

Supreme Court Sits at Centenary

Centenary College was the site March 1 where the Louisiana Supreme Court held court in Shreveport as part of an ongoing effort to educate and inform students and the general public about the work of the Court. The Court convened for morning and afternoon sessions for oral arguments on six pending cases.

The sessions were open to Caddo and Bossier Parish high school students, Centenary faculty and students, and to the public.

Justice Jeff Victory of Shreveport, who is an alumnus of Centenary, and President Kenneth L. Schwab jointly announced the convening of the Court at Centenary. "We are pleased and honored that the state Supreme Court held sessions at Centenary," Schwab said. "The last time they were here in this part of the state was in the 1980s, also on our campus. This program allows our students and our local citizens an opportunity they wouldn't otherwise have – to view our state's highest court at work."

Justice Victory said, "For several years, the Supreme Court has been periodically holding court in parishes other than Orleans Parish, where the Court is located. The goal is to provide area citizens with a snapshot of the volume, variety and complexity of the Court's caseload by bringing the Louisiana Supreme Court to them."

Justice Victory, who has served in all levels of the Louisiana judiciary, joined the Louisiana Supreme Court on Jan. 1, 1995. Before that, he was elected to the 2nd Circuit Court of Appeal, serving there beginning in 1991. He also formerly served in the 1st Judicial District Court of Caddo Parish for nine years. A native of Shreveport, Justice Victory earned a B.A. degree in history and government from Centenary in 1967 and his juris doctorate from Tulane University Law School in 1971. He chairs the Board of Governors of the Louisiana Judicial College, which provides continuing judicial education to all state judges.



(top) The Louisiana Supreme Court sat March 1 at the Marjorie Lyons Playhouse on the campus of Centenary College in Shreveport.

(bottom) Justice Jeffrey P. Victory of Shreveport meets with area students following the morning session.



C O R N E R

C O L L I N S



*Hugh M. Collins, Ph.D.
Judicial Administrator*

On Monday, May 17th 2004, the Louisiana Supreme Court will be open for business at our new address - 400 Royal Street in the historic French Quarter of New Orleans. With this long-awaited relocation to the newly renovated Royal Street courthouse comes the excitement of the Supreme Court returning to its former home and the joining together of the Supreme Court, the Office of the Judicial Administrator, the Law Library of Louisiana and the Court of Appeal, Fourth Circuit for the first time all under one roof. This change also means new contact information for all of the above, so for your information please note the following:

Supreme Court Clerk of Court Office
(504) 310-2300

Fourth Circuit Clerk of Court Office
(504) 412-6001

Office of the Judicial Administrator
(504) 310-2550

Law Library of Louisiana
(504) 310-2400

Community Relations Department
(504) 310-2588

For new mailing addresses, call the above numbers or visit the Louisiana Supreme Court's web site at www.lasc.org

The Children and Families Division, the Louisiana Drug Court Office and the Louisiana Protective Order Registry (LPOR) will keep their current phone numbers and will continue to receive mail at:

1555 Poydras St., Suite 1540
New Orleans, LA 70112

Individual e-mail addresses and Web address will remain the same.

Supreme Court Justices Take Part in Historic Day for Louisiana

Inauguration Day 2004 was a great day for women in Louisiana. Before a crowd of nearly 5,000 people, Catherine D. "Kitty" Kimball, the first woman elected to serve on the Louisiana Supreme Court was introduced by Bernette J. Johnson, the first African-American woman elected to serve on the Louisiana Supreme Court, to administer the oath of office in English to Kathleen B. Blanco, the first woman elected Governor of the State of Louisiana. To honor her Cajun roots, Blanco took a second oath in French administered by Louisiana Supreme Court Justice Jeannette T. Knoll.

Among the crowd, 19 year old Dominique Begnaud, perhaps summed it up best, "I think this makes it possible for any woman to be involved, to be a part of history."



Governor Kathleen Blanco takes the oath of office from Supreme Court Justice Catherine D. "Kitty" Kimball, administered in English. Photo by The Times-Picayune



Governor Kathleen Blanco takes the oath of office from Supreme Court Justice Jeannette Theriot Knoll, administered in French. Photo by The Daily Advertiser

Kimball Honored with Jake Hadley Award

Justice Catherine D. "Kitty" Kimball was presented the Alton E. "Jake" Hadley Award from the Louisiana Association of Drug Court Professionals at an awards ceremony which took place during the 2004 Louisiana Drug Court Conference in New Orleans. In accepting the award, Justice Kimball said, "Drug courts are doing great things for the people of the state of Louisiana. They encourage educational and personal betterment of participants whose lives have been stalled by the addictions they face. The Louisiana Supreme Court Drug Court Office is proud to take part in this growing and successful force in modern juris-

prudence which means a new beginning for so many." The award is given annually to the individual who displays the highest ideals and commitment to the Louisiana Drug Court movement.



Dr. Cary Heck, Louisiana Supreme Court Drug Court Office Program Director presents the Jake Hadley award to Justice Catherine D. "Kitty" Kimball.



Night Court Begins in Alexandria City Court

Alexandria City Court Judge Richard Starling, Jr. has reintroduced the concept of night court to Alexandria residents, in part to handle some of the more minor offenses which would normally clog the docket during daytime hours, and to afford citizens who must appear before the court the opportunity to do so without missing work.

“The intent with this session is to handle people with minor traffic offenses, some of whom work during the day,” said Starling. “It’s a six-month trial basis right now, but if people say we’re accommodating a need, we’ll certainly explore having this on a permanent basis.”

Judge Starling will hold night court every last Thursday of the month during this trial basis. He indicated that he will make efforts to accommodate citizens who must appear before the court and also those who may need a particular time due to any scheduling conflicts.

During the first night court session in January, 2004, 76 cases appeared on the docket with only 40 actually coming before the judge. According to reports, the average person was only in front of the judge for about a minute, choosing to plead guilty and accepting the court’s ruling without contest.



New Process May Aid Judicial System

Often times, divorce proceedings end up with much animosity and very little satisfaction between both divorcing spouses and between the parties and the court system. A new process gaining ground in Louisiana may help end those feelings.

The process, termed a Collaborative Divorce, aims to avoid bitter and emotionally draining court appearances and focuses on providing maximum protection to the interests of a family’s children.

Under this process, couples who file for divorce meet with their attorneys, mental health counselors, and a financial planner to discuss the terms of the divorce rather than place the burden of settlement on the court system.

“I’m very pleased with the results we are getting in Rapides Parish,” said 9th JDC Judge Ross Foote, who brought the process to Louisiana. “The creation of this process was driven by society, because the judicial system is not meeting the needs of divorcing couples.”

The process, which originated in Minnesota, allows each spouse a mental health professional to assist them through the emotional ordeal and to give advice that is best for everyone. If necessary, the court can also appoint a third mental health specialist to represent the children’s interests.

Couples who wish to settle their dispute in court can still do so, however it appears judges will give the program the opportunity to succeed.

“I believe this will be the way of the future,” said 24th JDC Judge Fredericka “Ricky” Wicker. “And I believe it will be given a great reception by the judiciary.”

CYBER COURTS

American Bar Association
(ABA) Commission
on the 50th Anniversary of
Brown v. Board

www.abanet.org/brown

Collaborative Divorce
www.collaborativedivorce.com

National Center for State
Courts (NCSC) E-Courts
Conference 2004

www.e-courts.org

National Center for State
Courts (NCSC)
Self Help Support Site

www.selfhelpsupport.org

INNOVATIONS



Brown v. Board of Education marks 50-year milestone

This year our nation celebrates the 50th anniversary of one of the U.S. Supreme Court's most important cases. The *Brown v. Board of Education of Topeka* case, decided May 17, 1954, changed civil rights in America forever when the Court ruled unanimously that racial segregation in public schools violated the Fourteenth Amendment to the Constitution, which says that no state may deny equal protection of the laws to any person within its jurisdiction. The 1954 decision, delivered by Chief Justice Earl Warren, declared that separate but equal facilities were inherently unequal. Based on a series of cases argued between 1938 and 1950, *Brown v. Board of Education of Topeka* completed the reversal of an earlier U.S. Supreme Court ruling (*Plessy v. Ferguson*, 1896) that permitted "separate but equal" public facilities. The 1954 decision was limited to public schools, but it was believed to imply that segregation was not permissible in other public facilities as well.

THE CASE

Linda Brown was an 8 year old black child who had to cross Topeka, Kansas to attend grade school, while her white friends were able to attend classes at a public school just a few blocks away. The Topeka school system was segregated on the basis of race, and under the separate but equal doctrine, this arrangement was acceptable and legal. Linda's parents sued in federal district court on the basis that separate facilities for blacks were inherently unequal. The lower courts agreed with the school system that if the facilities were equal, the child was being treated equally with whites as prescribed by the Fourteenth Amendment. The Browns and other families in the school system appealed to the U.S. Supreme Court that even facilities that were physically equal did not take into account "intangible" factors, and that segregation itself has a deleterious effect on the education of black children.

Their case was encouraged by the National Association For the Advancement of Colored People (NAACP) and was argued before the U.S. Supreme Court by Thurgood Marshall, who would later become the first African-American justice on the U.S. Supreme Court.



Brown v. Board of Education Re-Argued in Martinet Society Event



State and Federal Judges gathered to hear and participate in the re-argument of Brown v. Board of Education in Judge Ivan L.R. Lemelle's courtroom at the U.S. Fifth Circuit Court of Appeals. Presiding Judges were U.S. Fifth Circuit Court of Appeals Judge Carl E. Stewart; U.S. District Court for the Eastern District of Louisiana Chief Judge Helen G. Berrigan and Judges Ivan L.R. Lemelle and Carl J. Barbier; Louisiana Supreme Court Chief Justice Pascal F. Calogero, Jr. and Justices Bernette J. Johnson, Chet D. Traylor, Jeannette Theriot Knoll and John L. Weimer; Retired Supreme Court Justice Revius O. Ortiqne, Jr.; Louisiana Fourth Circuit Court of Appeal Judges Patricia R. Murray, Terri F. Love, Max N. Tobias, Jr., Edwin A. Lombard and Roland L. Belsome.

Law Day 2004 Theme Focuses on Brown

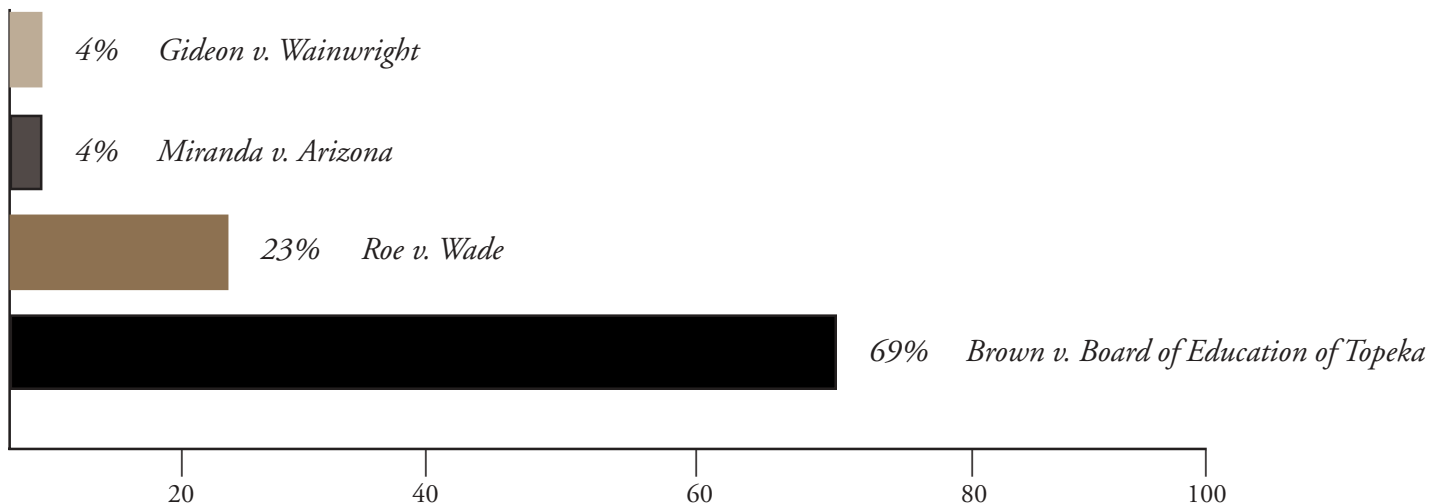




What Was The Most Historically Significant Decision Rendered by the U.S. Supreme Court During the 20th Century?

As we move through the 21st century, the importance of certain decisions rendered by the United States Supreme Court continue to evolve. In 2000, the Community Relations Department of the Louisiana Supreme Court asked judges throughout the state to reflect upon decisions of the U.S. Supreme Court. A survey questionnaire was sent to every judge in the state. Below is a listing of the most popular responses along with a sampling of explanations.

THE MOST HISTORICALLY SIGNIFICANT U.S. SUPREME COURT DECISIONS OF THE 20th CENTURY AS CHOSEN BY LOUISIANA JUDGES



Judges Speak on *Brown v. Board*

“*Brown v. Board of Education* changed the social and political landscape of America and raised the consciousness of a nation. It also significantly demonstrated the power and desirability of the judicial system to effect meaningful social change. That is a legitimate cognizable function of a court.”



Chief Judge Gene Thibodeaux
3rd Circuit Court of Appeal

“*Brown v. Board of Education* marked the foundation for civil rights and demonstrated that when the legislative and executive branch get caught in political stagnation, the courts have to step up to protect constitutional guarantees.”



Judge W. Ross Foote
9th Judicial District Court

“*Brown v. Board of Education* gave life to the post-Civil War amendments to the U.S. Constitution and provided the impetus for the great social changes of the 60’s and 70’s.”



Judge Luke LaVergne
East Baton Rouge Family Court



“*Brown v. Board of Education*. Results reached in other important cases, such as *Gideon*, *Roe v. Wade*, etc., already existed in many states and would have eventually in almost all. But the Supreme Court paved the way in *Brown* decades before it would have otherwise resulted in the states.”

Judge Paul Young
Caddo Juvenile Court



Judges Saloom, Olivier, Bonin Recognized for Courage to Live

Lafayette City Court Judge Douglas Saloom, First Parish Court of Jefferson Judge Rebecca Olivier, and New Orleans Traffic Court Judge Paul Bonin were recognized by the National Highway Traffic Safety Administration (NHTSA) and the National Judicial College (NJC) for their participation in a national campaign called **Courage to Live**. The College recognized the Louisiana version, entitled **Courage to Live Louisiana** as the outstanding State program for the year 2003. In October of this year, Judge Saloom attended a conference at the National Judicial Conference where he presented a summary of the Louisiana program to other judges from around the country and received the Award on behalf of the **Courage to Live Louisiana** team.

The goal for the **Courage to Live Louisiana** program was to provide a no use alcohol message and impaired driving prevention program to eighth grade students from diverse geographic and economic populations, utilizing a trained group of high school facilitators. Forty-one adults and students from seventeen high schools, representing the ten parishes of East Baton Rouge, DeSoto, Grant, Lafayette, Natchitoches, Ouachita, Pointe Coupee, Rapides, St.

Justices Calogero, Weimer take part in RIF Challenge



Louisiana Supreme Court Chief Justice Pascal F. Calogero, Jr. (right) was the main reader for the day at Thibodaux Elementary School for the "Read with Me: The 2004 Reading is Fundamental Community Reading Challenge." Joining Chief Justice Calogero was Justice John L. Weimer (left), a Thibodaux native. "It was so thoroughly enjoyable to be able to come and share with the young people here in Thibodaux," said Chief Justice Calogero. "The students were so well behaved and eager to learn." Photo by Eloria James



Judge Karl B. Grube of Florida, Lead Faculty of Courage to Live Conference; Judge Robin Smith of Texas, Current NHTSA Judicial Fellow; MaryAnne Aguirre of Nevada, NJC Program Attorney and Co-Founder of Courage to Live program; Lafayette City Court Judge Douglas J. Saloom, Co-chair of the "Courage to Live Louisiana" team; and Brian Chodrow of Washington, D.C., NHTSA Program Manager.

Martin, and West Feliciana attended the **Courage to Live** "Train the Trainer" planning session and were asked to implement at least one middle school program in their area by September 30, 2002. Approximately 900 students at eleven middle schools were reached using the **Courage to Live** model.

Serbian Judges, Government Officials Visit



Louisiana Supreme Court Clerk of Court John T. Olivier and Deputy Judicial Administrator/General Counsel Tim Averill and Al Dittmann (General Counsel's Office) meet with Serbian Supreme Court Judge Vesna Begovic, Deputy Prime Minister Ivan Djordjevic, Criminal Trial Judge Miodrag Majic, and Vesna Rackovic and Marijana Trifunovic of the Ministry of Justice. The officials visited the Louisiana Supreme Court to learn about the state's legal system, criminal procedure, campaign oversight, permanent disbarment of attorneys, judicial misconduct and discipline, judicial elections and the plea bargaining process.



Pillar of the Community: First Circuit Creates Records Display

The **First Circuit Court of Appeal** has developed a new public display of its minute books according to **Chief Judge Burrell J. Carter**. The books, dating from 1880 through 1922, were preserved and protected thanks to the work of Executive Assistant Clerk Barbara Bucklin.

Prior to the preservation effort, the Court's complete records of its proceedings from 1880 through 1921 were contained in one minute book. For the display, the records were divided between two books in order to effectively bind and protect the materials. The Court's other historical books dating from 1923 forward have also been preserved, although not encapsulated for public display. They are available for public viewing, however, in the Court's library.

Through the books, users are able to follow the history of the First Circuit Court of Appeal. In 1879, parts of the First Circuit's district, including the Florida parishes and those



1st Circuit Court of Appeal Chief Judge Burrell J. Carter and Executive Assistant Clerk Barbara Bucklin with the two new public displays of minute books dating from 1880 through 1922.

Photo by Wilson Grice

around the Baton Rouge area, were part of the Fourth Circuit Court of Appeal. The original minute book was divided to reflect the period from 1880 through 1906 when the area now covered by the First Circuit was included in the Fourth Circuit's jurisdiction.

Following several amendments to the Louisiana Constitution, the State of Louisiana (with the exception of The Court of Appeal for the Parish of Orleans) was divided into two circuits.

The second book contains the complete record of the proceedings and rulings from 1907 through 1922 of the reconfigured First Circuit Court of Appeal, which roughly consisted of all parishes in the southern half of the state except for the seven parishes included in the jurisdiction of The Court of Appeal for the Parish of Orleans. Future constitutional amendments shaped the Courts of Appeal into the more familiar districts known today.

LSU Law Students Argue Case at First Circuit

Nine students from LSU Law Center had the opportunity to hold a mock trial in the courtroom of the First Circuit Court of Appeal, hearing oral arguments on *Lawrence v. Texas*, the well-publicized Texas sodomy case.

Students from Professor Paul R. Baier's LSU Law Center class took active roles in the argument, with two students acting as lawyers representing each side of the argument who tried their case before seven of their classmates serving as "justices."

The students used the actual briefs submitted to the U.S. Supreme Court in their arguments. Following the hearing, the "justices" voted 6-3 to declare Texas' sodomy law unconstitutional. Two days later, the U.S. Supreme Court reached the same conclusion by the same vote. First Circuit Chief Judge Burrell J. Carter expressed his thoughts on the exercise.

"I am always pleased to welcome Professor Baier and his classes to the First Circuit Courthouse to provide the opportunity for law students to experience the appellate process firsthand," said Chief Judge Carter.



*Students from LSU Law Center pose with their teacher, Professor Paul R. Baier, in the courtroom of the First Circuit Court of Appeal after holding a mock trial on *Lawrence v. Texas*.*

Photo by Scott Carmouche



IPSO FACTO... 106 Year Old Courthouse Saved From Fire

On Sunday, February 1, 2004, at 4:30 a.m. 2nd City Court Judge Mary "KK" Norman got a call that no judge wants to hear...a fire had broken out at the Algiers Courthouse where she presides. Fortunately, after the shock the news was mostly good. No one was hurt and no court records were lost. Firefighters had arrived quickly and they brought the fire under control, saving the courthouse that has been the focus of preservation efforts for many years.



IT'S A FACT

It wasn't the court fire alarm that summoned firefighters to the historic courthouse but rather Ozzy the barking dog. Ozzy, a cockapoo, jumped on his master's chest and woke him up with his loud barking... not once but twice. When his owner, Ray Wheelington, got up he saw the heavy black smoke pouring out of the Algiers courthouse and made the call to the Fire Department that saved the courthouse, but he credits Ozzy for saving the day.

Photo by Walt Pierce

YOUR HONORS

■ Orleans Parish Criminal Court Judge **Arthur Hunter, Jr.** has been awarded the Diploma of Judicial Skills and the Diploma of Humanities and Judging from the American Academy of Judicial Education (AAJE). According to the AAJE, Judge Hunter is the first Louisiana judge to receive both diplomas.

■ 19th JDC Judge **William A. Morvant** was elected President of Family Service of Greater Baton Rouge.

■ 24th JDC Chief Judge **Melvin Zeno** was named to the board of The Pro Bono Project.

■ The Hammond City Council unanimously voted to rename the city's Criminal Justice Building the **Leon Ford III Memorial Justice Building** in honor of the former city and state district court judge who passed away in January. The mayor of Hammond also recommended the change prior to the City Council's vote.

■ Louisiana Supreme Court Chief Justice **Pascal F. Calogero, Jr.** and Texas Supreme Court Chief Justice **Tom Phillips** were joined by U.S. Supreme Court Justice **Antonin Scalia** and other speakers at the "Judicial Independence and Accountability" seminar sponsored by the Tulane University Law School and the Judicial Excellence Foundation.

■ Judge **Joan Bernard Armstrong** was named Chief Judge of the Louisiana Fourth Circuit Court of Appeal, becoming the first woman and the first African-American to serve as Chief Judge of a Louisiana appellate court.

■ Judge **Calvin Johnson** was named Chief Judge of Orleans Parish Criminal District Court, making him the first African-American to serve as Chief Judge.

■ Retired Crowley City Court Judge **Reggie** and Retired Fourth Circuit Court of Appeal Judge **Moon Landrieu** were inducted into the Louisiana Political Hall of Fame.

■ Retired First Circuit Court of Appeal Judge and Southern University Law Center Chancellor **Freddie Pitcher, Jr.** was selected by the Baton Rouge Region of the National Conference for Community and Justice (NCCJ) as a recipient of the 42nd Annual Brotherhood Award.

■ 19th JDC Judge **Curtis Calloway** was inducted into the Southern University Law Center Alumni Association Hall of Fame.

Calogero, Landrieu Honored by LSBA



(from left) Louisiana Supreme Court Chief Justice Pascal F. Calogero, Jr. and retired Judge Moon Landrieu are recognized by Louisiana State Bar Association (LSBA) President Wayne J. Lee (right) for their 50th year as members of the LSBA.

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(504) 599-0319

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