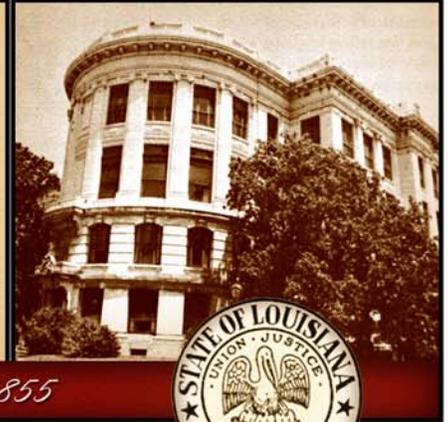




# DE NOVO

The Newsletter of  
The Law Library of Louisiana



Volume 3, Issue 2 Winter 2004

*Serving Louisiana Since 1855*

## Our Brush with Greatness: Meeting Sandra Day O'Connor

by Carol Billings

Along with all of our colleagues who work in the Supreme Court Building, the library staff eagerly looked forward to participating in the dedication celebration on October 2. What we didn't expect was the thrill of getting to meet Justice Sandra Day O'Connor and to give her a tour of our new library, but we wanted to be ready just in case it might happen.

During the summer we resolved to make a special contribution to the grand opening using the riches in our collection and the talents of our staff. Planning began for a booklet on the history of the Supreme Court and the restored courthouse; an exhibit and bibliography on the life of the featured speaker, Justice O'Connor; an exhibit about the building; a guide for a walking tour of the court's portrait collection; and a special issue of *De Novo*. On the day before the building dedication all was in readiness. The staff delivered to Justice O'Connor's hotel an

envelope containing our new print products along with a letter of invitation to visit our library. We tried not to get our hopes up.

On the morning of the dedication ceremony members of the library staff were volunteering as greeters and program distributors throughout the building and outdoors. We were aware that Justice and Mr. O'Connor were being entertained with other special guests by our justices. Suddenly some of us got the word from our security officers: "Run to the library! The Chief and Justice O'Connor are there!" We arrived a bit short of breath to welcome the O'Connors, Chief Justice Calogero, and Clerk John T. Olivier in our new Rare Book Room, where we showed off our oldest treasures. The first signature in the room's new guest book reads "Sandra Day O'Connor."

As she toured the library, our honored guest especially expressed delight at the exhibit about her life that Georgia Chadwick had created. Georgia had compiled an extensive bibli-

ography of books and articles by and about Justice O'Connor, and Cathy Lemann and Miriam Childs provided valuable assistance as researchers and editors. Georgia's exhibit about Justice O'Connor featured memorabilia recalling both her girlhood on an Arizona ranch and her distinguished tenure on the U.S. Supreme Court.

Our collection provided many photographs and interesting articles on the court years, but Georgia exercised her creativity to put together items representing Justice O'Connor's early life. The justice's memoir *Lazy B: Growing Up On A Cattle Ranch in the American Southwest* inspired Georgia to use a ranch theme complete with a cowgirl suit, toy cows, canned beans and jerky. Photos of the justice's induction into the National Cowgirl Hall of Fame were included. Our books authored by the justice now bear her signature.

*continued on page 4*

## REMARKS BY JUSTICE SANDRA DAY O'CONNOR

*On the occasion of a warm, sunny day in early October, dignitaries from around the state came to shower their blessings on the newly renovated Supreme Court building. The climax of the event was a speech delivered by Associate Justice of the Supreme Court of the United States Sandra Day O'Connor. De Novo is pleased to publish Justice O'Connor's speech here in its entirety.*

The dedication of this magnificent courthouse is also a homecoming. After residing elsewhere for nearly fifty years — during which time, I gather, this building fell on some hard times — the Louisiana Supreme Court now returns to the home that was designed and built for it nearly a century ago. So, I'd like to begin my remarks this afternoon by congratulating Chief Justice Ca-

logero and the many others involved in this impressive restoration for their vision and perseverance in bringing it to completion. At the same time, I want to wish the Louisiana Supreme Court, the Fourth Circuit Court of Appeal, and the other distinguished institutions that will share this courthouse a very happy homecoming.

*continued on following page*

### IN THIS ISSUE:

<i>Justice Sandra Day O'Connor's remarks</i>	1-3
<i>Westlaw Patron Access</i>	4
<i>De Novo Profile: James Boulware</i>	5
<i>De Novo Restaurant Review: The Cake Café</i>	6
<i>Lexis Nexis U.S. Digital Serial Set</i>	7

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## REMARKS BY JUSTICE O'CONNOR

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Winston Churchill famously wrote that "We shape our buildings and afterwards our buildings shape us." In my view, that is certainly true of courthouses — and it is especially true of those, like the one we dedicate today, that have the distinction of being "supreme" courthouses. The way we design and build our courthouses tells us a great deal about what we think — and what we ought to think — about the role of courts and the role of the law in our society. Let me suggest three important ways in which that is so.

A courthouse — and particularly a "supreme" courthouse — is a symbol of the role of the judiciary in our scheme of government. Even after these many years on the bench, I never cease to be awed by the grave responsibility that rests with the judiciary. As forums for resolving private-law disputes, courts are essential to the functioning of our economy and society. In the sphere of public law, courts are called upon daily to provide authoritative interpretation of the laws and to review legislative and executive action for consistency with federal and state constitutions. Courts have the authority, where the Constitution so requires, to strike down a law or to order a prisoner freed. That check on the power of the political branches is, of course, an essential element of our system of government. It was for this reason, I think, that George Washington rightly called the judiciary "the firmest pillar of Government."

But if the judiciary is truly to be that "firmest pillar," it needs a home that reflects the dignity and authority of its role. Many of you may know that, for most of the first one hundred and thirty-five years after the Na-

tion's capital was moved to Washington, the U. S. Supreme Court resided in fairly cramped quarters in the U. S. Capitol Building. The principal institution charged with enforcing the constitutional separation of powers was itself a tenant at will of the Congress. Indeed, during the winter of 1809 — while the



Capitol Building was being renovated — the Justices were temporarily "evicted" and held court in a tavern across the street. Hearing cases in a bar may have oiled the proverbial wheels of justice a bit, and indeed some of the Court's critics might even say that it probably improved the quality of the decisions rendered. But it hardly seems likely to have inspired respect for the Court's role in our national government!

A supreme courthouse is the seat of a constitutionally separate and coequal branch of government, and its design should proclaim that. By building our courts with the judiciary's distinctive role in mind, we show our respect for that role. And, at the same time, we foster that respect in the citizens of today and generations to come. I believe this Royal Street courthouse is equal to that task. It is majestic, singular, and — I think — quite beautiful. Its scale, its stunning white marble,

and its classical pillars suggest strength, tradition, permanence, optimism, and, indeed, the firmness George Washington attributed to the judiciary. One local commentator has written of the building's "eclectic Parisian flair." That distinctive flair seems to me an apt symbol for Louisiana's unique legal system,

with its roots in the French civil law tradition. In short, there is no mistaking this courthouse for an office building or for any ordinary place of public business. This is clearly the seat of an institution that is properly respected by the people and the political branches of this great State.

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In addition to its role as the symbolic seat of the judicial branch, I believe a supreme courthouse should also be a temple of justice. That grand phrase is heard so often that it's nearly a cliché, but what does it really mean? I think it means — at least in part — that a courthouse is a place where we publicly show our reverence for the ideals embodied in the law. A courthouse should teach respect for those ideals and should give citizens a sense of ownership of and participation in them. There are many ways in which it can do so.

For one thing, a court is a place where we hold public rituals — in the broadest and best sense of the word — that express our respect for law and justice. For appellate courts, the most important of those rituals is oral argument. We conduct much of the business of deciding cases in chambers — out of the public eye. But oral argument gives a public face to our work. It is the public forum where the parties stand to be heard by impartial judges whose job is to bring uniformity and integrity to the law. The public attends oral argument to hear robust legal debates, inevitably engaging and forming views about the law. The courtroom, of course, provides the stage — and that stage should reflect to the parties and the public the importance and dignity of the appellate process. Here, again, I think this building's remarkable courtrooms — with their elegant design and abundant natural light — are perfect for the job.

Beyond the courtroom — and whether or not the court is in session — the courthouse serves as a monument to justice. It remains the place where the law is enforced and rights are vindicated. Cass Gilbert, the architect who designed the U. S. Supreme Court, wrote that public architecture should be "an education to oncoming generations to see these things, imponderable elements of life and character, set before the people for their enjoyment and betterment." "The educational value," Gilbert argued, "is worth to the state far more than it cost — it supplements the education furnished by the public schools and university [and] is a symbol of the culture and ideals of our country."

So, a courthouse should teach respect for the ideals for which we strive in the judicial process. Some buildings do that by incorporating words or symbols. Visitors to the U. S. Supreme

Court are confronted with the motto "Equal Justice Under Law" prominently engraved in the pediment over the Court's main entrance. When the Court was inaugurated, one critic of the day lambasted that phrase as tautological, redundant, and verbose — because, of course, justice wouldn't be justice if it weren't equal. But then-Chief Justice Hughes responded that the words rightly emphasize the centrality of equality and impartiality in our conception of justice. That theme is echoed in the symbolic statues and inscriptions found throughout the courthouse. None but the most cynical of visitors, I think, can fail to be impressed by this resounding message.

Overt words and symbols are only one way in which courthouses inspire respect for law and justice. A building can teach in both grander and subtler ways as well, through its style and structure. In this connection, I find it fitting that the people of Louisiana have chosen to restore this historic courthouse rather than replacing it with a new one. The building's symmetry, solidity, and style suggest the permanence and timelessness of the ideals to which the law aspires. Its age and classical refinement reflect the law's rich history and tradition. And, finally, I believe the restoration of a century-old building is a proper symbol of much of what we as courts do. In deciding cases, we look first to precedent and rarely throw away what is old. Rather, particularly in the sphere of constitutional law, we work to rediscover and reaffirm the enduring value in what is old and to make it relevant for our times. Courts are restorers and renovators by long tradition.

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Thus far, I've spoken mostly about the *symbolic* role of courthouses — in reflecting and inspiring respect for the judiciary and the law. But of course, a courthouse is also a functioning

place of public business. Walter Bagehot [pronounced "badge-it"], the nineteenth-century English journalist and political commentator, said that public institutions can be divided into two aspects: the *dignified* parts, which excite and preserve the reverence of the population, and the *efficient* parts, which allow the institution to actually work and govern. A courthouse should, of course, be "efficient" in this sense of enabling the courts to accomplish their business. A modern appellate court's work is, in some essential respects, the same as it has been for centuries. But it is also increasingly dependent upon new technologies. In moving into an historic courthouse renovated for modern use, it seems you have something of the best of both worlds. This is clearly a dignified building, which inspires reverence, but it also promises to be efficient.

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We attempt to shape and are shaped by our buildings, including courthouses. But today is not just about dedicating a building. We are also dedicating the institutions and the people that will work here. The reopening of this courthouse is a new beginning for the Louisiana Supreme Court and the other institutions that will make their home here. So, this occasion also presents an opportunity to rededicate those institutions to their mission of public service to the people of Louisiana and the country.

That mission is an essential one. State courts have a primary role in our federal system. They handle the vast bulk of all civil and criminal litigation in the country. State courts are, of course, the ultimate arbiters of state law. With Louisiana's courts rest the ultimate responsibility for enforcing the state constitution. Moreover, Louisiana's courts have a somewhat special role in interpreting state law, because of the State's unique mixed civil code system.

As you know, that system holds enduring interest for jurists and scholars from around the world.

In addition, state courts play a central role in interpreting and applying federal law — both statutory and constitutional. The U. S. Supreme Court has a duty to provide understandable guidance on federal law and to correct errors where necessary. But the sheer volume of state decisions on federal questions makes it impossible for the Supreme Court to review any sizeable percentage of state or federal court decisions. As a practical matter, that means that state courts have significant autonomy in applying federal law. And most important, it means that they have the weighty duty of being the primary enforcers of the federal constitution, including the constitutional rights we hold so dear.

In short, today we dedicate this courthouse and those who work here to a mission that is not merely "important" — it is, in fact, a mission that is *indispensable* to our system of government. With that in mind, I'd like to conclude my remarks by sharing with you a portion of a speech given by Chief Justice Charles Evans Hughes at the laying of the cornerstone of the U. S. Supreme Court building. His words, though written in 1932, seem appropriate today, especially in our post-September 11th world.

"We are in a time of keen distress and widespread misgiving. It is a world of unrest. The perennial strife with lawlessness has assumed new aspects and has brought society to new and serious tests of its ability to protect itself. Few, if any have the gift of prophecy. This edifice, however, attests **confidence**. It suggests **permanence** — not the permanence of stone and steel, but of an idea; not, in this respect, of particular formulas, but of a conception of the basic needs of our organized society.

"That confidence and suggestion of permanence spring no doubt from a belief that our people have political instincts and convictions which are not likely to be uprooted; that government of the people, for the people, by the people, notwithstanding all shortcomings, is not to perish; that such a government will continue to have, as it has had, its written prescriptions to secure distribution and limitation of governmental powers; . . . that in some practicable way the talent of the Nation for impartial determinations according to constitutional principles must find effective expression.

". . . We have pride and hope on this occasion because we believe, without underestimating adverse influences, that the spiritual resources of the Nation, from which each generation draws anew its conceptions of fair dealing, are unwasted, and because we find in this building a testimonial to an imperishable ideal of liberty under law."

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In closing, I once again 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. May its dedication likewise bring a renewed dedication of the institutions and people that work here to their continuing mission in the service of liberty under law.

#### Endnotes

- 1 Lois Craig et al., *The Federal Presence* 234 (1977) (quoting Gilbert).
- 2 Walter Bagehot, *The English Constitution* 4-5, 11 (1867) (quoted in Clare Graham, *Ordering Law: The Architectural and Social History of the English Law Court to 1914*, at 271 (2003)).
- 3 Chief Justice Charles Evans Hughes, *Address at the Laying of the Cornerstone of the New United States Supreme Court Building*, *Am. Bar Ass'n J.*, vol. 18(11), at 728-729 (Nov. 1932).



Cathy Lemann



## Westlaw Patron Access

by Cathy Lemann

The Law Library is pleased to announce the addition of Westlaw to our free research databases. Our subscription includes: all of the primary federal and state law (cases, codes and regulations), hundreds of law reviews and journals, American Jurisprudence, ALR, Am Jur Proof of Facts and Trials, Restatements, Couch on Insurance, KeyCite and much more.

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umes in the Louisiana Practice Series, including Civil Appellate Procedure, Civil Practice Forms, Estate Planning in Louisiana, etc.

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formed by a librarian will cost \$25. All results must be printed as we are unable to download or email from Westlaw Patron Access. Print charges are \$.15 per page. Faxes are \$1.25 per page. Databases not available in Westlaw patron access will be charged at a minimum of \$9 per minute. All Lexis searches will continue to be charged at a minimum of \$9 per minute. These searches may be emailed or printed. Please call us if you require additional information: (800) 820-3038 or (504) 310-2515.

## Scanning Service Available

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Page software, which will further allow you to scan a document and convert it to a text searchable and copyable pdf, from which you may copy and paste portions of text. This can eliminate the need to manually retype printed pages for use in a document.

The Omni Page text recognition software isn't 100% ac-

curate, so some anomalies may occur, but on most typewritten pages without any unusual formatting, the conversion works reasonably well.

For more information on the scanning service, or to just take it for a test drive, please contact Jason Kruppa at 504 310 2411 or email at [jkruppa@lasc.org](mailto:jkruppa@lasc.org).

## Our Brush with Greatness *continued from page 1*



Everyone who attended the dedication ceremony was presented with a copy of the library's brand new publication *The Louisiana Supreme Court: An Historical Guide*. Janice Shull contributed the article "400 Royal St.: The Story of a Building," and Carol Billings authored "A Brief History of the Louisiana Supreme Court." Jason Kruppa applied his talents as a graphic designer and photographer to design the booklet. Besides the articles,

the booklet contains both historic photographs of the courthouse and new ones by Jason taken in the renovated building. Janice Shull's complete roster of all of the justices who have sat on the Supreme Court with their dates of service is a valuable feature. Many visitors to the building have been pleased to receive a copy of the booklet to take home.

Janice Shull contributed two other projects to the dedication

celebration. Having previously assembled a great deal of information on the history of the courthouse, including photographs, she erected an exhibit about the building, which is still available for viewing in the State Wing of the library. To accompany several dozen historic portraits of Supreme Court justices which were recently hung in the courthouse, Janice prepared a guide for a walking tour of the portraits. **δ**

# De Novo Profile: James Boulware

Since moving to Royal Street, we've all become accustomed to James Boulware's presence around the court as he seems to fix, build or modify just about anything imaginable. From adding a wall socket where there was none before to putting a roof on the guard house on the St Louis side of the building, James's work is all around us. He proves in his varied skills that diversity can be synonymous with excellence.

James completed graduate Theological Studies in 1958 at St Joseph Seminary College of Liberal Arts in Covington and holds both a Bachelor of Arts and a Bachelor of Science from Loyola (1959). While working on these degrees, he taught chemistry, physics, general and social sciences as a high school

teacher at St Joseph, where he also acted as a guidance counselor.

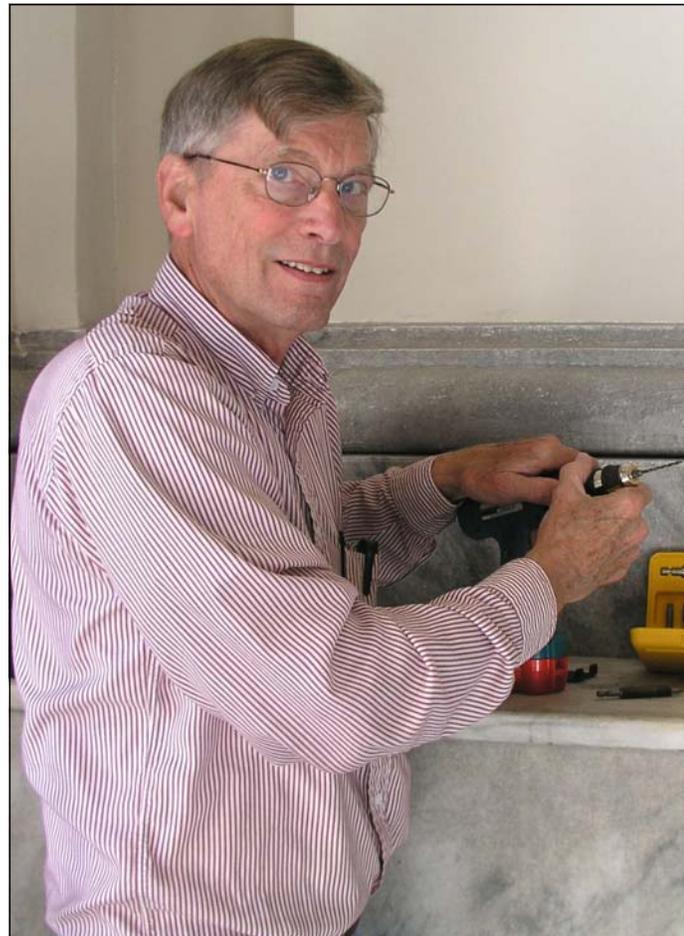
In 1960, James began serving as vice president and dean of students at St. Joseph, a position he held until 1972, when he became president of the college. Shortly before this, in 1970, he received an MA in Sociology from Tulane and subsequently completed course work for a doctorate in Sociology at the same university.

From 1980 - 1983, James was administrator of Texas International Petroleum Companies in New Orleans and then for two years afterward worked for the New Orleans Police Department as technical services administrator in conjunction with NOPD Juvenile Division and Child Protective Services. By 1985, James was Judicial Administrator for

Jefferson Parish Juvenile Court, where he implemented the new Louisiana Children's Code and assisted other jurisdictions around the state with implementation as well. After his retirement from this position in 2000, he continued to assist the court with various projects and was asked to develop a statewide Drug Court Program for the Supreme Court of Louisiana.

The drug court program was completed in about six months, and almost immediately afterward James was asked by Chief Justice Calogero to act as "construction monitor" for the completion of Royal Street's renovation. In this capacity, James served both as a liaison between the contractor and the Court, and as a facilitator, making on-site decisions and expediting the contractor's work. Since the completion of building, James has taken on the job of finishing up all the little details the left unaddressed by the contractor, of whom James was very complimentary.

Born in Richmond, VA on January 27, 1934, James has lived in St. Tammany Parish "off and on since 1950." When he was very young, he used to tag along with his father, an engineer, on trips to construction sites and began developing his skills as a handyman as a hobby he has maintained throughout his life. In St. Tammany, he is a licensed electrician and a volunteer with Habitat for Humanity, for which he has wired more than twenty houses and other Habitat projects. "Human need historically exceeds the public resources available," observed James in a recent *St. Tammany News Banner* article about his volunteer activities, further commenting that "we may all appreciate rugged individualism, but frankly we are all interdependent. Help a family and you benefit the community at large as well."



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## DE NOVO RESTAURANT REVIEW: THE CAKE CAFÉ

307 Exchange Place, 504.525.2600 <http://www.nolacakes.com/>

Tucked into a tiny space on Exchange Place, about half a block from the Courthouse, New Orleans Cake Café opened in October and is quickly garnering loyal customers. The location, across from the Pelican Club, was formerly Lulu's and Old Dog New Trick. The café has only about twelve seats indoors and an equal number outside. The staff is friendly and enthusiastic. It's hard to believe they can turn out such delicious fare in such a tiny space.

The menu is small. There are five sandwiches - turkey, ham,

chicken or tuna salad, or grilled vegetables - which can be built on whole grain bread, homemade focaccia or as a wrap.

Sandwiches can be grabbed pre-made from the cooler or made while you wait. There are five salads, including roasted chicken with a hint of curry, or cobb, or the house salad. Caroline's vinaigrette is a particularly good rendition of balsamic vinaigrette. There are also daily quiche and soup specials. Prices range from \$5.50 - \$7.00.

The cakes, however, might be the real draw. Each day there are a variety of cupcakes available, such as red velvet, carrot cake, yellow with chocolate frosting, or chocolate with raspberry frosting. You can add one to your lunch for \$1 or purchase one for \$1.50.

Sometimes there are slices of cake, including german chocolate, coconut, or carrot. These confections are clearly made with the best ingredients -- they are fresh, flavorful, moist and luscious. Should you be in need of a sweet treat or a delicious lunch, give the Cake Café a try. δ



## Library Acquires the LexisNexis U.S. Serial Set Digital Collection

by Georgia Chadwick

By early January the LexisNexis U.S. Serial Set Digital Collection will be available at the library. Various known as the congressional set, the serial number set, and the sheep set, what we now call the U.S. Serial Set was established in 1817 to provide a uniform system of congressional publication and is an ongoing collection of House and Senate Reports and House and Senate Documents compiled under the directive of the U.S. Congress.

The publications contained in the Serial Set capture every aspect of American life from the early 19th century to the present. House and Senate Reports are of great importance to the legal community as they describe the purpose and scope of proposed legislation and the reasons for recommending approval of the measure to the full chamber. House and Senate Documents cover a wide variety of topics and may include reports of executive departments and independent organizations, reports of special investigations made for Congress, and annual reports of non-governmental organizations. The Congressional Record and House and Senate hearings and committee prints are not a part of the Serial Set.

Although the documents in the Serial Set have been indexed in a variety of government-produced finding

tools, there was unfortunately no separate index exclusively for the Serial Set until the publication, beginning in 1970, of the CIS/Index to the Publications of the U.S. Congress by the Congressional Information Service (now called LexisNexis Academic & Library Solutions). After the CIS Index and Abstracts were started to cover the current publications of Congress the publisher recognized the great need to create an index to the complete U.S. Serial Set for the period 1789-1969.

The 140,000 separate Serial Set volumes contain more than 325,000 individual titles, requiring more than 11 million pages. The paper U.S. Serial Set Index provides a comprehensive subject index, an index of names and organizations, a numerical list of reports and documents, and a numerical list of the serial volumes showing the individual documents contained in each volume. CIS has also produced a companion full-text collection of the Serial Set on microfiche.

Now LexisNexis has launched an ambitious digitization project to capitalize on its existing microfiche serial set collection by offering web-based full text access to all the material located in the U.S. Serial Set from 1789-1969. This allows users to execute full-text searches

across the entire collection up to 1969. Searches will run against OCR-generated ASCII text and each result will consist of a description of the retrieved document and a PDF page. Using Adobe Acrobat, users may print selected pages or the entire document at one time.

In addition to full-text searches, users will be able to search the collection by title of document, document type, Statutes at Large citation, bill number or public law number, subject terms, keyword indexing to illustrations and statistical tables, corporate or personal authors, petitioners or witnesses, and of course, report number, serial volume number and SuDoc number. Although much light was shed on the serial set by using the paper CIS index, now the LexisNexis digital product allows us to turn on the high beams to discover previously inaccessible documents.

Please come in to the library to use this amazing product. The entire collection will not be fully available until the end of 2005, but current coverage includes 1817-1904. An interesting search would be to look at maps of Louisiana or search for the names of your own family. **δ**



Georgia Chadwick



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## 150 Candles For Our Cake

Reaching one's 150th birthday is a pretty special event, and the Law Library of Louisiana, created by Act 329 of 1855, will reach that milestone in 2005. Members of our Advisory Board convened on December 8 to discuss how we might celebrate the occasion. Both the board and the library staff view the sesquicentennial as an ideal opportunity to make Louisiana's judiciary, bar, and general public aware of the history and significance of our institution. In addition to a publicity campaign aimed at informing the bar and the public about the library's services and collection, a series of public educational programs featuring lectures and panel discussions is envisioned.

Brainstorming possible topics for public presentation, the board considered programs featuring Louisiana legal history; contemporary authors of

Louisiana law books; practical legal topics of interest to both lawyers and the public such as elder law, intellectual property law, and real property law. Dramatizations of famous events in Louisiana legal history and mock trials were suggested. Discussing various options for the scheduling of programs, the board listed lunchtime lectures, evening programs with both educational and social aspects, and an all-day conference with multiple programs. Offering some programs for Continuing Legal Education credit for attorneys will be explored.

The Law Library Advisory Board is chaired by New Orleans attorney Judith Gainsburgh. Judges on the board are Patricia R. Murray of the Fourth Circuit Court of Appeals and Rosemary Ledet of Orleans Civil District Court. Other members who are attorneys in private practice are Peggy

Woodward, David Dalia, Cameron Gamble, Clayton Joffrion, and A.J. Levy. Jeffery Gregoire is a law clerk in the chambers of Chief Justice Calogero, and Rowena Jones is on the staff of the New Orleans Legal Assistance Corporation. Rounding out the membership are deputy judicial administrators Valerie Willard and Tony Gagliano.

Other De Novo readers are encouraged to contribute their ideas and opinions about ways that they would like to participate in the 150th anniversary celebration. Both possible program topics and names of potential speakers and panelists — from Louisiana and farther afield — will be most welcome. Please call or e-mail Carol Billings at (504) 310-2401 or [cbillings@lasc.org](mailto:cbillings@lasc.org) with suggestions.