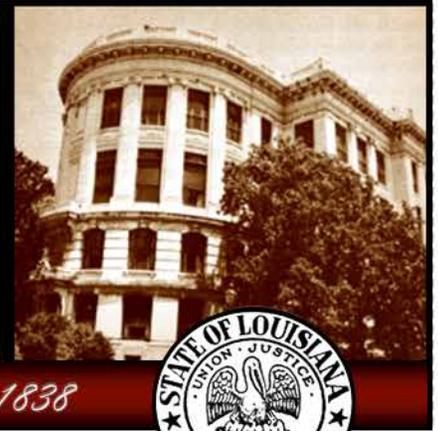




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The Newsletter of
The Law Library of Louisiana



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Serving Louisiana Since 1838

WELCOME JUSTICE GENOVESE!

by Miriam Childs

On Tuesday, January 3, 2017, Justice James T. Genovese was formally sworn in as the Louisiana Supreme Court's newest associate justice at the Evangeline Downs Event Center in Opelousas, Louisiana. Justice Genovese represents the Third Supreme Court District, which was formerly represented by Associate Justice Jeannette T. Knoll, who retired on December 31, 2016.

Justice Genovese was born in Opelousas and received his B.A. at Northwestern State University in Natchitoches, Louisiana, where he was a four-year letterman in tennis. He earned a Juris Doctorate from Loyola University New Orleans College of Law in 1974 with honors in property law. Justice Genovese returned to Opelousas to practice law from 1974-1995, serving as judge ad hoc in the Opelousas City Court from 1975-1989. In 1995, Judge Genovese was elected to the 27th Judicial District Court and served there until 2004. He was then elected in 2005



to the State of Louisiana Third Circuit Court of Appeal and served on that court until his election to the Louisiana Supreme Court in November 2016. His Louisiana Supreme Court term began on January 1, 2017.

Justice Genovese is an active bar participant. He has been the President, Past President, Vice-President, and Secretary/Treasurer of the St. Landry Parish Bar Association, and he is a member of the LSBA, the

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WELCOME JUSTICE GENOVESE! (CONT.)

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Louisiana Supreme Court Associate Justice James T. Genovese is sworn in by United States Court of Appeals for the Fifth Circuit Chief Judge Carl Stewart, with wife Martha J. Genovese.

Colorado Bar Association, and the American Bar Association. Justice Genovese has been admitted to the bar in all Louisiana state and federal courts, including the United States Supreme Court. Justice Genovese served on several Third Circuit Court of Appeal committees, including Technology; Costs; Security; Building; Continuity of

Operations; and Emergency Preparedness. Additionally, Justice Genovese has been a panelist and lecturer at conferences and continuing education seminars on topics such as ethics and professionalism, summary judgment, and writs and appeals.

Nearly 1,000 people attended the investiture ceremony, including Chief Justice

Bernette J. Johnson, retired Associate Justice Jeannette T. Knoll, Governor John Bel Edwards, and Louisiana's First Lady Donna Edwards. United States Fifth Circuit Court of Appeals Chief Judge Carl Stewart administered the oath of office. "I know Judge Genovese loves this great state and loves his people, and he serves with an infectious enthusiasm,"

said Governor Edwards. The Governor went on to say that Justice Genovese possesses the four abilities judges must have to serve effectively on the bench, as outlined by the philosopher Socrates: "... to hear courteously, to answer wisely, to consider soberly, and to decide impartially. Those are the four things we look for in judges, and that's why I'm so proud to be here today, because I know that Judge Genovese exemplifies those ideals."

Justice Genovese thanked St. Landry Parish voters for turning out to vote for him and providing critical support for his election win, saying "St. Landry, today is your day. Today, you will take your seat at the table." Opelousas was the birthplace of two former Louisiana Supreme Court justices: Cornelius Voorhies (1853-1859) and Albert Tate, Jr. (1970-1979). Please join us in welcoming Justice Genovese to the Louisiana Supreme Court family!

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GERALD MILLS RECIPIENT OF 2016 AWARD OF EXCELLENCE

by Miriam Childs

Gerald Mills, Court courier, is the recipient of the 2016 Louisiana Supreme Court Award of Excellence. The Award of Excellence is presented to an employee who serves the Court in a manner that fully demonstrates and exemplifies excellence. Chief Justice

Bernette J. Johnson presented the award to Gerald at the Employee Appreciation Ceremony held on November 15, 2016 in the Louisiana Supreme Court courtroom. Among other remarks, Chief Justice Johnson noted that Gerald consistently provides customer service above and beyond expectations. Not

only is he extremely dependable and works independently with little need for supervision, but he is also a great team player. No matter what, Gerald has an upbeat attitude, and he makes the Court a fun place to work. Gerald showed deep appreciation of the lengthy standing ovation he received

when he was revealed as the newest award recipient.

Gerald started working at the Louisiana Supreme Court in March 2007, after retiring from Kirschman's Furniture Store, where he worked for 33 years. Gerald's duties as courier

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GERALD MILLS RECIPIENT OF 2016 AWARD OF EXCELLENCE (CONT.)

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include setting up rooms for meetings, assisting Mr. Earl in the Clerk's Office, and checking with the justices to see what help they need. Gerald is very proactive – he looks for where help is needed before being asked. Gerald has assisted the Law Library with setting up for events countless times, and we can attest that he goes above and beyond what is asked of him.

A New Orleans native, Gerald graduated from Walter L. Cohen High School. Gerald said his most

favorite part of the job is working with Court staff. He has met interesting people and has made wonderful friendships over the years. When not at work, Gerald likes to relax by listening to music (he really enjoys jazz, but anything nice will do), doing some people-watching, and watching the Saints. Gerald Mills is a most deserving recipient of the Louisiana Supreme Court Award of Excellence. He truly does make the day brighter for everyone. Congratulations, Gerald!



Chief Justice Bernette J. Johnson presents Gerald Mills with award.

NEW EXHIBIT ON LAWYERS IN THE BATTLE OF NEW ORLEANS

by Mary Ann Wegmann

2017 marks the 202nd anniversary of the Battle of New Orleans fought on January 8, 1815. The 300th Anniversary of the City of New Orleans will be celebrated in 2018. To

commemorate these historic events, the Law Library of Louisiana is highlighting lawyers who fought under Major General Andrew Jackson at the Battle of New Orleans. Mary Ann Wegmann, Law Library of Louisiana graduate student

intern and attorney working towards a master's degree in history at the University of New Orleans, recently completed an exhibit entitled *Jackson's Bodyguard: Lawyers Who Fought in the Battle of New Orleans*. Funded in part by a Louisiana Endowment

for the Humanities grant, through the Supreme Court of Louisiana Historical Society, this exhibit in the Louisiana Supreme Court Museum features historical documents and images that tell the stories of these attorney-soldiers who guarded Jackson at the Battle of New Orleans. The museum, located on the first floor of the Louisiana Supreme Court building, is free and open to the public during business hours.



Captain Peter V. Ogden's Company of Orleans Dragoons, a cavalry unit, served as Jackson's bodyguard. At least nine members of this company were American lawyers, including John Dick, Alfred Hennen, Columbus Lawson, Henry Johnson, Nathan Morse, John Nicholson, Frederick

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NEW EXHIBIT ON LAWYERS IN THE BATTLE OF NEW ORLEANS (CONT.)

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Henry Johnson

Haldimand Summer, Fielding Turner, and George Augustus Waggaman. The exhibit includes brief biographies of these nine lawyers, as well as Andrew Jackson, himself a lawyer and judge.

Henry Johnson, born in Virginia and a member of the Virginia bar, moved to the Territory of Orleans in 1809, before Louisiana became a state. An “H.

Johnson,” presumed to be Henry Johnson, is listed as a member of Captain Peter V. Ogden’s Company of Orleans Dragoons, who served at the Battle of New Orleans in 1814-1815. He has recently been in the news with regard to his role as a purchaser of slaves from Georgetown University. Historical documents show that in 1838, the Jesuits at Georgetown in Washington, D.C., sold their slaves to Henry Johnson, then serving as a Congressman from Louisiana. Johnson was one of two Louisiana residents who purchased 272 enslaved persons from Fr. Thomas Mulledy, head of the United States Jesuits at Georgetown, for \$115,000. These Georgetown slaves were transported from Washington to Louisiana sugar plantations.

In 1818, Henry Johnson was elected United States Senator from Louisiana, filling the vacancy caused by the death of Senator William C.C. Claiborne, the first governor of Louisiana. Johnson served as senator until 1824, when he was elected the fifth governor of Louisiana. Johnson was elected to the United States Congress in 1834, serving until 1839. He ran unsuccessfully for Louisiana governor in 1838 and 1842. In 1841, political opponents questioned Johnson’s military service at the Battle of New Orleans, publishing in the *Baton Rouge Gazette*, “because in 1815, at the time of the English invasion, Mr. Johnson did not prove himself a Louisianian at heart by defending his adopted State, nor a true American by bravely

combatting for one of the sisters of the great federal family.”

On January 8, 1864, the *New Orleans Daily Picayune* named Governor Henry Johnson as one of the three surviving veterans of “Ogden’s Company of Cavalry.” Out of five hundred and seventy-six men mustered into service in December 1814, only twenty-six were living on the 49th anniversary of the battle in 1864.

To learn more about Henry Johnson and the other lawyers who guarded Major General Andrew Jackson at the Battle of New Orleans, please visit the *Jackson’s Bodyguard* exhibit at the Louisiana Supreme Court Museum.

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FALL CLES AT THE LAW LIBRARY

by Cynthia Jones

On September 16, 2016, the Law Library and the Supreme Court of Louisiana Historical Society welcomed back Professor Warren Billings for an engaging and scholarly CLE entitled, *A Course of Studies Revisited: The Syllabus of 1840 and the Particular Books That Made Louisiana Law*.

Professor Billings’s scholarship in the area of the history law books - their impact on the development of legal education

and consequently, the legal profession - is well-known. For this particular discussion, Professor Billings focused on the books which shaped the legal culture of antebellum Louisiana. He began by citing an 1840 rule issued by the Supreme Court of Louisiana that outlined particular books and subjects to be the new standard for examination for any man who wished to practice law in Louisiana. In the early 1800s and before, legal publications used in the United States were the product of British legal minds and published

abroad. However, as Professor Billings explained, increasingly more legal tomes were published in America and written by American jurists and lawyers. According to Professor Billings, the work of David Hoffman, who pioneered the establishment of university-based legal education, was singularly important in both standardizing legal education and the legal profession in Louisiana during its early years.

Hoffman was esteemed by his contemporaries for his contributions to the development of legal education

in America. His principal work was *A Course of Legal Study Addressed to the Student and the Profession Generally*, published in 1817. It quickly became the standard for legal education and was



David Hoffman

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FALL CLES AT THE LAW LIBRARY (CONT.)

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the touchstone for Francois-Xavier Martin and Henry Adams Bullard, Louisiana jurists who were actively involved in efforts to create standards in Louisiana's nascent legal community. The Louisiana Supreme Court, with the support of notable jurists like Martin and Bullard, determined that admittance to the bar would require a mastery of certain materials. By standardizing selection and admittance, the court would also be in a position to control the number of lawyers flooding the new state; manage the ever expanding court dockets; and address the state's mixed jurisdictions, where common law and civil law overlapped.

On Friday, December 9, 2016, the Honorable Roland L. Belsome, Jr., judge of the Louisiana Fourth Circuit Court of Appeal, and Lori A. Waters, an associate with the law firm of Kuchler Polk



Judge Roland Belsome presenting on social media and legal ethics.

Schell Weiner & Richeson, kicked off the annual A.P. Tureaud American Inns of Court and Law Library of Louisiana CLE. The program began with Judge Belsome and Ms. Waters explaining how social media is both a boon and a bane in the legal world. Social media has become a universally accepted communication vehicle, and for the legal community, an indispensable marketing and messaging tool. But the use – and

abuse – of social media raises concerns regarding professionalism, ethics, and civility in the legal profession. They provided examples of both lawyers and judges behaving badly, such as a Texas judge who texted a D.A. from the bench with suggestions on how to litigate more effectively for a guilty verdict. Closer to home, Judge Belsome examined a case involving a Louisiana attorney who was disbarred for criticizing judges on social media. Judge Belsome urged members of the bar and the judiciary to honor their profession and help ensure the public's trust by practicing restraint, exercising good judgment, and having the courage to do the right thing.

After a short break, Tiffany Davis, a shareholder of Liskow and Lewis, and Inem O'Boyle, who practices at Chehardy Sherman and Williams, began their presentation on day-to-day management of professionalism and ethics questions. δ

The speakers provided an overview of the Code of Professionalism in the Court, the Louisiana Code of Professionalism, and the Louisiana Rules of Professional Conduct. They discussed the duties of a judge to the court and a lawyer's duty to the court, underscoring how the codes encourage lawyers to commit to high standards with respect to client relationships, relationships with other lawyers, and the lawyers' relationships and interactions within the judicial system. The speakers also noted the codes' encouragement of work-life balance. The speakers concluded with strategies for improving professionalism, which included suggestions such as actively practicing professionalism, maintaining a positive balance between work and private life, solutions for navigating career obstacles, private and public work conversations, and handling difficult clients and opposing counsel.



Tiffany Davis (left) and Inem O'Boyle (right), presenting on professionalism.

HISTORY OF THE LOUISIANA BAR EXAM

by Catherine Lemann

Louisiana first began examining applicants for admission to the bar in 1813. Applicants were examined in open court by at least two judges of the Louisiana Supreme Court. In 1840, the Supreme Court adopted a rule that outlined the course of studies for applicants, which included "Story on the Constitution; The general laws of the United States; Vattel's Law of Nations; The Louisiana Code; The Code of Practice, The Statutes of the State, of a general

nature; The Institutes of Justinian; Domat's Civil Laws; Pothier's Treatise on Obligations; Blackstone's Commentaries; Kent's Commentaries; Chitty or Bayley on Bills; Starkie or Phillips on evidence; Russell on Crimes; and The Jurisprudence of Louisiana as settled by the decision of the Supreme Court [*sic*]."

The course of study changed over the years. Until 1924, an oral bar examination was administered. The Louisiana Supreme Court amended

Rule XVIII in March 1925 to outline the requirements for admission to practice law in the state. At that time, there were 13 subjects: *Civil Law and its origin and Civil Code of Louisiana; The Code of Practice of Louisiana; Constitutional law, Federal and State; Negotiable Instruments; Corporations; Evidence; Louisiana Statutes of general and important application; Criminal Law; Admiralty; Federal Practice and Procedure; and The Canons of Ethics of the American Bar Association, adopted by the Louisiana Bar*

Association, in 1910.

In 1925, Stephen A. Mascaro, Assistant Secretary to the Supreme Court Examining Committee for Admission to the Bar of the State of Louisiana, published a pamphlet containing the oral bar examination questions used from 1923–1925, based on the 13 subjects outlined in Supreme Court Rule XVIII. A sample of questions asked at that time:

State the formalities required for making a nuncupative will by public act?

A was fatally burned in an oil and gas explosion. His widow sued for damages. On trial A's widow sought to prove by B that immediately after the accident B heard A screaming and went to him and asked how the accident happened. A replied:

"That X kept fooling over the manhole of the gas tank with a lighted torch and I told X to stop that foolishness, and X told me I was a coward and X kept waiving the torch over the manhole, and that was when the explosion occurred."

State whether or not this statement was admissible, giving reasons.

Do women in Louisiana enjoy the same rights, authority, privileges and immunities, and are they required to perform the same obligations and duties as men possess and are required to perform in the election and appointment to and holding of office, civic and political?

If so, state if this is a recent policy of the state or one of ancient standing.

LIBRARY AT JUSTICE CONFERENCE

by Miriam Childs

The 2016 Louisiana Justice Community Conference was held in Baton Rouge October 13-14. The conference brings together public interest advocates, judges, civil legal aid attorneys, and other members of the state's justice community to network, collaborate, and learn. Miriam Childs, Law Library Director, and Sara Pic, Assistant Librarian, staffed an information table at the conference and attended pre-conference meetings. Sara also participated in a conference presentation.



From left to right: Laura Tuggle, Executive Director, Southeast Louisiana Legal Services; Michael Schachtman, Self-Represented Litigation Counsel, Louisiana State Bar Association; Miriam Childs, Director, Law Library of Louisiana

This year's theme was "100% Access: Advancing a Continuum of Legal Services." Conference programs focused on the significant advances accomplished by the Louisiana justice community to create a continuum of services that increase access to effective assistance for critical civil legal needs. Such advances include expanding self-help resources to litigants and using technology to increase pro bono representation.

Miriam and Sara attended the pre-conference State-wide Self-Represented Litigants Stakeholders' Meeting. This meeting featured a keynote speech by Judge Lisa Woodruff-White, from East Baton Rouge Parish Family Court, on the topic "What Can Courts Realistically Provide for SRLs?" Justice Woodruff-White discussed Canon 3 of the Louisiana

Judicial Code of Ethics, which provides guidance to judges on how to treat self-represented litigants. Judges must be patient, show no bias, and minimize the use of legal jargon. Judge Woodruff-White discussed how her court strives to follow these precepts, but gave examples of how some courts fail to reach SRLs even with the best efforts. Miriam also presented a summary of LEAP activities to date. LEAP (Legal Education and Assistance Program), a partnership between the Law Library of Louisiana, LSU Law Library, the Louisiana State Bar Association, and the Louisiana Library Association, provides support and training for public librarians across the state, teaching them how to provide legal information without practicing law.

Sara was a panelist on the program entitled "Creating

a Continuum of Legal Services through Technological Support." Sara demonstrated the Law Library's LibGuides, which have become a hub of legal information accessible from anywhere in the state.

The Law Library of Louisiana and Louisiana's justice community are natural partners in providing legal education and assistance to those most in need. Many attendees signed up for the Law Library's mailing list and took most of the library's brochures and flyers. The library will continue to participate in state access to justice initiatives, and do its part to address the access to justice gap by assisting fellow librarians to help people with legal needs in their communities. The library hopes to gain wider recognition among other stakeholders in Louisiana's justice community by maintaining a visible and vital presence.

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LIBRARY ANNOUNCEMENTS

Staff Changes

The Law Library is excited to welcome back Tara Lombardi as Assistant Librarian. Patrons may remember Tara from her prior service with the Law Library as Reference/Collection Development Librarian from 2008 to 2013. Before returning to the Law Library, Tara was Branch Manager at the Livingston Parish Main Branch Library. Brandon Wright has also left the Law Library for a new position at the Loyola University New Orleans College of Law Library. We wish her the best of luck!

New Research Guide

For his fall CLE, *A Course*



Tara Lombardi

of Studies Revisited: The Syllabus of 1840 and the Particular Books That Made Louisiana Law, Professor Warren Billings prepared an extensive bibliography. The publication provided not only a list of the historic titles referenced during the

program, but also bore annotations by Professor Billings and finding aids. The bibliography is available in print upon request to Cynthia Jones at chjones@lasc.org or it can be viewed online at lasc.libguides.com/courseofstudiesrevisited.

Upcoming Events

The Law Library will be presenting at the Louisiana Library Association's annual conference on March 8-9 in Lafayette, and participating in the Louisiana State Bar Association's annual Solo & Small Firm Conference in New Orleans on March 9-10. Stop by and say hello!

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