverage

Product Liability

Workers' compensation

EDUCATION

Louisiana State University Law School

Baton Rouge, Louisiana

Juris Doctor, 1986

Louisiana State University

Baton Rouge, Louisiana

Bachelor of Arts, 1980

Graduate, Mediating the Litigated Case, 40 Hours, Strauss Institute for Dispute Resolution, Pepperdine Caruso School of Law, 2026

HONORS

Member, Louisiana Law Review, elected 1984.

Voted one of Acadiana's Best Lawyers – 2017

Certified as Mediator by the LSBA

PROFESSIONAL ORGANIZATIONS

Federal Bar Association

Lafayette Parish Bar Association

Louisiana State Bar Association

Louisiana Association of Defense Counsel

Louisiana Restaurant Association

PUBLICATIONS

"Contract Dissolution," 45 La. L. Rev. 783 (1985)

"Choice of Law in Louisiana: Torts," 47 La. L. Rev. 1109 (1987)

OPEN SEMINAR SPEAKER (Samples)

National Business Institute: "Soft Tissue Injury: the Defense"

National Business Institute: "Avoiding Legal Malpractice"

National Business Institute: "Recent Developments in Workers' Compensation"

National Business Institute: "The Medicare "Super Lien" and Other Liens Simplified"

National Business Institute: "Auto Injury Litigation From Start to Finish"

National Business Institute: "Workers' Compensation from A to Z"

National Business Institute: "Anatomy and Physiology 101 for Attorneys" (2016 and 2018)

National Business Institute: "Advanced Workers' Compensation"

National Business Institute: "Bad Faith: Secrets Insurance Adjusters Don't Want You to Know"

National Business Institute: "Anatomy and Physiology 101 for Attorneys" (2017 and 2020)

A few of the notable cases I've had:

New England Ins. Co. v. Barnett, 561 F.3d 392 (5th Cir. 2009).

Client: New England Insurance Company.

Type of Case: Professional Liability Coverage; Federal Court Abstention

Summary: In a case of first impression for the 5th Circuit, the court held that a counterclaim for damages filed by the defendant in a declaratory action filed by a professional liability insurer triggers application of the *Colorado River* standard for abstention, versus the *Brillhart* standard which would apply if the case involved no claim for coercive relief. *Colorado River* applies even though the declaratory plaintiff prayed for only declaratory relief and not coercive relief in the originally filed complaint.

Barnett v. Parker,

Client: New England Insurance Company.

Type of Case: Legal Malpractice; preemption upheld despite joint and several liability.

Summary: Plaintiff sued attorney for fraud, but did not allege a cause of action for legal malpractice. More than three years later, plaintiff filed an amended petition asserting a cause of action for legal malpractice against the original defendant, and against newly added defendants, including the original defendant's malpractice insurer. The court of appeal held that the assertion of malpractice claims against new, though related, parties more than 3 years after the malpractice cause of action accrued was barred by peremption. The amendment did not relate back to the original petition, even as to the original defendant's malpractice liability insurer.

Parks v. Louisiana Guest House, Inc., 2004 CA 0516 (La. App. 1st Cir. 3/24/05); 898 So.2d 638. Client: Louisiana Guest House.

Type of case: Nursing/Nursing Home malpractice coverage under medical Malpractice Act

Summary: Plaintiff nursing home resident brought a suit under the Nursing Home Resident's Bill of Rights, based on the decubitus ulcers allegedly caused by the negligence of the nursing home staff. The Nursing Home contended that the claim was covered by the Medical Malpractice Act and was premature until presented to a medical review panel. The trial court denied the exception of prematurity. The court of appeal reversed, holding that the petition alleged a malpractice cause of action and was premature, notwithstanding that the statutory basis for liability was the Nursing Home Residents' Bill of Rights.

General Dynamics Corp. v. Seattle First National Bank, et al (W.D. La. 1989).

Client: First State Insurance Company.

Type of Case: GL insurance coverage.

Summary: After a jackup drilling rig's jacking system repeatedly failed, owner brought suit for $20 million in damages against manufacturers of components used in the construction of the drilling rig and the liability insurer of one of the manufacturers. After trial on the merits, the district court held that the plaintiff had failed to prove damages which were both related to the alleged defects in the jacking system and covered by the First State GL policy.

Williams v. Pioneer Fishing & Rental Tools, Inc., 2006-1049 (La.App. 3 Cir. 12/20/06); 945 So.2d 936.

Client: First State Insurance Company

Type of Case: Accounting malpractice

Summary: Minority shareholder's cause of action against accounting firm that conducted audit of corporation accrued, and one year limitations period for accounting malpractice began to run, prior to filing petition. Minority shareholder claimed he did not discover cause of action until investigating as liquidator. The court held that because shareholder served on board of directors during portion of the audit period in question, questionable practices involving majority shareholder were discussed at board meetings, and audits did reveal suspicious third-party transactions, shareholder had adequate knowledge to start the running of prescription.

Davis v. Parker

Client: New England Insurance Company

Nature of Case: Professional Liability Insurance Coverage

Summary: Plaintiff sued former business partner who had also done legal work for plaintiff, alleging that the defendant had failed to document an oral agreement whereby client could require attorney to return interests in a private corporation and a partnership transferred by client to attorney/partner. The jury returned a verdict in favor of plaintiff and awarded damages of about $8 million. My client prevailed, based on the jury's finding of fraud.

New England Ins. co. v. Barnett, 06-0555 (W.D. La. 2011)

Client: New England Insurance Company

Type of Case: Legal Malpractice Coverage; Bad Faith

Summary: Client settled with former attorney, who assigned his rights under a legal malpractice policy. The malpractice insurer had reserved the right to deny coverage and did not consent to settlement. Client then brought suit against insurer, both under the Direct Action Statute and as the attorney's alleged assignee. In addition to alleging coverage for the malpractice claims, plaintiff alleged that new England was in bad faith for refusing to consent to or pay the settlement between the client and the insured attorney. The court held that plaintiff had no direct action because his malpractice claim against insurer was perempted, insurer was not in bad faith because insured attorney could never be cast for an excess judgment, and client, as attorney's assignee, had no right to recovery under the policy.

Manuel v. Northrop-Grumman, 2004-0480 (La. App. 3 Cir. 9/29/04), 883 So. 2d 502.

Summary: One of the goofiest cases I have ever seen. A so-called "mental-mental" workers' compensation case. Claimant did not like the mean way his boss talked to him. It came to a head when the boss allegedly threatened claimant's job if he did not sign off on some time sheets because he thought because he wanted them audited first. Claimant was hospitalized as a result of the stress. The trial judge winked at the law and awarded benefits. The court of appeal found no compensable mental injury and reversed.

There are many more, but I am tired of typing.