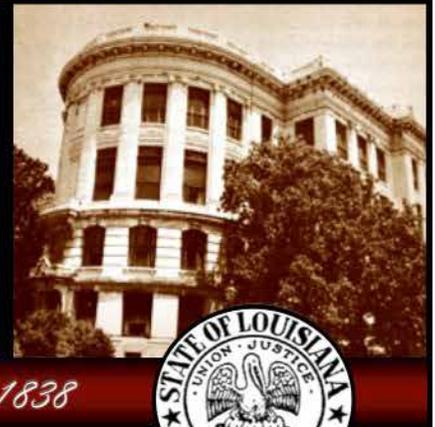




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The Newsletter of
The Law Library of Louisiana



Volume 15, Issue 1

Serving Louisiana Since 1838

GENDER & RACIAL DIVERSITY OF LOUISIANA'S JUDGES

by Miriam Childs



From left to right: Heather L. Johnson, research assistant professor, Newcomb College Institute; Chief Justice Bernette J. Johnson, Louisiana Supreme Court; Caroline Fredrickson, president of the American Constitution Society; Chief Judge Carl E. Stewart, U. S. Court of Appeals for the Fifth Circuit; Sally J. Kenney, executive director of Newcomb College Institute; and David D. Meyer, dean of Tulane Law School

On Thursday, January 25, 2018, Chief Justice Bernette Johnson participated in a panel discussion on the gender and racial diversity of the Louisiana judiciary. She was joined by Chief Judge Carl E. Stewart, from the U. S. Fifth Circuit Court of Appeals, and Caroline Fredrickson, President of the American Constitutional Society. The panel was held at Tulane Law School and was attended by over 200 people.

The panel discussion

followed the presentation of a report published by the Newcomb College Institute entitled *The Gender and Race of Louisiana's Judges 1992-2017*, authored by Sally J. Kenney, professor of political science and Executive Director of the Newcomb College Institute, and Heather L. Johnson, research assistant professor. Data from the Louisiana Secretary of State's office was used to compile the report's statistics. All levels of the judiciary were covered – city courts, parish courts, district courts, appellate courts, the

Louisiana Supreme Court, and federal courts.

The statistics show that more women and non-white judges are members of the judiciary in 2017 than in 1992, but much of those gains came from Orleans Parish. In 1992, women held 22 out of a total of 215 seats in all state courts, about 10%; by 2017, women held 116 out of 367 seats, or about 30%. For non-white judges in 1992, 32 held seats out of 215 total, about 15%; and in 2017, 87 held seats out of

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CLE AND RECEPTION CELEBRATING SLLS'S 50TH ANNIVERSARY

by Sara Pic

SE Southeast Louisiana Legal Services (SLLS) celebrated the kickoff to its golden 50th anniversary year at the Louisiana Supreme Court on November 9th, 2017 with a free CLE on “The Future of Civil Legal Aid,” followed by a reception and the grand opening of the “Justice is Golden” exhibit in the Louisiana Supreme Court Museum, commemorating SLLS’s 50 years of history.

Louisiana Supreme Court Chief Justice Bernette Johnson, a former legal aid attorney herself, began by welcoming guests and delivering opening remarks. She noted that though much remains to be done

to secure access to justice for the most needy among us, legal aid lawyers remain at the forefront in the fight. Chief Justice Johnson was followed by Laura Tuggle, SLLS Executive Director, who served as moderator for a panel discussion on the future of civil legal aid. Panelists included American Bar Association (ABA) President Hilarie



From left to right: Vivian Guillory, SLLS Board of Directors President; R. Patrick Vance, partner at Jones Walker; Dona Renegar, Louisiana State Bar Association President; Chief Justice Bernette Johnson, Louisiana Supreme Court; Hilarie Bass, American Bar Association President; Laura Tuggle, SLLS Executive Director; and Jim Sandman, LSC President

Bass, Louisiana State Bar Association (LSBA) President Dona Renegar, Legal Services Corporation (LSC) President Jim Sandman, and SLLS Board of Directors President Vivian Guillory.

Vivian Guillory began by recounting a 2016 Louisiana Bar Foundation (LBF) Economic Impact Study, which found that for every

\$1 invested supporting civil legal aid, there was \$8.73 of social return on investment. Dona Renegar remarked that the LSBA and LBF have served as critical partners to SLLS and legal aid generally. She observed that the bar association’s biggest project now is on funding for civil legal aid. Hilarie Bass concurred, noting that the ABA’s single biggest priority on its annual national legislative lobbying day is civil legal aid. Jim Sandman described the various ways that LSC and the civil legal aid programs it funds are experimenting with innovative new methods to address the access to justice gap, especially using new technologies. Programs are rethinking their service delivery models to include legal self-help desks, part-

nerships with libraries, and virtual assistance via the web. He also lauded SLLS as a leader in disaster recovery legal services.

SLLS will continue its 50th anniversary celebrations with events at every Louisiana law school, as well as several community forums to engage and educate members of the public about the importance of civil legal aid. With 75% of all lawyers in Louisiana living or working in SLLS’s twenty-two parish service area, SLLS is also launching a “50 for 50” campaign encouraging every Louisiana lawyer to donate \$50 to support civil legal aid in honor of SLLS’s 50th Anniversary. To support this golden opportunity or learn more, visit www.SLLS.org.

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NATIONAL ASSOCIATION OF WOMEN JUDGES'S COLOR OF JUSTICE EVENT

by Chelsea Crews and Tara Lombardi



From left to right: Adria Kimbrough, NAWJ event host and Dillard University Pre-Law Advisor; Orleans Civil District Court Judge Bernadette D'Souza, NAWJ District 6 Director; New York Supreme Court Justice Tanya Kennedy, NAWJ President; Louisiana Supreme Court Chief Justice Bernette Johnson; and Louisiana Fourth Circuit Court of Appeal Judge Regina Bartholomew Woods

On September 28th, 2017, members of the National Association of Women Judges (NAWJ) gathered at Dillard University for one of its most important events, the Color of Justice. Through Color of Justice, minority women on prelaw undergraduate tracks are given the opportunity to see and hear from NAWJ members about their personal experiences in the legal field as women of color. The important program helps illuminate a path to the bench for young women who may have never seen minority attorneys and judges, or even women judges. This year, the judges offered the student attendees advice on everything from studying for the LSAT to achieving the much sought-after work-life balance.

The 2017 Color of Justice

luncheon was held in honor of the NAWJ's new president, Justice Tanya Kennedy. In an inspiring speech, Justice Kennedy relayed her personal journey from "latchkey kid" to New York Supreme Court Justice. Turning to the future, she implored the students to use their privilege of education to better not only their own lives, but the lives of young women who would follow in their footsteps as well.

Next, in a testament to the power of education and determination, the esteemed judges each shared their backstories. In attendance were Chief Justice Bernette Johnson of the Louisiana Supreme Court; Judges Paula Brown, Rosemary Ledet, and Regina Bartholomew Woods of the Louisiana Fourth Circuit Court of Appeal; Judges Bernadette

D'Souza, Rachael Johnson, Ethel Simms-Julien, and Clare Jupiter of the Orleans Civil District Court; Judge Ernestine Gray of the Orleans Juvenile Court; Judge June Darensburg of the 24th JDC; Judge Robin Pittman of the Orleans Criminal District Court; and Judge Veronica Henry of the Orleans First City Court.

Some of the judges who spoke had never met a black attorney before law school; one was the daughter of a judge. Some took a traditional path to the bench; others took a more scenic route. While the stories differed, they shared common threads: a drive for excellence and mentors who were willing to take a chance on a young person with enormous potential. In particular, as more of the judges spoke, one individual appeared

in narrative after narrative: Chief Justice Bernette Joshua Johnson. Almost every judge in the room had a story of a time Chief Justice Johnson encouraged and inspired them.

Chief Justice Johnson has served as a mentor for countless women attorneys, many of whom would later become judges. As evidenced by the personal stories the judges shared, she has a knack for identifying potential and fostering it until the mentee can see it in themselves. In many ways, Chief Justice Johnson embodies the purpose of the Color of Justice Program. For decades, through both her mentoring and her career itself, she has served as proof to young women of color that they belong in the legal profession and on the bench. Her contributions to the profession were not lost on the students, who were honored to have the opportunity to meet her.

After hearing from the judges individually, the young women were given the chance to dine and network in small groups. The students received business cards from the judges, inquired about clerkships, and excitedly shared their educational aspirations. Too soon, the attendees had to leave for their next classes. With a renewed sense of determination and aspiration, they dispersed across campus to continue on their paths to the bench.

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STATE V. HOMER ADOLPH PLESSY: 125 YEARS AGO IN NEW ORLEANS

by Tara Lombardi



From left to right: A.P. Tureaud, Jr., Keith Plessy, Val Exnicios, Phoebe Ferguson, Judge Kern Reese, Judge Max Tobias (ret.), and Greg DiLeo

Last November, the Law Library presented a free CLE and reception on the 125th anniversary of the Orleans criminal court's decision in the *State of Louisiana v. Homer Adolph Plessy* trial. The event was co-sponsored by the Supreme Court of Louisiana Historical Society, the Plessy and Ferguson Foundation, the A. P. Tureaud American Inns of Court, the New Orleans Bar Association, and the Louis A. Martinet Society.

New Orleans Criminal District Court Judge John H. Ferguson's decision upholding the constitutionality of the Separate Car Act of 1890 was handed down 125 years ago, on November 18, 1892. This CLE program featured a live re-enactment of the arguments heard

before Judge Ferguson in the case of *State of Louisiana v. Homer Adolph Plessy*.

The mock trial was reenacted by a distinguished cast of characters from the judiciary and the bar, who took their roles quite seriously. Many of the players were costumed in period dress and some had even memorized their lines. *State v. Plessy* doesn't receive the same amount of attention that the case it became upon appeal to the United States Supreme Court, *Plessy v. Ferguson*, has received. The re-enactment demonstrated the critical importance of what occurred in the lower court.

After the re-enactment, a panel of speakers (Val P. Exnicios, managing director and senior trial counsel, Liska, Exnicios, and Nung-

esser; Greg DiLeo, managing partner, Gregory P. DiLeo, APLC; Judge Max Tobias, Louisiana Fourth Circuit Court of Appeal (ret.); Judge Kern Reese, Orleans Civil District Court; Keith Plessy and Phoebe Ferguson, founders of the Plessy and Ferguson Foundation; and A.P. Tureaud, Jr.) analyzed the arguments of *State v. Plessy* and led a discussion reflecting upon the development of civil rights in New Orleans over the past 125 years.

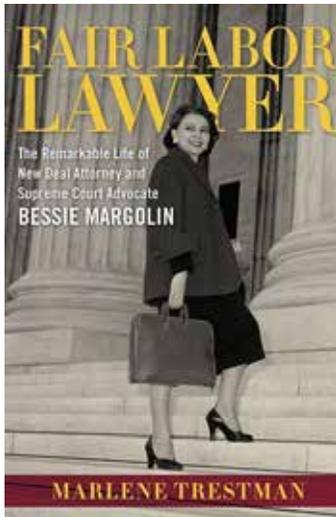
A reception followed afterwards in the Louisiana Supreme Court Museum.
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From left to right: Val Exnicios; Dr. Rachel Emanuel, Southern University Law Center; and Law Library Director Miriam Childs

CLE ON BESSIE MARGOLIN AT THE NATIONAL WORLD WAR II MUSEUM

by Sara Pic



Marlene Trestman, author of *Fair Labor Lawyer: The Remarkable Life of New Deal Attorney and Supreme Court Advocate Bessie Margolin*, spoke last November at the National World War II

Museum in a CLE co-sponsored by the Law Library along with the Supreme Court of Louisiana Historical Society and the Anti-Defamation League South Central Region. Over 100 people learned about New Orleans native Bessie Margolin's historic career and the obstacles she faced along the way, as one of very few women attorneys. As Trestman, also a New Orleans native and attorney, notes, "Fair Labor Lawyer" literally refers to the New Deal legislation Margolin championed in the courts, but it also refers to the fairness of her own career, the obstacles she faced as a Jewish woman, and the opportunities that influential supporters afford-



ed her." Throughout her career in public service, Margolin won 21 out of 24 cases she argued before the U.S. Supreme Court and spent 33 years in the Department of Labor's Solicitor's office. She defended the constitutionality of the New Deal, drafted rules for the Nazi War Crimes trials at Nuremberg, and championed the

Fair Labor Standards Act, including the Equal Pay Act. She was also a founding member of the National Organization for Women. Trestman's presentation was so absorbing that she ran out of books to sell and sign. It is available in the Law Library at KF373 .M292 T74 2016 or for purchase online.

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GENDER & RACIAL DIVERSITY OF LOUISIANA'S JUDGES (CONT.)

continued from page 1

367 total, or 24%. Therefore, women have made stronger gains than non-white men.

In Orleans Parish, 77% of the judges in Civil District Court are women, with 46% in Criminal District Court, 80% in Orleans Parish Juvenile Court, and 36% of other city courts. Generally, however, women and minorities are underrepresented in the judiciary. Fifty-one percent of Louisiana's population is female, but only 32% of its state and federal judges. Thirty-six percent of Louisiana's population identifies as part of a minority group, but only 23% of its judges are minorities.

Judge Stewart said that the reasons behind the under-

representation of women and minorities in the judiciary is very complex, stemming from the intersection of economic issues and interpersonal relationships. Chief Justice Johnson said that Louisiana's judiciary is more diverse than many other states. She emphasized that progress has been made, due in no small part to cases like *Chisom v. Roemer* and *Clark v. Edwards*, which lowered the obstacles for electing minority judges in Louisiana. Caroline Fredrickson supported the Chief's assessment of Louisiana's standing in the nation, saying that Louisiana falls in the middle when it comes to diversity. Nationwide, white males are vastly overrepresented in the judiciary when compared to the number of women and

minorities in the population at large.

Chief Justice Johnson said that one solution is to actively recruit women and non-white men to run for election. She said that "we need to demystify the path to the bench." The panelists conceded that the presence of women and non-white men in the judiciary doesn't necessarily change outcomes, but their absence ensures that their voices will not be heard at the table. Judge Stewart affirmed the "absolute value of diversity on the bench." Chief Justice Johnson added that "we want a representative bench for credibility. It's the appearance of equity as well as a signal." Sally J. Kenny warned the audience to not let Louisiana's rela-

tively good standing allow complacency, and that the support for greater inclusiveness needs to continue. She encouraged attendees who may be inclined to enter the judiciary that "this event is your tap on the shoulder to consider your career as a judge." Chief Justice Johnson predicted an increase in women running for judgeships in the near future "for a whole host of reasons," such as the first major-party woman presidential candidate and the current movement encouraging women to stand up to sexual harassment and misconduct. The entire report can be downloaded at tulane.app.box.com/s/umogen66ysw04ck-mxrdc89tp62lwkdt4.

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FAREWELL TO LSU LAW PROFESSOR ROBERT A. PASCAL

by Miriam Childs

Professor Robert A. Pascal passed away on January 19, 2018 at the age of 102. He leaves behind a civil law scholarship legacy of substantial magnitude.

Born July 5, 1915 in New Orleans, Professor Pascal attended Jesuit High School and Loyola University New Orleans, where he studied the liberal educational regime of Scholastic Philosophy-Logic, Epistemology, Ontology, Theodicy, Cosmology, Psychology, and Ethics. Professor Pascal continued at Loyola for his law degree, where he developed a passion for Louisiana's civil law. His first article, on the "Duration and Revocability of an Offer," was published in 1938 in the first issue of the *Louisiana Law Review*. At the same time, he began working with the Louisiana State Law Institute, which was newly created, to draft the Compiled Edition of the Louisiana Civil Codes.

Professor Pascal became the first person to be awarded a Master's in Civil Law at LSU's Paul M. Hebert Law School in 1940. For about a year, he practiced law in New Orleans, and in 1942 he earned an LL.M. from the University of Michigan Law School. The outbreak of World War II called Professor Pascal to service. He was commissioned in the United States Coast Guard Reserve for anti-submarine warfare, serving most of his time as

Coast Guard District Legal Officer for the 10th Naval District in the Caribbean. In 1945 Professor Pascal joined the LSU law faculty. He also taught at other universities. In 1951 he taught trusts at the University of Chicago. Professor Pascal was a Fulbright lecturer in 1951-1952 and 1963-1964 and taught U. S. private law and comparative law at the University of Rome. Even though he retired in 1980, he maintained offices at the law school as Professor Emeritus. Loyola University conferred a Doctor of Laws, honoris causa upon him in 1995, and in 2011 the Louisiana Bar Foundation presented him with the Distinguished Professor Award.

Professor Pascal's favorite subjects to teach included the philosophy of law; interstate and international legislative jurisdiction; private trusts; and introduction to civil and common law. He authored articles on these topics as well as conflict of laws; matrimonial regimes; and civil and Anglo-American legal science. Professor Pascal also served as a consultant on trust law revision for the Louisiana State Law Institute. It was during his 1998 Tucker Lecture at the LSU Law Center, entitled "Of the Civil Code and Us," that Professor Pascal provided his unique explanation of the nature of the laws comprising the *Digest of 1808*: the substance of the laws is Spanish, and the laws are arranged using



Professor Robert Pascal (left) with Professor Olivier Moréteau, pictured here on the occasion of his 100th birthday

the format of the *Code Civil Français*, like a "Spanish girl in a French dress."

Many of Professor Pascal's articles appear in *Robert Anthony Pascal: A Priest of Right Order*, edited by Professor Olivier Moréteau of LSU's Center for Civil Law Studies. The volume includes the previously-unpublished "Recollections of a Life Studying and Teaching Law." Professor Moréteau describes the essay as depicting, "[a] man true to himself and to others, *un juste*, to put it in French, Robert Pascal's native language." The library's copy can be located at K 235 .R63 2010. It is also available free online at www.law.lsu.edu/ccls/files/2013/12/Pascal%20Final%20copy.pdf.

Known as a family man and a man of faith, Professor Pascal once remarked that "we are a community of people under God, and because we are a community, each of us must cooperate with everyone else in life." Professor Pascal was a true defender of the civil law of Louisiana, and generations of scholars have benefited from his generosity in sharing his knowledge and insight. He will be greatly missed. Remembrances can be shared at www.legacy.com/guestbooks/nola/robert-anthony-pascal-condolences/187948317.

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 CONFERENCE OF STATE COURT ADMINISTRATORS RECEPTION AT THE COURT

by Miriam Childs



Law Library Director Miriam Childs presents some of the library's rare books. Displayed are from left to right: Journal of the official acts and proceedings of the Governor (1819-1828); Code civil français (1804); and Recopilación de leyes de los reinos de las Indias (1681)

The 2017 Conference of State Court Administrators (COSCA) Mid-Year meeting was held in New Orleans last fall. Sandra Vujnovich, as the Louisiana Supreme Court's Judicial Administrator, hosted a reception for attendees on November 30th, 2017 in the Court's formal conference room. The reception began with a tour of the building, including the museum and the Law Library, where attendees were given the opportunity to interact with some of the library's rarest treasures. The members of COSCA include the state

court administrators in each state, the District of Columbia, Puerto Rico, American Samoa, Guam, the North Mariana Islands, and the U.S. Virgin Islands.

Established in 1955, COSCA is dedicated to the improvement of the administration of justice in state court systems. Its mission is to provide a national forum to assist state court administrators in the development of a more just, effective, and efficient system of justice. COSCA executes its mission by developing policies and standards relative to the administration of judi-

cial systems; and facilitating the exchange of information, ideas, and methods to improve state court administration.

COSCA publishes policy resolutions that influence state court administration nationally, such as resolutions on drug courts, court interpreters, access to justice, case management, court technology, court funding, and legal education. COSCA'S policy resolutions offer a wealth of information on court-related issues, and are at the forefront of trends certain to affect the administration of justice in state court systems. A list of COSCA's resolutions can be found here: <http://cosca.ncsc.org/Policy-Resolutions.aspx>.
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LIBRARY ANNOUNCEMENTS

Library Programs

In addition to the CLEs and receptions described in the other articles in this newsletter, the Law Library was also thrilled to once again co-sponsor the A.P. Tureaud American Inns of Court annual end-of-the-year CLE on ethics and professionalism. Each year, the turnout for this popular CLE grows even larger, with nearly 200 attendees this year. Judge Roland Belsome, Jr. of the Louisiana Court of Appeal for the Fourth Circuit and Judge Kern Reese of the Orleans Civil District Court kicked off the early morning program with a one hour CLE on professionalism. The judges recounted some of the challenges



Louisiana Fourth Circuit Court of Appeal Judge Roland Belsome, Jr. (left) presents with Orleans Civil District Court Judge Kern Reese

they overcame, focusing in particular on the importance of mentors in their lives. The judges were followed by Buddy Stockwell, Executive Director of the Judges and Lawyers Assistance Program, presenting a one hour ethics CLE. He

described relevant LSBA ethical requirements but also relayed information about his own personal struggles with alcoholism and detailed the programs available to help attorneys and judges get the help they need. δ