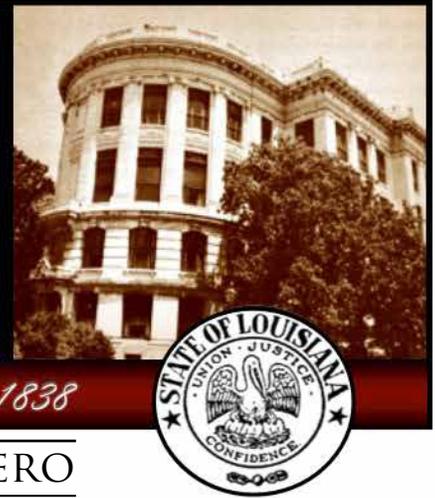




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The Newsletter of
The Law Library of Louisiana



Volume 17, Issue 1 Winter 2020

Serving Louisiana Since 1838

COURTHOUSE NAMED IN HONOR OF CALOGERO

by Miriam Childs



E. Phelps Gay, Supreme Court of Louisiana Historical Society Board Member, speaks while Louisiana Supreme Court justices look on. Justices pictured, left to right: Justice William J. Crain, Justice John L. Weimer, Justice Scott J. Crichton, Justice Marcus R. Clark, Justice James T. Genovesi, and Chief Justice Bernette J. Johnson.

Act 429 of the 2019 Regular Session of the Louisiana Legislature provided for the Louisiana Supreme Court building at 400 Royal Street to be officially named the Chief Justice Pascal F. Calogero, Jr. Courthouse. A ceremony commemorating the naming of the building occurred during a special convening of the Louisiana Supreme Court on the evening of Tuesday, December 10, 2019.

Ms. Kim Sport, former

Executive Counsel to Chief Justice Pascal F. Calogero, Jr. served as the Master of Ceremonies to an overflow crowd of family, friends, and associates of Chief Justice Calogero. After an invocation by Brother Ivy LeBlanc, S.C., Chief Justice Bernette Joshua Johnson greeted attendees and set the stage for what would be an evening of solemn and dignified remembrance of Chief Justice Pascal Calogero, who passed on December 20, 2018.

Four distinguished speakers addressed the audience with anecdotes, memories, and stories about Chief Justice Calogero and the building restored due to his tireless efforts and support: Governor John Bel Edwards; Madeleine Landrieu, Dean of Loyola University New Orleans College of Law; John T. Oliver, Clerk of Court, Louisiana Supreme Court; and Timothy P. Averill, former Judicial Administrator, Louisiana

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COURTHOUSE NAMED IN HONOR OF CALOGERO (CONT.)

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Former New Orleans Mayor Moon Landrieu and his wife Verna were among the distinguished guests in attendance at the building naming ceremony.

Supreme Court. Mrs. Pascal F. Calogero, Jr. provided the closing remarks.

The next part of the ceremony took place in the Court's first floor foyer. The United States Marine Corps Band greeted guests as they made their way towards the front of the building. After all of the justices had re-assembled downstairs, E. Phelps Gay, Board Member of the Supreme Court of Louisiana Historical Society, gave his remarks about the mission of the Historical Society to preserve and promote the history of the Louisiana Supreme Court. Mr. Gay then revealed an architect's mock-up of the lettering to be physically installed on the building at a later date.

The Supreme Court of Louisiana Historical Society and the Louisiana State Bar Association sponsored the lively reception that followed. Music by the John Zarsky trio rounded out the evening. A special highlight was the Trio's cover of "Around the World," a favorite of Chief Justice Calogero's.

Construction on the Louisiana Supreme Court building began in 1908, and its first tenants arrived in 1910. The building had deteriorated over the next two decades to the point of condemnation in 1935. After extensive repairs, additional agencies moved into the building, but by 1981 all tenants had vacated. The structure had fallen into a

state of severe disrepair due to damage from holes in the roof, vandalism, and neglect. At this point, Chief Justice Calogero began his quest to seek funding to renovate the building and restore it to its original use. The next two decades consisted of countless trips to Baton Rouge to request appropriations from the Legislature, stop-start funding, and intermittent support. At long last, Governor Mike Foster agreed to fully support adequate funding and completion of the restoration.

It took an additional seven years before the restoration was complete, and the return of the Louisiana Supreme Court to one of its earliest homes. Wherever possible

the original design of the building was restored and preserved, but portions of the building were adapted to the requirements of a modern court. In May 2004, the building was ready for the occupancy of the Louisiana Supreme Court; the State of Louisiana Court of Appeal, Fourth Circuit; 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. On that day, Chief Justice Calogero explained the true significance of the restored courthouse: "Returning

the state's highest court to this awe-inspiring building demonstrates to citizens and visitors alike that we, the people of Louisiana, value our system of justice, our rich cultural heritage, and our distinctive architecture. However, let me assure you that the justices and judges who toil within these walls are fully aware that justice is not wrought by shaping marble and stone, but rather, by dedication to the rule of law and the painstaking application of mind, time, and work." These remarks are especially poignant now that the building Chief Justice Calogero had the vision to return to its glory bears his name.

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WELCOME TO NEW JUSTICE WILLIAM J. CRAIN!

by Miriam Childs

The Louisiana Supreme Court has welcomed a new justice into its ranks, Associate Justice William J. Crain. Justice Crain took his public oath of office during a special sitting of the Louisiana Supreme Court at the Church of the King Auditorium in Mandeville the evening of December 11, 2019. Justice Crain was elected to fill the remainder of Justice Greg Guidry's term, after Justice Guidry was appointed by President Donald J. Trump as a judge for the Louisiana Eastern District in June 2019.



Retired Judge Hillary Crain, father of Justice Will Crain, administers the oath of office. Cheri Crain, wife of Justice Crain, holds the Bible.

Justice Crain comes to the Louisiana Supreme Court from the Louisiana Court of Appeal, First Circuit. He was elected to the First Circuit in 2012 and represented the 3rd District Division D post. The 3rd District covers the parishes of St. Tammany, Washington, Tangipahoa, Livingston, St. Helena, East Feliciana, and West Feliciana. Prior to his election to the First Circuit, Justice Crain served as a

judge on the 22nd Judicial District Court for St. Tammany and Washington Parishes from 2009-2013. A Bogalusa native, Justice Crain followed in the footsteps of his father, Hillary J. Crain, who served as a judge on the First Circuit from 1982-1994.

Justice Crain earned a degree in Accounting from Louisiana State University

in 1983, and graduated from the LSU Paul M. Hebert Law Center in 1986. Prior to his judicial career, Justice Crain practiced law for over twenty years, specializing in complex judge and jury trial cases. Justice Crain has been a lecturer for CLE programs on topics such as writ and appellate practice, evidence, and professionalism. Justice Crain has the distinction of being among

the 2011 inaugural class of the Louisiana Judicial Leadership Institute. He is a former president of the Board of Governors for the Louisiana Judicial College, and chaired the Subcommittee on Court Funding of the Louisiana Judicial Council. Please join us in giving Justice Crain a warm welcome to the Louisiana Supreme Court. δ

ATJ COMMISSION RECIPIENT OF JUSTICE FOR ALL GRANT

by Miriam Childs

Louisiana's Access to Justice (ATJ) Commission is a recipient, along with Illinois and Michigan, of the National Center for State Courts's latest round of Justice for All (JFA) grants. The ATJ Commission held a JFA initiative kick-off event during the Louisiana Justice

Community Conference on October 11, 2019. Sara Pic, Head of Public Services at the Law Library of Louisiana, represented the Law Library at the kick-off.

JFA grants are funded by the Public Welfare, Kresge, JPB, and Open Society Foundations, and the JFA Project is housed at the

National Center for State Courts. Recipients of the grants receive funding to help assess current resources and develop statewide strategic action plans with the goal of providing a continuum of meaningful civil legal services to the public. JFA grants were created to implement two advanced resolutions promulgated by the

Conference of Chief Justices and the Conference of State Court Administrators. The resolutions are a response to the increasing gap in meaningful access to the justice system and severe funding deficiencies that thwart the civil justice system's ability to provide equal access. One resolution sets the

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ATJ COMMISSION RECIPIENT OF JUSTICE FOR ALL (CONT.)

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aspirational goal of 100% meaningful access to effective assistance for essential civil legal needs. The second resolution calls on courts, civil legal aid organizations, state ATJ Commissions, and various other traditional and non-traditional stakeholders to collaborate to develop a comprehensive approach to achieve meaningful access to justice.

The Louisiana ATJ Commission will receive up to \$100,000.00 for initial strategic action planning. The JFA grant will support the Commission's efforts to form partnerships with stakeholders to ensure meaningful access to justice for all Louisianians with critical civil legal needs. Next year, the Commission will be eligible to apply for additional funding to begin implementation of the access to justice plan. Louisiana's

ATJ program has worked closely with civil legal aid partners and providers for the past two decades, but the JFA initiative provides the opportunity to expand the conversation to gain a multi-disciplinary perspective.

The Honorable Laurie Zelon, associate justice of the California Court of Appeal and co-chair of the JFA Advisory Committee, stated that the Advisory Committee was impressed by how the grant recipients "are reimagining their access to justice efforts and networks." The JFA kick-off event brought together a vast array of stakeholders, including those involved in legal advocacy, policy, and direct services; representatives from faith-based organizations; health care providers; social service workers; librarians; school administrators; disaster response organizations;



and other groups that work directly with low income and vulnerable populations. The kick-off event provided a venue for organizations and stakeholders that provide services in Louisiana to network and start discussing future collaborations and partnerships.

Louisiana is one of only fourteen states that have received a JFA grant. The JFA grant brings assistance

to a state in which the needs are monumental. The initiative may prove to be a turning point in the struggle to provide meaningful access to the civil justice system for the thousands of Louisiana residents who are in need.

Visit www.ncsc.org/microsites/access-to-justice/home/Justice-for-All-Initiative.aspx to learn more about the grant program.

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CLE BY PROFESSOR WARREN BILLINGS ON WRITING JUDICIAL BIOGRAPHY

by Cynthia Jones

On September 24, 2019, the Law Library welcomed Professor Warren Billings back to the Court for his annual CLE presentation, co-sponsored by the Supreme Court of Louisiana Historical Society. Professor Billings's presentations are products of painstaking research and reflect his deep interest in early American history, the history of Louisiana, and the history of legal books. In September, he came to talk about the practice of writing a judicial

biography in a program entitled, "Judges' Lives: Writing Judicial Biography."

The presentation opened with commentary on biography, which Professor Billings defined as "a singular species of prose, focusing as it does upon the life of an individual, rather than historical events or movements." He suggested biographies are, for the modern reader, the most accessible conduit to understanding the past. As examples, he cited works such as Ron Chernow's biographies of

George Washington, Ulysses S. Grant, and Alexander Hamilton; Robert Caro's consequential works on Lyndon Baines Johnson; David McCullough's biographies on John Adams, Theodore Roosevelt, and Harry Truman; and Jean Edward Smith's scholarly works on Dwight D. Eisenhower and America's first U.S. Supreme Court Chief Justice, John Marshall. Professor Billings pointed out that writing the biography of anyone like the aforementioned is never questioned due to the place

they hold in American history. Nonetheless – and John Marshall notwithstanding – writing a judicial biography engenders more questions than answers: Who is a worthy subject? Who should or can write a judicial biography? Must the subject be great? How does the biographer tease out the person from their judicial opinions and legal writing? In Professor Billings's view, most persons would agree the United States is steeped in legality starting with its

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CLE BY PROFESSOR WARREN BILLINGS ON WRITING JUDICIAL BIOGRAPHY (CONT.)

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Constitution and continuing with its complex and fully-formed judicial system. Thus, he asked, would it not make sense to write more about people who are central to the legal process and the legal profession? With the groundwork laid, Professor Billings began with an outline of what his talk would cover: the varieties of judicial biography; notable examples of judicial biography, with Louisiana examples; an explanation for the paucity of judicial biography; and lastly, a short list of Louisiana judges who deserve notice.



Professor Warren Billings speaks on writing judicial biography in the Louisiana Supreme Court courtroom.

Regarding the varieties of judicial biographies, the most common resource is, sadly, an obituary. Here the writer may cull not only pertinent biographical details, but also commentary or hints about the deceased judicial life. In many jurisdictions, a deceased justice or judge may be the subject of an official biography or memorial. The text of the memorial may be recorded in a court's minute book. Biographical directories contain credibly researched documentation for members of the judiciary both living and dead. Another resource is a biographical dictionary, which differs from the biographical directory in an important way: scholars, professional historians, or credentialed staff prepare each entry. These entries – like most scholarly works – include short bibliographies or resource lists. Professor

Billings mentioned several notable biographical dictionaries and singled out the *Dictionary of Louisiana Biography* for the audience. Graduate level works such as masters' theses and doctoral dissertations are viable resources for a judicial biographer. Similarly, articles written for historical or other scholarly journals provide valuable research sources.

Continuing, Professor Billings discussed notable judicial biographies. Not surprisingly, Chief Justice John Marshall is the most written about justice in America. Professor Billings cited the classic work by Albert Beveridge and the more recent works by Charles Hobson (1996) and Richard Brookhiser (2018). He went on to talk about judicial biographies of contemporary

justices on the U.S. Supreme Court such as Chief Justice John Roberts and Justices Sandra Day O'Connor, Antonin Scalia, Sonia Sotomayor, John Paul Stevens, and of course, the Notorious RBG, Ruth Bader Ginsberg. At the state level, Professor Billings mentioned the notable works about Judge Rice Garland (Billings, 2017); Henry Adams Bullard (Bonquois, 1940); Edward Douglas White (Highsaw, 1981 and Klinkhammer, 1943); a work on Louisiana Supreme Court Justices during Reconstruction (Wilson, 2017), and the several memorial articles and commentary written about Judge Albert Tate upon his passing.

Professor Billings acknowledged the scant number of judicial biographies – especially for Louisiana judiciary.

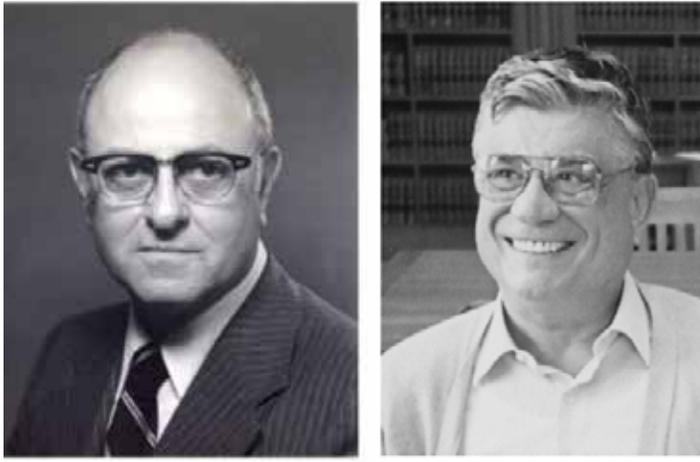
He posited the answer may simply be a lack of documentation, resources, interested authors and scholars, as well as little interest among publishers and a general lack of interest in Louisiana legal institutions. Nonetheless, Professor Billings noted there are several worthy subjects for future scholars. These include Charles A. O'Neil, John B. Fournet, Albert Tate, Israel Augustine, Fannie Burch, and Anna Judge Vettters Levy.

The program, which was well-attended, open to the public, and available for one-hour CLE credit, concluded with a short question-and-answer session. A booklet containing an annotated bibliography for the talk was distributed to all participants.

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CIVIL LAW LIVES CLE ON PROFESSORS PASCAL AND YIANNOPOULOS

by Sara Pic



Professors Robert A. Pascal (left) and Athanassios N. Yiannopoulos (right)

On Wednesday, November 13, 2019, distinguished panelists from local law schools gathered to discuss the lives and legacies of Professors Robert A. Pascal, of LSU Paul M. Hebert Law School, and Athanassios N. Yiannopoulos, of Tulane University Law School. The free CLE provided an opportunity for the panelists and attendees to acknowledge the contributions of the late professors to civil law scholarship worldwide, and the furtherance of its principles, and was co-sponsored by the Supreme Court of Louisiana Historical Society and the LSU Center of Civil Law Studies. The panelists included Paul R. Baier, Secretary of the Supreme Court of Louisiana Historical Society, and professor at LSU Paul M. Hebert Law Center; Dr. Olivier Moréteau, professor at LSU Paul M. Hebert Law Center and Director of the Center of Civil Law Studies (CCLS), and Editor-in-Chief of the *Journal of*

Civil Law Studies, which arranged for the publication of *Robert Anthony Pascal: A Priest of Right Order*, a collection of his memoirs and best writings, edited by Dr. Moréteau; Dian Tooley-Knoblett, professor at Loyola University New Orleans College of Law and lead editor of the tenth edition of Yiannopoulos's *Civil Law*

Property Coursebook; and James Etienne Viator, professor at Loyola University New Orleans College of Law, and founding director of the Board of Directors of the Supreme Court of Louisiana Historical Society. The panel was moderated by Louis R. Koerner, Jr., attorney with the Koerner Law Firm, Vice President of the Louisiana State Bar Association's Francophone Section, and a member of the Supreme Court of Louisiana Historical Society.

Panelists compared and contrasted the teaching methods and styles of Professors Pascal and Yiannopoulos, discussed the professors' respective areas of expertise, provided their thoughts and observations on the legacies of the professors, and highlighted memorable moments with them.

It was repeatedly remarked that the legacies of both professors were their teaching - they were brilliant legal scholars who were available to all who needed help. Though superlatives were attached to both men (Pascal is often referred to as a "priest of right order" and Yiannopoulos as a "god" of legal knowledge, like Justinian), they were also known for their kindness. Their legacies are still unfolding through improvements to the Louisiana Civil Code. The panelists also shared warm memories of them as both their students and later as colleagues. The Louisiana Bar Foundation has preserved oral histories with both professors available for further viewing at www.raisingthebar.org/what-we-do/special-initiatives/oral-histories.

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Left to right: Maria Yiannopoulos (daughter of Athanassios N. Yiannopoulos), Dian Tooley-Knoblett, Louis R. Koerner, Jr., James Etienne Viator, Paul R. Baier, and Dr. Olivier Moréteau

A.P. TUREAUD AMERICAN INN OF COURT CLE FOR A CAUSE

by Sara Pic

On Thursday, December 5, 2019, the Law Library was delighted to once again welcome the A.P. Tureaud American Inn of Court's annual "CLE for a Cause," co-sponsored by Supreme Court of Louisiana Historical Society. Two local lawyers, Tad Bartlett and Maurice Carlos Ruffin, who are also acclaimed authors, spoke on professionalism and Orleans Civil District Court Judge Kern Reese spoke on ethics. Always one of the most well-attended CLEs, almost two hundred people attended the free 2-hour CLE.

Mr. Bartlett's and Mr. Ruffin's lecture, entitled "Casting Shadows: Attorney Professionalism, Creativity, and De-Compartmentalizing Your Work-Work Balance," opined that professionalism requires us to acknowledge our common humanity as attorneys, that law is not "just a business." They argued that the myth of a perfect work-life balance can be exploded by remembering that life is also work - so we should be seeking a "work-work



Tad Bartlett (standing) speaks on professionalism, with Maurice Carlos Ruffin (sitting).

balance." Thus, we should strive to de-compartmentalize through optimizing our creativity. Lawyers are some of the most creative and dedicated people but sometimes their work is all-consuming, to the exclusion of their other needs. Creative pursuits, they argued, can help recharge your personal battery and reinvigorate your legal work. Even if you aren't the very best at whatever delights you creatively, it still feels good to keep trying and keep creating. Mr. Ruffin remarked that when he returned to school to obtain his Masters in Fine Arts in creative writing, though it

meant very long days after his day job in a law firm, he never felt tired when he was writing. But, he cautioned, you also have to not care what other people might think about your creative endeavors.

Judge Reese delivered a talk on the "Top Ten Things That Get Lawyers in Trouble." First, conflicts of interest. Second, commingling client funds. Third, ineffective assistance of counsel. Fourth, not returning files to former clients. Fifth, failure to account for services performed. Sixth, acting outside the scope of the representation agreement. Seventh, misrepresentation and dishonesty. Eighth, excessive fees and other fee disputes. Ninth, lack of communication with clients. And tenth, neglect of client matters.

CLE attendees also donated generously to local charities.

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Judge Kern Reese speaks on ethics.

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LIBRARY ANNOUNCEMENTS

Outreach

The Law Library was busy again with outreach across the state during the fall and winter. In October, several librarians from the Law Library staffed a table at the fall judges conference, where we met with judges from across the state and raffled off a copy of *The Accident of Color: A Story of Race in Reconstruction* by local journalist and author Daniel Brook. In December, Law Library Director Miriam Childs presented trainings for public librarians in Alexandria and Shreveport through the Legal Education and Assistance Program (LEAP), our partnership with the Louisiana State Bar Association. As



Sara Pic, Law Library Head of Public Services, at the fall judges conference.

always, the librarians were so enthused to learn about how to conduct legal reference with their patrons and how to avoid the unauthorized practice of law. Miriam also staffed a table at the

Louisiana City, Family, and Juvenile Courts conference in January. It was the first time the library has attended the event and we were pleased to be welcomed.

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