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John Magill of THNOC to Illuminate “The French Quarter Before Our Time”

What was the French Quarter like in 1910 when the Supreme Court Building was brand new? John Magill, Curator and Head of Research Services at the Historic New Orleans Collection, will explain it all—with a unique visual aid—when he presents the next program in our “Learning at the Law Library” series on Tuesday evening, April 24, in the new Louisiana Supreme Court Museum on the first floor of the courthouse. The public is invited to attend this free program. To accompany his lecture Magill will use both slides and the model of the French Quarter as it was in 1915, which was recently presented to the Historic New Orleans Collection and is temporarily on display in the Supreme Court Historical Society’s museum. The illustrated lecture, sponsored by the Friends of the Law

Library, will begin at 6 o’clock preceded by light refreshments starting at 5:00. Attendees may also view the exhibits in the Supreme Court Museum prior to the lecture.

John Magill is widely-recognized as one of foremost historians of

New Orleans and the French Quarter in particular. A native of the city who was brought up in California, he returned to earn both his bachelor’s and master’s degrees in history at the University of New Orleans.

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Model of 1915 French Quarter Displayed in Museum

On March 2 a unique attraction, a model of the French Quarter as it was in 1915 was opened for public viewing in the new Louisiana Supreme Court Museum on the first floor of the courthouse. A distinguished delegation of French government officials, including Renaud Donnedieu de Vabres, the Minister of Culture and Media, presented the model to The Historic New

Orleans Collection as a gift to the people of New Orleans. At the dedication ceremony Chief Justice Calogero spoke of the influence of France on Louisiana law and of the French heritage of many of the early justices of the Supreme Court. The model will remain at the courthouse until early June when it will be moved to its permanent location at the new addition to the HNOC’s Williams Research

Center. Also currently open to the public at HNOC’s original building at 533 Royal Street is the exhibit “400 Years of French Presence in Louisiana: Treasures from the Bibliothèque Nationale De France.”

A labor of love, the model was constructed over 25 years from 1956 to 1980 by

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Law Library: New Acquisitions

A list of the newest items added to the library's collection can be accessed from the catalog. Please visit our catalog at <http://207.67.203.75/L20013Staff/OPAC/index.asp> Toward the top of the screen, move the mouse pointer over the link called "lists." From the drop-down list, select "New Titles." On the next page, click on the link to view our most recent additions.

Want to explore?

Come to the library and use one of our public access terminals, or do this on your home computer: Go to the Louisiana Digital Library at <http://louisdl.louislibraries.org/collections.php>. Right under the greeting welcoming you to "Louisiana's doorway to the unique cultural and historical resources of Louisiana's libraries, archives, museums and cultural institutions" type in the term courthouse in the search across all collections box and you will retrieve around 200 photos of parish courthouses around the state.

John Magill

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His master's thesis was entitled "Municipal Improvements in New Orleans in the 1880s." Dozens of articles on many aspects of New Orleans history and culture by Magill have been published in *New Orleans Magazine*, *Louisiana Cultural Vistas*, *Preservation in Print*, and *The Historic New Orleans*

Collection Quarterly. He has lectured extensively to numerous classes, community groups, and national convention audiences. His exhibitions at the Historic New Orleans Collection include "Napoleon's Eyewitness: Pierre Clement Laussat and the Louisiana Purchase" and "City of Hope: New Orleans and Hurricane Katrina. Recently in collabora-

tion with Peggy Scott Laborde he has published *Canal Street: New Orleans' The Great Wide Way*, and he has contributed to a number of other books. The Louisiana Endowment for the Humanities has conferred upon him its 2007 award for Individual Achievement in the Humanities. δ



French Quarter Model *continued from page 1*

two Frenchmen who were avid aficionados of New Orleans jazz. Pierre Merlin (1918-2000) was an artist and architect who played the cornet in Claude Luter's New Orleans Orchestra in Paris. Pierre Atlan (1928-1988) was an aeronautical engineer and jazz clarinet player who founded the High Society Jazz Band in 1947. The two teamed up in 1950 to make music, and to honor the cradle of jazz they decided to build a model of the French Quarter as it stood in 1915. Their fellow musician Claude Luter frequently dropped by to help.

Approximately 10 by 20 feet, the model was built to a scale of 1:87. Many of the exquisitely-fashioned miniature buildings are immediately recognizable, but it is also fascinating to see the structures that no longer exist such as the Basin Street Railroad Station and the St. Louis Hotel. Riverboats sit at the wharves along the Mississippi, while streetcars and produce wagons travel the tiny streets.

The model remained in private hands for twenty years until the Atlan family presented it to the French government with

the intention of it being donated to the citizens of New Orleans. It was displayed at the French Ministry of Culture before making its trans-Atlantic trip to our city. Pierre Atlan's daughters accompanied their father's work of art to New Orleans for the presentation to the Historic New Orleans Collection. Pauline Atlan is the singer with the High Society Jazz Band founded by her father. It is the oldest continuously active jazz orchestra in France. δ

The Legacy of Justice Revius O. Ortique, Jr.

by Miriam Childs

On February 28, 2007, Justice Revius O. Ortique, Jr.'s service on the Louisiana Supreme Court bench was honored with the unveiling of his portrait in a well-attended ceremony held at the Court. Local dignitaries, along with friends and colleagues, were among the crowd gathered in appreciation of the Justice's accomplishments. Justice Ortique became the first African-American judge elected to the Louisiana Supreme Court in 1992, as well as the first African-American judge to be elected to the CDC in 1978. His contributions to Louisiana jurisprudence encompass the areas of civil rights and advocacy on the part of the economically disadvantaged, and his work improved the lives of countless Louisiana residents.

Justice Ortique was born in New Orleans on June 14, 1924. After seeing action in the Pacific arena during WWII, he received his AB from Dillard in 1947. He then earned an MA from the University of Indiana in 1949, and completed his JD from Southern University in 1956. Justice Ortique has said that he didn't expect to be a leader, but that he frequently found himself "being in the right place at the right time." His involvement in the civil rights movement began with the McDonogh Day boycott. African-American schoolchildren and parents boycotted this day of recognition, as they had to wait their turn while white children put flowers on John McDonogh's grave. In the Celotex case, from Marrero, Mr. Ortique tackled wage inequities and won higher compensation for African-American workers. The Crown Zellerbach case in Bogalusa involved the successful integration of the company's union. While in Bogalusa, Mr. Ortique worked to secure voting rights for African-American residents, drawing the ire of the KKK. He says he found that

once his opposers understood the movement was about sharing rather than taking, the opposition diminished.

Justice Ortique led the New Orleans Urban League five times during this era. As president of the National Bar Association, he lobbied then President Johnson for more African-American judicial nominations, and his efforts resulted in the nomination of Thurgood Marshall to the Supreme Court.

Justice Ortique considered pro bono work and service to the economically disadvantaged a priority. In 1964 he helped to form the Legal Services Program of the federal Office of Economic Opportunity, and from 1975-1983 he served on the board of the Legal Services Corporation, which handled legal cases for millions of impoverished clients. In New Orleans, he was actively involved with NOLAC and nationally served as president of the National Legal Aid and Defender Association.

While on the Louisiana Supreme Court, Justice Ortique welcomed the process of debate and dissent, seeing this dialogue is essential in a democratic institution. In writing opinions, he says he felt he was "tested" by his fellow Justices to stand his ground and that it was a challenge he enjoyed.

Mr. Ortique has continually served his profession and the New Orleans area throughout his illustrious career. He became the first African-American president of the Metropolitan Area Committee of New Orleans, a highly regarded community/socially conscious organization. In addition to the National Bar Association, he served as president of the Louis A. Martinet Legal Society. After retiring from the Supreme Court in 1994, the Justice served on the New Orleans Aviation Board until 2002. During his tenure, he oversaw major im-

provement to the Armstrong Airport's operations.

Justice Ortique has received numerous honors. Four presidents have appointed him to a total of five presidential commissions. He received the Gertrude Rush Award from the National Bar Association, and in 2000 was presented with the ABA Thurgood Marshall award, one of the highest honors members of the ABA can receive. Most recently, Southern University Law Center named its annual Symposium on Law, Politics, Civil Rights, and Justice in Mr. Ortique's honor.

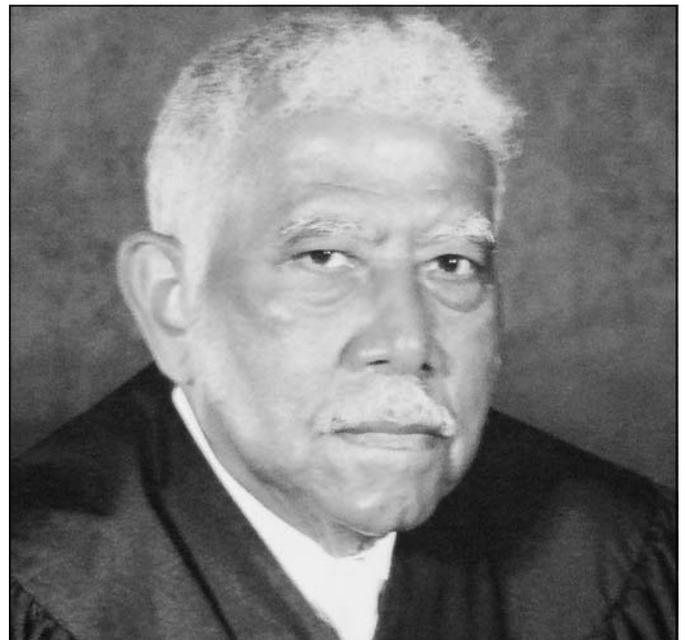
When reflecting upon his many accomplishments, Justice Ortique quickly acknowledges that "God has blessed me." He also gives credit to his wife, Miriam, who has provided constant support.

Justice Ortique's portrait hangs just outside the courtroom at the Supreme Court.

(The *Times-Picayune* and *Experience* magazine were consulted for this article; special thanks to Janice Shull.) δ



Miriam Childs





Jennifer Creevy

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Supreme Court Profile: Nancy Rix

by Jennifer Creevy

The focus of this issue's Supreme Court Profile is Nancy Rix, Deputy Judicial Administrator and Commission Counsel to the Judiciary Commission.

Ms. Rix works as the legal counsel to the Judiciary Commission, a panel of nine members empowered by the Louisiana Constitution to investigate complaints made against Louisiana judges. According to the Louisiana Constitution, Article 5, Section 25, "on recommendation of the Judiciary Commission the Supreme Court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge..." After a complaint is made to the Office of Special Counsel, the prosecutor analyzes the complaint to verify that it falls under the jurisdiction of the Judiciary

Commission. If the complaint is deemed appropriate for the Judiciary Commission, then the Commission investigates the complaint, conducts a hearing, and makes recommendations to the Supreme Court, which will make a judgment on the complaint.

As counsel to the Judiciary Commission, Nancy Rix advises the Commission members when they need legal assistance in their examination of the complaint. When matters do not proceed through the process, such as to investigation or to a hearing, she sends closure letters or letters of counseling to judges, and writes findings of fact and conclusions of law if a recommendation is going to be made to the Court. If called upon, she also gives non-binding legal advice to judges about interpretation of the ethical rules that affect them. As

part of her other duties, Ms. Rix is involved in committees relevant to judicial ethics. She also participates in teaching new judges about the code of conduct and upon request, in continuing legal education programs.

Ms. Rix is a graduate of Loyola Law School and upon graduation worked as a law clerk for Justice James Dennis. After working in private practice for 13 years she came back to her original workplace and has been here since 1997.

Ms. Rix is also a painter. She paints with oils and loves to draw people. She has not been able to set her easel up on the sidewalk outside and paint the French Quarter as she would like, but she hopes to get back to her hobby when life slows down. δ

Houston Pro Se Conference

On February 1-3, the Law Library's very own Marie Erickson attended the American Judicature Institute's South Central Regional Pro Se Conference at the South Texas College of Law in Houston. Marie was the only lawyer-librarian Louisiana team member in a group which also included Judge Marc T. Ami of the 3d Circuit Court of Appeal, Judge Jerome E. Barbera III of the 17th Judicial District Court, Monty Mollere of the Louisiana State Bar Assn., and Jerald White, NOLAC's technical manager and an attorney.

The team presented a plan as part of their input at the conference. The plan included a request to the Supreme Court to revive the Louisiana Pro Bono

Task Force on Pro Se Litigation and, with the Court's permission, approach the Louisiana State Bar Association's House of Delegates and The Clerk of Court's association about our forms project. The team hopes to get everyone on board to produce a packet of forms for use by pro se litigants in family law matters, name change proceedings, uncontested succession proceedings, eviction proceedings, and in expungement in criminal cases.

Once the forms are developed and everyone concurs in their use, the plan is to make them available through Clerk's offices, on the Internet, and in public libraries and universities. The team also plans to prepare a training program for the Clerk of

Court's association to use for their employees if the association so desires.

Many parishes, court clerks, and nonprofit organizations already have websites with forms, but there is no statewide, uniform effort that can be coordinated with personal assistance in courthouses all over Louisiana and updated and expanded as necessary. Websites where the forms would be available so far include those of the Louisiana Pro Bono Project and the New Orleans Legal Assistance Corp.

Jerald White and Marie Erickson are in the process of drafting a sample form in case Judge Barbera wants to use it for a presentation. δ

Bobbleheads and *The Green Bag*

by Georgia Chadwick

Visitors to our library express delight when they see our collection of five United States Supreme Court justice bobbleheads placed on a shelf in our rare book room. This is an appropriate location for these collectibles because, as they say on late night television, they're not available in stores! The bobbleheads are only available from the *Green Bag*. We have the bobbleheads placed on the shelf so that they look down upon our complete run of the *Green Bag* on a shelf across the room.

The *Green Bag* is a law journal that was published from 1889-1914, and through the years the title page contained varying subtitles: "An Entertaining Magazine for Lawyers," "An Entertaining Magazine of the Law" and "A Useless but Entertaining Magazine for Lawyers". This journal was certainly entertaining in its time, and is even more so to modern readers considering the irony in these humorous and pleasantly informative articles from a century ago. One example among many is a brief comment written in 1914 by law student Leslie Childs entitled, "A Law Student's Criticism of the Case Method" in which he contends that the teaching method of having law students read numerous assigned cases to supplement a textbook was little more than training the student to memorize rather than to reason. Because students were spoon-fed the cases, they were not learning what they would need when they began to practice law, that is, the research skills to find cases relevant to the facts of a situation presented by a client.

An alternative title for Childs's article might have been "Learning to Use the Tools of the Trade: A Plea for Legal Research Instruction in Law Schools," although that would not have been the usual sort of witty title

most often found in the *Green Bag*. Mr. Childs goes on about the lack of students' research skills: "His not knowing the law that applies to a certain set of facts is not the sad feature in the situation, for that might happen to the most able practitioner, but the fact that he does not know where to look for the law is pathetic." Mr. Childs does not advocate dispensing with reading cases but rather that students should also learn how to use the books in the library by way of a course devoted to this end. He laments that in examining the course offerings of the leading law schools, none were offering a substantial course teaching students to use the essential tools of their trade. He found only a few offered a course tucked away at the end of a light term. Students were somehow expected to learn these skills on their own initiative or just by being around the books. Although he never uses the term "legal research" (I wonder if Fred Shapiro, editor of the recently published *Yale Book of Quotations*, knows the first instance of the use of this term), he declares: "The tools of the present day lawyer comprise a wonderful collection of digests, reports, text-books, and encyclopedias. The simple mechanics of these books is a study within itself, and no practitioner can hope to succeed without mastering them". Mr. Childs concludes by sharing that he himself has seen attorneys who have practiced law for years, enter the law library and be compelled to get instruction from the librarian on how to use the law books.

The *Green Bag* contained lawyers' poetry, book reviews, notes on recent cases, obituaries, and articles on various topics by leading lawyers and judges. Reading the index for the set is fun in itself. Series of articles were written on the history of state supreme courts, leading law schools in the country, and early

bar associations in various states. Unfortunately, an article about the early bar in Louisiana was never written. Nevertheless, a lawyer named Lamar Quintero of New Orleans wrote both a history of Tulane Law School and of the Louisiana Supreme Court. The *Green Bag* is a treasure trove of biographical information about lawyers, professors and judges from all over the world.

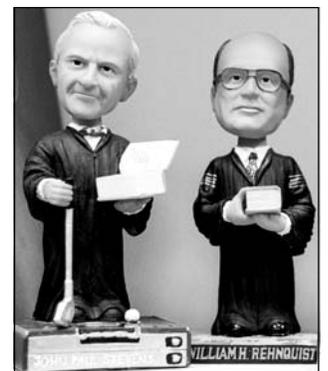
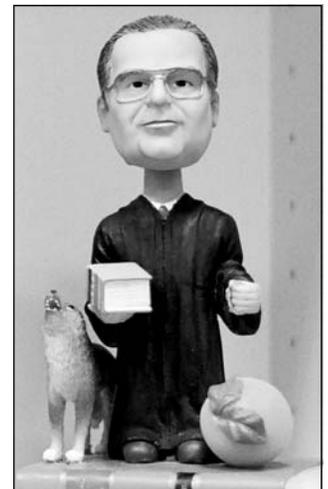
In 1997 a second series of the *Green Bag* was started by three lawyers who revered the old journal. Although it has been modernized, it still contains witty, entertaining articles. The editors offer this profile of the second series: "In the spirit of preferring substance over form, and style over its absence, we aim to serve both writers and readers. By providing material that is interesting yet brief, we endeavor to be a journal which is actually read, not merely placed on a shelf in the library for occasional reference." In our library the second series is on a shelf in our periodical room and is conveniently near our very comfortable and attractive reading area. The first series of the *Green Bag* is a bit brittle; so it is fortunate it is offered through our subscription to Hein On Line.

People often ask where the title the *Green Bag* originated? This is explained very well by Professor David P. Currie of the University of Chicago in the inaugural issue of the second series. Members of the legal profession carried their papers in green bags, and Professor Currie says: "The lawyer's green bag was a repository of knowledge, if you will; and so was its namesake, the *Green Bag*."

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Georgia Chadwick





Paul Baier

New Acquisitions

As always, the Law Library has received a number of new titles recently. Here are a few of interest:

Flamm, Richard E. *Judicial Disqualification: Recusal and Disqualification of Judges, 2nd Edition*. Berkley: Banks and Jordan Law Publishing Company, 2007.

Ross, Michael A. *Justice of Shattered Dreams: Samuel Freeman Miller and the Supreme Court during the Civil War Era*. Baton Rouge: Louisiana State University Press, 2003.

A four DVD set entitled *The Supreme Court* has just arrived. The set covers the history of the nation's highest court from its creation to modern times. Individual volume titles are:

1. One Nation Under Law
2. A New Kind of Justice
3. A Nation of Liberties
4. The Rehnquist Revolution

Professor and Playwright Paul R. Baier

by Miriam Childs

As did former Justice Hugo Black, Professor Baier carries a pocket version of the Constitution with him at all times. As he puts it, the United States Constitution "is life."

Constitutional Law Professor Paul R. Baier has been a faculty member of the LSU Paul M. Hebert Law Center since 1972. Since earning a JD *cum laude* from Harvard in 1969, he has maintained a keen interest in the personalities of individual United States Supreme Court Justices, as they shape the law by interpreting the Constitution from unique perspectives. This has led to his use of multimedia tools in his classroom because he believes that bringing the law and the Constitution to life through photos and the recorded words of outstanding Supreme Court Justices is the best pedagogical method for inspiring his students.

Professor Baier's accomplishments reflect a rich and varied career. He served as the executive director of the Louisiana Commission on the Bicentennial of the United States Constitution,

1987-1991, and is an active member of the Louisiana Supreme Court Historical Society. He was the Louisiana Bar Foundation's Scholar in Residence from 1990-1992, and the Foundation made him a fellow in 2004. He created the Louisiana State Bar Association's Bill of Rights section and is currently its Secretary/Treasurer. At the LSU Law Center, he is the George M. Armstrong, Jr. Professor of Law. While serving as the U.S. Supreme Court Fellow, Professor Baier wrote, narrated, and appeared in an award-winning film entitled *Supreme Court*, an ABA production that was screened in the U.S. Supreme Court building for more than a decade. He was the editor of *Mr. Justice and Mrs. Black: the Memoirs of Hugo L. Black and Elizabeth Black*, and he authored the *Pocket Constitutionalist*, now in its 5th edition. He has written numerous nationally published articles, and continues to research and write.

Paul Baier is also a published playwright. Professor Baier was inspired to write a play based on the life of U.S. Supreme Court Chief Justice Edward Douglass

White after Louisiana Supreme Court Justice Dixon asked him to pen an oration on the occasion of the unveiling of White's portrait at the Court. On March 8, 1997 (Oliver Wendell Holmes' birthday), "*Father Chief Justice*": *E. D. White and the Constitution* premiered at the Theater of the Jean Lafitte National Historical Park in Thibodaux, LA, where White was born.

White became Chief Justice in 1910 and Professor Baier wrote the play "to rescue White's life and accomplishments from the brink of obscurity," basing the play on judicial opinions and personal correspondence of both White and Oliver Wendell Holmes. Baier notes that although White was a Confederate during the Civil War, his court is known for having protected the voting rights of African-Americans during his tenure. Professor Baier hopes that the play can be performed in Washington, D.C. during the centennial of Justice White's elevation to Chief Justice in 2010. δ

Bobbleheads

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The editors of the second series of the *Green Bag* state clearly that not all subscribers will get all – or even any – of the bobbleheads they have produced and distributed to some fortunate subscribers and others such as law school public interest groups. Surely the modest cost of a subscription in no way covers the cost of the bobbleheads. When Justice Sandra Day O'Connor was at our court for the opening ceremonies for the building, she saw her bobble head on the shelf and smiled. I had checked the day before and saw one listed on Ebay for over \$250.

In the 1997 first issue of the second series, the very first article is by Professor Bob Berring of the Boalt Hall Law School at the University of California at Berkeley. He wrote a very chilling article about the profound publishing changes in legal information which would affect all in the legal profession. Berring discusses how lawyers have depended on West for over one hundred years for their coherently-arranged system of case-finding tools. But what stood out in this article is this quote echoing what Mr. Childs had written: "One byproduct of

this was that training in legal research has been done through osmosis. While a few schools have taken legal research training seriously, the historical record is a grim one. The rule of thumb is that the better the law school is, the worse its legal research training will be. The literature is full of articles bemoaning this situation, but precious little was ever done about it." Bobbleheads, do you hear Mr. Childs's words echoing? Justices Kennedy, O'Connor, Scalia, Stevens and Rehnquist are nodding their heads "yes." δ

PERIODICALS AND PERIODICAL RESEARCH IN THE LAW LIBRARY OF LOUISIANA

by Katie Nachod

To paraphrase Mark Twain's comparison between a cabbage and a cauliflower, a periodical is just a magazine with a college education. On the Law Library of Louisiana's information web page (<http://www.lasc.org/law-library-information.asp>), there is a description of our library's resources and services. The first sentence of the second paragraph states: "In addition to the law reviews of nearly all American law schools, the library subscribes to many bar journals and legal periodicals and newspapers devoted to a wide range of subjects." Having had the opportunity to peruse the rich collection of nearly 1000 periodicals during my four months working at the Reference Desk, I feel compelled to elaborate on that sentence and give you a taste of some of the riches to be found in this wonderful part of our collection.

Law schools around the country publish general academic law reviews, each issue of which contains student-edited articles on a wide range of topics. Some articles use creative titles to hook the reader. "Cite Unseen: How Neutral Citation and America's Law Schools Can Cure Our Strange Devotion to Bibliographical Orthodoxy and the Constriction of Open and Equal Access Law." (70 Albany Law Review 491, 2007) represents the trifecta of titles: a pun, flowery language, and inordinate length. Author Professor Ian Gallacher acknowledges that a discussion of legal bibliographic practices is not the most scintillating of subjects, but he argues that citation plays an important role in the American legal system.

Another title plays off the name of a Milan Kundera novel. "The Unbearable Lightness of

Batson: Mixed Motives and Discrimination in Jury Selection (66 Maryland Law Review 279, 2007), by Professor Russell D. Covey, explores the circumstances and constitutional aspects surrounding preemptory challenges of potential jurors that are based on a combination of proper and improper purposes. Two literary allusions appear in the article by Professor Randy Lee, "Who's Afraid of William Shakespeare?: Confronting Our Concepts of Justice and Mercy in *The Merchant of Venice* 32 *University of Dayton Law Review* 1, 2006." Professor Lee's entwining of law and literature and his exploration of the connection between justice and compassion is compelling and engaging, and he offers some valuable advice for attorneys who may find themselves in a position to offer mercy to a wayward colleague.

Some articles are relatively specialized and aimed at a particular audience, such as two in a recent New York academic law review issue. The first, "Professional Responsibilities of Law Firm Associates" by lawyer Douglas R. Richmond (45 *Brandeis Law Journal* 199, 2007), is a delineation of the hierarchies that exist within law firms, and of the components of the relationships between partners and associates. The second, "A Bar Review for Law Schools: Getting Students on Board to Pass Their Bar Exams" by legal instructor Denise Riebe (45 *Brandeis Law Journal* 269, 2007), provides a history of bar exams, addresses the problems of low bar passage rates at many law schools, and offers some ideas on the future of the bar exam.

Two articles in Western law reviews confound me as to who their audience might be, but I found their titles intriguing. "Grave Matters: The Ancient

Rights of the Graveyard" by Professor Alfred L. Brophy (2006 *Brigham Young University* 1469, 2006) delves into historical property issues in cemeteries, such as the right to exclude, the right of access, and the law surrounding sale of cemeteries. While comparing the statutes and case law of various states, Professor Brophy quotes from such renowned sources as Ralph Waldo Emerson, Oliver Wendell Holmes, and Pa Joad in *The Grapes of Wrath*.

The second such article is really more provocative than specialized, although it certainly falls into both categories. Animal rights professor Steven M. Wise has written "The Entitlement of Chimpanzees to the Common Law Writs of *Habeas Corpus* and *De Homine Replegiando*," which decries the fact that highly cognitive chimpanzees are classified as property and denied all legal rights. He compares their treatment to that of African slaves in the American colonies, and he argues that they and perhaps other cognitively complex nonhuman animals should be entitled to basic legal rights. Try to imagine how some of those trials would be carried out, with a chimp as the plaintiff!

I also ran across a number of recent law review articles on court-related issues. A New England law review devoted an entire issue to a symposium entitled "The Role of the Judge in the Twenty-First Century," (86 *Boston University* 1037 et seq., 2006), featuring seventeen articles by such eminent jurists and judicial scholars as Richard A. Posner, Erwin Chemerinsky, and Sanford Levinson. Professor Cass R. Sunstein wrote a piece on a rather unusual topic, entitled "Timing Controversial Decisions" (35 *Hofstra Law Review* 1, 2006), that raises the

question as to whether a court should delay a controversial ruling if an election is about to occur, and if the decision will likely affect its outcome. He cites several hypothetical situations where politics and justice come into conflict.

Another article has the rather incendiary title "Why Summary Judgment Is Unconstitutional" (93 *Virginia Law Review* 139, 2007). In it, Professor Suja A. Thomas takes what she acknowledges to be an almost heretical position that the commonly accepted practice of summary judgment fails to preserve a litigant's right to a jury trial under the Seventh Amendment. Another rather confrontational position is taken by law student Matthew B. Todd in a note entitled "Avoiding Judicial In-Activism: The Use of Legislative History to Determine Legislative Intent in Statutory Interpretation" (46 *Washburn Law Journal* 189, 2006). Starting with the premise that the core function of the judiciary is to determine what the law is, not what the law should be, he provides a historical overview of the use of legislative intent by courts and concludes that when the judges refuse to allow their decision-making to be guided by the intent of the legislative body, they are engaging in a form of impermissible judicial activism.

If you wish to read or make copies of any of the articles I have highlighted, please stop by or call the law library's Information Desk (504-310-2400) or Reference Desk (504-310-2515). If you are not in town, the law library's toll free number within Louisiana is 800-820-3038, or you can e-mail your request to the library from our web site, listed above in the first paragraph. Our library staff will be more than happy to help you find just what you need. **δ**

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LOUISIANA REVISED STATUTES: A FUNNY READ?

Just in case you think our Legislature is not hard at work, there are two official state songs (a sappy thing by Doralice Fontane called "Give Me Louisiana" and Jimmie Davis' lovely "You Are My Sunshine), in addition to a state march song ("Louisiana My Home Sweet Home," with awful lyrics by Sammie McKenzie and Lou Levoy and music by Castro Carzo), and – wait, I'm not done yet – a state environmental song ("The Gifts of the Earth" by Frances Le-Beau). Continuing in the musical vein, there is an official state musical instrument (the Cajun accordion). The Louisiana Senate even has an official Senate poem (called "Leadership!"), and there is a state cultural poem ("I Am Louisiana" by Paul Ott, and performed by Justin Wilson). The State judicial poem, which I am sure you recite before you begin work every day, is at R.S. 49:155.4. These are added to, and I am not making this up, our official state bird,

tree, mammal, fossil (it's petrified palmwood — I'm not kidding), gemstone, insect, dog, fruit (it's the strawberry, but the tomato folks put up a mighty battle, since tomatoes are biologically a fruit), crustacean, reptile, amphibian, drink (no it's not a daiquiri - it's milk!), jellies (there are two, because neither the cane jelly nor the mayhaw jelly proponents would give in), meat pie (!), freshwater fish, saltwater fish, painting, and (believe it or not) a tartan (check out R.S. 49:170.6 for a seven-line description of the rather complicated pattern).

The Legislature couldn't pass an act on this one, but a 1986 Concurrent House Resolution declared the beignet as our state doughnut. There is an official state vegetable plant (the creole tomato) and an official state vegetable (the sweet potato), and if you can explain the distinction between a vegetable plant and a vegetable (and never mind that thing about the tomato being a

fruit), then please enlighten me. There is also an official state cuisine (gumbo - I thought that was a dish rather than a cuisine, but what do I know?). And just when you think they couldn't get any wackier, there is an official Cajun and Creole heritage (comprised of hoop nets, cast-nets, and shrimp trawlers!), an official "Christmas in the Country" (held annually in the town of Elizabeth, Louisiana), an official Gateway to the Atchafalaya Basin (St. Mary Parish). If you want to mark your calendar, April 30 is Louisiana Day (not a legal holiday, but you are encouraged to celebrate the state on that day), the first week in June is the Official State Garden Week (go plant the state vegetable and vegetable plant!), and the last week of September is Native American Week.

If you want to check out more of this folderol for yourself, see R.S. 49:115 through 170.14. Read them and weep (or laugh). 8