



DE NOVO

NEWSLETTER OF THE LAW LIBRARY OF LOUISIANA



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WELCOME JUSTICE CRICHTON!

by Miriam Childs



Justice Scott J. Crichton, Louisiana Supreme Court justice.

The Louisiana Supreme Court recently welcomed Scott J. Crichton as its newest justice, sworn in by Chief Justice Bernette Joshua Johnson on December 15, 2014 in Shreveport at the Caddo Parish courthouse. His Louisiana Supreme Court term began on January 1, 2015.

Justice Crichton earned a Bachelor of Science degree from Louisiana State University in 1976, and a J.D. in 1980 from LSU Law School. He served as a Caddo Parish assistant district

attorney from 1981-1990 and maintained a civil practice. He was elected to the First Judicial District Court (Caddo Parish) in 1991, serving as a judge in both the civil and criminal divisions and presiding over more than 25,000 cases. In the fall of 2014, Justice Crichton ran unopposed to represent the second Louisiana Supreme Court district.

Justice Crichton has shown a commitment to help improve the Louisiana state judiciary as well as an interest in professional education. He is a former president of the

Louisiana District Judges Association (2011-2012) Additionally, Justice Crichton has served on the Advisory Committee to the Supreme Court on Revision of the Judicial Canons; the Court Rules Committee (Louisiana District Courts); the Criminal Best Practices Committee; the Louisiana State Bar Association's Continuing Legal Education Committee; and the Board of Governors of the Louisiana Judicial College. Justice Crichton graduated from the Louisiana Judicial Leadership Institute in 2011.

Community involvement through education has been a hallmark of Justice Crichton's career. He received a certification in program design from the National Judicial College. Putting his certification to good use, Justice Crichton created several educational programs for the public, including: "Don't Let This Be You," a teen crime prevention education program; "Sexting, Texting and Beyond," a program

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WELCOME JUSTICE CRICHTON!

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that covers the moral and legal consequences of electronic misbehavior such as cyberbullying and sexting; "No More Strikes," a program for inmates in the Department of Corrections Reentry Program designed to educate on the laws that impact their status as convicted felons and reduce recidivism; "Bullet Points on the Second Amendment: Guns, Permits and Self Protection," an adult-oriented program providing information and insight on self-defense and home protection; and "Drunk Driving: Choices, Penalties and Consequences" for convicted

DWI offenders in association with Mothers Against Drunk Driving. Justice Crichton has personally presented these programs to over 20,000 students, teachers, and parents.

At Justice Crichton's induction ceremony, speakers reflected upon his reputation as a hard worker with a strong attention to detail, his dedication to the rule of law and ability to handle complicated cases. He is known to take each case on its own merits and places an importance on treating all parties with dignity and

respect. Justice Crichton remarked that his parents emphasized that education and hard work make anything possible, and each day he strives "to carry their lessons forward." Justice Crichton said that while he was a candidate, he had a chance to visit the eleven parishes of his district, and he spent time with people whose everyday lives are affected by the law. "The law often deals in abstractions and hypothetical situations, but the decisions that judges and justices make about the law have great consequences for the people whose lives

are affected," he said.

Justice Crichton concluded by bidding farewell to his district court colleagues and announcing to the standing-room only audience that he is ready to "face the challenges that lie ahead." The Louisiana Supreme Court is pleased to have such a hard-working and dedicated justice join its ranks. δ

Sources: <http://www.scottforjustice.com>; "Elevated to High Court," *The Times*, December 16, 2014.

LAWYERS IN THE BATTLE OF N.O.

by Mary Ann Wegmann

Louisiana lawyers played a prominent role in the defense of New Orleans in December 1814 and January 1815, culminating in the American victory over the British at the Battle of New Orleans on January 8, 1815. Lawyers served as Major General Andrew Jackson's aides de camp and volunteered in several military units. Jackson himself was a lawyer and judge, having served for five years as Chief Justice of the Supreme Court of Tennessee. The Louisiana Law Library is presently preparing an online exhibit highlighting the service of Louisiana lawyers in the Battle of New Orleans.

One of the companies that lawyers joined was Captain

Peter V. Ogden's Company of Orleans Dragoons, a cavalry unit, also known as Captain Ogden's Horse Company. The British navy had defeated the American gunboats at the Battle of Lake Borgne on December 14, 1814. After Major General Jackson declared martial law two days later, on December 16, Captain Ogden, a New Orleans merchant, began organizing a volunteer cavalry unit to fight under Jackson.

Captain Ogden's Dragoons were charged with guarding Jackson. On January 8, 1815, the day of the Battle of New Orleans, Captain Ogden's Dragoons were stationed in Macarte's garden, behind Jackson's headquarters on the battlefield. The Library has recently acquired

Benson Lossing's beautifully illustrated *The Pictorial Field Book of the War of 1812*, which includes a detailed image of Macarte House. Lossing refers to Ogden's Company as Jackson's "body-guard," and "a company of young men from the best families in the city" who "were subservient" to Jackson's orders alone (pp. 1037-38).

At least eight members of Captain Ogden's Dragoons were lawyers, including John Dick, later appointed United States District Judge, and George A. Waggaman, United States Senator from 1831 to 1835. Fielding Turner, future Orleans Parish Criminal Court Judge, and First Sergeant John Nicholson, who served as United

States Marshal for 16 years, also were members of Ogden's Dragoons. Columbus Lawson joined Ogden's Dragoons while serving as clerk of the United States District Court for the Louisiana District located in New Orleans. He died from wounds sustained during the January 1, 1815 artillery duel. Lawson appears to be the only lawyer killed in action while fighting the British at New Orleans. Other lawyers who volunteered with Ogden's Dragoons include Corporal Alfred Hennen, Nathan Morse, and Frederick H. Sumner.

The library is preparing brief biographies of these lawyers to include in the exhibit. δ

EARLY LOUISIANA CODES EXHIBIT

by Sara Pic

The history of Louisiana law is unique among all of the United States. Louisiana is the only state with a civil law system. Though we are a minority among the states, civil law is much more common throughout the rest of the world, compared to common law, as civil law totals at nearly two-thirds of the world's legal systems. How did Louisiana come to this legal system? Like much of our state's history, it all harkens back to our state as a former French and Spanish colony. This history is explored in a new exhibit at the library.

The exhibit is based upon an article written by Agustín Parise entitled *Codification of the Law in Louisiana: Early Nineteenth-Century Oscillation Between Continental European and Common Law Systems* (27 Tul. Eur. & Civ. L.F. 122 (2012)).

The beginnings of Louisiana's

legal system, after the state joined the Union, were fraught with tensions between the established French lawyers, who were used to working in a Spanish legal system, and the newly-arrived lawyers from the rest of the states, who were trained and practiced in the common law. These newcomers included Louisiana's first American governor, Gov. William C.C. Claiborne. Claiborne hoped and expected that Louisiana would join the rest of the states and adopt a common law system. He was quickly proved quite mistaken as the territorial legislature, composed primarily of the "ancient Louisianians," fought him every step of the way. The legislature even went so far as to attempt dissolution of its own body, angered by Gov. Claiborne's veto of their bill that would have re-established Spanish law as the official

formal law in Louisiana.

Over the years, however, the ancient Louisianians shrank in their percentage of total state population, as people from across the United States flocked to the newly-admitted state, with its already established bustling economy. They were fortunate that Edward Livingston, an esteemed attorney from New York, was a convert to the civil law system. He championed the virtues of civil law and, as one of the primary authors of the state's first civil code, ensured that the state's new legal system reflected its civilian orientation, while also embracing useful common-law concepts.

The civil code was but one of several new codes that were drafted not long after the state's cession. Criminal law and commercial law proved to also be rife with tensions. Perhaps surprisingly to

people not in the legal field, the code of civil procedure was especially contentious. Unfortunately, one of the least difficult areas of law was the Black Code, which regulated the treatment of slaves. As a French and then Spanish colony, Louisiana had a more permissive Black Code than the rest of the Southern states. The ability for owners to free their slaves was a right not found in other states, leading to Louisiana's large free people of color population, which was more than nearly all the other Southern states combined. However, over time, Louisiana's Black Code became harsher and resembled more and more its other counterparts.

Check out the new exhibit in the Federal Wing of the library to learn more about our unique legal heritage. δ

2015 SOLO AND SMALL FIRM CONFERENCE

by Francis Norton

Each spring lawyers gather in New Orleans for the Solo and Small Firm Conference, a two-day educational event sponsored by the LSBA's Solo and Small Firm Section.

As part of the Law Library of Louisiana's outreach efforts, the library sets up a table in the vendor area at the conference. This presence allows the library to

reach out to attorneys who may not be aware of the library's resources. 2015 represented the 8th year of the library's participation.

This year the conference was held March 19 and 20 at the Hilton Riverside Hotel. The Law Library handed out literature to attorneys who stopped by, including its new color brochure, a guide for compiling legislative

histories, a list of the library's databases, as well as guides for using WestlawNext. The new brochure seemed to be the most popular handout.

The Law Library is especially useful to solo and small firm practitioners because we subscribe to many resources that may be beyond their budgets, and we also provide research

and training services.

Some attorneys who stopped by the table were regular users of the library who already knew about the many print and electronic resources available for them to use in their legal research. When a visitor to our table said that they had not ever been to our library, we gave them a quick

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LAW LIBRARY CLEs AT THE COURT

by Miriam Childs

On December 5, 2014 the A. P. Tureaud Inn of Court and the Law Library of Louisiana sponsored two end-of-the-year CLE programs in ethics and professionalism. The first presenter was E. Phelps Gay, former LSBA President and partner with Christovich & Kearney, LLP. His presentation was entitled "Abraham Lincoln: Lessons in Professionalism." The program featured Ken Burns-style vignettes created by members of the Atlanta Bar Association intended to illustrate how Lincoln the lawyer was a model of professionalism. Mr. Gay commented on the relationship between Lincoln's words on professionalism and the language of the Louisiana Rules of Professional Conduct. This CLE was worth 1.0 hours of professionalism credit.

The next presenter was Wayne J. Lee of Stone Pigman Walther Wittmann, LLC. His presentation was entitled "Five Plus Five: the Top Five Disciplinary Violations Plus Five to Beware." Lee went into detail of each violation and provided a handout with the text of the ethics code followed by his recommendations on how to avoid crossing the line. This CLE was worth 1.0 hours of ethics credit. Both programs were very well-attended and generated positive feedback.

On March 11, 2015 the Law Library co-sponsored its next CLE, entitled "Dictionary of the Civil Code," along with the Supreme Court of Louisiana



Left to right: Attorney Benjamin Janke; LSU Law Library Associate Chancellor Beth Williams; LSU Law Center Professors J. Randall Trahan and Alain Levasseur; Louisiana Supreme Court Justice John L. Weimer; and U.S. Fifth Circuit Court of Appeals Judge James L. Dennis.

Historical Society, the Louisiana Chapter of the Association Henri Capitant, the Louisiana State Bar Association's Francophone Section, and the French-American Chamber of Commerce Gulf Coast Chapter. Despite the inclement weather, dozens of guests attended the event.

Louisiana Supreme Court Justice John L. Weimer introduced the program and the speakers. Panel speakers included Professors Alain Levasseur and J. Randall Trahan (LSU Law); Beth Williams, Associate Chancellor, LSU Law Library; U.S. Fifth Circuit Court of Appeals Circuit Judge James L. Dennis; and local attorney Benjamin Janke of Baker Donelson Bearman Caldwell & Berkowitz. The *Dictionary of the Civil*

Code is a translation of Gérard Cornu's *Vocabulaire juridique*, an introduction to the essential concepts of the French code civil. Cornu's work was translated by two teams, one in Louisiana, led by Professor Alain Levasseur, and one in France, led by Marie Eugénie Laporte-Legeais under the scientific coordination of Juriscope at the University of Poitiers.

The work of translating more than 1,600 entries from *Vocabulaire juridique* took over two years. Definitions of the civil law terms are enriched with references to the Louisiana Civil Code, which show how to express civil law concepts in English without resorting to common law terminology. This format assists the user in understanding civil law

through its terminology as translated and explained in the English language, thus providing new insight into Louisiana's Civil Code. The dictionary explores the unique language and nuances of civil law, recommending English term equivalents and terms to avoid. An index lists English terms for locating the French equivalent.

The main themes discussed in the CLE were the relationship between law and language and the challenges of translation. Professor Trahan discussed the mechanics of translating and said that Cornu's work was particularly difficult to translate due to his use of French idioms, which presented challenges as to how to translate terms so that the legal meanings

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LAW LIBRARY CLES

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weren't lost. Trahan also said that it's important to translate civil law concepts into English because English is the universal language.

Beth Williams said in addition to supporting the translation team with research assistance, the LSU Law Library helped the translation team locate as many French law dictionaries as possible. Judge Dennis said that he wished something like the dictionary existed during his time on the

Louisiana Supreme Court bench, when colleague Albert Tate was bringing the civilian tradition back to the Court. Judge Dennis also discussed the conflicts of reasoning between himself and judges from other states in the U.S. Fifth Circuit's jurisdiction because of the differences between civil and common law. Ben Janke compared the 10th edition of *Black's Law Dictionary* to the *Dictionary of the Civil Code* and was pleased to see that the terms he selected from

the *Dictionary of the Civil Code* also appeared in Black's.

The *Dictionary of the Civil Code* is a useful, if not essential, resource for the Louisiana legal community, now available at the Law Library of Louisiana. ⚡

Source consulted: *DipLaw-Matic Dialogues Blog*, Foreign and Comparative International Librarians Special Interest Section of the American Association of Law Libraries, posted on 11/24/14 by Susan Gualtier.

NEW LAW LIBRARY LIBGUIDES

by Sara Pic

The Law Library of Louisiana is pleased to announce the completion of two new LibGuides: Guide to Louisiana Law and Guide to Free Online Legal Resources.

The Guide to Louisiana Law provides an in-depth review of every type of law, including statutes, cases, regulations, and municipal ordinances, as well as court rules. The guide is written at an introductory level, so even someone with only a passing understanding of law and how it is made can understand this guide. The guide provides detailed instructions on researching every area of law in both print and online. It includes information on proper citation of laws as well. It also contains an

explanation of the legislative process, a topic where many people often need a refresher! Though the focus is on Louisiana law, there is also information to help you get started on researching law in other states too.

The Guide to Free Online Legal Resources is a detailed compilation of trustworthy sources for legal information. Using the Internet for legal resources is both a blessing and a curse. It is not hyperbole to say that the Internet has revolutionized our access to information. But that revolution has been accompanied by easy and tempting access to a lot of misinformation. Legal resources are especially plagued by bad information. It's easy for the unwary to fall prey to websites

claiming to offer free legal advice. Fortunately, there are many free authoritative legal resource websites available to help counteract all the bad information. The guide can help you find websites on a variety of legal topics. Though we think all the websites listed in the guide are trustworthy, we always advise you to use your own judgment and evaluate the website yourself. The guide includes websites for both primary and secondary sources of law, as well as information on how to conduct legal research, and specialized websites for legal self-help.

These and all other Law Library LibGuides can be viewed at lasc.beta.libguides.com. ⚡

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 fiche/film to paper \$0.25
 printer copies \$0.25
 (no charge for cite lists)

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 fiche/film to paper \$0.50

Faxing, or scanning and emailing: \$1.25/page, plus copying charges if necessary

Emailing pdf from e-resource: \$10.00 per document

Postage: actual cost

Interlibrary loans: \$10.00 plus lender charges, if any

Certification charge:
 \$5.00 per document

2015 LAW DAY: MAGNA CARTA

by Jennifer Creevy

In 1961 the United States Congress designated May 1 as Law Day. The purpose of Law Day was described in the United States Code, Title 36, Section 113 (b) as a "special day of celebration by the people of the United States -- (1) in appreciation of their liberties and reaffirmation of their loyalty to the United States and of their rededication to the ideals of

equality and justice under law." Law Day is celebrated every year with a different theme and this year's theme is "Magna Carta: Symbol of Freedom Under Law."

This year marks the 800th anniversary of the issuance of the first Magna Carta. The document was a result of negotiations between King John of England and English barons to resolve specific grievances the barons held against the King. King John affixed his wax seal and a document was born, currently enduring eight centuries.

In the spring of 1215, English landowners were dissatisfied with King John and his royal officials. Heavy taxation, an unpopular war against France and unjust actions taken by the Crown created a state of strife that was leading up to civil war. After the barons renounced their allegiance to the King and marched on London, King John acceded to their terms. The King signed The Article of the Barons, which was drawn up as a charter, creating Magna Carta. It was immediately annulled by Pope Innocent III but subsequently two more versions (in 1217 and 1225) were amended and Magna Carta was incorporated into law in 1297.



Magna Carta holds a great significance to American law. The Founding Fathers used many precepts of the original document when crafting the Bill of Rights and the Constitution. Several of the chapters in Magna Carta influenced the ideas enshrined in American legal philosophies. Chapter 21 of Magna Carta refers to the idea that punishments of Earls and barons must be "in proportion to the measure of the offense." Chapter 39 references "lawful judgment...of peers and by the law of the land." Chapter 40 declares "to no one will We sell, to none will We deny or delay, right or justice." Chapter 41 introduces the concept of safe travels in and out of England. Although these ideas of justice were intended only for the barons, the concepts trickled down through the centuries to influence the philosophers

and legal thinkers of the New World. At a 1985 speech, William Brennan said "the first eight amendments to our Federal Constitution, our explicit Bill of Rights, owes its parentage to Magna Carta; and Americans regard the enforcement of those amendments as the Supreme Court's most important and demanding responsibility."

Two titles that were very helpful when writing this article were *Magna Carta: Text and Commentary* by A.E. Dick Howard (which includes annotations of the 1215 charter) and *Magna Carta: Muse and Mentor* which has an introduction by Chief Justice of the United States Supreme Court John Roberts and an essay by Justice Sandra Day O'Connor.

Please visit the Law Library to see our Law Day exhibit on Magna Carta and to browse our collection for titles discussing Magna Carta and its importance to law in the United States. δ

THE LIBRARY'S E-RESOURCES

Gale LegalForms

HeinOnline

LegalTrac

LoisLaw

PACER

ProQuest Congressional

WestlawNext Patron Access



SRL WORKSHOP AT LLA

by Francis Norton

The Law Library of Louisiana may be physically located in New Orleans, but its reach extends far beyond the city limits. At the end of March, staff of the Law Library, LSU Law Library, and the Louisiana State Bar Association (LSBA) presented a workshop entitled "Legal Information Resources for the Public" at the annual meeting of the Louisiana Library Association (LLA), which was held in Shreveport. Public librarians need to know about legal resources. Large numbers of self-represented litigants go to public libraries looking for assistance with their legal problems, but often the public librarians do not know how to help them. Law librarians can teach public librarians how to properly respond to requests

for legal information.

The half-day session began with an introduction by Georgia Chadwick. She then showed a video which featured Rita Dermody, the Director of the Public Law Library of King County (Washington). Rita discussed the status of Access to Justice (ATJ) nationwide and the role public libraries in other states play in ATJ initiatives where there are public law libraries. This overview gave the public librarians context for how librarians all over the country are dealing with self-represented litigants.

Next, Georgia and Lisa Goodman, Associate Director for Public Services at the LSU Law Center Library, discussed the Law Library of Louisiana and LSU Law Library, complete with photographs,

including library history and services provided to patrons in and outside of their geographical locations. Michael Schachtman, the LSBA's Access to Justice Committee Self-Represented Litigation Counsel, discussed ATJ initiatives at the Louisiana Bar, including the LSBA's Legal Education & Assistance Program (LEAP). The program provides legal resources and information to the public and connects people with attorneys and in their area through "Lawyers in Libraries" events.

Francis Norton gave a presentation on the structure of the legal system in Louisiana, starting with its historical roots. He showed the relationship between law making and legal publishing, as well as the many primary and secondary sources of law. Lisa Goodman gave

a presentation on how to conduct a reference interview with a patron who is seeking legal information. She gave advice on how to ask questions and how to avoid the unauthorized practice of law, which is a major concern of many public librarians. Lisa showed the librarians a number of free online sources of legal information. Several of useful handouts were available for the public librarians, including a three page outline of the law, with links to online sources and materials.

The program was very well received by the public librarians in attendance. In addition to learning valuable information, the librarians discovered that they can call either the Law Library of Louisiana or the LSU Law Center Library for assistance at any time. δ

2015 SOLO & SMALL FIRM CONFERENCE

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rundown of all that we have to offer. Many attorneys were happy to learn that they can come to the library for free access to commercial databases such as WestlawNext, or use our many Louisiana practice guides, all while sitting in the beautiful and historic rooms of our library. Attorneys also appreciated the reminder that the Law Library can

be reached by phone toll-free from anywhere in the state, and that the library takes inquiries by email.

The main reason we participate in this conference is to make solo and small firm attorneys and legal assistants from all around the state aware of what a useful resource our library can be for them. We received very positive feedback from

our regular users and a high level of interest from those learning about us for the first time.

As in past years, the library collected business cards as entries to our raffle. This year's prize, a copy of the newly published *Dictionary of the Civil Code*, was graciously donated by Professor Alain Levasseur of the LSU Law Center.

The lucky winner of the raffle was May Thi Nguyen, from Tulane University School of Law.

The library looks forward to next year's conference, where we can see regulars from around the state and also meet new attorneys who we know will benefit from hearing more about the services we provide. δ

De Novo
The Newsletter of the
Law Library of Louisiana

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This public document was printed at a total cost of \$645.00. 500 copies of this document were published by the Law Library of Louisiana, 400 Royal St., New Orleans, LA, as the tri-annual newsletter of the Law Library of Louisiana under the authority of the Judicial Budgetary Control Board.

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SCLAHS LAUNCHES WEBSITE

by Gail Bragg

On February 4, 2015, Donna D. Fraiche, President of The Supreme Court of Louisiana Historical Society (SCLAHS) announced the launch of the Society's new website, which can be found at <http://www.SCLAHS.org>.

President Fraiche thanked SCLAHS's Website Committee Co-Chairs, Dr. Rachel Emanuel and Professor Paul Baier, and their team: Mathile Abramson, Cynthia Dupree, Benjamin Janke, Georgia Chadwick, Robert Gunn, and Gail Bragg for their generous contributions and perseverance in preparing the site for launch.



Information about programs and services of the Historical Society and membership opportunities, as well as news updates, event photos, and interesting facts about the Louisiana Supreme Court and its historical significance to our state and nation, can all be found on the website.

Developing the website has been a goal of the Historical Society for quite some time, and its successful launch was the realization of this goal.

Please feel free to send questions, comments, or suggestions about the website to gbragg@lasc.org.
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