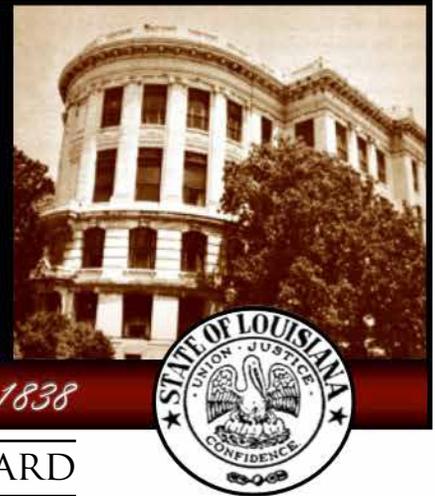




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The Newsletter of
The Law Library of Louisiana



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Serving Louisiana Since 1838

CHIEF JUSTICE RECEIVES GERTRUDE E. RUSH AWARD

by Miriam Childs

Chief Justice Bernette J. Johnson received the prestigious Gertrude E. Rush Award from the National Bar Association (NBA) on March 9, 2019. The award was presented by her daughter, Orleans Parish Civil District Court Judge Rachael Johnson, at the NBA's 2019 Mid-Year Conference, held in Dallas, TX. Chief Justice Johnson's brother, Frank Joshua, and Louisiana Supreme Court Associate Justice James Genovese joined the Chief for this honor.

Founded in 1925, the National Bar Association is the nation's oldest and largest association of predominantly African-American lawyers and judges. The NBA previously recognized Chief Justice Johnson's work and service as a long-time member of the organization when she was inducted into the NBA Hall of Fame in 2010.

The Gertrude E. Rush Award, established in 2003, is presented to candidates

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Left to right: Orleans Parish Civil District Court Judge Rachael Johnson, Louisiana Supreme Court Chief Justice Bernette J. Johnson, and National Bar Association President Joseph Drayton

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CHIEF JUSTICE RECEIVES GERTRUDE E. RUSH AWARD (CONT.)

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Louisiana Supreme Court Justice James T. Genovese (left) and Louisiana Supreme Court Chief Justice Bernette J. Johnson (right) before the ceremony.

who embody the pioneering spirit of Gertrude E. Rush, the first African-American woman admitted to the practice of law in Iowa in 1918, and the only female co-founder of the National Bar Association. The award recognizes those who demonstrate leadership in the community and in the legal profession, and demonstrate concern for human and civil rights.

“I am proud and honored to be recognized by the National Bar Association with this coveted award,” said Chief Justice Johnson. “I have always taken great pride in working to advance diversity and inclusion in the legal profession, and continue to strive to exemplify an unwavering commitment to justice and fundamental fairness.”

Chief Justice Johnson, the first African-American Chief Justice of the Louisiana Supreme Court, was one of the first African-American women to attend and earn a Juris Doctorate degree from the Paul M. Hebert Law Center at Louisiana State University in 1969. In 1984, she was the first woman elected to Orleans Parish Civil District Court, and in 1994, her colleagues elevated her to Chief Judge. Later in 1994, she was elected to serve on the Louisiana Supreme Court, and was re-elected without opposition in 2000 and 2010. Chief Justice Johnson was sworn in as Chief Justice of the Louisiana Supreme Court on February 1, 2013.

The Gertrude E. Rush award is the latest in an impressive collection of awards received by Chief Justice Johnson during her esteemed career. She continues to demonstrate the highest level of public service with her dedication to ensuring fairness for all. During her tenure as Chief of the Louisiana Supreme Court, Chief Justice Johnson has championed several successful initiatives, including the training and certification of Limited English Proficiency (LEP) interpreters in Louisiana courts, and the implementation of an electronic writ processing and filing system for the Louisiana Supreme Court.

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.

The American Bar Association has long recognized the value of Chief Justice Johnson’s service, awarding her the 2010 Spirit of Excellence Award from the ABA’s Commission on Racial and Ethnic Diversity in the Profession, as well as the 1998 Margaret Brent Women Lawyers of Achievement Award. In October of 2013, she received the prestigious Joan Dempsey Klein Award, presented by the National Association of Women Judges (NAWJ). She joins a distinguished list of Joan Dempsey Klein Award recipients that include U.S. Supreme Court Justices Sandra Day O’Connor, Ruth

Bader Ginsburg, and Sonia Sotomayor.

Chief Justice Johnson has received many other notable awards, including the 2013 Martin Luther King Unsung Hero Award presented by LSU; the 2012 National Urban League President’s Award; the 2012 National Association for the Advancement of Colored People Award; the 2012 Exceptional Leadership Award presented by the Louisiana State Bar Association’s Diversity Committee; the 2010 Lawyers’ Committee for Civil Rights Under the Law Distinguished Civil Rights Advocate Award; the 2009 Louisiana Bar Foundation Distinguished Jurist Award; the 2000 Medal of Honor presented by the Mayor of the City of New Orleans; and the 2000 Women of Wonder Award by the National Council of Negro Women.

Having dedicated herself to a life of service, Chief Justice Johnson’s leadership and groundbreaking achievements are recognized nationwide, as evidenced by the accolades, awards, and achievements listed above. The Gertrude E. Rush award is another example of Chief Justice Johnson’s lifelong dedication to the justice system’s highest values and ideals.

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TRANSCRIBING LOUISIANA COLONIAL DOCUMENTS

by Tara Cunningham

Colonial-era documents include a wealth of information about class structure, societal customs, levels of government, laws, and the church's influence, which gives the contemporary reader a general feel of the period. When the Law Library was researching the laws of 18th century New Orleans for our colonial law exhibit (currently featured in the Louisiana Supreme Court Museum), we found several 18th century documents that had been digitized by various museums and libraries in the state, which we accessed on the Louisiana Digital Library (LDL) (www.louisianadigitallibrary.org).

The colonial documents were almost exclusively written in French or Spanish, sometimes both. In addition to translating them into English, we also had to make out the elaborately decorative lettering of 18th century notaries and clerks. Since I had studied French in high school and college, the French translating was manageable (with a French/English dictionary), but some of the handwriting, combined with ink blots, discoloration, tears and paper rot, posed quite a challenge.

Because these records hold such importance, I was thrilled to participate in the New Orleans Jazz Museum Colonial Documents

Transcribathon, which was held in October 2018. Over seventy Transcribathon volunteers, including librarians, university professors, graduate students, and others, transcribed some of the French and Spanish digitized documents from the Louisiana Historical Center's Louisiana Colonial Documents Digitization Project (www.lacolonialdocs.org) with the use of FromThePage, an online platform that aids in the creation of open-access transcriptions and translations.

On the day of the Transcribathon, I started with a 1739 report of a chase by pirates using FromThePage, which features the digitized document on one side and a blank white "page" on the right for entering the transcription. The platform allows seemingly infinite enlargement of the document so that a transcriber may focus on one line or even one word at a time. Although the pirate chase document was very legible for that time period, we were provided with 18th century paleography guides, which showed common abbreviations, letter shapes, measurements, and grammar of the time period.

We were instructed to "type what you see" and include misspellings and incorrect punctuation, in order to maintain an accurate replica of the original. Whatever we could not make out in the document, we indicated it with brackets. If we made



Law Library Head of Collection Services Tara Cunningham (right) at the Transcribathon in the Louisiana Historical Center Reading Room. The Reading Room serves as the researcher's access point to the Maps and Manuscripts collections, including the records of the French Superior Council and Spanish Judiciary.

an informed guess at a word, we included a question mark behind it, so that another FromThePage user may review the work and figure out the unknown words.

The collaborative Transcribathon venture has continued on FromThePage as users continue to translate pages of the colonial documents, which makes more searchable content for the public. For more information on how you can help, visit the New Orleans Jazz Museum's online project

page at <https://fromthepage.com/nolajazzmuseum/nola-jazz-museum-colonial-documents> and the Transcribathon blog at <https://nolajazztranscribathon.wordpress.com/>.

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THE
NEW
ORLEANS
JAZZ
MUSEUM

SYMPOSIUM ON THE REFORM OF THE FRENCH LAW OF OBLIGATIONS

by Sara Pic

On March 15, 2019, the Law Library was thrilled to welcome several preeminent scholars, from both law schools in France and local law schools in Louisiana, to speak on the reforms to the French law of obligations for a full-day symposium, co-sponsored by the Supreme Court of Louisiana Historical Society and the Association Henri Capitant. With over two hundred attendees, the symposium was one of the most well-attended CLEs hosted by the Law Library.

The symposium was organized by LSU Paul M. Hebert Law Center Professor Randy Trahan. Professor Trahan opened the symposium with remarks on the history of Louisiana's law of obligations. Though the Louisiana law of obligations was revised in the 1980s, it remains very French in origin. He suggested that the French revisions, devised by amazing scholars, may form the groundwork for future Louisiana revisions, as well.

Professor Mustapha Mekki, from the University of Paris XIII, next spoke on the process of bringing the revisions to life. He argued that reform was a necessity, as the former French law of obligations was not adapted to the realities of modern economic and social environments. The reforms improved accessibility and reconciled economic efficiency with contractual justice.



Left to right: Professor Mustapha Mekki, University of Paris XIII; Professor Emeritus Alain Levasseur, LSU Law Center; Professor Jean-Cristophe Roda, University of Lyon III; Louisiana Supreme Court Chief Justice Bernette J. Johnson; Professor Bernard Haftel, University of Paris XIII; Professor Michel Séjean, University of South Brittany; and Professor Randy Trahan, LSU Law Center

Professor Bernard Haftel, also from the University of Paris XIII, next spoke on the content of the contract. Until the 2016 reform, there was no such thing in French law. However, advocates of reform wanted to make French law more attractive to international markets and make it more like other countries. “Cause” of the contract was removed from the law, though it still remains in Louisiana law of obligations. Though the word was removed, the function remains.

Professor Michel Séjean, from the University of South Brittany, next spoke on remedies and sanctions. He began by highlighting that though there are more than triple the number of people in France as in the 19th century, the number of judges has remained the same. The section on sanctions in the new reforms was most scrutinized because of the political desire to attract

and retain investors. The idea was to give reassurance that all infringement will be punished. The new law does this by allowing more unilateral sanctions, without court involvement.

Professor Jean-Cristophe Roda, from the University of Lyon III, closed out the morning session by discussing the theory of the unforeseen, or *imprevision*, which is what to do with a contract when conditions change. The former code was silent and French courts had rejected the theory. Professor Roda explained how *imprevision* is included in the new reforms, but how enforcement is especially complex. So far, judges have seemed cautious to use the new law, preferring to terminate the contract rather than revise, but that may change.

After a lovely lunch and reception, local law professors David Gruning, from Loyola College of Law,

and Ron Scalise, from Tulane Law School, closed out the afternoon. Professor Gruning spoke on the Louisiana law of cause, and discussed whether we may also want to do away with it (or not!) as the French law did. Professor Scalise spoke about duress, also called “violence,” in the new French law, which made French law more similar to U.S. and German law.

Professor Trahan closed the day by remarking that we will be following French litigation developments closely to determine if we want similar reforms here. He noted that there are many protective rules, such as helping a contractual party in a worse situation, that we would probably not pursue here because we prefer for judges to not interfere in a contract. However, there are other French contractual law reforms that could someday gain traction in Louisiana.

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CLE ON PIERRE SOULÉ: ADVOCATE OF LIBERTY

by Tara Cunningham

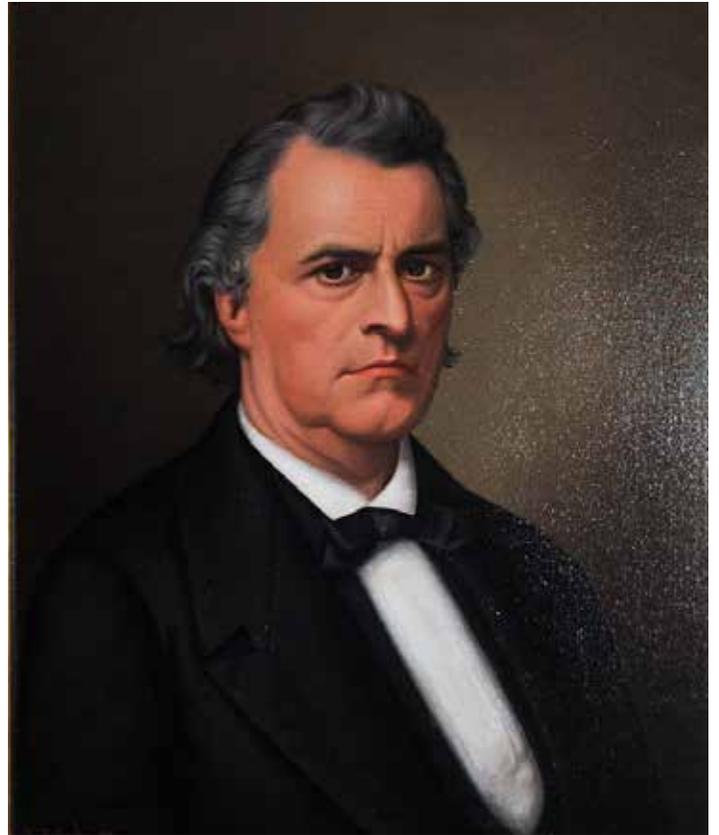
The always entertaining Dr. Olivier Moréteau, Professor of Law and the first holder of the Russell B. Long Eminent Scholars Academic Chair at the LSU Paul M. Hebert Law Center, introduced the enigmatic New Orleans attorney and U.S. Senator from Louisiana, Pierre Soulé, to a full courtroom of CLE attendees on April 25, 2019.

Soulé was born in a village in the French Pyrénées on the border of Spain in 1801 to a wealthy land owner and prominent justice of the peace. He studied law in Paris during the Restoration and befriended Alexandre Dumas, the mixed-race novelist. Soulé was imprisoned in Paris for three years for his revolutionary newspaper, but he escaped to England and boarded a ship to Port-au-Prince, where he heard many ghastly stories about the Haitian

Revolution.

Soulé arrived in New Orleans in 1826, and befriended Louis Moreau-Lislet, one of the authors of the 1825 Civil Code of Louisiana, and married into the wealthy Mercier family. His law practice was the most lucrative in New Orleans at the time, and he was known for his striking voice and “flame in his eyes.”

After gaining U.S. citizenship, Soulé was a delegate for the 1845 U.S. Constitutional Convention, and served as a U.S. Senator in 1847 (and from 1849-1853). While in the senate in 1852, Soulé supported the freeing of the captured former slave Solomon Northrup, and Harriet Beecher Stowe thought he could help end slavery. She soon lost hope in Soulé when, as U.S. Minister to Spain, he tried to annex Cuba, a legal slave state, in order to support the Southern planters, in the Ostend



Portrait of Pierre Soulé from the Louisiana Supreme Court Portrait Collection, currently on loan to the Louisiana State Bar Association.

Manifesto (1854).

Although he was a non-secessionist, he was, foremost, a wealthy southerner who had seen the social collapse that had happened in Haiti during the slave revolution, so he joined the Confederacy during the Civil War. Even though Pierre Soulé was a walking paradox in his beliefs and actions on slavery, he opposed the “barbaric” death penalty; supported higher learning, stating “Louisiana must have its Harvard or Yale;” and urged the Unionists to respect the dignity of the people during Reconstruction.

buried in St. Louis No. 2 cemetery in New Orleans. The Louisiana Supreme Court Portrait Collection includes an 1889 G.D. Coulon painting of Soulé that is currently on loan to the Louisiana State Bar Association and hangs in its offices.

If you would like to learn more about Pierre Soulé, please visit the Law Library of Louisiana or email Tara Cunningham (tcunningham@lasc.org).

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Soulé died in 1870 and is



Professor Moréteau, speaking at the Louisiana Supreme Court on Pierre Soulé

LAW LIBRARIANS ATTEND NOTARIAL ARCHIVES WORKSHOP

by Fran Norton

This past autumn, several of the Law Library's librarians attended two workshops at the Notarial Archives Research Center, which is part of the Office of the Clerk of Civil District Court. Sally K. Reeves, the former Archivist, came back from her retirement to teach the October and November workshops on Louisiana Colonial Records. Each session had no more than twelve participants, which allowed for questions and some participation.

Ms. Reeves began with an inventory of the estate of Vincent Marsan, which had been taken on January 12, 1797. The officials traveled to the home, located

outside of New Orleans, and wrote down the inventory of the entire contents of M. Marsan's house in French. Because M. Marsan had owned a type of general store, the list was long and detailed. Once back in New Orleans, the officials had to rewrite the inventory in Spanish, the official government language. These two inventories, taken together, provide a wealth of information on both the products and their names in the colloquial French and Spanish of the period. If a reader was unsure of a term in one language, she could check it in a second language. Abbreviations were common in both languages. However, the contrast between the two inventories is visually striking: the pages of the

French document are tightly crammed full of words from edge to edge, but the pages of the Spanish document have few words and very wide margins. Spanish notaries were paid by the page, not by the word.

Today many lawyers refer to standard sections of documents as "boilerplate," or dry, necessary paragraphs of legalese. For wills of the colonial period, the opening section was actually a statement of religious faith. Wills were often made shortly before death. For religious and legal reasons, the testator made clear their devotion to God and the Church prior to bequeathing any property. Later on, Ms. Reeves showed the class more "challenging" documents. These pages

showed that where documents are old and have not been well maintained, and the handwriting is far from perfect, translation to modern English can be quite difficult. Even those workshop participants who were fluent in modern Spanish and French had trouble translating some pages. Translating such pages is more of an art, or a skill that can only be mastered with years of practice.

The workshop made clear that even if money was available to digitize all of the documents at the Notarial Archives and place them on the web, the nature of the documents themselves makes true "accessibility" still a distant goal.

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SPRING LAW LIBRARY OUTREACH ACROSS THE STATE

by Sara Pic

The Law Library was busy with outreach this spring. On March 14, 2019, Law Library Director Miriam Childs and Law Library Head of Public Services Sara Pic staffed a table and presented at the Louisiana Library Association annual conference, in Baton Rouge. Miriam and Sara were joined by Rachael Mills and Joanna Laidler, staff members from the Louisiana State Bar Association (LSBA) Access to Justice department, and Mathew Woessner, Community Outreach Coordinator from Southeast Louisiana Legal Services.



Law Library Head of Public Services Sara Pic presents to New Orleans public librarians on best practices for working with self-represented litigants.

As usual, public librarians were eager for materials - over one hundred prepared packets were quickly distributed to public librarians. Along with the LSBA, they also presented a 2-hour

LEAP (Legal Education Assistance Program) session to about 20 librarians on the state of justice access today; how to provide legal reference, focusing especially on self-represented litigants

and avoiding unauthorized practice of law; and finding authoritative, reliable legal information resources. The training also included "role-plays" so public librarians could see how law librarians handle difficult legal reference situations, such as the patron who won't stop pressing for legal advice.

The Law Library also staffed a table at the annual LSBA Small, Solo & Tech conference in New Orleans, and at the annual Spring Judges Conference in Lake Charles. Many attorneys and judges stopped by at both conferences to comment on how

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SPRING LAW LIBRARY OUTREACH (CONT.)



Left to right: Mathew Woessner, Southeast Louisiana Legal Services Community Outreach Coordinator; Rachael Mills, LSBA Access to Justice Projects Counsel; Joanna Laidler, LSBA Access to Justice Projects Counsel; Miriam Childs, Law Library Director; and Sara Pic, Law Library Head of Public Services, at the Louisiana Library Association annual conference in Baton Rouge.

continued from page 6

helpful library staff were, including finding information for them when they had no idea where to start.

Library staff members also presented the LEAP

training to three local New Orleans branch libraries, with a total of almost 30 attendees. Feedback was extremely positive, with several librarians commenting that it was the most helpful training they ever

attended. Moreover, they reported feeling more confident serving their patrons, and knowing when to refer patrons to the Law Library for more in-depth service.

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HeinOnline

LegalTrac

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Historical Louisiana Newspapers



Joanna Laidler, LSBA Access to Justice Projects Counsel (left) with Miriam Childs, Law Library Director (right) at the Spring Judges Conference in Lake Charles

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LIBRARY ANNOUNCEMENTS

Staff Changes

Tara Cunningham and Sara Pic were recently promoted to Head of Collection Services and Head of Public Services, respectively. Tara started at the Law Library as a student worker in 2006, and was hired as a librarian when she graduated with her Masters in Library and Information Science from LSU in 2008. She left the Law Library in 2013 to pursue management opportunities at local public libraries, but re-joined the staff in 2017. Sara joined the Law Library in 2014, right after finishing the LSU Masters in Library and Information Science program. Also, Calissa Folse, former Library Associate, left the



Tara Cunningham (left) and Sara Pic (right)

Law Library to join the staff at the federal U.S. Court of Appeals for the Fifth Circuit Law Library. Good luck, Calissa!

Upcoming CLE

Save the date! The Law Library is delighted that

Professor Warren Billings will be joining us again on September 24, 2019 for a CLE on writing judicial biography. More information, including how to RSVP, forthcoming.

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