

DAVID R. KATNER
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Tulane Law School
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D.O.B. 11-26-55

Family: married to Evelyn Lockwood Katner
Children: Max (d.o.b. 2-18-93); Layne (d.o.b.5-6-94); Ava (d.o.b. 11-1-94); Brett (12-9-03); and Noah (d.o.b. 12-29-96).

PRESENT POSITION:

Professor of Clinical Law & Director of the Juvenile Law Clinic
Tulane Law School, New Orleans, Louisiana

EDUCATION:

Tulane Law School, New Orleans, Louisiana, J.D. 1980;
Moot Court Board; National Trial Team; National Appellate Team; Tulane-L.S.U. Trial Team; Criminal Law Clinic

Tulane University, New Orleans, Louisiana,
B.A. in English, 1977

PROFESSIONAL EXPERIENCE:

July, 1991 - present: Professor of Clinical Law, Tulane Law School;
Felix J. Dreyfous Fellow of Juvenile Law (since 1984); Director, Juvenile Law Clinic (since 1984)

July, 1987 - July, 1991: Associate Professor of Clinical Law

July, 1986 - July, 1987: Assistant Professor of Clinical Law

July, 1984 - July, 1986: Instructor of Clinical Law

1980 - 1981 - Director of Tulane Law School's Trial Advocacy Program

1980 - 1989 - Partner, Katner & Escher, N.O., LA. (A/V rated); general civil and criminal practice. Litigation experience in all Louisiana state courts, federal district court (E. Dist. La.) and U.S. Fifth Circuit Court of Appeals.

1980 - 1984 - Jefferson Parish Indigent Defender Board, Gretna, LA.; Panel trial attorney; Officer, Jefferson Parish Criminal Bar Association.

LITIGATION EXPERIENCE:

Criminal: death penalty trials and appeals; various other criminal

felony trials including aggravated arson, second degree murder, armed robbery, various drug offenses.

Civil: medical malpractice cases; personal injury cases (plaintiff and defense); military court martial; contract disputes; successions and estates; property disputes.

Juvenile: delinquencies, child support, C.I.N.C., C.I.N.S., termination of parental rights.

JUDICIAL

APPOINTMENTS: 1988 - present: Appointed by Louisiana Supreme Court as Judge ad hoc in sections "B" and "C" of the Orleans Parish Juvenile Court.

1987 - 1988 Orleans Parish Juvenile Court Traffic Court Referee.

CONSULTING WORK:

1986-1989
Presentation to Louisiana Juvenile Judges Association on the Louisiana Evidence Code and recent developments in juvenile law.

PROFESSIONAL ACTIVITIES:

Board of Directors: New Orleans Children's Bureau 2003- 2007.
Board of Directors: National Association of Counsel for Children 1991 - 2008;
Board of Directors: New Orleans Legal Assistance Corporation (Legal Services Corporation) 1980 - 1988;
Board of Directors: Jefferson Parish Juvenile Services Advisory Board, 1991 - 1994;
Member, Governor's Children's Cabinet Advisory Board 2005- 2007
Member, Louisiana Children's Code Project - revising Louisiana state juvenile laws and procedure, 1988 - 1991; Revised Children's Code competency provisions 2004-07;
Reporter for Louisiana ABA/YLD Child Welfare Law Tracking Project 1989 - 1990;
Legal Advisory Panel of Covenant House, New Orleans, Louisiana, 1988 - 1989.

Member:
Louisiana Bar Association;
American Bar Association;
Association of Trial Lawyers of America;
Louisiana Trial Lawyers Association;
National Coalition to Abolish the Death Penalty;
National Association of Criminal Defense Lawyers.
National Association of Counsel for Children.

SUBJECTS TAUGHT:

- Advanced Criminal Procedure
- Evidence
- Professional Responsibility/Legal Profession (Legal Ethics)
- Introduction to Advocacy (Law Clinic)
- Juvenile Advocacy Seminar (Law Clinic)
- Trial Advocacy
- Introduction to Forensic Child Psychiatry (didactic for child psychiatric residents) at Tulane Medical School

COMMUNITY SERVICE:

Faculty founder of Tulane Law School's National Association of Counsel for Children, the first law student chapter in the nation.

Faculty founder of Tulane Vietnamese Student Association

Faculty founder of Tulane's Collegiate Organization for AIDS Prevention. (COAP)

Pro Bono expert witness for A.C.L.U. in Del A. child welfare class action, U.S.D.C., Eastern District of Louisiana.

Pro Bono substitute attorney for indigent defender in Orleans Parish Juvenile Court, Section A, for 2 - 3 weeks each year from 1988 - present.

Volunteer supervisor for Tulane Paralegal Studies Program, directing paralegal candidates' practicums.

Faculty advisor to Law School's Committee on Gay & Lesbian Legal Issues,(formerly known as C.O.G.L.L.I.), Lambda.

PUBLICATIONS AND PRESENTATIONS:

- Chp. 5, *Rethinking Juvenile Justice in the Wake of Katrina*, CHILDREN, LAW, AND DISASTERS 113 (Am. Bar Assoc. 2009).
- *Foreword: The Legacy of Gault*, 44 CRIMINAL LAW BULLETIN 302 (2008).
- *The Ethical Struggle of Usurping Juvenile Client Autonomy by Raising Competency in Delinquency and Criminal Cases*,16 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 293 (2007).
- *The Mental Health Paradigm and the MacArthur Study: Emerging Issues Challenging the Competence of Juveniles in Delinquency Systems*, 32 AMERICAN JOURNAL OF LAW & MEDICINE 503 (2006).
- *Confidentiality and Juvenile Mental Health Records in Dependency Proceedings*, 12 WILLIAM & MARY BILL OF RIGHTS JOURNAL 511 (2004).
- Chp.14, *Legal Issues*, co-authored with Henry J. Plum, RECOGNITION OF CHILD ABUSE FOR THE MANDATED REPORTER 309 (3rd ed., Angelo & Eileen Giardino, eds. 2002).
- *A Defense Perspective of Treatment Programs for Juvenile Sex Offenders*, 37 CRIMINAL LAW

BULLETIN 371 (West, 2001). This article was selected for translation into Japanese by the Japan Federation of Bar Associations (JFBA). The JFBA consists of all practicing attorneys in Japan.

– *Coming to Praise, Not to Bury, the New ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, 14 GEORGETOWN JOURNAL OF LEGAL ETHICS 103 (Fall, 2000).

– *Raising Mental Health Issues – Other Than Insanity – In Juvenile Delinquency Defense*, 28 AMERICAN JOURNAL OF CRIMINAL LAW 73 (Fall, 2000).

– *Using Developmental and Mental Health Issues in Opposition to Juvenile Waivers Into Adult Criminal Courts*, 4 MICHIGAN CHILD WELFARE LAW JOURNAL 3 (Summer, 2000).

January 11, 2001 - Panelist on “Ethical Considerations for Attorneys” and presented paper, *Treatment Programs for Juvenile Sex Offenders and The Role of Defense Counsel* at the 2001 Annual New Mexico Children’s Law Institute: Voices and Visions: Best Practices For a Changing Environment. Albuquerque, N. M.

December 28, 2000 - Presented *Raising Mental Health and Child Developmental Issues in Juvenile Proceedings* at Tulane Law School’s annual “CLE by the Hour: Recent Updates and Developments.” New Orleans, LA.

November 5, 2000 - Presented *Ethical Dilemmas for Attorneys in Children’s Court*, at 23rd Annual National Children’s Law Conference. Washington, D.C.

November 3, 2000 - Presented *A Defense Perspective of Treatment Programs for Juvenile Sex Offenders*, at 23rd Annual National Association of Counsel for Children Law Conference. Washington, D.C.

September 21, 2000 - Presented *Juvenile Waivers in to the Adult Criminal Courts*, at State Bar of Michigan Annual 65th Meeting, Children’s and Criminal Law Sections Examine the 1996 Juvenile Justice Reform Legislation. Detroit, MI.

February 18, 2000 - Presented *Teaching Criminal Law Through Clinical Education* to Egyptian Judges & Lawyers. New Orleans, LA.

January 21, 2000 - Presented Grand Rounds for Tulane Medical Center’s Forensic Psychiatry Department. *Legal Issues and Treatment Modalities for Juvenile Sex Offenders*. New Orleans, LA.

1999 - *The Nexus of Dependency and Delinquency: Requesting Dependency Lawyers to Handle Delinquency Cases*, 3 MICHIGAN CHILD WELFARE LAW JOURNAL 2 (Winter, 1999).

November 8, 1999 - Presented *Raising Mental Health Issues in Juvenile Delinquency Cases* at Tulane Law School’s student chapter of the National Association of Counsel for Children. New Orleans, LA.

October 21, 1999 - Participant, ABA Center on Children and the Law sponsored project, Standby Guardianship Technical Assistance Project on Permanency Planning for HIV-Affected Families. N.O., LA.

June, 1999 - Faculty member for the National Institute of Trial Advocacy's 4th Annual Rocky Mountain Child Advocacy Training Institute, "Presenting Evidence in Children's Cases," Denver, CO.

November, 1998 - 17 ABA CHILD LAW PRACTICE 135 (Nov. 1998)(Review of presentation of *The Nexus of Dependency and Delinquency* from the 21st Annual NACC Conference in Milwaukee, WIS.).

October 20, 1998 - Presented training lecture on the role of the child's counsel for the New Orleans Court Appointed Special Advocates (CASA) program. N.O., LA.

October 11, 1998 - Presented and published *The Nexus of Dependency and Delinquency: Requesting Dependency Lawyers to Handle Delinquency Cases*, SERVING THE NEEDS OF THE CHILD CLIENT: KEEPING PACE WITH THE PRACTICE OF LAW FOR CHILDREN 61(Children's Law Manual series, 1998 ed.), at the 21st National Children's Law Conference, Milwaukee, WIS.

October 11, 1998 - Presented and published *Raising Mental Health Issues in Juvenile Delinquency Defense: One Lawyer's Perspective*, SERVING THE NEEDS OF THE CHILD CLIENT: KEEPING PACE WITH THE PRACTICE OF LAW FOR CHILDREN 77(Children's Law Manual Series, 1998 ed.), at 21st National Children's Law Conference, Milwaukee, WIS.

Winter, 1998 - *Addressing the Unmet Need for Counsel to Handle Delinquency As Well As Dependency Cases*, 19 THE GUARDIAN 1 (Winter 1998).

January, 1998 - present Member of advisory team for the New Orleans Collaborative for Timely Adoptions (NOCTA), a joint grant project of the Louisiana Supreme Court, Orleans Parish Juvenile Court, Office of Community Services of the Dept. Of Social Services, and LSU. New Orleans, LA.

December 3, 1997 - Presented *Role of Child's Attorney and Discovery* for the New Orleans Pro Bono Project. New Orleans, LA.

November 20, 1997 - Interviewed by U.S. General Accounting Office agents (San Francisco office) on Congressional study of effects of parental substance abuse on children in foster care. New Orleans, LA.

October 31, 1997 - Presented *The Role of the Child's Counsel: Attorney or Guardian ad litem?* for training program sponsored by Oklahoma Lawyers for Children, Oklahoma City, OK.

October 7, 1997 - Luncheon speaker for the New Mexico Association of Counsel for Children, Albuquerque, N.M.

October 6, 1997 - Presented *Ethical Considerations in the Representation of Children: New Standards of Practice* at the 20th Annual National Association of Counsel for Children Conference, Albuquerque, N.M.

September 26, 1997 - Keynote speaker at the Children and the Law Section Annual Meeting sponsored by the State Bar of Wisconsin, at Madison, Wisconsin. Presented two papers: 1) *Coming to Praise, Not to Bury, the New ABA Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, and 2) *The Diminishing Protections of the Fourth, Fifth and Sixth*

Amendments for Juveniles in Delinquency Cases, and Some Child Developmental Considerations Worth Revisiting.

- May 30, 1997 - Presented *Ethics and the Newly Adopted ABA Standards on the Role of the Child's Counsel* at "Voices for Children," the Annual Oklahoma Bar Association's Conference on Children and the Law. Tulsa, OK.
- April 16, 1997 - Presented training lecture for New Orleans Court Appointed Special Advocates program. N.O., LA.
- January 15, 1997 - Presented *The Role of Counsel for the Child* at New Orleans Court Appointed Special Advocates training program. N.O., LA.
- January 9, 1997 - Presented again *The Diminishing Protections of the Fourth, Fifth and Sixth Amendments for Juveniles in Delinquency Cases and Some Child Developmental Considerations Worth Revisiting*, at the Children's Law and Advocacy Symposium 1997 sponsored by the Hatton W. Sumners Foundation and the New Mexico Court Improvement Project. Albuquerque, N.M.
- October 14, 1996 - Presented and published *The Diminishing Protections of the Fourth, Fifth and Sixth Amendments for Juveniles in Delinquency Cases, and Some Child Developmental Considerations Worth Revisiting*, CHILD ADVOCACY AT A CROSSROADS, 351 (Children's Law Manual Series, 1996 Ed.) at the 19th National Children's Law Conference sponsored by the National Association of Counsel for Children. Chicago, IL.
- September 17, 1996 - Presented *Confidentiality of Medical Records in Juvenile Court*, D1 at Medical Educational Services, Inc. seminar "Confidentiality of Children's Records in Louisiana," N.O., LA.
- 1996- *The Ethical Dilemma Awaiting Counsel Who Represent Adolescents with HIV/AIDS: Criminal Law and Tort Suits Pressure Counsel to Breach the Confidentiality of the Clients' Medical Status*, 70 TULANE LAW REVIEW 2311 (1996).
- May 16, 1996 - Presented "*Confidentiality and Cross-Examination of the Therapist: What Disclosures Must the Therapist Make to the Patient?*" at the 24th Annual Child Abuse and Neglect Symposium by the C. Henry Kempe National Center for the Prevention and Treatment of Child Abuse and Neglect, Dept. of Pediatrics, University of Colorado School of Medicine. Keystone, CO.
- April 20, 1996 - Organized and moderated conference and presented as panelist "Legal Issues, Responses and Dilemmas" at the Newcomb Institute for the Family's "*The Impact of HIV/AIDS on Children and Their Mothers: A Multi Disciplinary Review.*" N.O., LA.
- March 12, 1996 - Moderated Tulane Law School Chapter of the National Association of Counsel for Children's program entitled "*The Effects of Domestic Violence on Children.*" N.O., LA.
- 1995 - Chapter 4, *Raising the Insanity Plea*, in ETHICAL PROBLEMS FACING THE CRIMINAL DEFENSE LAWYER, Rodney J. Uphoff, ed. (American Bar Association, 1995). This piece was selected for translation into Japanese by the Japan Federation of Bar Associations (JFBA). The JFBA consists of all practicing attorneys in Japan.

- December 8, 1995 - Presented *Child Abuse and Neglect*, at Tulane University Medical Center School of Public Health and Tropical Medicine's Maternal and Child Health Seminar. N.O., LA.
- December 1-3, 1995 - Participant, *Ethical Issues in the Legal Representation of Children*, Fordham University School of Law. New York, N.Y.
- November 13, 1995 - Panelist on *Legal Ethics of Representing and Providing Services to HIV Foster Children and Their Families*, at the 28th Annual National Training and Continuing Education Conference of the American Association of Public Welfare Attorneys. Santa Fe, N.M.
- October 26, 1995 - Panelist on *A Public-Community Based Collaborative Initiative in the Investigation of Low Risk Child Abuse and Neglect*, and an *Update on the Implementation of the Family Preservation/Family Support Act* at Families in The Balance Conference, sponsored by the Louisiana Office of Community Services. Lafayette, LA.
- September 16, 1995 - Moderated panel discussion of "Multi disciplinary Child Death Review Teams," with Deanne Tilton Durfee, Michael Durfee, M.D. and Paul K. Kleinman, M.D. at 18th National Children's Law Conference of the Nat'l. Assoc. of Counsel for Children. Boston, MA.
- September 7, 1995 - Delivered *Legal Concerns for CASA* at New Orleans Court Appointed Special Advocates training program. N.O., LA.
- May 16, 1995 - Co-authored and presented (with Marvin Ventrell) *Selected Fundamental Issues for Non-Legally Trained Professionals Who Work With Attorneys in Representing Juvenile Victims and Offenders in Domestic Violence Cases*, 91-109 in 23rd Annual Child Abuse and Neglect Symposium: Aggression & Violence: Developmental Pathways (C. Henry Kempe Nat'l. Center for the Prevention and Treatment of Child Abuse and Neglect, 1995). Keystone, CO.
- March 13, 1995 - Presented *Confidentiality in Representing HIV Positive Juveniles*, at Tulane Law School's National Association of Counsel for Children student Chapter, co-sponsored by Tulane Committee on Gay and Lesbian Legal Issues and Tulane Public Interest Law Foundation. N.O., LA.
- October 28, 1994 - Keynote speaker, Oklahoma Bar Association's "Children and the Law Conference." Published *Legal Ethics and Representation of Juvenile Clients in Oklahoma*, V-1--V-13, (Pub. No. 541, Okla. Bar Assoc., Fall 1994). Oklahoma City, OK.
- October 11, 1994 - Presented "Selected Ethical Dilemmas for Counsel Representing Juveniles" at the 17th Annual National Association of Counsel for Children Law Conference, Published *Breaching Attorney-Client Confidentiality When Representing Juveniles with AIDS*, in EXCELLENCE IN CHILDREN'S LAW, 199-215 (Nat'l. Assoc. Of Counsel for Children Law Manual Series 1994 ed.) (Article reprinted with permission, by Los Angeles Bar Assoc. and the Boston Bar Assoc.) San Francisco, CA.
- October 5, 1994 - Panelist at "CINC and Swim CLE Program" sponsored by the Advocacy Center for the Elderly & Disabled and New Orleans Legal Assistance Corp., a Legal Services Corporation. N.O.,

LA.

August 23, 1994 - British Broadcasting Corporation (BBC) interview with Mr. Andy Tighe of the "Today" program on Radio Four, discussing the juvenile curfew law in N.O., LA.

August 6, 1994 - Panelist on "Courts Under Attack: Reconnecting the Public to the Media," an ABA Presidential Showcase Panel with Stone Phillips, NBC-TV at American Bar Association Annual Meeting, N.O., LA.

August 4, 1994 - *Selected Ethical Problems in Legal Services*, presented to New Orleans Legal Assistance Corp., CLE Program. N.O., LA.

July 6, 1994 - Presented *American Legal Ethics* to class of international lawyers at Tulane University's English as a Second Language Program. N.O., LA.

October 5, 1993 - *Ethics in Juvenile Law*, delivered at 16th Annual Conference of National Association of Counsel for Children; published in 1993 CURRENT ISSUES IN PEDIATRIC LAW (Nat'l. Assoc. of Counsel for Children Law Manual Series, 1993 ed.) Denver, CO.

April 16, 1993 - *Meeting Defense Arguments in Child Abuse Cases* delivered at 10th Annual Mississippi Conference on Child Abuse & Neglect, ANOTHER CHANCE TO GET IT RIGHT. Jackson, MS.

May 15, 1992 - *Ethical Considerations in Domestic Relations Involving Child Abuse*, presented at the New Mexico State Bar CLE Conference, Using the Law to Protect Children Conference. Albuquerque, N.M.

Oct. 15, 1991 - Organized the 1991 annual conference for the National Association of Counsel for Children, presented and published *Attempting to Define Child Neglect* (co-authored with V. Barnes); also presented and published *The Enhanced Ethical Obligations of Representing Juveniles* in CHILDREN'S LAW UPDATE (Nat'l. Assoc. of Counsel for Children Law Manual Series, 1991 ed.) N.O., LA.

Dec. 16, 1989 - Organized *Legal Issues Involving Juveniles*, Tulane Law School's first CLE program on Juvenile Law. N.O., LA.

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Dreyfous Teaching Fellow
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