



# DE NOVO

The Newsletter of  
The Law Library of Louisiana

Volume 2, Issue 1  
Spring 2003



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### Law Library of Louisiana Hours

Monday—Thursday  
9am-9pm

Friday and Saturday  
9am-5pm

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[www.lasc.org](http://www.lasc.org)

### At your service:

**Carol Billings** - Director  
**Catherine Lemann** - Associate Dir.  
**Georgia Chadwick** - Librarian  
**Miriam Childs** - Librarian  
**Marie Erickson** - Librarian  
**Janice Shull** - Librarian

**Gregory Duhe** - Library Associate  
**Ruth Mahoney** - Library Associate  
**Jason Kruppa** - Library Associate

## A Tradition of Free Access for Every Citizen

by Carol Billings

"Be it enacted by the Senate and House of Representatives of the State of Louisiana in General Assembly convened, That there shall be established a public Library of the State of Louisiana, which shall be placed in the State House." Thus by means of Act 329 of 1855, our library was officially created--or recognized to exist. Section 12 of the act goes on: "Be it further enacted, &c., That every citizen of this State shall have free access to the Library, provided no book be taken out of the same, except when for the use of either branch of the Legislature." During the past 148 years legislative action relating to the library has focused not upon its clientele, but rather upon where it fits into the organizational structure of state government. Nevertheless, by custom and tradition the library has continuously served not only government officials and staff, but also the bar and the general public.

Today's librarians and associates are committed to providing convenient access to government

and legal information in both print and electronic formats for every type of citizen. This includes the state's judges, judicial staff, the legislative and executive branches, attorneys in large and small practices, students, prisoners, scholars, and regular citizens who live in cities, towns, and rural areas all over Louisiana and beyond. Consequently, the library staff in recent years has expanded and adapted its services, information resources, and facilities to meet the needs of our varied clientele. We have also made a special effort to inform both current and potential library users about what we have to offer via media such as *De Novo*. As an officially designated depository of both federal and state government documents, we are legally obligated to make these publications accessible to all of the people whose tax dollars pay for them.

One of the most important of these innovations is the presence of the catalog of our collection on the Internet, accessible through the Supreme Court

website at [www.lasc.org](http://www.lasc.org). Nearby library users can easily check to see what we have before coming in person, and those living at a distance can call via our free in-state 800 number to order photocopies, faxes, or interlibrary loan materials. Many of the attorneys who formerly visited the library regularly to conduct research now call to request Lexis or Westlaw searches whose results can be printed and faxed to them. Consequently, the non-lawyer general public has become a greater proportion of our in-person clientele. Our public service librarians Marie Erickson and Catherine Lemann and library associate Ruth Mahoney are especially sensitive to the needs of the typical patron who may have little experience using legal information. Even though Erickson and Lemann are both members of the Louisiana bar, legal ethics prevent them from giving legal advice to patrons.

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## New Member of the Law Library Staff

On April 7, the Law Library of Louisiana welcomed Miriam Childs to its technical services team. Prior to joining the Law Library staff, Miriam worked in the Serials Department at the UNO Library for three years. She has a BA in History (1992) and a Masters of Library Science (1993) from LSU. Her specialty is serial publications and here at the Law Library she will also be handling serials record problems and bindery

preparation, as well as working with Greg Duhe on preservation.

Originally a Baton Rouge native, Miriam is married to an attorney and moved to New Orleans in 1998. A member of Phi Beta Kappa since 1992, her interests include Louisiana colonial history, music, reading (mid-20th Century fiction) and late 60s "classic rock" (be sure to ask her about Neil Young). Please say hello to Miriam when you visit the Law Library.



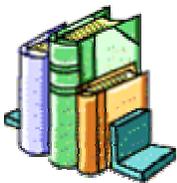
Visit:

[www.nolo.com](http://www.nolo.com)

For information on Nolo's legal self-help publications.

## ATTENTION!

As July 4th falls on a Friday this year, the Law Library of Louisiana will be closed both July 4th and Saturday July 5th. We will resume regular hours Monday, July 7th.



## [www.lawhelp.org/la](http://www.lawhelp.org/la)

by *Cathy Lemann*

A new website launched in mid-March will help Louisiana citizens find legal information. The site contains contributions from legal services corporations around the state, such as Aidslaw of Louisiana, Louisiana Coalition Against Domestic Violence, and the Legal Services Corporations throughout the state. There are currently 11

subject areas, including Housing, Employment, Wills and Life Planning, Schools, and Government Benefits. There are subtopics within each subject. There is also information about the legal service programs and other resources for assistance.

Some of the information reproduces pamphlets available from the contributing LSCs.

Other questions are answered by linking to material on another site such as the Louisiana State Bar Association's consumer information pamphlets. More material will be added in the future so it's a site to watch if it doesn't have what you're looking for right now. This is a great site for people who need practical information on legal topics.

## Keeping the Codes

by *Ruth Mahoney*

Article 6, Section 10 of the Louisiana Constitution requires that each political subdivision must prepare a code containing all of its general ordinances and make copies of it available for public distribution. Louisiana Revised Statute 33:1361 states that on or before January 1, 1977, all municipalities, or parish governing authorities, regardless of population, shall adopt a code embracing all of the laws which they have enacted.

Despite constitutional and statutory mandates, not all cities and parishes have published a code of ordinances. While all jurisdictions have laws, not all of them have published codes, probably because of the expense involved. According to the Louisiana Municipal Association, there is not a complete list of jurisdictions with published codes. However, the Municipal Code Corporation publishes most of the codes of ordinances in the state, and their holdings can be viewed online at [www.municode.com](http://www.municode.com). Most

codes are also available from the clerk of council of the governing body.

The Law Library of Louisiana has codes of ordinances for the following places: City of Baton Rouge and East Baton Rouge Parish, Caddo Parish, City of Covington, City of Gretna, City of Kenner, Jefferson Parish, Lafayette City-Parish consolidated, City of New Orleans (also on CD-ROM in the library and online through [municode.com](http://municode.com)).

The City of New Orleans has also adopted a number of additional codes including building, fire, gas and mechanical. Additionally, we have codes for Rapides Parish, St. Bernard Parish, St. Tammany Parish, City of Shreveport, and City of Slidell. The complete record of these codes can be viewed in our online catalog at [www.lasc.org](http://www.lasc.org) by doing a simple search using the terms "codes of ordinances". Most of the codes are also available on the cities' websites or [municode.com](http://municode.com). St. Tammany Parish has recently published

its own code, and it will be available online at [www.stpgov.org](http://www.stpgov.org).

Codes of ordinances are kept in looseleaf binders which facilitate the filing of supplements. Most codes have extensive subject indexes, and several codes have code comparative tables which show the relationship between the new code and the older edition of the code. One of the biggest problems with codes is that they are not always kept up to date as timely as they should be.

To complete your research you may wish to consult additional sources. *Ordinance Law Annotations* published by West is a comprehensive digest of American cases interpreting or applying city and county ordinances. It is arranged by topic and has a table of cases arranged by state. *Shepard's Louisiana Citations: Statutes* provides citations of state and federal cases relating to Louisiana home-rule charters and ordinances.

## A TRADITION OF FREE ACCESS *continued from page 1*

Nevertheless, they and the rest of our staff do as much as possible to explain how legal information is arranged and indexed and to help patrons find what they need to answer their questions. We also make available in our Reading Room three computer terminals that offer access to the Internet, our catalog, and a number of other information and research products.

Our rich collection of materials published by the federal government from the nation's founding and by each of the states from their beginnings also makes our library a popular resource for students, professional and amateur historians, and genealogists. Other

rare and valuable publications that we are fortunate to own illuminate the legal, political, and social history of this country. Of special interest are the French and Spanish legal sources that contributed to Louisiana's colonial and territorial periods and remain important influences upon our modern law.

Lest the act that created our library leave anyone with the impression that only members of the Legislature may borrow our books, that prohibition was long ago abandoned. Judges and judicial staff are of course lent needed items. Things have changed a great deal since the Secretaries of State of the mid-nineteenth century controlled all

distribution of law books by the state librarian to government officials and departments. All books and other legal information resources used by the Supreme Court are purchased by the Law Library. Other Louisiana courts acquire their own books and resources, and the library staff is always happy to provide advice about their acquisition and up-keep.



## STUMP THE LIBRARIAN

by Cathy Lemann

We received an email inquiry from Dublin, Ireland seeking the exact birthplace in Sligo, Ireland of Daniel Clark c.1765 and latterly famous for his involvement in the Myra Clark Gaines case.

We looked at many resources, including the case which refers to Daniel's having been born at Sligo.

Other resources included:

*A Dictionary of Louisiana Biography*, which has an entry for Daniel Clark that repeats this information. It has references to sources.

Perry Scott Rader, "The Romance of American Courts, Gaines vs. New Orleans," *Louisiana Historical Quarterly*, XXVII (1944)

Michael Wohl, "Not yet Saint nor Sinner: A Further Note on Daniel Clark," *Louisiana History*, XXIV (1983). (Wohl is referred to as Clark's biographer in other sources)

*Biographical Directory of the American Congress*, 1774-1989.

*American National Biography*, Garraty & Carnes, eds. has an entry for Daniel Clark. It also refers to his birth as Sligo, Ireland and says that his parents' names are unknown. There's a fairly lengthy note about the location of papers and other sources of information.

*Notorious Woman: the Celebrated Case of Myra Clark Gaines* by Elizabeth Urban Alexander (Louisiana State University Press, 2001). Alexander writes: "In the eighteenth

century the town contained a vigorous Protestant faction that apparently coexisted peacefully with the Catholic majority. Little is known of Clark's family, but letters from his mother mention considerable property in town belonging to Clark's father. Colonel Bellechasse remembered that Daniel Clark took pride in his descent from 'the ancient Kings of Ireland.'"

The footnote refers to a letter from Mary Clark to David Clark, Aug 7, 1794 which is located in the court record stored in Fort Worth Texas.

While we were not able to come up with a specific birthplace it was interesting to see how many resources are available here to look for the answer.

### Your place or ours?

Is your court, firm or class interested in participating in a Law Library of Louisiana Orientation? For more information call:

Carol Billings @  
(504) 568-5706

Access the library's  
online catalog:

<http://207.67.203.47/L20013/Index.asp>

## Spotlight on: Civil Staff

by Jason Kruppa

The Louisiana court system is unique in that it contains a provision for "summary judgment" in order to address potential pre-trial error. Acknowledging the benefits of the procedure, the legislature changed the law in 1996, reflected in Article 966, subpar A(2): "The summary judgment procedure is designed to secure the just, speedy, and inexpensive determination of every action...the procedure is favored and shall be construed to accomplish these ends." (LA CCP pocket part)

Coincidentally, shortly after the summary judgment process was deemed favorable, the Louisiana Supreme Court established Civil Staff on January 1, 1997. Mel Dugas, a former law clerk for Justice Walter F. Marcus, Jr., was appointed as director and Veronica Koclanes, a former law clerk for Justice Harry T. Lemmon, came on as a part-time research attorney specializing in bar disciplinary matters. As the workload has grown, the Staff has expanded. In addition to Mel and Veronica, the staff now consists of senior research attorney Donna Conrad, research attorneys Leslie Doskey, Kerianne Stiegler and Mary Lou Redmann, and paralegal Dee-

Dee Haggerty.

The department's original workload -- to provide thorough and well-researched reports which assist the Justices in their consideration of the important issues presented to the Court -- remains intact. However, over the years, the responsibilities of the Civil Staff have expanded to include civil juvenile matters and pro-se civil filings by inmates. In addition, Civil Staff prepares bench memoranda for the Justices on appeals arising from declarations of unconstitutionality and on cases placed on the court's summary docket. The department also prepares reports on approximately 100 emergency applications which are filed throughout the year. Quite often, these are trial-in-progress applications for which the turnaround can be anywhere from one week to one hour, obviously requiring priority attention, but which still receive the same care as any other report.

Mel is quick to point out that the familiar "writ denied," a simple enough declaration, may be the result of a fourteen page report. Whether the writ is granted or denied, though, a great deal of time and work is

spent researching the law in order to prepare a report. The attention given to each report is even more impressive when one considers the amount of work Civil Staff generates - about 1,000 reports per year. There is a random assignment of writs among the staff attorneys, who prepare a draft of a report and submit it to Mel, while emergency applications are assigned on a rotating basis. The court considers approximately 75 writ applications during the weekly conference on Wednesdays, between 15 and 30 of which go to Civil Staff.

Any lawyer working in Civil Staff easily sees a much wider variety of civil cases than anyone working in a typical firm. In a single day, a Civil Staff attorney might see personal injury cases, workers' compensation matters, child custody cases, insurance litigation, contract disputes or medical malpractice cases. Because of the more general types of cases the department handles, and because one office is charged with handling all civil matters, Civil Staff attempts to assure that the court's stand on each matter is consistent with previous cases.



Mel Dugas



### Civil Staff

top row, l-r: Kerianne Stiegler, Veronica Koclanes, Mel Dugas, Donna Conrad, Dee-Dee Haggerty

Bottom, l-r: Mary Lou Redmann, Leslie Doskey

## MICROFORMS HOLDINGS

By Georgia Chadwick

For over forty years law libraries have acquired microforms as an inexpensive way to save space and to enrich the collection with materials out of print or too costly to purchase in print. Microforms have also played a major role in the preservation of deteriorating print materials. Our library has a large collection of microforms and we will continue to rely on these materials to serve our library users in our new space on Royal Street.

The library receives a wide variety of federal materials in microform through the Federal Depository Library Program. We have received Congressional hearings and committee prints since the 97<sup>th</sup> Congress. Although Congressional bills are no longer distributed to depository libraries, we do have bills from the 96<sup>th</sup> through the 106<sup>th</sup> Congresses. Our library receives the daily issues of the *Congressional Record* in microfiche starting with the 103<sup>rd</sup> Congress and has been receiving the bound volumes in microfiche

since the 99<sup>th</sup> Congress. Through the FDLP the library also receives a number of administrative decisions and annual reports as well as some journals and other miscellaneous publications.

The library also purchases commercially produced microfiche. We have the United States *Serial Set* covering the 46<sup>th</sup> through the 64<sup>th</sup> Congresses to supplement our holdings in paper. To complement our complete holdings of the *Code of Federal Regulations* in paper, we have the *Federal Register* in microfiche starting with the first volume in 1936. This is one of the most-used items in our microfiche collection. Our holdings of the *Weekly Compilation of Presidential Documents* is complete starting with the first volume in 1965. We have received Hein's *United States Treaties and Other International Agreements* since 1990. Selected records and briefs of the United States Supreme Court began with cases from 1960.

From the William S. Hein Com-

pany, the library has acquired attorney general opinions and session laws for Louisiana, the other 49 states and United States territories. These start from varying dates but generally they all begin in the early 1980's. For some years we received copies of superseded code volumes in microfiche for Louisiana and the other 49 states, but currently we only receive these materials for Louisiana.

Last but not least, the library holds the *New York Law Journal* from 1979 and the *National Law Journal* from 1978 on microfiche, and the *Times-Picayune* from 1950-1990.

Microforms preserve crumbling, dusty old materials, allow libraries to acquire materials at a reasonable price, and take up little space compared to the hard copy equivalent, but they are low tech — like books they can only be used by one person at a time. However, they continue to be useful and used in our library.



## Court Corner at the Library

by Janice Shull

What is the recipe for "seasoning" a new judge? The Louisiana Judicial College recently conducted a seminar for newly elected judges, which featured the Judicial Mentoring Project. This project pairs a new judge with an experienced judge, who answers questions, visits the new judge's courtroom, and provides emotional support for the transition to the bench. With in depth resources on court administration, the Law Library is eager to support the Judicial Mentoring Project. We have a number of books on the topic of judicial mentoring:

Judicial Mentoring: Starting, Organizing, and Sustaining a Program for Mentoring Persons of Color to the Bench / Lizbeth Gonzalez, John G. Richardson.

*KF 8736.A73 A33 1997 no. 5*

The Louisiana Judge's Handbook /

the Judicial Mentoring Project.  
*Reserve KFL 525 .L68 1996*

Resource Manual for Mentors /  
Blan L. Teagle.  
*JA Collection, KF 276.J8 M4 1996*

Mentoring in the Judiciary /  
Maureen E. Connor, William A.  
Anderson.  
*JA Collection KF 276.5 .C66*

Other recent acquisitions of interest to judges, court administrators, and judicial educators:

The Work of Appellate Court Legal Staff / Roger A. Hanson, Carol R. Flango, Randall M. Hansen.  
*JA Collection, KF 8770 .H36 2000*

The Court Administrator: A Manual / National Association for Court Management.

*JA Collection, KF 8771 .C68 2002*

Skills Based Orientation and Training for Persons Newly Elected or Appointed to the Bench/ American Academy of Judicial Education.

*JA Collection, KF 276.A75 S34 2002*

Working with Volunteers. [a training manual for court clerks]

*JA Collection, KFM 524.5 .W6 2002*

A Leadership Guide to State-wide Court and Community Collaboration / David Rottman.

*KF 8732 .L44 2002*

Anyone employed by a Louisiana court may request to borrow one of these titles. Please call 504-568-5705 or 800-820-3083 for assistance.

### Memorial Books

If you are interested in memorializing a family member, friend, or colleague by purchasing a book for the library's collection please contact Carol Billings at 504-568-5706.

## LIBRARY RULES OF CONDUCT

Our library's purpose is to provide research assistance and access to information for all citizens while maintaining an orderly and comfortable environment. We have established a brief list of rules of conduct which are posted in the library. Anyone violating these rules will be required to leave the library. To summarize:

1. Cell phones and beepers must be turned off or set to vibrate.
2. Cell phone conversations are restricted to the phone booths.
3. No food or drink is permitted.
4. Large duffle bags and shopping bags are prohibited.
5. Children must be supervised so as not to cause a disturbance.
6. Disturbing staff or other library patrons by exhibiting inappropriate behavior is prohibited; for example: making noise, speaking loudly, acting in a disruptive manner, having offensive personal hygiene, making threats, harassing others, sleeping.
7. Theft, mutilation, or damaging library materials, furnishings, or equipment is prohibited.



## TO BE READ WHILE LYING IN A HAMMOCK

Ahhh--Nat King Cole's lazy, hazy, crazy days of summer are almost here. Whether you hope to spend some of them lying on the beach, breathing the mountain air, jetting to exotic foreign climes, or just relaxing in the air-conditioning, good reading materials will make the experience more enjoyable. We've asked our fellow employees at the Supreme Court and Judicial Administrator's Department to share their ideas about favorite books to buy or to borrow at your neighborhood public library.

J.A. staffer Danna Acker is a fan of Alabamian and current New Orleansian Rick Bragg's two Southern memoirs about his mother and grandfather, respectively: the Pulitzer Prize winning *All Over but the Shoutin'* and *Ava's Man*. Another reader from 1555 Poydras, Michelle Speaser raves about the entire series "The Cat Who. . ." 20+ novels by Lillian Jackson Braun. Michelle's daughter Elizabeth, a graduating sixth grader, introduced her to the books, and they have formed their own private book club with enough titles to carry them well into the summer. "The Cat Who. . ." stories star crime reporter Jim Qwilleran (nicknamed Qwill) and his two Siamese cats Ko Ko and Yum Yum, who help him solve mysteries.

A true gentleman and scholar, law clerk Darrin Browder loves to read the classics. An English lit minor in college, Darrin names Alexander Dumas's *The Count of Monte Cristo* as his favorite. He reminds us that

the novel tells the story of Edmond Dantes, a young sailor falsely accused of treason and sent to prison. When after many years he escapes and finds a treasure, he uses it to exact his revenge on those who sent him to prison. Darrin is also very fond of Geoffrey Chaucer's *The Canterbury Tales*.

Judiciary Commission counsel Nancy Rix recommends Sue Monk Kidd's novel *The Secret Life of Bees*. This, she says, is "a book about southern women, both black and white, but unlike any other" she's read. Loyola law student Gary Clark, the library's night and weekend man and sometime Judiciary Commission assistant, has told us about *The Gold Coast*, by Nelson Demille. "A prominent New York tax attorney (an unlikely hero!) agrees to defend a mobster," Gary explains, "and his life spins out of control."

*A Prayer for Owen Meany*, by contemporary American author John Irving, is highly praised by law clerk Beth Akin, who raves that "incredible character development and narrative genius make this book one of the best modern novels ever written." Beth explains that "the relationship between two boys, both 'outcasts,' but for different reasons, is challenged by a series of mishaps that actually bring them closer." We hear that Angela Blandino also loves this book. This writer cautions that if you read it in public--

such as on a plane, your fellow travelers may catch you laughing so hard that you cry.

Beth Akin has also let us in on another selection, *Coming Home*, by Rosamunde Pilscher. "A young girl grows up at a boarding school in Cornwall against a backdrop of the events that eventually lead up to the First World War" Beth reports. "Her story is marked by both personal tragedy and triumph."

If you too are a John Irving fan, we think you'll like his more recent novels *A Widow for One Year* and *The Fourth Hand*. The first begins with a quirky, hilarious coming-of-age story of a New England prep school boy's affair with an older woman and then makes an abrupt switch to the adventures of the woman's daughter, who is researching a novel in Amsterdam's red light district. The pivotal event in the life of the TV anchor hero of *The Fourth Hand* is when in the line of duty, as he is covering a circus story, a lion eats his hand. Improbable events that bring people together in unlikely ways are a characteristic of Irving's books.

Of course there always has to be a killjoy in the crowd. Loretta Fitzgerald, with tongue firmly in cheek, recommends *West's Louisiana Statutory Criminal Law and Procedure, 2003*. She assures us that "it will help you obey the law and put you to sleep at the same time."

[www.lasc.org](http://www.lasc.org)



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This public document was printed at a total cost of \$500. 1000 copies of this document were published by the Law Library of Louisiana, 301 Loyola Ave., New Orleans, LA, as the bi-monthly newsletter of the Law Library of Louisiana under the authority of the Judicial Budgetary Control Board.

## Preserving Digital Information Challenges Libraries

Earlier this spring several dozen law librarians from major law schools and state courts gathered at Georgetown Law School in Washington to launch a coordinated national effort to preserve legal information — especially in the digital format. Law Library of Louisiana Director Carol Billings was fortunate to be invited to participate in the conference, which was organized by Georgetown Law Library Director Robert Oakley and Carol Avery Nicholson, President of the American Association of Law Libraries. Billings is now a member of the steering committee of The Legal Information Preservation Alliance (LIPA), the organization formed there to develop an organizational structure for carrying the preservation effort forward.

Recognizing that systems of government and justice throughout the world are dependent upon the preservation of the written records of their activity and upon the ability of citizens to access and use that information, law librarians agree that the entire body of legal information constitutes an essential element in the foundation of human society. In the 20<sup>th</sup> century it became obvious that books and documents printed on acidic paper made in the 19<sup>th</sup> century were deteriorating rapidly. Both recognition of the problem and more

recent advancements in paper chemistry have fortunately brought about the adoption of standards for durable paper. For at least half a century microfilm has been accepted as the most permanent medium for preserving text.

The evolution of publishing into the electronic environment, while offering significant advantages for textual research, compact storage, and instant wide dissemination of information, has added complexity to age-old preservation concerns. The unrestricted freedom and technological capability to disseminate text electronically has resulted in unfathomable quantities of digital text issued not only by proven institutions and publishers, but by anyone who chooses to send it forth via the Internet. Both government and private businesses and institutions have eagerly adopted digital publishing and record-keeping both as ways to save money, time, and space and to promote efficiency and control. In their haste to abandon what they perceive as cumbersome paper records and methods of dissemination, they have too often failed to take into account the long-term preservation of their electronic publications and archives. Neither administrative commitments nor technical solutions have been sufficiently important in their political

and business agendas to result in widespread efforts to save what they have produced nor to assure its authenticity. Consequently, a great deal of important legal information generated electronically by government agencies, courts, legislative bodies, law schools, law firms, and commercial legal publishers could be lost or rendered unreliable if an initiative is not mounted to preserve it.

A number of respected universities and scholarly organizations have launched efforts to bring about national consistency in the preservation of both print and electronic legal texts. Their endeavors have shown the need for defining objectives, developing standards, exploring models, creating networks, and fostering financial and political support for long-term sustainability. Up to this point, none of the efforts has concentrated on the preservation of legal information. It is the goal of the members of LIPA as leaders in the legal information field to provide the necessary organizational framework and professional commitment to coordinate this effort and carry it forward. They understand that nothing less than transmission of the permanent, accurate record of legal knowledge to future generations is at stake.

