



# DE NOVO

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The Law Library of Louisiana

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## CHIEF'S PORTRAIT UNVEILING

by Miriam Childs



Chief Justice Bernette Joshua Johnson, second from right, with artist Ulrick Jean-Pierre (l) and Supreme Court of Louisiana Historical Society Board President Donna D. Fraiche.

The portrait unveiling ceremony for Chief Justice Bernette Joshua Johnson was held on Monday, February 17, 2014 in the Louisiana Supreme Court's courtroom. Painted by artist Ulrick Jean-Pierre, and commissioned by the Supreme Court of Louisiana Historical Society, the portrait of Chief Justice Johnson will be added to the permanent collection of portraits of Chief Justices exhibited in the Louisiana Supreme Court Museum.

Donna D. Fraiche, Board President of the Supreme Court of Louisiana Historical Society, welcomed guests to the program, followed by an invocation by Rev. Jonathan C. Augustine, St. Paul African Methodist Episcopal Church. Chief Justice Johnson's grandchildren, Neyah and Noah Johnson, opened the ceremony with the Pledge of Allegiance.

Chief Justice Johnson's children, Rachael and David,

removed the red satin cloth from the painting with a flourish, to the delight and awe of the audience upon viewing the portrait for the first time.

Ulrick Jean-Pierre then delivered his remarks about the painting. Mr. Jean-Pierre is a Haitian native who now resides in New Orleans. His works interpret Haitian culture and historical figures from Haiti's history who shaped its

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# CHIEF'S PORTRAIT UNVEILING, CONT.

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society.

Several guest speakers followed Mr. Jean-Pierre with remarks to honor and celebrate Chief Justice Johnson's remarkable judicial career, including Richard K. Leefe, Supreme Court Historical Society Board Member and President of the Louisiana State Bar Association; Jack M. Weiss, Board Member and Chancellor, Louisiana State University Paul M. Hebert Law Center; Judge

Ivan L. R. Lemelle, U. S. District Court, Eastern District of Louisiana; and attorney Darleen Jacobs. Chief Justice Johnson gave closing remarks before guests enjoyed a reception on the Court's first floor.

Other Board members in attendance included Judge Marc T. Amy, Professor Paul R. Baier, Allen Danos, Jr., Judge James L. Dennis, Edward "Ned" Diefenthal, Dr. Rachel Emanuel, E.

Phelps Gay, Leo C. Hamilton, Benjamin W. Janke, Dean María Pabón López (Loyola University of New Orleans College of Law), and Dean David D. Meyer (Tulane University School of Law).

Chief Justice Johnson has spent almost 30 years as a member of the Louisiana judiciary. She served as an Orleans Civil District Court judge for 10 years, being elevated to Chief

Judge for the last part of her tenure. She joined the Louisiana Supreme Court in 1994 and was sworn in as Chief Justice on February 1, 2013. Chief Justice Johnson is the Louisiana Supreme Court's 25th Chief Justice, its second female Chief Justice, and its first African-American Chief Justice. δ

## 2013 NAWJ CONFERENCE

*by Miriam Childs*

The 2013 National Association of Women Judges (NAWJ) Conference was held October 9-13 at the Ritz-Carlton Hotel in New Orleans. The NAWJ's mission is to preserve judicial independence, which ensures equal justice and access to the courts for women, minorities and other historically disfavored groups. Its mission also includes providing judicial education and increasing the numbers and advancement of women judges. Membership is open to both men and women, as well as judicial clerks, attorneys and law students.

During the conference, Chief Justice Bernette Joshua Johnson was awarded the Joan Dempsey Klein Award, which honors a judge who brings distinction to her office and to the NAWJ as exemplified by Justice Joan Dempsey Klein, founder of the organization.

Chief Justice Johnson adds this prestigious award to the many she has received throughout her career.

On the evening of October 10, a reception for conference attendees was held at the Louisiana Supreme Court. Guests were given a warm welcome, with sumptuous décor and hors d'oeuvres. A highlight of the reception was the new "Women in Law" exhibit at the Louisiana Supreme

Court Museum, which made its debut at the conference.

The exhibit features four exhibit cases and a timeline covering the influence of women in the field of law from America's colonial era to modern times, using photographs and expository text. Two poster displays accompany the exhibit. One poster lists the first women Louisiana judges to serve in several

state jurisdictions from 1940-1990. The second poster is an enlarged picture from the 1997 New Orleans Mayor's Conference on Women, a salute to women in the judiciary. Then-Mayor Marc H. Morial honored 36 women judges, including Chief Justice Johnson, who was an Associate Justice at the Louisiana Supreme Court at the time.

"Making History: Women Judges in Louisiana" is the theme of the four exhibit cases. The cases cover the Louisiana women's suffrage movement, women and legal education in Louisiana, Women of the Louisiana Supreme Court, and Firsts among women.

The exhibit is free and open to the public. δ



*Left to right: Justice Joan Dempsey Klein, California 2nd District Court of Appeal; Chief Justice Bernette Joshua Johnson; Chief Justice Barbara Madsen, Washington Supreme Court.*

# FALL HISTORICAL SOCIETY EVENTS RECAP

by Georgia Chadwick

The Supreme Court of Louisiana Historical Society (SCLHS) currently hails 180+ members, and the Society has been active in sponsoring numerous educational events over the past several months, including:

**A reception held September 6th** preceding the sold-out production of "Here's To You, Mr. Tureaud!" at the LSU A.P. Tureaud Sr. Black Alumni Chapter's 2013 Reunion Celebration at the Manship Theatre in the Shaw Center for the Arts in Baton Rouge. SCLHS Board members Chief Justice Bernette Joshua Johnson and Professor Paul R. Baier were among the guests and Dr. Rachel Emanuel welcomed participants, thanked sponsors and gave special recognition to A.P. Tureaud, Jr.

**SCLHS Annual Meeting held October 21st** at the Louisiana Supreme Court was attended

by over 100 people. The Annual Meeting of the Membership was convened by President Donna D. Fraiche.

Other officers present were First Vice-President Judge Marc T. Amy, Second Vice-President Mathile W. Abramson, Secretary Professor Paul R. Baier, and Treasurer Benjamin W. Janke. Other board members attending were Chief Justice Bernette Joshua Johnson, Louis D. Curret, Dr. Rachel Emanuel, Allen J. Danos, Jr., Judge James L. Dennis, Edward "Ned" Diefenthal, E. Phelps Gay, Dean María Pabón López, Chancellor Jack M. Weiss, and Richard K. Leefe, LSBA Bar President. The membership was also privileged to have in attendance Justice Marcus R. Clark, Retired Chief Justice Pascal F. Calogero, Jr., Retired Justice Harry T. Lem-



The portrait of Judge James L. Dennis. The portrait ceremony featured Donna D. Fraiche, SCLHS President; Chief Justice Bernette J. Johnson; Retired Chief Justice Pascal F. Calogero, Jr.; and Judge Eldon Fallon (La. E.D.) as speakers. Family of Judge Dennis were also in attendance.

mon, Retired Justice Chet D. Traylor, Fourth Circuit Court of Appeal Chief Judge James F. McKay III, and the following U.S. District Court Judges: Judge Eldon E. Fallon, Judge Mary Ann Vial Lemmon, Judge Jay C. Zainey, Judge Nannette Jolivet Brown, and Judge Susie Morgan of the Eastern District of Louisiana, and Judge James J. Brady and Judge Brian A. Jackson of the Middle District of Louisiana, as well as U.S. Bankruptcy Court Judge Jerry A. Brown.

Also present were Clerk of Court John T. Olivier, guest speaker Professor A.N. Yiannopoulos, and the family of Judge James L. Dennis, U.S. Court of Appeals Circuit Judge for the Fifth Circuit. Professor Paul R. Baier introduced guest speaker Professor A.N. Yiannopoulos, who provided

an interesting profile on the Bicentenary of the Louisiana Supreme Court: Chronicle of the Creation of a Unique Beautiful Legal Tradition, which was enthusiastically received.

**Judge James L. Dennis Portrait Unveiling Ceremony** on October 21st followed the SCLHS annual meeting wherein Judge James L. Dennis's portrait was given to the Supreme Court Portrait Collection by his family.

SCLHS President Donna D. Fraiche began the ceremony by inviting Judge Dennis's entire family to surround the portrait for a photo of the unveiling. Accepting the portrait on behalf of the Court, Chief Justice Bernette Joshua Johnson remarked on Justice Dennis's education,

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Performance from the "Here's to You, Mr. Tureaud!" production during the A. P. Tureaud Sr. Black Alumni Chapter's 2013 reunion at the Manship Theatre in the Shaw Center for the Arts in Baton Rouge.

# HISTORICAL SOCIETY, CONT.

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accomplishments, 20 years of service to the Court, and distinguished service on the U.S. Fifth Circuit Court of Appeals. She stated how proud everyone was of him, not only as a jurist, but for his intellect and reputation as a man who cares about people.

She called upon Retired Chief Justice Pascal F. Calogero, Jr., who attested to Judge Dennis's academic discipline, stating that his superior intellect, vigorous dedication, and unwavering commitment to defending the law were indispensable and that he deserves every accolade for his kindness and selfless efforts on the Louisiana Supreme Court, as well as on the U. S. Fifth Circuit Court of Appeals, where he was appointed in 1995 by President Clinton.

Judge Eldon E. Fallon followed with a continuum of praise and honor for Judge Dennis as he recollected his numerous accomplishments and noteworthy cases. He said it was his privilege and pleasure to participate in the ceremony, to recognize his colleague for his intellect, integrity, courage and commitment to service. Then Judge Dennis came forward and expressed sincere gratitude to everyone who shared the moment with him, especially his wife Judy, son Steve, daughter Hilary and husband Mickey Landry and their children Sophia, Mae Mae and Patrick, daughter



*Dr. Agustín Parise, Faculty of Law, Maastricht University, the Netherlands.*

Calais and her son Gabriel and fiancé Patrick Waring. Judge Dennis said it was his privilege to serve. He thanked his many colleagues for their assistance along the way, for their kind words, and for a very moving tribute. A reception followed in the Supreme Court Museum.

**CLE presentation on October 30th** by Dr. Agustín Parise, entitled "Louisiana's Early Codes: The Shifting Pendulum of 19th Century Louisiana Law," was held at the Old U.S. Mint in New Orleans. The event was co-sponsored by the French American Chamber of Commerce Gulf Coast

Chapter, the Louisiana State Museum and SCLHS.

Tours of the Louisiana colonial archives were given before the lecture, which offered one hour of CLE credit sponsored by the Law Library of Louisiana. Dr. Parise is a member of the Faculty of Law at Maastricht University, the Netherlands. He received his degrees of LL.B. and LL.D. at Universidad de Buenos Aires, where he was a lecturer in legal history, and received his LL.M. at LSU Law Center, where he was research associate at the Center of Civil Law Studies.

**On November 15th, SCLHS co-sponsored** a lecture at the Loyola University New Orleans College of Law entitled "The Crime of Treason in the Origins of Spanish Constitutionalism," by Professor Aniceto Masferrer, Professor of Legal History at the Faculty of Law, University of Valencia. Professor Masferrer has been fellow researcher

at the Institute Max-Planck for European Legal History, Visiting Professor at University of Cambridge, Visiting Scholar at Harvard Law School and Melbourne Law School, and Visiting Professor at the University of Tasmania.

Professor Masferrer has extensively published on criminal law and on the codification movement and fundamental rights in the Western legal tradition. He is the current president of the European Society for Comparative Legal History and a member of the Spanish Royal Academy of Jurisprudence and Legislation.

**On November 21st, SCLHS was one of the sponsors** of an afternoon symposium held by the Francophone Section of the Louisiana State Bar Association commemorating the Bicentennial of the Louisiana Supreme Court. The three hour CLE program was held at the Historic New Orleans Collection, and the symposium featured four heroes of the Civil Law in Louisiana. Opening remarks were made by Warren A. Perrin, Francophone Section Chair, and by LSBA President Richard K. Leefe. Justice Greg G. Guidry of the Louisiana Supreme Court was the first speaker, giving an overview of the Court's 2013 Bicentennial events and

*continued on next page*



*l-r: Professor Raphael "Ray" J. Rabalais, Jr., Loyola University New Orleans College of Law; Professor Aniceto Masferrer, University of Valencia; Professor Markus G. Puder, Loyola University of New Orleans College of Law; Professor Olivier Moréteau, Louisiana State University Paul M. Hebert Law Center.*

# HISTORICAL SOCIETY, CONT.

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Retired Chief Justice Pascal F. Calogero, Jr. and Grover Joseph Rees, III, United States Ambassador (Retired) listen to a lecture during the LSBA Francophone Section's symposium commemorating the Louisiana Supreme Court's bicentennial.

spoke about several justices who were important in the development of the Court.

Louis R. Koerner then introduced the four panelists. LSU Law Professor Olivier Moréteau presented a talk on François-Xavier Martin and an historical overview of the court in the early 19th century just after statehood and in its formative years. Justice Albert Tate's storied career as a jurist was discussed by one of his former law clerks, Grover Joseph Rees, III, United States Ambassador (Retired). Judge James L. Dennis, presently Circuit Judge on the U. S. 5th Circuit Court of Appeals, spoke about the 20 years he served on the Louisiana Supreme Court and the influence of former Justice Mack E. Barham. Retired Chief Justice Pascal F. Calogero, Jr. discussed his early years as an earnest young lawyer, his record breaking tenure on the Supreme Court and his successful efforts to have the Court's historic home restored.

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## JUDGE TATE CLE

Members of the Louisiana Bar were fortunate to again enjoy the scholarship of Retired Ambassador Grover Joseph Rees, III, when the Law Library sponsored a CLE entitled "A Remembrance of Judge Albert Tate, Jr." on Friday, February 14, 2014, held in the Louisiana Supreme Court's courtroom. The CLE was free and open to the public and worth one credit hour.

Georgia Chadwick, Director of the Law Library of Louisiana, delivered the

introduction to the program. Charles Tate, son of Judge Tate, introduced the speaker, Ambassador Rees.

Judge Tate served on the Louisiana Supreme Court from 1970-1979. Ambassador Rees was then-Justice Tate's law clerk from 1978-1979, immediately before Tate's appointment to the United States Fifth Circuit by President Carter.

Ambassador Rees said that Judge Tate was the best-known and best-loved judge in Louisiana. Judge Tate is known for reforming Louisiana tort law, but his was a conservative reform rather than a "radical" reform. Judge Tate's opinions were based on Louisiana Civil Code articles that had been underused by his predecessors, but still applicable to the cases he found before him.

Mr. Rees discussed a

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Left to right: Charles Tate, Grover Joseph Rees, III, United States Ambassador (Retired), Retired Chief Justice Pascal F. Calogero, Jr., and Tulane Law Professor Emeritus A.N. Yiannopoulos in the Louisiana Supreme Court's courtroom.

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# 4TH CIRCUIT EXHIBIT IN MUSEUM

by Miriam Childs

The newest exhibit in the Louisiana Supreme Court Museum covers the evolution of the Louisiana Court of Appeal, Fourth Circuit from its origins in 1879 through the present. A twin exhibit sits outside the Fourth Circuit Clerk's Office.



Exhibit outside 4th Circuit Clerk's Office

The Louisiana Constitution of 1879 created six courts of appeal, including the Court of Appeal of the Parish of Orleans (which later became known as the Court of Appeal, Fourth Circuit). The creation of a lower appel-

late system was necessitated by the Louisiana Supreme Court's extreme docket delay and congestion. A total of two judges served on the Court of Appeal of the Parish of Orleans, Frank McGloin and Walter Henry Rogers. In 1881, McGloin published a selection of opinions rendered by the Court during its

first year, commonly known as "McGloin's Reports."

The Louisiana Court of Appeal, Fourth Circuit changed names, locations, and jurisdictions a number of times during its history. Most changes were put into effect by Louisiana acts or state constitutional amendments.

The Court's first home was the Presbytère in the French Quarter, later moving to the New Courts Building on Royal Street, to the Civil Courts Building on Loyola, to Poydras Street, and finally returning to Royal Street.

The Court's jurisdiction went from Orleans Parish only in the beginning to seven parishes in 1906 prior to the split in 1982 that created the Fifth Circuit Court of Appeal. The number of judges serving on the Court gradually increased over the years to twelve in 1981, where it remains today. The exhibit, free and open to the public, thoroughly maps out the changes that molded Orleans Parish's highest court into the institution it is today.  $\delta$

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## LEGAL SCHOLAR VISITS LOUISIANA

by Georgia Chadwick

For the last two months of 2013, Professor Aniceto Masferrer of the Law School at the University of Valencia was Visiting Scholar at the Center of Civil Law Studies at the Paul M. Hebert Law Center. Before coming to New Orleans at the end of his stay in Louisiana, Professor Masferrer gave lectures at a number of law schools: LSU, Tulane, Loyola, University of Maryland, and the University of Houston. Professor Masferrer's lecture at Loyola New Orleans School of Law was co-sponsored by the Supreme Court of Louisiana Historical Society. His lecture was entitled: "The Crime of Treason in the Origins of Spanish Constitutionalism," and was attended by Loyola faculty members as well as by a number of Historical Society members.

At the end of his stay in Louisiana, Professor Masferrer spent time in New Orleans. He toured the Law Library of Louisiana's Rare Book Room and took particular notice of the library's copies of *Las Siete Partidas del Sabio Rey Alfonso X* (1587), *Las Siete Partidas del Rey de Alfonso el Sabio* (1758), the *Teatro de la Legislacion Universal de España é Indias* (1791), and the *Febrero Adicionado* (1806). Finding such titles that he had long been familiar with in a new context proved revelatory to Professor Masferrer. He gained insight into Louisiana's real ties to Spanish history and how historical Spanish law is a critical part of the foundation of Louisiana law.

While in New Orleans, Professor Masferrer had the

opportunity to discuss the influence of Spanish law on Louisiana's law with a number of Historical Society members in New Orleans: Louisiana Supreme Court Chief Justice Bernette J. Johnson, Justice Greg G. Guidry, Retired Chief Justice Pascal F. Calogero Jr., and Retired Justice Harry T. Lemmon; Louisiana Fourth Circuit Court of Appeal Chief Judge James F. McKay III; U.S. Fifth Circuit Court of Appeals Judge James L. Dennis; U.S. District Court (Eastern District) Judge Mary Ann Vial Lemmon; Loyola University New Orleans College of Law Dean María Pabón López and Professor Ray Rabalais; and New Orleans attorneys Louis V. de la Vergne, Benjamin Janke, and Mary Watson.  $\delta$

# LAW LIBRARY AND COURT SPECIAL GUESTS

by Georgia Chadwick



*Hines Scovell Vaughan, Jr. and Hines Vaughan in front of the portraits of Justices Alfred Land, Thomas Land, and John Land.*

Recently the Law Library and the Louisiana Supreme Court were visited by descendants of four justices who served on the Court: Justices Thomas Thompson Land, Alfred Dillingham Land, John Rutherford Land, and John B. Fournet.

Hines Vaughan, his wife Elizabeth Allison Vaughan and their son Hines Scovell Vaughan, Jr. visited the Law Library in early February to see the three portraits of their ancestors, who served on the Louisiana Supreme Court.

Thomas Thompson Land served on the Court from 1858 to 1865, and two of his sons also served. Alfred Dillingham Land served from 1903 to 1917 and John Rutherford Land served from 1921-1941. No other family has the distinction of having a father and two sons serve on the Court.

In December 2013 members of the family of Chief Justice John B. Fournet visited the Court for a tour of the Museum, Law Library and Courtroom. John D. Fournet, Sr. is the son of the Chief Justice, and he had not been in the building since the renovation. He shared his memories of visiting his father in the building before the Court moved to 301 Loyola in 1958 to what was then a very modern court facility. Chief Justice Fournet was responsible for Court moving from 400 Royal Street, which was in serious decline.

Accompanying John D. Fournet were his daughter Annette Fournet; son Dickens, wife Brandi and their son John Brody Fournet; son John D. Fournet, Jr.; and his nephew Scott Vincent.

On February 1, 2014, John B. Fournet was inducted into the Louisiana Political Hall of Fame at the Louisiana Political Museum in Winnfield, LA. Family members attended the ceremony honoring Fournet for an extraordinary career in all three branches of state government. He served as Speaker of the House of Representatives, Lieutenant Governor, Associ-

ate Justice and then Chief Justice of the Louisiana Supreme Court. In 1970, when he retired from the Court, Fournet held the record for the longest term on the Supreme Court. This record was broken by Chief Justice Pascal F. Calogero, Jr. who, upon his retirement in 2008, served almost 36 years, and 145 days longer than Fournet. δ



*Family of Chief Justice John B. Fournet. l-r: Scott Vincent, John D. Fournet, Sr., John D. Fournet, Jr., John Brody Fournet, Dickens Fournet.*

## JUDGE TATE CLE, CONT.

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number of Judge Tate's opinions, such as *Holland v. Buckley* (305 So.2d 113 (1974)), *Turner v. Bucher* (308 So.2d 270 (1975)), and *Loescher v. Parr* (324 So.2d 441 (1975)), and the tort principles contained in them that changed Louisiana tort law for decades.

Mr. Rees also revealed advice Judge Tate gave him, such as how to control his tendency to be outspoken. Mr. Rees said that a great friendship full of love and mutual affec-

tion developed between himself and Judge Tate because of the kind of person Judge Tate was. Mr. Rees concluded by saying that people will be lucky to be remembered for their qualities and not only for their opinions.

To conclude the program, Charles Tate reminisced about his father and his legacy with the audience. δ

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## LAW LIBRARY ON T.V.

by Fran Norton

In January, two Law Library of Louisiana staff members appeared on the "John Redmann: Power of Attorney" television show, which is broadcast on WLAE-PBS. John Redmann and co-host Shauna Sanford interview local area attorneys about legal issues of interest to Louisianians. Georgia Chadwick, Director of the Law Library of Louisiana, and Francis Norton, Head of Public Services, were interviewed in a two-part series about the Law Library.

Georgia talked about some of the interesting volumes from the library's rare book collection, displaying scanned and

mounted title pages of the *Code Civil Français* from 1804 and a 1759 edition of *Las Siete Partidas*. She also discussed early influences on the Louisiana civil code, dispelling some of the myths about its compilation, and went in to some depth about the long and colorful history of the Law Library.

Francis told the hosts about how our Library serves the Court and the many lawyers who perform their research here. He clarified what we can and cannot do for self-represented litigants (SRLs). Francis went on to discuss the library's involvement with the Louisi-

ana State Bar Association's Access to Justice Program, which will provide meaningful assistance to SRLs throughout Louisiana.

If you didn't catch the shows on the days they originally aired, you may watch them on John Redmann's Facebook page, <https://www.facebook.com/JohnRedmannPOA>; or on YouTube, <http://www.youtube.com/watch?v=-TBnpj968SQ> and <http://www.youtube.com/watch?v=7PFCtpmKIBw>.

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