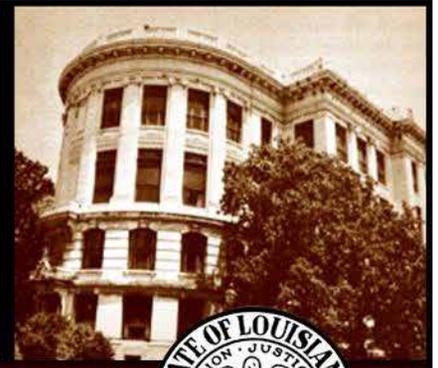




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The Newsletter of
The Law Library of Louisiana



Volume 14, Issue 2

Serving Louisiana Since 1838

LAW DAY 2017 ON 14TH AMENDMENT

by Sara Pic

The Law Library of Louisiana celebrated Law Day 2017 with exhibits and presentations on *The 14th Amendment: Transforming American Democracy*. The Fourteenth Amendment to the United States Constitution was ratified nearly 150 years ago in 1868 in the immediate aftermath of the Civil War. For the first time, federal law defined American citizenship. It also specifically prohibited states from depriving any person of life, liberty, or property without due process of law and required that states afford any person within their jurisdiction equal protection of the laws. These principles of due process and equal protection still form the bedrock of civil rights law and are the source of some of our most valued fundamental rights, such as the right to privacy, and procedural protections. It also played a pivotal role in extending the reach of the Bill of Rights to the states. The Law Day 2017 theme recognizes the milestone anniversary of this trans-



formative amendment that serves as the cornerstone of landmark civil rights legislation, the foundation for court decisions protecting fundamental rights, and a source of inspiration for those who advocate for equal justice

under law. Supreme Court Justice William O. Douglas observed of the amendment: "No patent medicine was ever put to wider and more varied use than the Fourteenth Amendment."

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At Your Service

Miriam Childs - Director

Francis Norton - Research Lawyer/
Librarian

Cynthia Jones - Assistant Librarian

Tara Lombardi - Assistant Librarian

Sara Pic - Assistant Librarian

Gail Bragg - Administrative Assistant

Calissa Folse - Library Associate

Ruth Mahoney - Library Associate

SCLAHS ANNUAL MEETING AND LAWYERS WITHOUT RIGHTS RECEPTION

by Miriam Childs



From left to right: Dr. Rachel L. Emanuel, SCLAHS Board Member; Mark A. Cunningham, past LSBA President and exhibit coordinator; Associate Justice Marcus R. Clark; Michael H. Rubin, guest lecturer; Ayan L. Rubin; Donna D. Fraiche, SCLAHS President; Benjamin W. Janke, SCLAHS Treasurer

The Supreme Court of Louisiana Historical Society's (SCLAHS) annual meeting was held on Thursday, April 27, 2017 at the Louisiana Supreme Court. The reception afterwards in the Louisiana Supreme Court Museum commemorated the opening of the internationally acclaimed exhibit *Lawyers Without Rights: Jewish Lawyers in Germany Under the Third Reich*, which was on display through May 31, 2017. The reception was co-sponsored by the Historical Society, local law firms, and supportive individuals.

Michael Rubin, SCLAHS Charter Member and McGlinchey Stafford attorney, was the annual meet-

ing's featured lecturer. After Historical Society Board President Donna D. Fraiche called the meeting to order, Chief Justice Bernette J. Johnson provided welcome remarks and recognized President Fraiche for having received the Louisiana Bar Foundation's 2017 Distinguished Attorney Award.

Michael Rubin's lecture was entitled "Lawyers, Justice, Unpopular Causes, Unpopular Clients, and the Concept of Justice," which tied into the subject matter of the exhibit. The lecture examined in engrossing detail the discrimination faced by lawyers of Jewish descent in Nazi Germany. The experiences of Jewish lawyers in Germany during that dark era serve as a cautionary tale

about the Bar and the judiciary assuming that rules of professional conduct will counteract an unethical environment. There must be a strong and independent judiciary to challenge unjust laws. Rules of conduct are only effective when there is a system in place that furthers the cause of justice.

The "Lawyers Without Rights" visit to New Orleans was coordinated by former Louisiana State Bar Association President Mark Cunningham. The exhibit, free and open to the public, was enjoyed by nearly two hundred visitors. In the fall of 2012, the German Federal Bar (Bundesrechtsanwaltskammer) and the American Bar Association (ABA) agreed to jointly

sponsor "Lawyers Without Rights" when it arrived in North America. Since then, the exhibit has appeared in over three dozen cities in the United States.

At the start of the 20th Century in Germany, the legal profession included a high percentage of Jewish lawyers or those of Jewish descent. Jews in Germany had held a unique legal position for several centuries, subject to special laws and restrictions. German Jews sought out the legal profession because of restrictions to their ability to obtain civil service jobs, even though in 1871 Jews were granted full equal rights as citizens. Additionally, discussion and analysis of law in Jewish religious tradition lent itself well to the legal profession. An independent legal profession in Germany emerged around the time of the founding of the German Empire. German Jews took the opportunity to become lawyers and make a living without depending on an employer's benevolence.

The number of Jewish lawyers in Germany increased continually through the 1920s. They were not a homogenous group. Some lawyers earned a middle class living, while others became wealthy and well-known, and political sympathies were all over the map. Lawyers of Jewish origin helped to develop

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SCLAHS ANNUAL MEETING AND LAWYERS WITHOUT RIGHTS RECEPTION (CONT.)

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German legal journals and professional organizations. Jewish lawyers didn't think of themselves as a large, identifiable group: they saw themselves as German, lawyers, and Jews.

Such was the situation until the burning of the Reichstag building in February 1933. Nazis used this event to consolidate power and intro-

duce "protective custody," which allowed officials to arrest undesirable political opponents arbitrarily and hold them indefinitely. Anti-Semitic Nazi propaganda railed against so-called "Jewish lawyers."

In April 1933 the "Law regarding admission to the legal profession" required all lawyers of Jewish descent

to re-apply for admission to the bar. Only those admitted prior to 1914 or who fought on the front lines in World War I could continue to practice law. This law effectively deprived Jewish women lawyers of the ability to practice. November 1938 saw the complete ban of Jews from the legal profession in Nazi Germany, to the benefit of non-Jewish lawyers wishing

to enter the profession. Only a few Jews were allowed to practice as legal consultants ("Konsulent"), and were limited to providing advice and counsel to other Jews. As "Lawyers Without Rights" so poignantly portrayed, some Jewish lawyers were able to flee Nazi Germany, but many others could not escape their tragic fate.

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LEAP AT THE 2017 LOUISIANA LIBRARY ASSOCIATION

by Miriam Childs

Members of the Legal Education Assistance Program (LEAP) attended the Louisiana Library Association's (LLA) conference this year, which took place in Lafayette on March 8-9, 2017. LEAP is a partnership between the Louisiana State Bar Association's (LSBA) Access to Justice Committee, LLA, the Law Library of Louisiana, and LSU's Paul M. Hebert Law Center Library. Public librarians often avoid answering legal questions, with the erroneous belief that any answer could be considered legal advice. LEAP's mission is to explain what the unauthorized practice of law (UPL) really is and to show librarians the variety of legal information resources that can help them help their patrons without wading into the territory of UPL.

LEAP members presented at a conference session entitled "Librarians and the Unauthorized Practice of Law: Tips on Provid-

ing Legal Information and Avoiding UPL." Michael Schachtman of the LSBA's Access to Justice Committee gave an overview of access to justice issues, emphasizing that those who make too much income to qualify for legal aid but not enough to hire an attorney often resort to representing themselves, and will go to their local library to seek help.

Amelia Hoppe from the Louisiana Civil Justice Center (LCJC) also discussed the ways LCJC supports librarians and their patrons, such as the statewide legal hotline. Amelia also described the LCJC's current outreach efforts, namely, a self-help kiosk pilot project in three parish libraries, and the 2017 Louisiana Civil Justice Tour.

Miriam Childs, Law Library Director, discussed legal reference and information resources, and tips on what to watch for to avoid inadvertently providing legal advice to patrons. The LEAP trainers ended the session



Michael Schachtman, of the LSBA's Access to Justice Committee, and Miriam Childs, Law Library Director

with a multiple-choice exercise designed to build upon the presentation and to put the newly learned concepts into practice. They received positive feedback from the attendees, who said the examples helped to further illustrate appropriate ways to respond to a legal inquiry.

Miriam Childs was the keynote speaker at the LLA Government Documents Roundtable (GODORT) breakfast. She discussed the access to justice gap in Louisiana and how the LEAP partnership developed. She

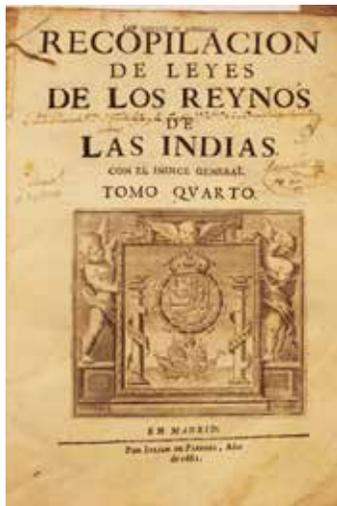
then highlighted the features of the Law Library of Louisiana's LibGuide on self-represented litigants, which she encouraged attendees to go to first when presented with a legal question. Miriam also described selected legal reference resources that libraries could add to their collections to have on hand for helping patrons who need legal information.

The highlight of the breakfast was the presentation of the LLA GODORT Margaret T. Lane Award, which went

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UNIQUE AND IMPORTANT BOOKS IN LAW LIBRARY RARE BOOK ROOM

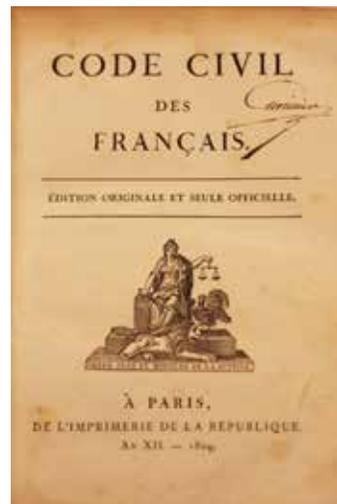
by Tara Lombardi



If you aren't a legal scholar or have never taken a tour of the Law Library of Louisiana's Rare Book Room, you may not know about these important titles that we own.

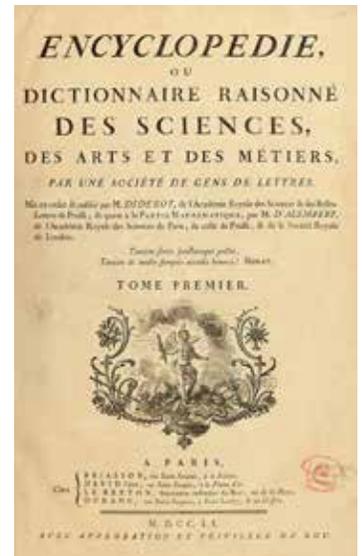
La Recopilación de leyes de los reynos de las Indias, published in 1681, is the third oldest set of books in the library. It is a first edition of the first comprehensive compilation of the laws of the Spanish colonies. The set is bound

in sheepskin, also known as vellum. Like *Las Siete Partidas*, the *Recopilación* is also Spanish civil law, but it is public administrative law for governing the colonies of Spain outside of Europe, which included the Americas at the time it was written. The Spanish crown felt there was a need to address the governance of the Americas due to the explorers encounters with the natives. Only Spanish colonial governors had access to the *Recopilación* at the time it was in effect. Because Louisiana was a



Spanish colony for several decades, the authors of the Louisiana Civil Code were influenced by these laws as well as others. Although the *Recopilación* was criticized for not allowing the colonists to self-govern, it outlined a more humane treatment of the native populations. Unfortunately, those laws were largely ignored.

The library owns an officially published *Code Civil des Français*, also called the "Code Napoléon," from 1804. We have two copies of the original edition of the *Code Civil* (in French) and two copies in English. In 1801 Napoleon ordered the Conseil d'État to create a systematic code of civil laws from the thousands of royal decrees and customary laws in effect. Exemplary for its brevity and clarity, the civil code made the law accessible to all French citizens and inspired similar codes in jurisdictions around the world. Louisiana's Civil



Code of 1825 owed much of its organization and some of its content to the French civil code.

Our edition of *Encyclopédie, ou dictionnaire raisonné des sciences, des arts et des métiers* (The Encyclopedia, or systematic dictionary of science, arts and the trades), edited by French philosopher Denis Diderot was published in Paris from 1751-1772. It is one of our most attractive titles due to its 2,888 intricately
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LAW DAY 2017 ON 14TH AMENDMENT (CONT.)

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The Fourteenth Amendment is one of three Reconstruction Amendments. The Thirteenth Amendment, abolishing slavery, was ratified in 1865; the Fifteenth Amendment, prohibiting the federal and state governments from denying citizens the right to vote based on that citizen's race, color, or previous condition of servitude, was ratified in 1870. The Law Day 2017 theme

marks the beginning of the American Bar Association's five-year celebration marking the sesquicentennial of the Reconstruction Amendments, "America's Second Founding," following the Civil War.

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 the principles and practices of law and justice. In 1958, President Eisenhower established Law Day with a proclamation, as has every president since then.

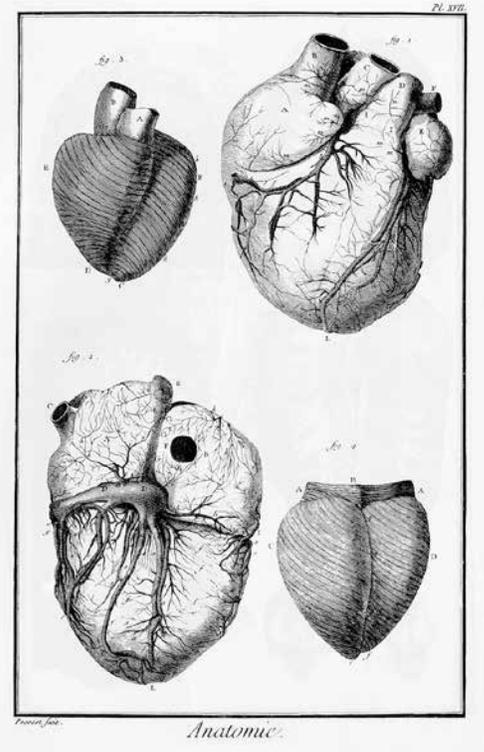
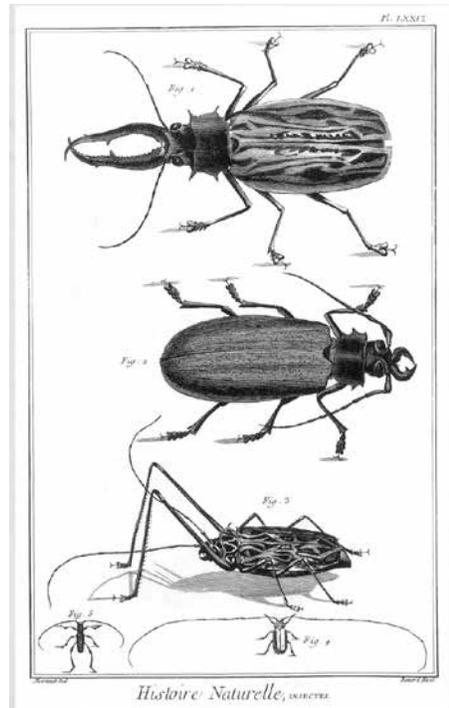
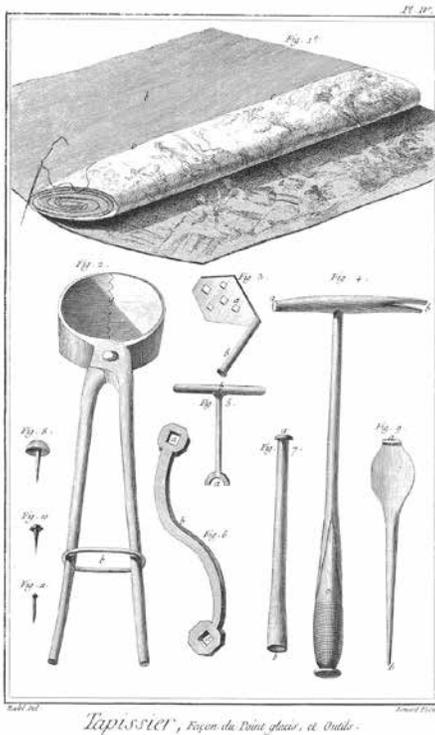
The law library served as host to over 200 students from across the state over the course of the week of Law Day. Students learned about the principles of the Fourteenth Amendment

by analyzing the arguments, the decision, and the dissent in *Plessy v. Ferguson*, which established the doctrine of "separate but equal." Students discussed how the Court interpreted the Fourteenth Amendment's guarantee of equal protection, and learned how the doctrine has changed since that time. They also identified current issues of injustice, leading to a lively discussion.

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UNIQUE AND IMPORTANT BOOKS IN LAW LIBRARY RARE BOOK ROOM (CONT.)

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engraved plates by French engraver Robert Bénard, who is most famous for his work in *Encyclopédie*. Considered the greatest achievement of the French Enlightenment, the *Encyclopédie* consists of 32 volumes with over 70,000 articles written by 140 different people from the “society of men of letters,” as stated on the title page. Some of

the more famous contributors were French Enlightenment intellectuals like Voltaire, Rousseau, and Montesquieu. The articles detail the art, science, technology, and trade of the pre-industrial world, which moved common thought from religion and church to reason and faith in the human mind. Diderot’s aim was to “enlighten” the

common man, but his work was attacked by the Jesuits in France, who did not appreciate his attempt to alter existing ideas about the world. As Diderot proclaimed of the *Encyclopédie*, “This is a work that cannot be completed except by a society of men of letters and skilled workmen, each working separately on his own part, but all bound

together solely by their zeal for the best interests of the human race and a feeling of mutual good will.”

The library’s Rare Book Room is open to the public by appointment. Please call (504) 310-2400 if you are interested in booking a tour.

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LEAP AT THE 2017 LOUISIANA LIBRARY ASSOCIATION (CONT.)

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to LEAP member Michael Schachtman. The Margaret T. Lane Award, named for the Louisiana’s first Recorder of Documents, recognizes an individual or organization that has made an especially significant contribution in advancing access to or use of government information in Louisiana. Michael was chosen for his contributions and services ensuring access

to government and legal information and documents through initiatives such as LEAP, the Lawyers in Libraries Program, and legal self-help resource centers. Michael said he was very humbled to receive the award, and that he accepted it on behalf of all LEAP partners.

Several attendees stopped by the LEAP table in the exhibit hall to learn more about LEAP

and how the program can be of assistance. A number of those librarians said that they had heard of or participated in the Lawyers in Libraries Day of Service program, evidence that LEAP’s efforts have been successful.

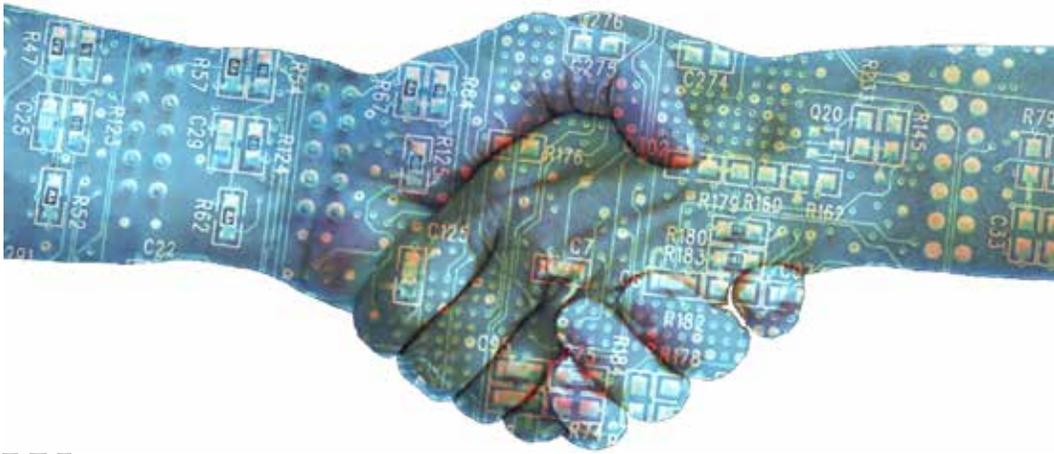
LEAP hopes to raise its profile even higher in 2017, with more attorney volunteers for the fourth annual Lawyers in Libraries Pro

Bono Day of Service, and a UPL training video that will be widely distributed. Librarians are natural partners in addressing the public’s need for legal information and assistance. LEAP is dedicated to providing the training that librarians need to help them help patrons needing legal assistance in their communities.

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BITCOIN AND BLOCKCHAIN TECHNOLOGY

by Francis Norton



What's all the buzz about blockchain and bitcoin, and why the funny names? Unfortunately for lawyers, this is all about math and secrecy. Mathematical and computer science algorithms encrypt and store data. Bitcoin and blockchain were created by a "Satoshi Nakamoto," which is a pseudonym for either a person or a group. No one really knows. Nakamoto published an academic paper about Bitcoin in October 2008, and released the software the following January.

"Bitcoin" is a digital virtual currency, based on a cryptotechnology. Bitcoin uses blockchain, the name of a cryptotechnology that can create a vast network of identical ledgers. There is no central authority. Users have a private key and a public key. The cryptotechnology bundles various transactions together into a "block" of information, which is smaller than one megabyte in size. The block has a time-stamp, and identifying codes

that match the sequence of the block before it and the block after it; hence, the "chain." All chains in the network are identical. If the data in a block of one chain is tampered with, this action will automatically change the identifying code on the block, and all subsequent blocks. All can see that the chain has been corrupted, and it will be rejected. All other chains will remain safe. Blockchain has the potential to change business and law as dramatically as the internet itself once did. However, some things never change: users still need a password for the private key. If it is lost, everything associated with it will also be lost, including any Bitcoin.

There are only a few law review articles about blockchain, perhaps because the technology is so new that the law hasn't yet caught up. In fact, it may be difficult to pass adequate legislation, since blockchain is so unlike anything now in existence. Because blockchain technol-

ogy is decentralized, jurisdiction is a problem. Every node (computer running the software) is simultaneously working on solving the mathematical puzzle of creating the next new block. Once a node has done so, and it has been verified, then all nodes adopt that block. Any computer around the world could create the next block. And new blocks are created about every ten minutes. Furthermore, most nodes belong to large consortiums that share the work of solving the puzzles.

With blockchain, everyone can be a John Doe. Because of encryption, two or more parties conducting a transaction may not even know the actual names of the participants. Each has a private key and a public key, but these are just codes. Because the process is automatic and decentralized, a mistake cannot be fixed. A one-digit typo will change everything, but that simple mistake is locked in a block, and then new blocks are added on to

that. It cannot be altered.

Major financial institutions have already invested over one billion dollars in blockchain. They hope to create software that will allow them to process worldwide transactions in hours, not days. Blockchain could also alter the way that stock exchanges operate. A Swiss company built Ethereum, a decentralized platform that runs "smart" contracts. These are contracts that self-execute once certain pre-determined conditions are met. For example, payment for goods can be made automatically once receipt is confirmed. Commodities may be traded automatically.

No lawyer today would consider practicing law without using web technology. Therefore, in order to just keep pace with changing technology, lawyers should familiarize themselves now with the basics of blockchain technology.

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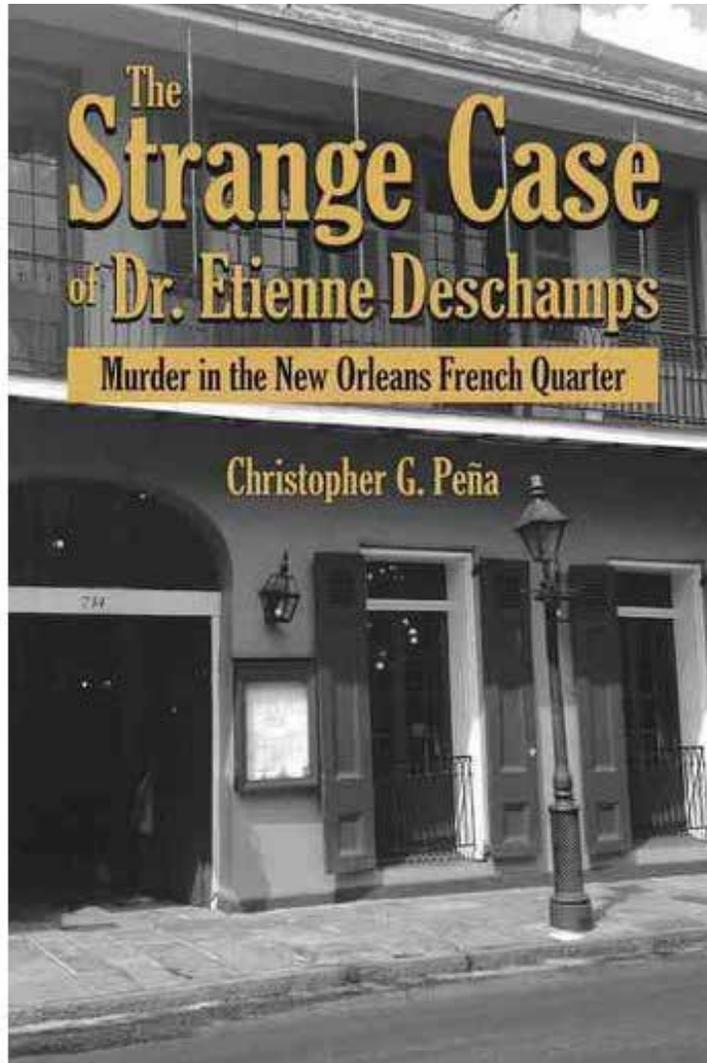


CLE ON INFAMOUS 19TH CENTURY MURDER

by Cynthia Jones

On May 18, Chris Peña, author of the recently published *The Strange Case of Dr. Etienne Deschamps: Murder in the New Orleans French Quarter*, appeared before approximately 100 people at a free CLE co-sponsored by the Law Library of Louisiana and the Supreme Court of Louisiana Historical Society. The program was held in the Boyd Cruise Room at the Historic New Orleans Collection on Chartres Street. During the program, speaking without notes for over an hour, Mr. Peña described in vivid detail the people and sordid events of the 19th century murder, its criminal investigation, and the protracted judicial process that followed.

Mr. Peña established the facts of his topic quickly. He set the scene of the crime by demonstrating an impressive knowledge of the French Quarter during the late 1880s. The audience learned how the French-born Etienne Deschamps immigrated to New Orleans; how he established himself as a dentist – his bizarre and questionable practices notwithstanding; his interest in animal magnetism, mesmerism, and hypnosis; his obsession with the lost treasure of Jean Lafitte; his absurd conviction that the treasure could be found with the assistance of a medium; and, finally and tragically, how he came to know, befriend, betray, brutalize, and even-



actually kill his twelve year old victim, Juliette Dietsh, whom he believed could be the medium to guide him to the treasure. In turn, Mr. Peña walked the audience through the criminal investigation, Deschamps's arrest, his trial both in the judicial system and in popular press, the appeals made on his behalf, the questions raised concerning his sanity, and ultimately his execution by hanging.

At each step, Mr. Peña detailed the practices and procedures carried out by municipal authorities, the

hyperbolic press coverage, the legal questions raised relative to premeditated murder, capital crimes, an insanity defense, and even the practice and science of execution by hanging. Following the presentation, the author entertained questions and hosted a book signing.

The Strange Case of Dr. Etienne Deschamps: Murder in the New Orleans French Quarter is published by Pelican Publishing Company and is available for purchase on their website at pelicanpub.com.

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LIBRARY ANNOUNCEMENTS

Library Outreach

The Law Library was busy with outreach this past winter and spring. The library staffed information tables at the Justices of the Peace and Constables Training Conference in February, the Louisiana State Bar Association's Solo and Small Firm Conference in March, and the Spring Judges Conference in April. The library provides informational brochures and research guides, and also brings examples of books the participants might find useful. Attendees expressed gratitude for the library's presence and were happy for the reminder that we are always



Law Library Director Miriam Childs at the Justices of the Peace and Constables Training Conference

available for their research needs.

New Research Guides

The library has many online research guides, including several guides about the history of Louisiana law. We recently published several guides on the histories of Orleans Civil District Court, Orleans Criminal Court, δ

and the city courts of New Orleans. We also published a guide about the (in)famous Myra Clark Gaines trial, the longest-running civil lawsuit in American history, centering on a dispute over the ownership of much of downtown New Orleans.

Upcoming Event

Save the date! The Law Library is excited to once again host Professor Warren Billings on Friday, September 22nd for a CLE on "In Search of Fundamental Law: Louisiana's Constitution, 1812-1974, A Reconsideration 25 Years On." More information including how to RSVP forthcoming.