

UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF
LOUISIANA

Debra Williams v. Joshua Clayton, et al.

Clayton · No. 2:25-cv-00795 · Decided March 24, 2026

SUMMARY

The United States District Court for the Eastern District of Louisiana granted summary judgment to the defendant attorneys in Debra Williams’s legal-malpractice action arising from their representation of her in employment arbitration proceedings. The court held that Williams’s claims were time-barred under Louisiana Revised Statutes § 9:5605 and, alternatively, that she failed to provide expert testimony establishing negligence or competent evidence establishing causation. The court dismissed all claims with prejudice and denied defendant Kelvin May’s motion to dismiss as moot.

CASE DETAILS

COURT	United States District Court for the Eastern District of Louisiana
JURISDICTION	United States District Court for the Eastern District of Louisiana
DECIDED	March 24, 2026
DOCKET	2:25-cv-00795
DISPOSITION	other
PROCEDURAL POSTURE	Plaintiff brought legal-malpractice, professional-negligence, fiduciary-duty, and gross-negligence claims against attorneys who represented her in an employment-discrimination arbitration. The court considered defendants' motions for summary judgment, May's motion to dismiss, and May's motion to join and adopt the pending summary-judgment motions.
STANDARD OF REVIEW	Summary judgment is proper when the record shows no genuine dispute of material fact and the movant is entitled to judgment as a matter of law. The court views facts and evidence in the light most favorable to the nonmovant, does not weigh evidence or make credibility determinations, and requires competent evidence sufficient for a reasonable factfinder to rule for the nonmovant. In a legal-malpractice action, the plaintiff must produce competent evidence of the applicable standard of care and breach unless the malpractice is so obvious that a layperson could recognize it.

PRECEDENTIAL VALUE	Unknown; district-court order and reasons with no reporter or neutral citation.
PARTIES	Debra Williams v. Joshua Clayton, Ben Clayton, Thomas J. Hogan, Kelvin May

TOPICS

summary judgment statute of limitations professional negligence joinder evidence

PRACTICE AREAS

civil procedure legal malpractice professional negligence employment discrimination

QUESTIONS PRESENTED

1. Whether Williams's legal-malpractice and related claims were prescribed under Louisiana Revised Statutes § 9:5605.
2. Whether defendants were entitled to summary judgment because Williams lacked expert evidence establishing the applicable standard of care and breach.
3. Whether Williams produced sufficient evidence that the attorneys' alleged negligence caused her loss in the arbitration.
4. Whether Williams could pursue a new negligence theory raised for the first time in opposition to summary judgment.
5. Whether May could join and adopt the pending motions for summary judgment.

HOLDINGS

1. Williams's claims remained time-barred under Louisiana Revised Statutes § 9:5605 because she had constructive knowledge of the alleged malpractice on December 7, 2023, but did not file suit within one year.
2. Defendants were entitled to summary judgment because Williams provided no expert testimony concerning the applicable standard of care or breach, and the alleged conduct was not so obviously negligent or grossly erroneous that expert testimony was unnecessary.
3. Defendants were entitled to summary judgment because Williams offered only speculative evidence that the attorneys' failure to secure testimony from the witnesses caused her unfavorable arbitration result.
4. Williams could not pursue a claim that defendants failed to research, argue, and present legal and factual support concerning adverse inferences because she raised that theory for the first time in opposition to summary judgment.

KEY QUOTATIONS

“Summary judgment is appropriate when the pleadings, depositions, interrogatory answers, and admissions, together with any affidavits, show that there is no genuine issue as to any material fact and that the moving

party is entitled to judgment as a matter of law.” (Section II.A)

“summary judgment for the defendants is proper unless the undisputed facts establish malpractice which was so obvious that a lay person would recognize it as falling beneath the necessary standard of care.” (Section II.B.ii)

“if a malpractice plaintiff offers only a speculative theory of loss causation, the defendant is entitled to judgment as a matter of law.” (Section II.B.iii)

FACTUAL BACKGROUND

Williams alleged that attorneys representing her in an employment-discrimination arbitration negligently failed to seek judicial enforcement of subpoenas directed to Lonnie Brewer and Brent Couvillion. She contended that the failure to obtain their testimony caused her to lose the arbitration. The attorneys instead pursued an adverse inference, and the arbitrator considered the alleged discriminatory statements but concluded that the conduct was not sufficiently severe or pervasive to affect a term or condition of employment. Williams offered no expert testimony establishing the applicable legal-malpractice standard of care and no credible evidence that the missing witnesses would have given testimony changing the arbitration result.

PROCEDURAL HISTORY

Williams filed suit on April 22, 2025. The court previously dismissed the Clayton Defendants' and Hogan's claims as untimely, subject to reconsideration if Williams timely amended her complaint. Williams amended her complaint, but the defendants supplemented their summary-judgment motions. May separately moved to dismiss and to join and adopt the pending summary-judgment motions. The court granted summary judgment for all defendants, dismissed Williams's claims with prejudice, granted the joinder motion, and denied May's motion to dismiss as moot.

DISPOSITION

other

CASES CITED

- Celotex Corp. v. Catrett, 477 U.S. 317 (1986)
- LSR Consulting, LLC v. Wells Fargo Bank, N.A., 835 F.3d 530, 534 (5th Cir. 2016)
- Delta & Pine Land Co. v. Nationwide Agribusiness Insurance Co., 530 F.3d 395, 398 (5th Cir. 2008)
- Lindsey v. Sears Roebuck & Co., 16 F.3d 616, 618 (5th Cir. 1994)
- Matsushita Electric Industrial Co. v. Zenith Radio Corp., 475 U.S. 574, 586 (1986)
- Bargher v. White, 928 F.3d 439, 444-45 (5th Cir. 2019)
- Little v. Liquid Air Corp., 37 F.3d 1069, 1075 (5th Cir. 1994)
- Smith v. Amedisys, 298 F.3d 434, 440 (5th Cir. 2002)
- Teague v. St. Paul Fire and Marine Insurance Co., 07-1384 (La. Feb. 1, 2008), 974 So. 2d 1266, 1272
- MB Industries, LLC v. CAN Insurance Co., 2011-0303 (La. Oct. 25, 2011), 74 So. 3d 1173, 1184-85

- Travelers Property Casualty Co. of America v. Bossier, No. CV 14-2176, 2016 WL 3997063, at *9, *11 (E.D. La. July 26, 2016)
- Cutrera v. Board of Supervisors, 429 F.3d 108, 113 (5th Cir. 2005)
- Colonial Freight Systems, Inc. v. Adams & Reese, LLP, 524 F. App'x 142, 144 (5th Cir. 2013)
- Williams v. Bankers Life, et al., CA No. 21-293 (M.D. La. Mar. 24, 2025)

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