

## MICHAEL R. FONTHAM

Senior Counsel

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### OVERVIEW

Mike Fontham, Chair of Stone Pigman's Regulatory Practice Group, focuses his practice on public utility and appellate law, energy and natural resources, and energy regulation and utilities. He has represented the Louisiana Public Service Commission and other clients in proceedings before the United States Supreme Court, the Federal Energy Regulatory Commission, and the U.S. Courts of Appeals for the D.C. Circuit and the Fifth Circuit. He has tried many cases in state and federal court on behalf of a variety of clients.

Mike is an active law professor and legal author, having written two books. He taught as an adjunct professor at Tulane University Law School for 33 years and is an adjunct professor at the Paul M. Hebert Law Center at Louisiana State University. He is also an instructor in the Trial Advocacy Institute at the University of Virginia. He most notably provided legal services to break state-imposed price-fixing on behalf of the iconic Schwegmann family, founders of the grocery store chain that would pave the way for chain supermarkets nationwide. He has also won victories in cases involving constitutional law, civil rights, construction law, and contract disputes.

### REPRESENTATIVE MATTERS

- Represents the Louisiana Public Service Commission in proceedings before the Federal Energy Regulatory Commission and the U. S. Court of Appeals for the D.C. Circuit regarding cost allocations among operating companies of Entergy Corp. and other Louisiana electric utilities.
- Represents the Louisiana Public Service Commission in various dockets concerning requests for rate increases, development of formula rate plans, and certification of new generating units for various electric utilities in Louisiana.
- Represents a preferred provider health organization in litigation involving the constitutionality and applicability of certain Louisiana statutory penalty provisions to PPO discounts.
- Represented the Commission in the United States Supreme Court in *Entergy Louisiana, Inc. v. Louisiana Public Service Comm'n*, a case involving cost allocations in the Entergy System, and in *Louisiana Public Service Comm'n v. FCC*, a case involving the preemptive effect of FCC prescribed depreciation rates.
- Represented a plaintiff in an equal employment suit in the United States Supreme Court, *United Steelworkers v. Weber*.
- Represented the City of Plaquemines, Louisiana in state, district, and appellate court in a suit for construction deficiencies that made a sewage treatment tank unusable. Also represented the City in a contractual dispute relating to a power supply agreement with a major industrial customer.

### PRACTICE AREAS

Appellate

### INDUSTRIES

Energy & Natural Resources

Energy Regulation and Utilities

### BAR ADMISSIONS

United State Supreme Court

Louisiana Federal and State Courts

### EDUCATION

University of Virginia School of Law,  
J.D., 1971

- Order of the Coif
- Member, *Virginia Law Review*,  
1969-71

Louisiana State University, 1968

- Represented a manufacturing firm in state court in a dispute concerning the performance of an agreement by which a Joint Venture with another company was dissolved.
- Represented a manufacturing firm in a dispute concerning the cost of construction of piping and related equipment in the installation of a nitric acid facility.

### PROFESSIONAL AND CIVIC ACTIVITIES

- Mike is the author of *Trial Technique and Evidence* (2d ed., Lexis-Nexis, 2002) (3d ed., NITA, 2008) and is the lead author of *Persuasive Written and Oral Advocacy: In Trial and Appellate Courts* (Aspen, 2007), an extensive revision and expansion of his *Written and Oral Advocacy* (Wiley, 1985). He has written a number of articles and delivered numerous lectures on trial and appellate advocacy, evidence, utility regulation, and civil rights issues.

### TEACHING POSITIONS

- Mike currently teaches as an adjunct professor of law at the Paul M. Hebert Law Center at Louisiana State University and was an adjunct professor for 33 years at the Tulane University Law School where he received the Monte Lemann Award three times for distinguished teaching.
- He is an instructor in the Trial Advocacy Institute at the University of Virginia and has been an instructor in the Trial Clinical Program at Tulane, skills courses at Loyola University School of Law, and the LSU Bar Review.
- Mike was a visiting professor at the University of Virginia School of Law visiting professor, 1982-83.

### HONORS & AWARDS

- *Best Lawyers in America* 1991 - 2023.
  - "Lawyer of the Year" New Orleans for Appellate Practice 2012.
  - "Lawyer of the Year" New Orleans for Energy Law 2010.
- Chambers and Partners 2005 - 2022.
- *Louisiana Super Lawyers* 2007 - 2023.
- *New Orleans Magazine* "Top Lawyer" 2012 - 2022.