



DE NOVO

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JUSTICE VICTORY RECEIVES JUDICIAL LEADERSHIP AWARD

by Miriam Childs



Justice Jeffrey P. Victory, recipient of the 2014 Judicial Leadership Achievement Award.

Justice Jeffrey P. Victory received the U. S. Chamber of Commerce Institute for Legal Reform's (ILR) Judicial Leadership Achievement Award on October 21, 2014 at its 15th Annual Legal Reform Summit, held in Washington, D.C. New Jersey Governor

Chris Christie was the keynote speaker.

The Judicial Leadership Achievement Award honors individuals and organizations whose outstanding work has contributed to reforming the United States civil justice system. The ILR

seeks to halt fraudulent lawsuit practices and abuse in the justice system by working with state governments, courts, Congress, and federal regulators. More about the ILR can be found here: <http://www.instituteforlegalreform.com/>.

In presenting the award, the ILR recognized Justice Victory's strong leadership of the Louisiana Supreme Court during his years on the bench. He was praised for using a strict constructionist approach in deciding cases and also for his superior legal reasoning. A number of opinions authored by Justice Victory helped to curb lawsuit abuse in Louisiana.

Justice Victory will retire at the end of the year, having served 20 years on the Louisiana Supreme Court. He graduated from Centenary College

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JUSTICE VICTORY, CONT.

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in 1967 with a B.A. in History and Government. In 1971, Justice Victory graduated from Tulane University School of Law, where he served on the Law Review. After earning his J. D., Justice Victory took a position with Tucker Jeter and Jackson, a prestigious Shreveport law firm.

In 1981, Justice Victory was elected to the First Judicial District Court, and in 1990, he was elected to the Louisiana Second Circuit Court of Appeal for a term beginning January 1, 1991. He served there until he was elected as an Associate Justice of the Louisiana Supreme Court for a term

beginning on January 1, 1995. Justice Victory was a charter member of the Louisiana Sentencing Commission, and is a member of the National Lawyers Association and the American, Louisiana State, and Shreveport Bar Associations. The recent honor bestowed upon him by the Institute for Legal

Reform adds to Justice Victory's stellar career as a Louisiana jurist. δ

WORKFORCE RE-ENTRY PROGRAM

by Miriam Childs

Sometimes a person who's made a mistake needs a second chance. Weary of handing down prison sentences to offenders who would leave prison in no better condition than when they went in, likely to commit crimes again, Orleans Parish Criminal District Court judges Arthur Hunter and Laurie White started the Re-Entry Court in 2010.

Non-violent offenders with sentences less than 10 years are eligible to be sentenced in Re-Entry Court. Selected offenders are sent to Angola and enrolled in its workforce re-entry program. The workforce re-entry program is a two-year long program providing a structured, focused atmosphere in which inmates learn a trade as well as basic life



Chief Justice Bernette J. Johnson and Court Security Officer Elizabeth Coste visiting the Angola State Penitentiary in July 2014.

skills. In July 2014 Chief Justice Bernette J. Johnson toured Angola to see the program in action.

Inmates in the program are paired with vocational mentors, Angola "lifers" who are evidence of what can happen if they don't turn their lives around. Social mentors help inmates learn skills like taking care of children, preparing for a job inter-

view, and getting a driver's license. Social mentors reinforce behavioral norms and exhort their charges to show respect towards others and themselves. Inmates can earn a GED if needed, and all get a certification in one of 16 trades, such as horticulture, culinary arts, carpentry, and auto repair. Forty-eight inmates have graduated from the program since 2010.

Five Louisiana judges are actively involved in the workforce re-entry program. They each represent a group of inmates during the training and post-release probation period and also help to connect inmates to employers. Business groups can visit Angola to meet inmates in the workforce re-entry program and establish relationships that may lead to employment upon completion. Both mentors and mentees testify that the program has been life-changing, evidence of the program's success and its potential to significantly reduce recidivism among Louisiana's prison population. δ

BRYAN GARNER AND BLACK'S

by Francis Norton



Bryan A. Garner

“This new Sixth Edition starts a second century for Black’s Law Dictionary, the standard for legal definitions since 1891.”

Thus began the preface to the Centennial Edition of *Black’s Law Dictionary*, an inaccurate description of the book. It wasn’t a new version of the 6th edition, nor did it start a second century for Black’s, since it was published in 1990. However, the poor choice of words did accurately reflect what the book had become, a mediocre effort assembled without an editor. The book included common non-legal words like hotel, life, midwife, and test. Many

of these definitions were not even useful; for example, the definition for “long” read: “In various compound legal terms (see *infra*) this word carries a meaning not essentially different from its signification in the vernacular.”

Black’s Law Dictionary needed a strong editor to take the helm. West turned to Bryan Garner and his LawProse company, which employs six lawyers. Before taking on Black’s, Garner conducted public and in-house seminars on legal writing, editing, and drafting.

On September 8, 2014, Bryan Garner visited the Louisiana Supreme Court and stopped by the Law Library of Louisiana to discuss his work as editor of *Black’s Law Dictionary*. Garner’s 7th edition differed greatly from its predecessor. Garner had pruned away

many non-legal words added legal terms that had been excluded, and had even re-arranged the typography to get more words on each page. Garner stated that editing is a continuous process, and thus he has a new edition coming out every five years.

The 10th edition, which the library recently added to its collection (Reserve KF 156 .B53 2014), relies upon experts in many different fields. Over 1000 treatises are cited. LawProse lawyers include the best statement for each dictionary term and go into historical depth. Experts in Louisiana and Scottish law, as well as 65 law professors, contributed to the book.

Garner stated that a lexicographer asks questions relentlessly. As an example, he discussed his research on

the term Magna Carta.

Although it is sometimes spelled Magna Charta, there isn’t a difference in pronunciation. Traditionally, Magna Carta is not preceded by the definite article “the;” writers simply refer to it as Magna Carta. The first Magna Carta dates to 1215 under King John, but that one was nullified by the Pope. It was sealed by the King, but not signed. The basis of English statute law is the 1225 Magna Carta, which was sealed by King Henry III.

In Appendix B, Garner gathered together a host of Latin legal maxims. These sayings were edited and re-edited by both Latin and legal scholars. Latin words and phrases are also found throughout the dictionary, but only maxims appear in the appendix: *res ipsa loquitur*. δ

JUDGE RICE GARLAND CLE

The Law Library sponsored a free CLE entitled “The Rise and Fall of Judge Rice Garland” on Friday, October 31 from 11:00-12:00 in the Louisiana Supreme Court courtroom. Professor Warren M. Billings, Bicentennial Historian of the Louisiana Supreme Court, presented this interesting look at Louisiana Supreme Court history.

Born in 1798 in Virginia, Rice Garland came to Louisiana

to seek his fortune and married into a prominent Opelousas family. After serving in the U. S. House of Representatives, Garland was appointed to the Louisiana Supreme Court and served from 1840-1846.

Toward the end of his term, Garland forged a \$6,000 promissory note against the account of John McDonogh, prominent New Orleans resident and philanthropist. McDonogh agreed not to

expose him after Garland attempted suicide before admitting his misdeed. However, Presiding Judge François-Xavier Martin looked into the rumors that were surfacing, and the story eventually made it to the newspapers of the day. Garland resigned from the Court, and his family fled to Texas to escape the ensuing scandal.

Professor Billings has published numerous books

and essays on Louisiana legal history, the Louisiana Supreme Court, and the court system. He is a Distinguished Professor of History, Emeritus, University of New Orleans, where he was a member and later Chairman of the History Department faculty from 1968 to 2005. Professor Billings is currently Visiting Professor of Law, College of William and Mary Law School.

δ

ITALIAN CIVIL CODE EXHIBIT

by Sara Pic

The Law Library recently installed a new exhibit in the Supreme Court Museum entitled *Il Codice Civile: Napoléon in Italy*, featuring a first edition copy of the *Codice di Napoleone: Il Grande pel Regno d'Italia*, generously loaned to the library by New Orleans attorney Bobby Delise. The Italian Codice was the first translation of Napoléon Bonaparte's *Code civil* into any language.

Napoléon's civil code was introduced in Italy following his decision to turn the Republic of Italy into the Kingdom of Italy and crown himself King in 1805. Though Napoléon's Kingdom of Italy only existed nine years, the impact of his code lasted far longer and still forms the base for much of modern Italian law.

The new exhibit outlines the changes effected by the Napoléonic Code in Italy. Prior to the code's introduction, there was no uniform Italian legal system. Italy as a single nation did not even exist; instead, the geographic region now known as Italy was a conglomeration of city-states, Papal states, and independent governments, each with

their own sets of laws and legal procedures. Austria also still dominated large portions of Italy, enforcing its own restrictive laws.

The code was a welcome change in some areas of Italy, where its liberal reforms and consistent application were celebrated. However, parts of the code were sometimes met with opposition. The provisions concerning the family, particularly regarding marriage and divorce rights, were especially controversial, as were the rights to a jury trial and inheritance laws.

Though Napoléon was overthrown in 1814, the influence of his code could not be stopped.



Napoléon's soldiers entering Italy as conquerors, 1805.

After Italian Unification in 1861, lawmakers decided to adopt a single code to unite the nation. They found that the Napoléonic Code most closely met their needs and created the new Italian civil code, the

Codice Civile, in 1865. Some parts of the code were modified with necessary regional revisions (such as dropping divorce) and some unique Italian innovations, but overall the new Italian Civil Code mirrored the Napoléonic Code.

The Italian Codice Civile has been revised over the last century and a half and now incorporates German legal science (with its roots in Roman law) and even some common law concepts. But its basis in Napoléon's Code civil still remains strong.

δ



Title page of Codice di Napoleone: Il Grande pel Regno d'Italia.

ELECTRONIC RESOURCES CLE

by Sara Pic



On September 11th, 2014, the Law Library presented a free 1-hour CLE on the many free electronic resources available to the public at the library. The lecture focused primarily on WestlawNext but also covered several other resources as well.

The library decided it was important to host a seminar on WestlawNext because Westlaw Classic will be phased out over the next year. We want our patrons to feel confident that they can efficiently and effectively conduct research on this new Westlaw platform. The CLE highlighted some of the major changes and innovations in WestlawNext. The most notable change for most people will be its “Google-like” features. Rather than a requirement to choose a single database to search within, WestlawNext users will use a single search bar, WestSearch, that searches across multiple areas and types of law and jurisdictions. Users can narrow

their searches down as much as they want but do not have to do so. Additionally, Boolean search logic will not be required. Westlaw instead encourages users to use WestSearch much as they might use other search engines, by just plugging in practice-oriented questions or keywords. However, Boolean search logic is still supported, so searches can still be narrowly tailored.

Though these features will be the most immediately striking to most users, they are actually made possible by what’s under the hood. WestSearch is powered by West’s new search engine that uses a more comprehensive search algorithm than Westlaw Classic. Unlike its predecessor, which looked at the frequency and proximity of search terms, the new WestSearch search engine also uses both a curated and a crowd-sourced approach to determine document relevance.

WestSearch examines West’s editorial content associated with documents and also which documents are most frequently viewed, printed, and cited in order to determine relevance ranking. However, buyers beware: when evaluating their results, WestlawNext

users should always remember that it is law students and new law firm associates who are most frequently viewing and printing documents.

Overall, many people have stopped by the library after the CLE to remark on their new confidence in WestlawNext and their pleasure at its new features.

The CLE was attended by about 45 attorneys from both the 400 Royal St. community and the public. The Law Library was pleased that the Solo and Small Firm Section of the Louisiana State Bar Association co-sponsored the CLE. For anyone who could not attend the CLE or just wants more information on WestlawNext or any of the library’s electronic resources, please stop by the reference desk any time. δ

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CODIFICATION IN LOUISIANA

by Mary Ann Wegmann

The Law Library of Louisiana is planning an exciting new display on the history of codification in Louisiana for late 2014. Professor Agustín Parise has written an article about Louisiana's efforts to enact codes between 1803 and the early 1830s, when Louisiana shifted from Spanish to French to American rule. Parise's article is entitled "Codification of the Law in Louisiana: Early

Nineteenth-Century Oscillation Between Continental European and Common Law Systems" (27 *Tul. Eur. & Civil Law Forum* 133 (2012)).

The library's exhibit will complement Parise's article by including original volumes and images to illustrate Louisiana's various codes drafted after the Louisiana Purchase in 1803. Spain retroceded Louisiana to France in November 1803. The following month, France transferred Louisiana to the United States and Louisiana became an American territory.

The first proclamation of

United States Commissioner William C. C. Claiborne, later the first governor of Louisiana, was to preserve the laws that applied at the time of the Louisiana Purchase, that is, the Spanish laws and the French *Code Noir*. Louisiana attempted to maintain its civil law heritage and objected to the influence of the common law. The Louisiana Legislature authorized seven codes to be drafted, including criminal law and criminal procedure, civil procedure, civil law, and commercial law. Of these seven codes, only two codes, civil procedure and civil law, were enacted as

law. Attorney Edward Livingston, who was involved in drafting most of Louisiana's codes, is viewed as "amongst the most brilliant minds in the legal history of the United States" (p. 143 of Parise). Livingston's system of penal law, which was never adopted in Louisiana, influenced criminal law codification throughout the world (p. 145). Livingston will be included in the exhibit as well as other drafters of Louisiana codes. The exhibit will be on view on the second floor in the Federal Wing. δ

THE LIBRARY'S E-RESOURCES

Bloomberg BNA Tax Management Portfolios

Bloomberg BNA U. S. Law Week

Gale LegalForms

HeinOnline

LegalTrac

LoisLaw

NFPA Standards

PACER

ProQuest Congressional

WestlawNext Patron Access

CHIEF SPEAKS AT NDA CONFERENCE

Chief Justice Johnson was the keynote speaker at the National Dental Association's (NDA) 101st annual convention Civil Rights Luncheon. The convention was held at the Hilton New Orleans Riverside hotel from July 25-28, 2014. The NDA's goals are to improve the delivery of oral health care in underserved communities and improve the educational opportunities of minorities underrepresented in the oral health field. The association mentors dental students of color and seeks to raise the dental profession's profile in

underserved communities.

Equality and fairness are hallmarks of Chief Justice Johnson's lifelong career. She has served as a member of the Louisiana Supreme Court's Legal Services Task Force and the National Campaign on Best Practices in the area of Racial and Ethnic Fairness in the Courts. In an effort to advance the legal profession in Louisiana, Chief Justice Johnson has worked closely with the Court's Mandatory Continuing Legal Education Commit-

tee and the Committee on Bar Admissions. She has supported important and timely initiatives such as training and certification of limited English proficiency interpreters in the Courts. Chief Justice Johnson is an active member of the A. P. Tureaud Chapter of the American Inns of Court, the National Association of Women Judges, and the Women in Prison Project. δ

BATTLE OF N.O. BICENTENNIAL

by Miriam Childs

January 8, 2015 will mark the 200th anniversary of the Battle of New Orleans, which took place at Chalmette battlefield, now a National Park Service site. Troops commanded by General Andrew Jackson defeated British forces under the command of Major General Sir Edward Pakenham.

In commemoration of the battle's bicentennial, the Law Library of Louisiana purchased an account of the battle entitled *Historical Memoir of the War in West Florida and Louisiana in 1814-1815*, published in 1816. The book's author, Arsène Lacarrière Latour, was a major and an engineer in the service of General Jackson's army. Originally written in French, it was translated into English by H. P. Nugent. The volume is housed in the library's Rare Book Room.

The Battle of New Orleans was the final battle of the War of 1812, though the battle itself took place after the treaty ending the war had been signed. The war's main cause was the British Navy's practice of impressment of American merchant sailors during Great Britain's war with the Napoléonic Empire. The United States was neutral in the continental war and continued to trade with both sides. Fed up with the British Navy's forcing American sailors to fight in a war they weren't a part of, plus British instigation of Native



Arsène Lacarrière Latour, General Jackson's engineer and co-strategist (photo courtesy www.ameriquefrancaise.org).

American skirmishes along the U. S. frontier, the United States declared war on Great Britain on June 18, 1812. The war ultimately ended in a stalemate, but the United States firmly established its independence in the eyes of Great Britain. The Treaty of Ghent, signed in the city of Ghent, Belgium on December 24, 1814, ended the conflagration and returned U.S. and Canadian borders to their pre-war status.

By late December 1814, British troops had landed south of New Orleans and started marching towards the city. General Jackson consulted with Arsène Latour to start constructing defenses. Latour conducted surveys and assisted Jackson with military strategies to combat the British. The Laffite brothers sided with General Jackson and supplied him with manpower and ammunition. Jackson gathered together men from

all walks of life and ethnicities to defend New Orleans.

On January 8, 1815, General Pakenham ordered an assault at Chalmette against Jackson's army. Jackson's men fought valiantly and inflicted heavy British casualties, including their commander. The British hastily retreated from Jackson's defense line, though it wasn't fully fortified, due to the ferocity of his men. News of the peace treaty didn't reach New Orleans until February.

Arsène Latour gathered material for his account of the Battle of New Orleans during the spring of 1815. He was born in Aurillac, France in 1778 and trained in architecture and engineering at the Academy of Fine Arts in Paris. Latour came to the New World in the early 1800s to claim his wife's family's property in Haiti, but the Haitian Revolution interrupted his ability to make a living. By 1806 he was living

in New Orleans, practicing his trade. Edward Livingston recommended him to General Jackson to assist Jackson in making defense preparations for the inevitable British attack.

Latour's account of the battle provides detailed and insightful analysis of Jackson's military strategy, preparations for battle, and the terrain of New Orleans and surrounding areas as represented by numerous detailed maps. (These maps can be viewed online at <http://www.hnoc.org/latour/latour.php>.) The volume is a significant historical document because Latour was a contemporary to the participants of and personally took part in the events surrounding the Battle of New Orleans. Latour's first-hand point of view makes his account unique among other volumes written about the battle, and is therefore a necessary resource for any modern study of the Battle of New Orleans. The Historic New Orleans Collection has developed a Battle of New Orleans research pathfinder, which can be accessed here: <http://www.hnoc.org/BNO/bnopathindex.html>. δ

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LIBGUIDES AT THE LIBRARY

The Law Library is excited to debut a brand-new service, LibGuides. LibGuides are electronic research guides, created by the law library staff, on specific topics such as Supreme Court history, information on legal writing and style, and advanced civics.

The Law Library decided to start using LibGuides as a more effective and wide-reaching way to increase and improve service to our patrons. Because LibGuides are

electronic, they also allow us to reach people who might not be able to come to the library. Also, because the LibGuides interface is designed to be the height of user-friendliness, they are also an attractive way for us to present information.

The Law Library also believes that LibGuides will help with increasing and complementing its visibility among self-represented litigant (SRL) users, in an effort to assist SRLs with access to legal information and

other legal resources.

The library plans to create LibGuides to highlight its services and resources in its collection to inform potential users of what the library offers. A few guides have been completed and several guides are being developed, so be sure to check back at <http://lasc.beta.libguides.com/> to explore new guides when they are posted.

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