CHIEF JUSTICE JOHNSON RECEIVES HASTIE AWARD

by Miriam Childs

Chief Justice Bernette J. Johnson received the William H. Hastie Award at the National Bar Association’s (NBA) 94th Annual Convention, held July 20-25, 2019, in New York. The award was presented by the NBA’s Judicial Council, and is the highest award bestowed by the Council. The award recognizes excellence in legal and judicial scholarship, and demonstrated commitment to justice under law. The award ceremony took place during the Thurgood Marshall Awards Luncheon. Founded in 1925, the National Bar Association is the nation’s oldest and largest association of predominantly African-American lawyers and judges. The National Bar Association Judicial Council is an independent, autonomous section of the National Bar Association formed in 1971 to eradicate racial and class bias from every aspect of the judicial and law enforcement process.

In March, Chief Justice Johnson received the prestigious Gertrude E. Rush Award from the NBA, and her work and service as a long-time member of the organization was recognized when she was inducted into the NBA Hall of Fame in 2010.

Judge William H. Hastie (1904-1976) was appointed as a judge on the District Court of the U. S. Virgin Islands by President Franklin D. Roosevelt in 1937, becoming the nation’s first African-American federal judge. He resigned from the Court in 1939 to become the Dean of Howard University Law School until 1946. Hastie served as a co-lead lawyer with Thurgood Marshall in the voting rights case of Smith v. Allwright, 321 U.S. 649 (1944), in which the Supreme Court ruled against white-only primaries. In 1946 President Harry S. Truman appointed Hastie to serve as the Territorial Governor of the U.S. Virgin Islands. He served in this capacity until 1949, the first African American to do so. President Truman then appointed Hastie as a Judge on the United States Circuit Court of Appeals for the Fourth Circuit, and he served in that capacity until 1972.

In 1975, Hastie became the first African American member of the Supreme Court of the Virgin Islands, and he held that position until 1976, when he resigned to become the first African American to serve as a judge on the Court of Appeals for the First Circuit. Hastie was also a co-founder of the National Bar Association and served as its first president from 1951 to 1952.

Hastie was a leading civil rights lawyer and a respected scholar of constitutional law. He was a member of the Supreme Court of the District of Columbia from 1950 to 1953, and he served as the president of the American Bar Association from 1960 to 1961. Hastie received the William H. Hastie Award in recognition of his contributions to the legal profession and to the advancement of civil rights.
Chief Justice Johnson Receives Hastie Award (cont.)

Court of Appeals for the Third Circuit, a position he held until his death in 1976. Upon accepting the award, Chief Justice Johnson remarked, “I’d like to express my deepest appreciation to the National Bar Association and my colleagues for this distinguished award.”

The William H. Hastie award is the latest in an impressive collection of awards received by Chief Justice Johnson during her esteemed career. Chief Justice Johnson’s recent honors include being named as an Honorary Inductee into the Paul M. Hebert Law Center’s Order of the Coif. In 2018 Chief Justice Johnson was presented the Whitney M. Young Award by the Southeast Louisiana Council of the Boy Scouts of America at its Diversity in Scouting Gala, and was honored as a Good Apple Honoree by Louisiana Appleseed for increasing access to justice throughout her career. In 2016, recognizing Chief Justice Johnson’s widespread impact, the Louisiana State Bar Association Board of Governors unanimously voted to combine the Trailblazer and Human Rights Awards into the aptly-named “Louisiana State Bar Association Chief Justice Bernette Joshua Johnson Trailblazer Award,” bestowed by the LSBA each year at its annual meeting. Having dedicated herself to a life of service, Chief Justice Johnson’s leadership and groundbreaking achievements are recognized nationwide, as evidenced by awards and achievements too lengthy to fully list here. The William H. Hastie award is another example of Chief Justice Johnson’s lifelong dedication to the justice system’s highest values and ideals.

Library Partners to Produce Guide on Mayor’s Courts

by Sara Pic

The Law Library is proud to announce the latest addition to its series of LEAP (Legal Education and Assistance Program) online research guides - a guide to mayor’s courts in Louisiana. LEAP guides are produced in partnership with the Louisiana State Bar Association (LSBA). The mayor’s court guide was also produced with the assistance of the Justice and Accountability Center of Louisiana (JAC) and Jerry J Guillot, from whose publication, Mayor’s Court Handbook (2018), the information in the LEAP guide is adapted and summarized.

Mayor’s courts are a type of municipal court. They hear cases involving violations of municipal ordinances and also sometimes traffic tickets. The presiding officer (mayor or an appointed magistrate) may impose fines or imprisonment, or both, for violations. Only Ohio and Louisiana authorize this type of court. As such, there is often confusion about what mayor’s courts can and cannot do, as well as how to appeal decisions in mayor’s courts. This new guide attempts to answer the most commonly asked questions about mayor’s courts, with a focus in particular on serving self-represented litigants and other people seeking information who are not lawyers.

The guide also includes contact information for mayor’s courts throughout the state, compiled by Cristy Guzman (Loyola College of Law), Lauren Kirichkow (Loyola College of Law), and Cameron Windham (Tulane Law School), law clerks at JAC. This was especially tricky information to compile, as there are literally hundreds of such courts in Louisiana. But contact information for mayor’s courts is vitally important because people often receive tickets for violations that they misplace. They don’t know who to call to get more

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information. This can then lead to default judgments and arrest warrants. Mayor’s court contact information also includes links to directly pay the assessed fine online, where available.

2019-2020 Louisiana State Bar Association President Robert A. Kutcher commented that “the Mayor’s Court Guide is a product of the collaboration between the Louisiana State Bar Association’s Legal Education and Assistance Program (LEAP) and the Louisiana Law Library of the Supreme Court. By working with the LSBA’s Building Bridges Committee, LEAP and the Law Library were able to identify a great need by the public to access information about Mayor’s Courts to resolve minor criminal matters. This resource provides basic information about Mayor’s Courts in plain language for which the public can easily access and understand.” Sarah Whittington, JAC Staff Attorney, also commented “this libguide will be an important resource for people who have municipal or traffic issues. Most people’s interactions with the court system is at this very local level, and they often do not have the information or vocabulary to know what to expect. This libguide should help pro se individuals feel more confident going into a hearing and also know where to go and who to talk to to get the specific answers they need about their case.”

The mayor’s court guide is available online at lasc.libguides.com/mayorscourts.

NEW NAME FOR THE NEW COURTHOUSE BUILDING

by Miriam Childs

Act 429 from the Louisiana Legislature’s 2019 Regular Session provides for the renaming of the Louisiana Supreme Court Building at 400 Royal Street to the Chief Justice Pascal F. Calogero, Jr. Courthouse. When the building opened in 1910, it was called the “New Courthouse Building.” Prior to 1910, the Louisiana Supreme Court moved a few times. Government House was the Court’s first home, from 1813 until sometime in the 1820s. The Presbytère was the Court’s next home, from about 1822-1853. The Court then moved to the Cabildo’s Sala Capitular from 1853 until 1910.

Legislative Act No. 79 of 1902 established a Courthouse Commission, which was charged with acquiring land and overseeing the construction of a new courthouse for the Louisiana Supreme Court and the New Orleans Civil District Court. Of particular importance was that the facility be a fireproof one. The Commission selected Squares 39 and 40 of the 2nd District in New Orleans. Site preparation required demolition of buildings dating from the early 19th Century and the closure of one block on Exchange Alley. In 1906, local architects William Freret and Thomas Sully received permission from the Commission to sponsor a building design competition. The design submitted by Frederick and A. Ten Eyck Brown of the Brown, Brown and Mayre firm in Atlanta won the competition.

The building, designed in the Beaux Arts style, was constructed with a concrete foundation and reinforced concrete walls. The building is faced with Georgia marble on the first two stories and terra cotta on the upper two stories.

On October 1, 1910, the building was ready for its first tenants to move in: The Louisiana Supreme Court, Court of Appeals, Civil District Court, City Courts, Attorney General, State Law Library, Louisiana Bar Association Law Library, Civil Sheriff’s Office, Constable’s Office, Recorder of Mortgages, Conveyance Office, Custodian of Notarial Records, Board of Assessors, Tax Collector, and the Orleans Levee Board.

By the 1930s the building had deteriorated, and was condemned in 1935. After extensive repairs, additional agencies moved into the building. The new occupants included the U.S. Bureau of Fisheries and Department of Agriculture, the Bureau of Forestry, State Fire Marshal, Department of Conservation, and Louisiana Departments of Labor, Occupational Standards, Public Works, and Wildlife and Fisheries. This made for very congested conditions in the building.

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In the 1950s, the city of New Orleans developed the Civic Center Complex. Many city and state agencies moved out of the building. In 1958, the Louisiana Supreme Court joined them and relocated to 301 Loyola Ave. The Louisiana Department of Wildlife and Fisheries purchased the “new courthouse building” from the city in 1957. By 1960, only the Department of Wildlife and Fisheries and the Orleans Parish Levee Board remained as tenants. The U.S. District Court (Eastern District of Louisiana) moved to the building in 1962 and remained until 1976.

By 1981 all tenants had vacated the building, which had fallen into a state of severe disrepair due to damage from holes in the roof, vandalism, and neglect. For twenty years the Louisiana Supreme Court persisted in seeking to renovate the building for its original use. One of the major champions of this effort was the building’s new namesake, Chief Justice Pascal F. Calogero, Jr.

Pio Lyons of Lyons and Hudson was chosen as the architect for the renovation in 1991. Several contractors were involved in the project. Wherever possible the original design of the building was restored and preserved, but portions of the building were adapted to the modern requirements of the Court. In May 2004 the building was ready for the occupancy of the Supreme Court, the 4th Circuit Court of Appeals, the Law Library of Louisiana, and the Judicial Administrator’s Office. The dedication of the renovated building was celebrated on October 2, 2004 with a ceremony that featured an address by former U.S. Supreme Court Justice Sandra Day O’Connor. Each person who visits the building remarks upon its beauty, with gleaming marble floors, brass fixtures, dark wooden doors, and skylights. It’s hard to imagine the structure in its prior decrepit state. Thankfully Chief Justice Pascal F. Calogero, Jr. and several of his fellow justices didn’t give up on the dream of returning the building to its former glory. As Justice O’Connor said during her address, “I … congratulate the people of Louisiana on the dedication of this fine courthouse. It is a fitting expression of the dignity of Louisiana’s judiciary, an inspiring temple of justice, and a proper place for the efficient conduct of judicial decision making.”

The Law Library welcomed Tulane University Professor Nancy Maveety for a CLE on her book, Glass and Gavel: The U.S. Supreme Court and Alcohol on June 19, 2019, co-sponsored by the Supreme Court of Louisiana Historical Society. This was Professor Maveety’s first CLE at the Louisiana Supreme Court, but based on the resoundingly positive feedback, hopefully not the last.

Professor Maveety humorously described her lecture as a “cocktail-by-cocktail history of the eras of the Supreme Court, and its alcohol related decisions.” As such, the CLE covered not only legal history, but social history as well, as Professor Maveety described the popular drinks of the day, with a focus on the known alcohol preferences of U.S. Supreme Court justices and the locations where the justices would drink.

As Professor Maveety describes it, the U.S. has a “constitutional cocktail” of limited governmental power and individual rights. Her program focused on increasing the understanding of how much of U.S. constitutional law – U.S. Supreme Court rulings on the powers of government and the rights of individuals – has been shaped by America’s unsettled relationship with alcohol and the establishments that serve it.
De Novo

Judge James L. Dennis Law Clerk Reunion

by Miriam Childs

The current and former law clerks of Judge James L. Dennis gathered for a special reunion at the Louisiana Supreme Court on the evening of Friday, September 20, 2019. The event was organized by the JLD Law Clerk Reunion Committee, and sponsored by the Supreme Court of Louisiana Historical Society. The program began in the courtroom with remarks by Charles Tate from the JLD Law Clerk Reunion Committee, Governor John Bel Edwards, and Judge Dennis. Governor Edwards, invited by the Committee to be the special guest speaker, was a law clerk for Judge Dennis in the late 1990s. About 100 attendees joined him in honoring and thanking Judge Dennis for helping them to become better attorneys and better people. The mutual affection between Judge Dennis and his clerks was on full display.

Judge James L. Dennis was born in 1936, a native of Monroe, Louisiana. He served two years in the U.S. Army, and then attended Louisiana Tech University, where he earned a B.S. in Business Administration in 1959. Judge Dennis earned his J.D. from Louisiana State University in 1962, where he was an honor graduate, managing editor of the Louisiana Law Review, and inducted into the Order of the Coif. In 1984, Judge Dennis received an LL.M. from the National College of the State Judiciary, University of Virginia School of Law.

Judge Dennis practiced law in Monroe from 1962-1972, and also served as a state representative for Ouachita Parish from 1968-1972. He served as Coordinator, Louisiana Constitutional Revision Commission from 1970-1972. Judge Dennis was elected as a delegate to the Louisiana Constitutional Convention of 1973, and served as Chairman of its Judiciary and Composite Committees. He also held membership in the Style and Drafting and Coordinating Committees.

Judge Dennis's first judicial oath of office was January 10, 1972, as judge for the Fourth Judicial District Court, Morehouse and Ouachita Parishes. He was elected to serve on the Louisiana Court of Appeal, Second Circuit in 1974, and then the Louisiana Supreme Court as an associate justice from 1975-1995. (Charles Tate’s father, Justice Albert Tate, Jr., was a colleague of Judge Dennis’s while he served on the Louisiana Supreme Court.)

Judge Dennis was nominated by President William J. Clinton to serve on the U.S. Court of Appeals for the Fifth Circuit to fill a vacancy left by Judge Charles Clark. Judge Dennis was confirmed by the Senate on September 28, 1995, and received his commission on October 2, 1995.

A reception in the first floor hallway followed the program. Judge Dennis "held court" at the reception, his law clerks taking turns socializing with him and enjoying the company. A camera was on hand in the Louisiana Supreme Court Museum to give clerks the opportunity to record memories of working with Judge Dennis. Governor Edwards was the first to record his thoughts, and several others followed suit. The strong turnout for this reunion is a testament to the deep appreciation felt by those who clerked for Judge Dennis, and also evidence of an outstanding life in the law. He was not just a boss, but also a mentor, a leader, and a friend.
Professor Nancy Maveety began by describing the situation the U.S. Supreme Court was in at the beginning of the country, when it had no building. During Chief Justice John Marshall’s tenure, the justices convened in local taverns, where the most popular drink was an alcoholic punch. Chief Justice Marshall is well-known for the many unanimous decisions during his time leading the court - it is speculated that this may be due in part to his “punch-fueled” conferences.

Professor Maveety also discussed the growing “temperance movement,” beginning in the late 1800s. Laws passed at the state and local level at this time limited alcohol availability. Though the U.S. Supreme Court at this time was generally pro-“states rights,” however, when it comes to alcohol, it very much was not. The court developed a doctrine around the “right to receive,” that is, the right to obtain alcohol in “dry” states.

The culture of the country was conflicted towards drinking by the mid-20th century, which affected the U.S. Supreme Court under Chief Justice Earl Warren. It is during this time that the science behind alcoholism as a disease was beginning to be understood. The court addressed this through cases considering whether the incarceration of habitual alcoholics was cruel and unusual punishment, considering they had little control over their illness. Though the court was not prepared to declare so definitively, the fact the issue was even raised shows how much the country’s understanding and consumption of alcohol had changed. The court also considered other related criminal issues, such as drunk driving and blood samples.

During the modern court era, wine had an especially important position both legally and socially. Professor Maveety related how Chief Justice Warren Burger kept his own wine cellar at the court - but also noted that this was not so unusual, as wine’s popularity dated back to Chief Justice Marshall, who was an avid wine collector. An important case from Chief Justice John Roberts’s era concerned direct wine sales over the internet, which bypassed states’ abilities to regulate and license sellers of alcohol. The case raised dormant Commerce Clause issues, and resulted in a narrow decision that ultimately allowed such sales to continue.

To learn more about this topic, check out Professor Maveety’s book, available in the Law Library or for purchase online at rowman.com/ISBN/9781538111987/Glass-and-Gavel-The-U-S-Supreme-Court-and-Alcohol.

**Fall CLEs at the Louisiana Supreme Court**

by Sara Pic

The Law Library is proud to announce its fall line-up of free CLEs, open to all.

First, on Wednesday, November 13, 2019, the Law Library will welcome a panel of distinguished legal academics to speak on “Civil Law Lives: Professors Robert A. Pascal and Athanassios N. Yiannopoulos.” The panelists will examine both professors’ exemplary contributions to civil law scholarship worldwide. The panelists are all former colleagues of the professors and will include personal reminiscences in their remarks. A lunch reception will follow the panel.

On Thursday, December 5, 2019, the Law Library is delighted to again host the A.P. Tureaud American Inns of Court end-of-the-year early-bird “CLE for a Cause.” The annual CLE provides credits in ethics and professionalism. This year, the professionalism speaker is local attorney and acclaimed author Maurice Carlos Ruffin, whose recent debut novel, *We Cast a Shadow*, received rave reviews.

More information, including how to RSVP, will be available soon at lasc.libguides.com/content/upcoming-events.
500 Year Old Book in the Law Library

by Tara Cunningham

Last year marked the 500th anniversary of our edition of Justinian's Digesti Novi Textus, the oldest book in the Law Library. The Digesti summarizes Justinian’s Digest, Institutes, Code, and Novels, which form the group of books known collectively as the Corpus Juris Civilis. Byzantine Emperor Justinian I ordered the compilation of the laws in force at the time into one body or “corpus” (c. 529 BC). The Corpus would become a vital foundation for both the civil law and common law traditions across the world.

Important figures in the development of the law in the United States used principles listed in the Corpus as a guide, and to this day legal scholars and historians still refer to it. As a system of law based on principles, not case law, the Corpus provided the framework upon which France built the Code Napoleon. The Corpus’s influence can be seen in the legal systems of many European nations, their former colonial dependencies, and Louisiana.

The Digesti Novi Textus includes notes by Accursius (c. 1182-1263), the great medieval Italian jurist editor of the Corpus Juris Civilis, whose commentary in the Digesti is indicated by a red pointing hand. Published in Paris by Francois Regnault in 1518, our copy of the Digesti is in very good condition. It’s a 300 page “pocket” edition (5-1/2” x 3-1/2”) bound in leather with black and red text on paper composed of linen and cotton. The Digesti also includes 2 woodcut images, one of Justinian and his court, and one of the publisher’s elephant emblems. There are only four known copies of the 1518 Regnault edition in the U.S. If you’d like more information about our rare book collection, please contact Miriam Childs at mchilds@lasc.org.

Title page of the Digesti featuring a woodcut of Justinian and his court.

Publisher Francois Regnault elephant logo.

Accursius’s notes are indicated in the work by red pointing hands.

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LIBRARY ANNOUNCEMENTS

New Staff
The Law Library is thrilled to announce its two newest hires: Collection Services Librarian Angela Reaux and Collection Services Associate Jenny Martin. Angela joins the Law Library with over 20 years experience in public, academic, and business libraries and archives. She is a Baton Rouge native and a graduate of Louisiana State University, where she received a B.S. in Psychology and a Master’s degree in Library and Information Science. Angela will assist with library acquisitions, cataloging, accounts payable, and other technical services duties. Jenny is a native New Orleanian who has joined the Law Library after working in retail for several years. She graduated from the University of New Orleans with a B.A. in Film, Theater and Communications. Jenny is responsible for day-to-day mail intake and processing, loose-leaf filing, shelving, and general stacks maintenance. Please join us in welcoming Angela and Jenny!

Angela Reaux (left) and Jenny Martin (right)