

**DAVID R. KATNER**  
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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.5-694); Ava (d.o.b. 11-1-94); Brett (12-9-03); and Noah (d.o.b. 12-29-06).

**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 trails 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 Trustees: Louisiana Mental Health Advocacy Services 2013-present  
Board of Directors: Jefferson Parish Children & Youth Planning 2017-present.

Board of Directors: New Orleans Children's Bureau 2003- 2007.

Board of Directors: National Association of Counsel for Children 1991 - 2007;

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, American Academy of Forensic Sciences 2018-19

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 (didactics for child psychiatric residents) at Tulane Medical School; conducted grand rounds at Tulane Medical School for Pediatrics and Child Psychiatry.

**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., landmark 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 - 2011
- 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.
- Cub Scout Den Leader, Pack 56, Lusher School; recipient of 4 President's Volunteer Service Awards (gold and silver)
- Board member, Jefferson Parish Juvenile Services Advisory Board
- Board member, Louisiana Mental Health Advocacy Services
- Emeritus Board member, National Association of Counsel for Children

**PUBLICATIONS:** You can access my papers on SSRN at: <http://ssrn.com/author=22186>.

### **--Book Chapters**

--Delinquency, Due Process, and Mental Health, Presuming Youth Incompetency, Chp. 5, A NEW JUVENILE JUSTICE SYSTEM: TOTAL REFORM FOR A BROKEN SYSTEM (Nancy Dowd, ed., NYU Press 2015).

--Delinquency and Daycare, 4 HARVARD LAW & POLICY REVIEW 49 (2010), available at [http://hlpronline.com/2010/02/katner\\_daycare/](http://hlpronline.com/2010/02/katner_daycare/). Reprinted in Chp. 2, JUSTICE FOR KIDS, KEEPING KIDS OUT OF THE JUVENILE JUSTICE SYSTEM 39 (Nancy E. Dowd, ed., NYU Press 2011).

--Rethinking Juvenile Justice in the Wake of Katrina, Chp. 5, CHILDREN, LAW, AND DISASTERS, WHAT WE HAVE LEARNED FROM KATRINA AND THE HURRICANES OF 2005 113 (ABA Center on Children & the Law 2009). Available at SSRN: <https://ssrn.com/abstract=2274701>

--Legal Issues, Chp. 14, RECOGNITION OF CHILD ABUSE FOR THE MANDATED REPORTER 309 (G.W. Medical Publishing, Inc., Angelo P. Giardino, Eileen R. Giardino, eds.)(3<sup>rd</sup> Ed. 2002)(Henry J. Plum, co-author).

--Raising the Insanity Plea, Chp. 4, ETHICAL PROBLEMS FACING THE CRIMINAL DEFENSE LAWYER 48 (Rodney J. Uphoff, ed., American Bar Assoc. 1995). Available at SSRN: <https://ssrn.com/abstract=2306590>

### **--Articles**

--Juvenile Competency Restoration, \_\_ LEWIS & CLARK LAW REVIEW \_\_ (forthcoming 2023).

--Torture, Ethics and Accountability? 53 LOYOLA UNIVERSITY CHICAGO LAW JOURNAL 513(2022). Available at SSRN: <https://ssrn.com/abstract=4133703>

--Trump's Policy of Putting Kids in Cages: Six Dead, Thousands Separated from Parents, Making America Great Again? (28 VIRGINIA JOURNAL OF SOCIAL POLICY & THE LAW 87, (2021). Available at SSRN: <https://ssrn.com/abstract=3854074>

--Delayed Responses to Child Sexual Abuse: The Kavanaugh Confirmation Hearing, and Eliminating Statutes of Limitation for Child Sexual Abuse Cases, 47 AMERICAN JOURNAL OF CRIMINAL LAW 1 (2020). Available at SSRN: <https://ssrn.com/abstract=3891808>

- Endorsing Pedophiles For Elected Office? 97 NEBRASKA LAW REVIEW 469 (2018). Available at SSRN: <https://ssrn.com/abstract=3319879>.
- Up In Smoke: Removing Marijuana From Schedule I, 28 BOSTON UNIVERSITY PUBLIC INTEREST LAW JOURNAL 167 (2018). Available at SSRN: <https://ssrn.com/abstract=3236322>
- Creating State or Regional Dental Registries to Identify Pediatric Dental Abuse or Neglect, 1(5) BIOMEDICAL JOURNAL OF SCIENTIFIC AND TECHNICAL RESEARCH (2017). Available at [2017.bjstr.ms.ID000451.DOI:10.2617/bjstr2017.01.000451](https://doi.org/10.2617/bjstr2017.01.000451).
- Considerations in Identifying Pediatric Dental Neglect and the Legal Obligation to Report (co-authored with Suzanne Fournier, DDS, and Christopher Brown, DDS), 147 JOURNAL OF THE AMERICAN DENTAL ASSOCIATION 812 (Oct. 2016).
- Eliminating the Competency Presumption in Juvenile Delinquency Cases, 24 CORNELL JOURNAL OF LAW & PUBLIC POLICY 403 (2015). Available at SSRN: <https://ssrn.com/abstract=2600603>.
- Mandatory Reporting of Oral Injuries Indicating Possible Child Abuse, 143 JOURNAL OF THE AMERICAN DENTAL ASSOCIATION 1087 (Oct. 2012)(co-authored with Christopher Brown, DDS).
- Revising Legal Ethics in Delinquency Cases by Consulting with Juveniles' Parents, 79 UMKC LAW REVIEW 595 (2011). Available at SSRN: <https://ssrn.com/abstract=2268196>
- In Opposition to the Mandatory Registration of Juvenile Sex Offenders, 3 JOURNAL OF RACE, GENDER & POVERTY 21 (2011-12). Available at SSRN: <https://ssrn.com/abstract=2274155>
- Foreword: The Legacy of Gault, 44 CRIMINAL LAW BULLETIN 302 (May-June 2008). Available at SSRN: <https://ssrn.com/abstract=2269190>
- The Ethical Struggle of Usurping Juvenile Client Autonomy by Raising Competency in Delinquency and Criminal Cases, 16 SOUTHERN CALIFORNIA INTERDISCIPLINARY LAW JOURNAL 293 (2007). Available at SSRN: <https://ssrn.com/abstract=2268203>
- 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). Available at SSRN: <https://ssrn.com/abstract=2271800>
- Confidentiality and Juvenile Mental Health Records in Dependency Proceedings, 12 WILLIAM & MARY BILL OF RIGHTS JOURNAL 511 (2004). Available at SSRN: <https://ssrn.com/abstract=2269763>. This article was selected for reprinting in Representing Children, Families, and Agencies in Child Welfare, Juvenile Justice, Custody, and Adoption Proceedings 281 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 2004 ed.).

--A Defense Perspective of Treatment Programs for Juvenile Sex Offenders, 37 CRIMINAL LAW BULLETIN 371 (July-Aug. 2001); reprinted in 2 JUVENILE CORRECTIONAL MENTAL HEALTH REPORT 17 (Jan./Feb. 2002). Available at SSRN: <https://ssrn.com/abstract=2269689>

--Raising Mental Health Issues – Other Than Insanity – In Juvenile Delinquency Defense, 28 AMERICAN JOURNAL OF CRIMINAL LAW 1 (2001). Available at SSRN: <https://ssrn.com/abstract=2274110>

--Using Developmental and Mental Health Issues in Opposition to Juvenile Waivers Into Adult Criminal Courts, 4 MICHIGAN CHILD WELFARE LAW JOURNAL 3 (2000). Available at SSRN: <https://ssrn.com/abstract=2277224> or <http://dx.doi.org/10.2139/ssrn.2277224>

--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 (2000). Available at SSRN: <https://ssrn.com/abstract=2274112>

--Treatment Programs for Juvenile Sex Offenders: One Defense Lawyer's Perspective, IMPROVING THE PROFESSIONAL RESPONSE TO CHILDREN IN THE LEGAL SYSTEM (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 2000 ed.).

--The Nexus of Dependency and Delinquency: Requesting Dependency Lawyers to Handle Delinquency Cases, 3 MICHIGAN CHILD WELFARE LAW JOURNAL 2 (WINTER, 1999). Available at SSRN: <https://ssrn.com/abstract=2274743>

--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 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 1998 ed.).

--The Diminishing Protections of the Fourth, Fifth and Sixth Amendments for Juveniles in Delinquency Cases, and Some Child Development Considerations Worth Revisiting, CHILD ADVOCACY AT A CROSSROADS 351 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 1996 ed.).

--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). Available at SSRN: <https://ssrn.com/abstract=2268035>

--Selected Fundamental Issues for Non-Legally Trained Professionals Who Work With Attorneys in Representing Juvenile Victims and Offenders in Domestic Violence Cases 91 (co-authored with M. Ventrell), 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, and Dept. of Pediatrics, Univ. Colo. School of Medicine, 1995).

--Breaching Attorney-Client Confidentiality When Representing Juveniles With AIDS, EXCELLENCE IN CHILDREN'S LAW 199 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 1994 ed.).

--Legal Ethics and Representation of Juvenile Clients in Oklahoma, CHILDREN AND THE LAW, V-1CV-13, Pub. No. 541 (Oklahoma Bar Association) (1994).

--Ethics in Juvenile Law, CURRENT ISSUES IN PEDIATRIC LAW 253 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 1993 ed.).

- Ethical Considerations in Domestic Relations Cases Involving Child Abuse, USING THE LAW TO PROTECT CHILDREN: CURRENT ISSUES IN CHILD WELFARE LAW, ABUSE & NEGLECT (State Bar of New Mexico)(1992).
- The Enhanced Ethical Obligations of Representing Juveniles, CHILDREN'S LAW UPDATE 165 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 1991 ed.).
- Attempting to Define "Child Neglect" (co-authored by V. Barnes), CHILDREN'S LAW UPDATE 143 (Nat'l Assoc. of Counsel for Children, Children's Law Manual Series, 1991 ed.).
- Addressing the Unmet Need for Counsel to Handle Delinquency As Well As Dependency Cases, 20 GUARDIAN 3 (1988).

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