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NEWSLETTER OF THE LAW LIBRARY OF LOUISIANA



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LAW DAY 2016 - MIRANDA: MORE THAN WORDS

by *Brandon Wright*

Law Day 2016 celebrated the 50th anniversary of the landmark *Miranda v. Arizona* decision, focusing on its critical importance to the rights of individuals in custody, and how the ruling is applied to juveniles. In the now historic case, the United States Supreme Court declared that police must advise people in custody of their right to remain silent, and of their right to an attorney.

Based on its Constitutional interpretation of the 5th and 6th Amendments of the Bill of Rights, the Court pivoted in *Miranda* from a rule that merely prohibits coercive police conduct to a rule that requires the police to prevent coercion by giving a suspect specific legal warnings. This is the significance of *Miranda*. No longer were confessions admissible solely because the police abstained from bad behavior in securing the confession. Now, the police must affirmatively warn suspects of their right to remain silent and to have a lawyer. If the police do not give these warnings, a court will presume, solely from the lack of *Miranda* warnings, that the statement was involuntary and exclude it from trial. The Court based the need for this protective rule in the nature



of modern police interrogation. Modern interrogation practices, the Court observed, are “psychologically rather than physically oriented.” The goal is to isolate a suspect, to deprive the suspect of every “psychological advantage,” and “to subjugate the individual to the will of the examiner.” Indeed, “the very fact of custodial interrogation

exacts a heavy toll on individual liberty and trades on the weakness of individuals,” and “is at odds with one of our nation’s most cherished principles—that the individual cannot be compelled to incriminate himself.” Only *Miranda*’s required warnings, the Court held, can dispel this inherent compulsion.

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LAW DAY 2016 - MIRANDA: MORE THAN WORDS (CONT.)

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Law Library Director Miriam Childs speaks to students from L.B. Landry-O.P. Walker College & Career Preparatory High School.

In 2011, President Obama's administration changed the rules of investigating terror suspects to permit interrogation without *Miranda* warnings in certain circumstances. The policy applies to exceptional cases where investigators conclude that continued unwarned interrogation is necessary to collect valuable and timely

intelligence not related to any immediate threat, and that the government's interest in obtaining this intelligence outweighs the disadvantages of proceeding with unwarned interrogation. Such unwarned action would need prior approval from FBI supervisors and Department of Justice lawyers. The Boston Marathon bombing suspect, for example, was not Mirandized

when he was taken into custody after a long manhunt and law enforcement standoff. Presentment of an arrestee may not be delayed simply to continue the interrogation, unless the defendant has timely waived prompt presentment. A CNN poll in 2010 following the *Wall Street Journal's* coverage of the rule change showed that 56% (of a sampling of registered voters) thought that terrorist suspects should be read their *Miranda* rights, while 43% thought terrorist suspects should not be Mirandized.

Law Day celebrates the rule of law and its contributions to the freedoms that Americans enjoy. In 1957, the American Bar Association instituted Law Day to draw attention to both the principles and practices of law and justice. In 1958, President Eisenhower es-

tablished Law Day with a proclamation.

This year, the Louisiana Supreme Court and the Law Library of Louisiana welcomed several tour groups of middle and high school aged guests. More than 50 students from three different schools around New Orleans area toured the library. In addition, library staff developed activities, such as trivia, an interactive mock trial exhibiting the tenets of *Miranda v. Arizona*, and four exhibit cases, revolving around *Miranda*, to assist students in better understanding this benchmark ruling. The Law Day 2016 exhibit will remain on display for the year. Please stop by the Library to see the display. All are welcome!

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LSBA ESTABLISHES NEW AWARD IN HONOR OF CHIEF JUSTICE

The Louisiana State Bar Association (LSBA) honored Chief Justice Bernette Joshua Johnson by announcing the establishment of an annual award in her name. The Chief Justice Bernette Joshua Johnson Trailblazer Award will recognize individual attorneys and judges who champion ideals exemplified by Chief Justice Johnson, the first African American chief justice of the Louisiana Supreme Court, who has always exhibited an unwavering commitment to

enhancing diversity and inclusion in the legal profession.

The Chief Justice Bernette Joshua Johnson Trailblazer Award will be awarded annually at the LSBA Annual Meeting to a recipient who demonstrates a unique blend of experience, skills and accomplishments, which translate into successful diversity and inclusion effort. The announcement was made during the LSBA's Ninth Annual Conclave on Diversity in the Legal Profession held in Baton Rouge.

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From left to right: Attorney Roderick A. "Rick" Palmore, Chief Justice Bernette Joshua Johnson, and LSBA President Mark A. Cunningham.

MARY DUCKERT RECEIVES DISTINGUISHED SERVICE AWARD

by Ruth Mahoney

Supreme Court paralegal Mary Moises Duckert was honored with the Distinguished Service Award at the 46th Annual Attorney General's Justices of the Peace and Constables Training Conference, which was held at the Paragon Resort on February 23rd through 26th in Marksville, Louisiana. Justice of the Peace Connie Moore, President of the Justices of the Peace and Constables Association, presented a silver tray to Mary at the awards banquet.

Mary is a paralegal in the Judicial Administrator's Office of the Supreme Court, where she has worked for twenty years. She facilitates the assignments of Judges Ad Hoc and Pro Tempore throughout the state in all courts, including Justice of the Peace courts. Mary believes that showing respect for others and serving others

are the two most important qualities she needs to do her job well. She is always ready to serve the judges by listening to their concerns when they call her, returning all calls, and giving them information but not advice.

Mary was surprised and humbled to receive the award in the presence of so many state officials: Associate Justices Jeannette Knoll and Marcus Clark, Lieutenant Governor William H. Nungesser, and Attorney General Jeff Landry. She said she never expected the recognition, adding, "I love what I do; I love the interaction with the judiciary."

Justices of the Peace and Constables are elected officials who serve as the judicial authority of a ward or district. Justices of the Peace and Constables are held to the same standards as any other state judge as set forth in the Louisiana Code of Judicial Conduct.



From left to right: Mary Duckert, Justice of the Peace Connie Moore (President of the Justices of the Peace and Constables Association), and Louisiana Supreme Court Deputy Judicial Administrator Richard Williams.

They are required by statute to attend training sessions known as the Justices of the Peace Training Course given by the Attorney General of the State of Louisiana. The educational sessions are on topics such as arrest warrants, identity theft, evictions, judicial sales, and reporting to the legislative auditor. Specific information on the qualifications, duties,

and requirements of Justices of the Peace and Constables can be found in Louisiana R.S. Title 13, Chapter 9 and also on the Louisiana Attorney General's website.

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CHIEF JUSTICE INDUCTED INTO LSU ALUMNI HALL OF DISTINCTION

Louisiana Supreme Court Chief Justice Bernette Joshua Johnson was one of five Louisiana State University (LSU) graduates inducted into the LSU Alumni Association Hall of Distinction on March 4, 2016, in a ceremony at the LSU Lod Cook Alumni Center in Baton Rouge.

The LSU Alumni Association Hall of Distinction

recognizes alumni who have distinguished themselves and LSU through their careers, their personal and civic accomplishments, their volunteer activities, and their loyalty to their alma mater.

"I am honored to be among the illustrious LSU graduates included in the Alumni Hall of Distinction. As an LSU law student in the 1960's my thoughts were directed toward being a

dutiful student, graduating and passing the bar so I could practice law and help solve legal problems. Never did I imagine my life path would bring me back to LSU to be recognized for doing just that," Chief Justice Johnson said.

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Chief Justice Bernette Joshua Johnson at the induction ceremony.

SPRING CLES AT THE LAW LIBRARY

by Cynthia Jones



SCLAHS Board Member E. Phelps Gay (left) and Professor Evelyn Wilson (right)

The Law Library of Louisiana and the Supreme Court of Louisiana Historical Society (SCLAHS) offered two free CLE programs during the first quarter of 2016. On February 22, a sizeable audience gathered in the main courtroom at 400 Royal Street to hear Professor Evelyn Wilson speak about the eighteen justices who served on the Louisiana Supreme Court from 1865 to 1880. These years were characterized by social, economic, and political vacillations in civil society during and after the American Civil War. Two weeks later, on March 8, members of the bench and bar, former students, and others assembled in the Historic New Orleans Collection's Cruise Room for a program presented by Professor Paul Baier. The program, *Holmes's Speeches and More*, brought Oliver Wendell

Holmes, Jr. to life through his words and the reflections, study, and musings of other justices, biographers, academics, and devotees. Each of the presenters has been a Scholar-in-Residence for the Louisiana Bar Foundation and under its auspices produced works on which their presentations were based.

The Justices of the Supreme Court of Louisiana, 1865-1880.

Professor Wilson's talk was preceded by the remarks of E. Phelps Gay, a partner at Christovich and Kearney, LLP, and a frequent speaker and contributor at the Court. In detail and with dispatch, Mr. Gay provided historical benchmarks and set the stage for Professor Wilson's program.

Attendees were reminded that in Louisiana, Reconstruction was not defined solely as the period following Appomattox when first President Andrew Johnson and then the United States Congress attempted to manage the civil affairs of the state. In fact, Reconstruction began in 1862 when New Orleans capitulated and was put under control of the Union Army. Thereafter, President Abraham Lincoln actively worked to bring the state back in to the Union, even as the war raged on elsewhere. With the historical context in place, Professor Wilson systematically walked the audience through her research. For each justice, she provided biographical background – no easy task considering the paucity of records for many of her subjects. She also delineated a selection of decisions rendered by the Court. Matters before the Court reflected the turmoil in the aftermath of Secession and the Civil War. These included property rights, pecuniary matters related to currency, credit and debt; and significantly, the civil rights and protections to be afforded formerly enslaved people. The conflict inherent in these issues and grievances was not limited to the arguments of the litigants. Professor Wilson repeatedly demonstrated how the bench – largely Republican and sympathetic to the Union – faced a bar that was not only sympathetic to the Confederacy but in many instances, comprised of men who were Confederate military veterans. Further, the Court was roiled from the

outside by both national and local politics and civil discord. Locally, there was increased and harrowing violence occasioned by the rise of groups such as the notorious White League. As Professor Wilson demonstrated, the Reconstruction justices eventually succumbed to the machinations and pressures from outside their Court. In a political compromise which pivoted on the presidential election of Rutherford B. Hayes and the resulting return of political control of Louisiana to local Democrats, the Republican justices were forcibly and rather ignominiously replaced by justices who were appointed by Louisiana's new Democratic governor, Francis T. Nicholls. Professor Wilson's able and original scholarship and her informative presentation were enhanced through her use of selected images from the portrait collection curated by the Law Library and housed in the Louisiana Supreme Court building.

Holmes's Speeches and More.

As many former students will attest, an hour spent with Professor Paul Baier is not for slow pokes. The audience must be quick to keep pace with the Professor as he weaves his way through an amalgam of quotes, observations,

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SPRING CLES AT THE LAW LIBRARY (CONT.)

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case notes, images culled from portraiture, personally inscribed photographs and, on this occasion, excerpts from his own audio collection. In March, Professor Baier was in New Orleans to discuss Oliver Wendell Holmes, Jr. and the Justice's 1891 classic, *Speeches*. In addition, he presented a series of vignettes designed to animate subjects he unabashedly admits to care about deeply: the United States Supreme Court; the United States Constitution; and the legal profession. He began with Justice Holmes.

Many people consider Oliver Wendell Holmes, Jr. to be a 20th century man. This is due in part to his career on the United States Supreme Court that began just two years into the last century and continued until 1932. In truth, Holmes straddled two centuries, the 19th and the 20th. It is surprising to recall he was born

in 1841 and died in 1935. He began his legal career in 1866 following graduation from Harvard Law School. He served on the Massachusetts Supreme Court, first as an Associate Justice (1882-1889) and then as its Chief Justice (1889-1902). Significantly, he was a veteran of the American Civil War. From 1861 until 1865, he served with the 20th Massachusetts Volunteer Infantry. He saw action; was wounded; and became an officer. The searing experiences of the battlefield followed and influenced Holmes throughout his life. And yet, when he took his place on America's highest tribunal, he met, worked with, and astonishingly, became a close friend of a former Confederate, Chief Justice Edward Douglass White of Louisiana.

So what did this eminent Justice from the past have to offer the 21st century audience gathered in the HNOC's



Professor Paul Baier and Law Library Director Miriam Childs present a copy of Holmes's Speeches to Chief Justice Bernette Joshua Johnson.

Cruise Room? In answer, Professor Baier put forth quotes from several of Holmes' speeches. In passages lifted from an address to the Boston Bar (1900), *The Profession of the Law* (1886), *The Soldier's Faith* (1895), *Remarks at the Unveiling of Memorial Tablets, Ipswich, Massachusetts* (1902), and in words spoken during his 1931 radio address to the nation on the occasion of

his 90th birthday, we hear Holmes speak repeatedly about his life in the law and about commitment, duty, and service. Professor Baier also called on other notables including jurist Frederick Bernays Wiener, Justices Antonin Scalia, Albert Tate, Jr., William J. Brennan, Jr., Harry A. Blackmun, Chief Justice Edward Douglass White, and Judge William V. Redmann. In their comments and by example, the tenets of professionalism proffered by Justice Homes are evident. Today, law schools, the practicing bar, and even the judiciary struggle to balance the practice of law with what has increasingly and widely become to be known as the business of law. By reaching back to Holmes, Professor Baier reminded his audience there is something honorable and distinct to be had through a life lived in the study, practice, and profession of law.

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From left to right: Professor A. N. Yiannopoulos, Chief Justice Bernette J. Johnson, SCLAHS Secretary Professor Paul R. Baier, SCLAHS Board President Donna D. Fraiche and SCLAHS Treasurer Benjamin W. Janke.

RAVEL LAW: CHANGING THE WAY YOU VIEW LAW

by Francis Norton

Most of us are accustomed to legal search platforms that produce lists of cases for the user to read and sort through. The major platforms are all quite similar in the results that they produce. Ravel Law, the winner of the 2016 American Association of Law Libraries New Product Award, instead seeks to show the relationships between all of those cases using data-driven, interactive visualizations and analytics.

Ravel Law offers several plans for users. The free version has case coverage for all United States Supreme Court cases, federal circuit court cases starting in 1925, federal district court cases starting in 1933, and all state appellate cases starting in 1950. Features include “Basic Case Reading” and “Annotation Search Visualization.” Pay versions include Case Analytics and Judge Analytics.

Annotation Search Visualization presents cases as a graph with circles representing cases. Time is charted from left to right along the bottom of the graph. This timeline is adjustable, so that you may focus on just certain years. The court levels (district to Supreme) are listed along the left hand side. The size of the circle denotes the importance of the case. When you place an arrow on a circle, lines will appear connecting that circle

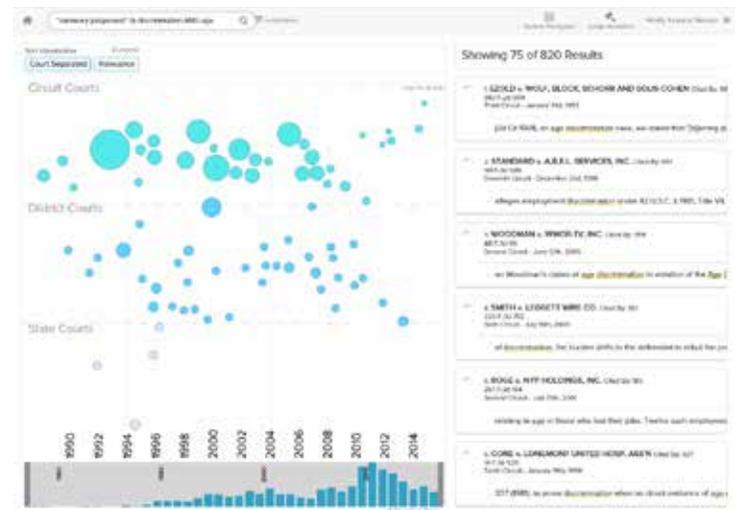
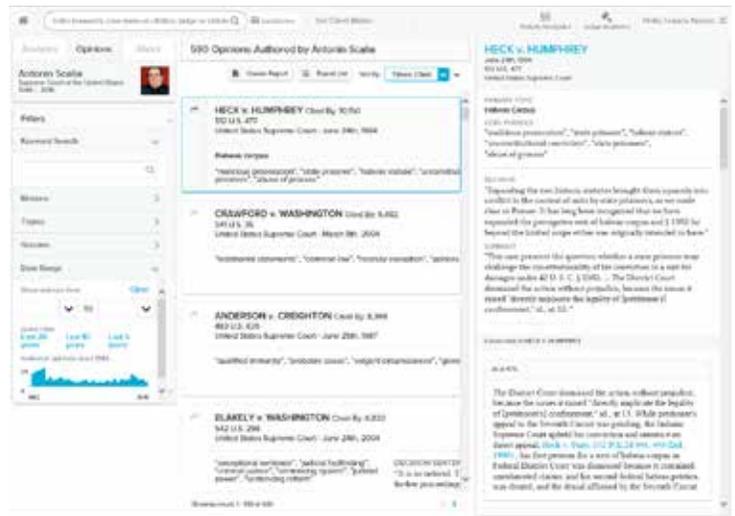
to all related circles, and the other circles will fade away. Case headings are listed on the right hand side of the page, and will shift as you click from circle to circle. You can also search within listed results.

Judge Analytics allows the user to “identify patterns and increase predictability for Federal judges and appellate judges in New York, California, Florida, Illinois, and Delaware.” In time, more states will be added. The feature includes a photograph and biography of the judge, and includes filters that you can select. You can see which other judges and courts the judge most often cites to, and which terms the judge uses in different types of cases. You can also see how a selected judge rules on motions and topics.

Another useful feature is a display on the left-hand side of a page showing whether that particular page of the opinion being read has been cited, and if so, how, and lists all of the citing cases. One drawback to Ravel Law is that it includes hotlinks to cited cases, but not to statute and rule citations.

Ravel Law offers a seven-day trial period for its upgraded plan, with the option to upgrade a subscription at any time.

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GEORGIA CHADWICK RETIRES - MIRIAM CHILDS NEW DIRECTOR

by Miriam Childs and Sara Pic

Georgia Chadwick retired as the Director of the Law Library of Louisiana at the end of January 2016 after a long and illustrious career as a law librarian. Georgia earned her Master's in Library Science at the University of Denver. Her first job out of library school was with the Law Library as a Reference Librarian. After several years in Texas as a law librarian (with a brief return to the Law Library at one point), Georgia permanently returned to the Law Library in 1996 as its Collection Development/Documents Librarian. She was promoted to Head of Technical Services, then Associate Director, and finally Director of the Law Library in 2007.

Georgia remained active in the law library community throughout her entire career, holding positions and serving on committees in the American Association of Law Libraries, the Southeastern Association of Law Libraries, and the New Orleans Association of Law



Miriam Childs, Director



Associate Justice John Weimer (left) and Georgia Chadwick (right)

Librarians. Georgia is known as an expert in Louisiana historical legal research and has assisted numerous civil law scholars worldwide with their research needs. She tirelessly promoted the Law Library's services and resources to the judiciary and the public.

Georgia's dedication to preserving and promoting Louisiana legal history is legendary. She raised the Law Library's profile by offering free CLEs to the bar and the public and by overseeing the creation of high quality, informative exhibits on display in the library and the Louisiana Supreme Court Museum. As Executive Director of the Supreme Court of Louisiana Historical Society, she secured the Society's support in sponsoring the Law Library's educational outreach. The Court and Law Library will miss Georgia's enthusiasm, energy, and expertise.

Miriam Childs was promoted to Law Library Director on May 1, 2016, after serving

as Acting Director following Georgia's retirement. Miriam has worked at the Law Library since 2003, when she was the Serials/Preservation Librarian. Miriam was promoted to Head of Technical Services in 2006 and Associate Director in 2013. Prior to her tenure at the Court, Miriam held positions at Exxon Chemical in Baton Rouge, in the Jefferson Parish Library System, and at UNO's Earl K. Long Library. Miriam earned her Master's in Library Science from Louisiana State University in 1993.

Please stop by and say hello to Miriam and welcome her to her new role in the library! δ



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LIBRARY ANNOUNCEMENTS

Staff Changes

The Law Library is thrilled to introduce our newest addition to the staff: library associate Calissa Folse. Calissa joins us after working as a legal assistant at Jackson McPherson and as a paralegal at Title Stream. She graduated from Nicholls State University with a bachelor's degree in history in 2009 and plans to pursue a Masters degree in Library and Information Science in the fall, hopefully at LSU.

Upcoming Events

On Wednesday June 29th at noon, the Law Library is excited to offer a free CLE on *What the Library Can Do For You!* Light refreshments

will be provided. On Friday, September 16th at noon, the Library is delighted to welcome back Professor Warren M. Billings for a free CLE. Professor Billings's scholarship includes Louisiana legal history and legal culture. His talk will center on books that shaped Louisiana law. You may pre-register by emailing CLE@lasc.org; add the subject line, *September CLE*. Questions? Call Gail Bragg at (504) 310-2411.

Want to make sure you never miss a Law Library CLE? Sign up for our low-volume news list at lasc.libguides.com/



Calissa Folse, new Library Associate

content/newsletter or email svpic@lasc.org for updates on every library CLE.

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