



# *History of the Louisiana Bar: Kingfish's Legacy?*



Huey P. Long. Portrait File, Louisiana Research Collection, Tulane University. Used with permission.

By E. Phelps Gay

**A**dmission to the bar, codes of professional conduct, continuing education, discipline, court rules, client protection, pro bono service, laws affecting the administration of justice, communication and collegiality among members of the bar and the judiciary — all important issues facing the legal profession. Yet a look back through the history of the Louisiana Bar reveals the not-so-surprising fact that they have always been with us.



From one perspective, I suppose this means these problems have never been “solved;” from another, it suggests they will (and should) always remain matters of concern to those who care about the legal profession and the public we serve. Verily, there is nothing new under the sun.

So how did it all start?

As far as the Louisiana State Bar Association (LSBA) is concerned, on July 9, 1940, Gov. Sam Houston Jones signed a law that “memorialized” the Supreme Court of Louisiana “to create an Association to be known as the Louisiana State Bar Association, which Association shall be self-governing and may be organized as a corporation upon complying with the general corporation laws of this state.”<sup>1</sup>

The Supreme Court thereafter created an advisory committee to help organize the LSBA. Chaired by Shreveport’s Pike Hall, who has a fair claim to be called the Father of the Modern Bar, the committee submitted proposed Articles of Incorporation in February 1941. On March 12, 1941, the Court issued an Order formally creating the Louisiana State Bar Association. A week later, the Court appointed the Bar’s first Board of Governors.<sup>2</sup>

But events occurring over the six or seven years leading up to the Bar’s creation tell a more dramatic and colorful story of Louisiana history — one suitably laced with political and judicial intrigue, inevitably starring the irrepressible Huey Pierce Long.

To go way back, in 1847 several New Orleans attorneys formed their own Law Association. In 1855, they incorporated themselves under a statute encouraging private citizens to form “literary, educational, or charitable bodies.” Similar associations were springing up around the country during the first half of the 19th century. The New Orleans group’s purpose was to establish a law library and to “promote the interest, integrity and honor of the Bar of New Orleans.”<sup>3</sup>

According to historian Dr. Warren M. Billings, this newly-formed law society succeeded in accumulating a substantial library. Its members “strove diligently to ingratiate themselves with the Supreme Court of Louisiana.” In turn, the Court



Program from 1899 Louisiana Bar Association Annual Dinner. New York Public Library. <http://menus.nypl.org/menus/21559/explore>

“habitually sought the advice of association members in setting standards for legal education or in devising procedural rules.” Certain members of this voluntary association screened prospects for the bar examination, administered by the Court. The association also “actively touted candidates for judicial office in openly partisan ways.”<sup>4</sup>

By all accounts, the New Orleans Law Association consisted of an “elite” group of lawyers, including luminaries like Judah Benjamin, Pierre Soulé, John R. Grymes and Christian Roselius. It did not seek to recruit every attorney in New Orleans or around the state, nor did it purport to “speak for the entire practicing bar on any issue, political or professional.”<sup>5</sup>

After the Civil War, lawyers across the country began to abandon these private groups, opting instead to create bar associations which would openly advocate on issues of professional concern. This movement started in New York City and spread throughout the Northeast and Midwest. Eventually, its “main engine” became the American Bar Association (ABA). Found-



Henry Plauché Dart. Provided by Louisiana Supreme Court.

ed in 1878 in Saratoga, N.Y., by Connecticut attorney Simeon E. Baldwin and 74 other lawyers, the ABA encouraged the “translation of state and local bar associations from social clubs into bodies that lobbied Congress, state legislatures, and courts in behalf of lawyers’ vocational interests.” It sought “to set universal standards for admission to the bar, legal education, the ethics of practice, and law reform.”<sup>6</sup> Under this vision, legal education would be modernized into a “science,” and a degree from a university-based law school would become a prerequisite for practicing law, as the country moved from an agrarian to an industrial economy.<sup>7</sup> Here it may be worth remembering that, during the 19th century, many of our best lawyers and judges, like John Marshall, Daniel Webster and Abraham Lincoln, either didn’t finish or never went to law school.

By the late 19th century, the old New Orleans Law Association had fallen on hard times. As prominent lawyers like Henry Plauché Dart, Thomas Jenkins Semmes and William Wirt Howe joined the ABA (Semmes and Howe served as ABA presidents) and supported its goals, membership in the Law Association declined. Its library sat in “squalid quarters near the roof” of the New Orleans courthouse. By the time Dart became president of the Law Association, it was in need of resuscitation. With help from Semmes and Howe, Dart revamped the organization, so that it re-emerged in 1899 as the Louisiana Bar Association (LBA).<sup>8</sup>

Then as now, the bar association was located in New Orleans. Any lawyer “in good standing” was eligible for either “full” or a “library” membership, assuming that lawyer received a favorable vote on his nomination. As an example of how some issues never go away but simply resurface in different contexts, the corporate charter of the LBA committed the association to induce the authorities to “provide a proper courthouse in the city of New Orleans.”<sup>9</sup>



Tracking ABA goals, the LBA charter included a code of ethics.<sup>10</sup> It also called upon lawyers to improve legal education, raise admission requirements, and assist in the trial and punishment of misbehaving lawyers.<sup>11</sup> In 1929, the LBA changed its name to the Louisiana State Bar Association to “emphasize the state-wide character of the Association.”<sup>12</sup>

Dart “perceived the LBA code of ethics as applying to all Louisiana lawyers,” even non-members of the LBA. Although not legislatively authorized, Dart persuaded the Louisiana Supreme Court, pursuant to its rule-making authority, to grant power to the LBA to discipline attorneys who failed to meet the code’s standards.<sup>13</sup> Thus, a voluntary Bar Association asserted control over the entire bar. The LBA board of examiners could determine who would or would not become a lawyer. During the 1920s, the Bar’s Committee on Legal Education suggested to the high court that a law school diploma should be required for admission to practice, a view unsurprisingly endorsed by the deans of Tulane and LSU law schools.<sup>14</sup>

Supported in part by the LBA, the Beaux Arts court building at 400 Royal St. in New Orleans opened for business in 1910. Inside, space was reserved for the LBA and its valuable law library, fulfilling a dream of Dart’s. Historian Billings notes that a private organization thus obtained housing in a publicly-funded building. The LBA backed candidates for judicial office and sought to exert its influence during the 1913 and 1921 constitutional conventions.

As one might expect, certain Louisiana lawyers began to mistrust the LBA. Country attorneys, in particular, “suspected the motives of a society whose members were overwhelmingly New Orleanians,” and many chose not to become members.<sup>15</sup> During this period, the idea of an “integrated bar” began to take root across the nation. Designed to foster greater comity among attorneys, integrated bars were heavily promoted by the American Judicature Society, which drafted a model bill. In contrast to a voluntary group of “elites,” the integrated bar would be a single, statutorily-

empowered, statewide entity to which every attorney must belong. In Louisiana, the issue came up during the Bar’s Annual Meeting in 1929. Although certain bar leaders like Walker B. Spencer supported it, on the whole, the LBA was “slow to heed the call.”<sup>16</sup>

We turn now to the summer of 1934. Winston Overton of Lake Charles, associate justice of the Louisiana Supreme Court and older brother of U.S. Sen. John Overton, was “locked in a strenuous bid to hold his seat and to keep Senator Huey P. Long master of the Louisiana Supreme Court.”<sup>17</sup> Overton’s opponent was Thomas F. Porter, Jr., a Yale Law School graduate, respected judge on the 14th Judicial District Court, and no friend of the Kingfish. Porter considered Long a dangerous dictator. The ill feeling was apparently mutual, Long having once said of Porter: “If I owned a whorehouse, I wouldn’t let him pimp for me.”<sup>18</sup>

Things began to go awry on Sept. 9, 1934, when the 64-year-old Overton suffered a cerebral hemorrhage and died. The primary election for associate justice went forward as scheduled two days later, with Judge Porter winning by a margin of two to one. T. Arthur Edwards, Executive Committee chairman of the Democratic Party in the 3rd Supreme Court District, pronounced that Justice Overton’s “lamented death” was tantamount to a withdrawal or disqualification, and, therefore, Judge Porter would be certified at a meeting on Sept. 15 as the party’s nominee for the Louisiana Supreme Court.<sup>19</sup>

Into the breach stepped Sen. Huey P. Long, who, as we know, did not stop running things in Louisiana merely because he now held forth in the halls of Congress. Bent on stopping Porter’s ascension to the high court, Huey wasted no time.

He asked his supporters on the 3rd District Executive Committee to solicit an opinion from Attorney General Gaston L. Porterie on the validity of Porter’s election. Porterie, it should be noted, had been expelled from the LSBA a year earlier on grounds that he had improperly supplanted Orleans Parish District Attorney Eugene Stanley in order to prevent prosecution of certain Long supporters charged with election fraud.<sup>20</sup> Thus, there was no love lost between Attorney General Porterie and the LSBA.

Upon due consideration, Porterie concluded that because Winston Overton had died only 36 hours before voters went to the polls, the election was invalid. A new election had to be held. This opinion conveniently overlooked a statute providing that if a candidate died within seven days of the primary, the remaining candidate would win the nomination.<sup>21</sup>

Thereafter, the Kingfish maneuvered to replace T. Arthur Edwards as chair of the 3rd District Executive Committee, and, during its meeting on Sept. 15, the new chairman, a staunch Longite, called upon Attorney General Porterie, who explained that nominating Judge Porter under these circumstances would be illegal. The committee voted to schedule a new primary election for the associate justice position on Oct. 9. Judge Porter, having shown up at the meeting



**Winston Overton.** *Provided by Louisiana Supreme Court.*



**Thomas F. Porter, Jr.** *Provided by Louisiana Supreme Court.*



**Gaston L. Porterie.** *Provided by Louisiana Supreme Court.*



to watch himself be nominated, “now realized the trap that had been prepared for him.”<sup>22</sup> Livid, and recognizing that in a second primary election he would have to face Huey’s handpicked candidate, Lt. Gov. John B. Fournet, Porter jumped up on a chair and protested vehemently. Long leveled a finger at him and shouted: “You’re afraid to face the people!”<sup>23</sup>

Judge Porter decided to take his case to court. Given the law, he thought, no reasonable jurist could rule against him.

Who were the eminent lawyers lined up on Judge Porter’s side? They included U.A. Bell of Lake Charles, president of the Louisiana State Bar Association, and other Bar leaders like Luther E. Hall, Joseph W. Carroll, P.G. Borron, C.F. Hardin and T. Arthur Edwards.<sup>24</sup>

On Sept. 25, despite a plea from Attorney General Porterie to “let the people participate and select their candidate,” East Baton Rouge Parish district Judge W. Carruth Jones ruled in favor of Porter, enjoining a second primary election. Judge Jones asked: “Is it fair to make the man who made a campaign make it all over again with different candidates and different issues?”<sup>25</sup> Plainly not.

Porterie immediately appealed to the Louisiana Supreme Court. He directed his prayer for relief to three pro-Long justices: Hamey F. Brunot, John R. Land and Archibald T. Higgins. They promptly granted a writ of *certiorari* and suspended Judge Jones’ ruling until a hearing could be held. Not necessarily unusual in a fast-moving, high-profile case, but there was a catch: the justices set the return date on the writ for Nov. 26, 1934 — six weeks after the primary election would be held on Oct. 9, and three weeks after the general election!<sup>26</sup>

Dissenting, Chief Justice Charles O’Niell observed “the granting of the order

staying further proceedings in this case will result in depriving Judge Porter of his nomination, and of the office to which he aspires, no matter how the court may eventually decide the case on its merits.”<sup>27</sup>

Sure enough, with Long’s support, John B. Fournet defeated Porter in the Oct. 9 primary election.<sup>28</sup> Attorney General Porterie then moved to dismiss Judge Porter’s case pending in the Supreme Court as moot. Motion granted. Case closed. Huey triumphs again.

Here is where the old voluntary LSBA comes in. Upset about this turn of events, on Oct. 19, 1934, eight of its members lodged a complaint with the LSBA Executive Committee seeking to remove from association membership the three Supreme Court justices — Brunot, Land and Higgins — who, they contended, had unfairly denied Judge Porter a timely hearing. Because those justices had violated their oath of office, they were “unfit to remain members of this Association . . . .”<sup>29</sup>

Although this complaint would be dismissed by the Executive Committee in April 1935,<sup>30</sup> the fact that it was filed, together with the Bar’s earlier expulsion of Gaston Porterie, apparently energized the Long forces into taking retaliatory action against both the voluntary LSBA and the Louisiana Supreme Court.<sup>31</sup>

On Nov. 12, 1934, Long’s successor, Gov. Oscar K. Allen, called the Legislature into special session. Forty-four bills were introduced, every one of them designed to increase the power of the Long organization over its enemies. One measure, according to biographer T. Harry Williams, was introduced out of “pure spite.” It sought to create a brand new bar association, a public corporation to be known as the State Bar of Louisiana (SBL). The State Bar Act<sup>32</sup> compelled every licensed attorney to be-

come a dues-paying member. Reflecting the Kingfish’s desire for control, it created a governing board “unique in the history of legal organizations.” Members of the SBL board, although initially appointed by the governor, would thereafter be elected not by the lawyers residing in each congressional district, but by the entire voting public!<sup>33</sup>

In perhaps a special dig at LSBA leadership, the Act provided that candidates who ran for the SBL’s Board of Governors would be required to file an affidavit listing the names of any private corporations which had employed them during the preceding five years and the amount of money received as a result.<sup>34</sup> Another provision directed the new SBL not to prescribe for admission to the bar “a higher general educational qualification than a high school course or the equivalent thereof.”<sup>35</sup>

Extraordinary powers were granted to the SBL’s board, including the power to regulate admissions, determine standards for legal education, promulgate rules of professional conduct, and punish lawyers who violated the rules. The law effectively (and, many observed, unconstitutionally) diminished the role of the Louisiana Supreme Court in regulating the legal profession, and it “severed the tie” between the court and the voluntary LSBA.<sup>36</sup>

As for spite, Williams writes that the new State Bar Act was “aimed at the state bar association for expelling Attorney General Porterie during his controversy with Eugene Stanley.”<sup>37</sup> Historian Billings suggests the law’s passage was also “payback” for the LSBA Executive Committee’s complaint against the three pro-Long justices who had denied Judge Porter a hearing in his election suit.<sup>38</sup> It seems likely both factors came into play.

So, who became the first president of this new Huey Long-created, integrated State Bar of Louisiana? Attorney General Gaston L. Porterie.

Commenting on the new association, Porterie said it would prevent lawyers from “one part of our State” from controlling the rest. The overall intent of the law, according to Billings, was to “demolish” the LSBA and marginalize



Oscar K. Allen. Photo in public domain.



John B. Fournet. Provided by Louisiana Supreme Court.



Huey Long's opponents on the Louisiana Supreme Court. As it happened, things did not quite play out that way.

Surviving records of the SBL from 1934 to 1940 can be found in one Annual Report and in a collection of board minutes maintained at the current Louisiana Bar Center. The SBL held its first, and apparently only, annual meeting at the Heidelberg Hotel in Baton Rouge on Nov. 1-2, 1935. Hermann Moyses of the Baton Rouge Bar welcomed attendees with this comment: "I sincerely feel that an integrated bar, of which every practitioner must be a member, is a blessing both to the lawyers themselves and to the people of the state; for the life and happiness of virtually every citizen depends in part on the integrity of the bench and bar." Leon O'Quin of Shreveport observed that "Louisiana is now with the more progressive states in having a permanent integrated Bar." O'Quin praised the "democratization" of the bar through integration and the benefits to be derived from the "mass mind" of the profession.<sup>39</sup>

The SBL's first vice president, Hugh Wilkinson of New Orleans, delivered a eulogy for Huey Long, who had just been assassinated. "One of his monuments," Wilkinson said, "will be the incorporation of the state bar, a form of organization in keeping with the most advanced thought, sought after for many years by the leaders of the profession in Louisiana, and finally accomplished about one year before his death . . ."<sup>40</sup>

SBL board minutes show that on Dec. 27, 1934, membership fees were fixed at \$3 per year.<sup>41</sup> In January 1935, the board decided to hold its first bar exam; in March, the minutes reflect that 41 applicants for admission passed, while 37 failed. The board established a "disbarment committee" consisting of three people. Many of these meetings were held either in the State Capitol or in Hugh Wilkinson's New Orleans office, with seven to nine members attending. Mostly, they record routine matters, such as who took, passed or failed the bar exam (often identifying those persons by name). In March 1936, Gaston Porterie stepped down as president,

replaced by Wilkinson.<sup>42</sup> Disciplinary charges came up at several meetings, and, during one meeting, the SBL board wrestled with allegations of cheating on the bar exam.

In 1938, David M. Ellison took over as president of the SBL.<sup>43</sup> The next year, he was replaced by Warren W. Comish of Pontchartroula, who later served as a judge on the 21st Judicial District Court. Minutes show that certain board members kept suggesting the SBL hold another annual meeting, but so far as I can tell this never happened. Historian Billings characterizes the SBL as having largely failed to carry out its mission.<sup>44</sup>

Meanwhile, the voluntary LSBA did not go gently into that good night. Although forced to remove its offices and cherished library from the Royal Street court building, it continued to meet and to enjoy the support of Chief Justice Charles O'Niell. It apparently used its ties with the ABA to prevent the national organization from recognizing the SBL.<sup>45</sup> In December 1934, editors of the *ABA Journal* frowned upon Louisiana's "plan to make a political body out of the State Bar Board."<sup>46</sup>

The American Judicature Society also condemned creation of the SBL. In 1935, it noted that "even the numerous members of the profession who favored bar integration by statute will be affronted by an act which is designed to confer bar management and control upon political leaders or factions — the obvious intent when the

selection of members of the governing board is relegated to ordinary popular election methods."<sup>47</sup>

Undeterred and unapologetic, in April 1935, the LSBA held its annual convention at the Hotel Bentley in Alexandria, U.A. Bell presiding. Calling the SBL a "pseudo-organization," former President Zach Spearing of New Orleans rhetorically asked whether the LSBA would submit to "being destroyed" by the new State Bar. His answer: "No, no, a thousand times, no. I would rather be dead than say yes."<sup>48</sup>

Reporting for the LSBA Committee on Integrating the Bar, Walker B. Spencer said its members had reached no conclusion yet "as to the wisdom or desirability of an incorporated Bar."

But he denounced the State Bar Act as an unconstitutional "invasion of the right of the judiciary to regulate and control admissions." Monte M. Lemann of New Orleans offered a resolution expressing the Association's disapproval of the State Bar Act. It passed unanimously.<sup>49</sup>

However, during the 1936 meeting in Monroe, the tone seemed to change. LSBA President John D. Miller expressed "the hope of most, if not all, of us that we will have in this State an integrated bar whose officers will be selected by and responsible to its members."

There was, he added, "good reason to anticipate the early realization of that hope."

The Committee on Integration of the Bar recommended creation of a new self-governing Bar, subject to the control of the Supreme Court, in which every lawyer in the state should be a member.

Reports from the next two LSBA presidents, Robert E. Brumby of Lafayette (1936-37)



**U.A. Bell.** Photo provided by Louisiana State Bar Association archives.



**John D. Miller.** Photo provided by Louisiana State Bar Association archives.



**Eugene Stanley.** Photo provided by Louisiana State Bar Association archives.



and Monte M. Lemann of New Orleans (1937-38), suggest further movement toward reconciliation between the two Bars, with widespread support for abolishing election of board members by the public. In 1939, LSBA President Charles V. Porter of Baton Rouge, after lamenting the Association's troubled financial condition and the need to sell off its library, said, "There is no serious objection to an integrated bar." Legislative efforts to amend the State Bar Act, however, had apparently been rebuffed by "the dominant political faction."<sup>50</sup>

According to Billings, during the late 1930s, while the two bar associations competed, "behind the scenes younger members of both societies worked quietly to effect a merger between them."<sup>51</sup> By April 1940, at its Annual Meeting in Shreveport, LSBA President Eugene Stanley (the aforementioned district attorney, who became the state's attorney general) presented a resolution, adopted by the Executive Committee, to repeal the State Bar Act. That Act, it said, had weakened, if not destroyed, the constitutional power of the Supreme Court to regulate the Bar and to control admissions and discipline. During the preceding five years, the SBL "has never properly functioned," and it "lacks the support and approval of the profession as a whole." The SBL had failed to submit a record of its revenues and disbursements as required, and its inactivity in matters of attorney discipline "was flagrant." Not surprisingly, the resolution passed unanimously.<sup>52</sup>

Along with the resolution to repeal the State Bar Act, Benjamin Taylor of Baton Rouge, on behalf of what was then called the Junior Bar, read a proposed bill to integrate the Louisiana Bar.<sup>53</sup> The assembled members passed a

resolution to present this bill to the Legislature, and, thereafter, the Legislature adopted Act 54 of 1940. LSBA members then worked cooperatively with the Supreme Court to create the new integrated Bar.<sup>54</sup>



**Monte M. Lemann.** Photo provided by Louisiana State Bar Association archives.

The final meeting of the voluntary LSBA was held in Lake Charles on April 18, 1941, Pike Hall presiding. Since the Court had just created the new LSBA, the old organization was to be liquidated. No doubt reflecting the sentiments of the established bar, Hall concluded: "I don't think I could be human and preside at this occasion and not feel . . . in the deepest way that one of the greatest institutions that has ever been created in our



**Pike Hall.** Provided by Louisiana Supreme Court.

State has now achieved a new purpose, has brought about a new thing, has fought the good fight, and has done a splendid job, and has preserved unimpaired and unsmudged the record of the lawyers of this State, and will always remain one of the finest things in the tradition of the legal profession of Louisiana."<sup>55</sup>

Having phased out one organization, in the next moment Hall presided over the first Annual Meeting of the newly-formed LSBA, with LeDoux Provosty of Alexandria serving as vice president and St. Clair Adams of New Orleans as secretary-treasurer. Hall was particularly pleased that bar leaders would henceforth be chosen by lawyers, not the public at large. Associate Justice Wynne A. Rogers of the Louisiana Supreme Court was on hand to express support for the integrated bar, observing that the voluntary Bar Association never enjoyed more than one-sixth of the bar membership. Although the court would supervise the new Bar's operations, "the members of the court feel it is your Association."<sup>56</sup>

Annual dues were set at \$5 for senior

members, \$3 for those admitted less than three years. Hall expected about 2,370 lawyers to register with the Association, of which 200 would be inactive. The Bar's charter, he noted, could be amended by majority vote of the state's lawyers, which remains true today. Going forward, Hall said, "The great learned profession of this state will express itself in unison."<sup>57</sup>

Reform Gov. Sam Houston Jones, who disapproved of the power wielded by the Long machine in the 1930s and whose election no doubt contributed significantly to these events, expressed elation at the creation of the new Bar. "Through the tumult and the chaos," he said, "has come a finer Louisiana State Bar Association." Envisioning a "hope-filled future," he said the occasion "marks, officially, the end of an order that was unsought and underserved, and in its place the establishment of an organization integrating all members of the legal profession in Louisiana toward the advancement of the science of jurisprudence, the promotion of the administration of justice, and the general welfare of the profession, and finally toward the encouragement of cordial intercourse among its members. The sword may now be unsheathed."<sup>58</sup>

Ten months earlier, on July 30, 1940, shortly after the Legislature had repealed the State Bar Act of 1934, Hugh Wilkinson hosted the last board meeting of the State Bar of Louisiana "for the purpose of closing out the business of the SBL." Its books were closed; its property and funds turned over to the State Treasurer. By law, the Treasurer was directed to transfer those books and funds to the Louisiana State Bar Association.<sup>59</sup>

Of the disputed 3rd Supreme Court District election of 1934, historian Billings asks these questions: "Had Huey Long broken the law and stolen a seat on the supreme court that Porter believed rightfully belonged to him? Or had the Kingfish, with lots of help from his subalterns, manipulated the law, the courts, and the voters to outwit his enemies?"

Whatever one thinks of Huey Long (a debate which will never end), one must acknowledge he was rarely outwitted.



Although not a professional historian, I might respectfully suggest one way to look at these events would be to ask this question: If Huey Long, O.K. Allen and Gaston Porterie sought to replace the elite voluntary bar in 1934 as part of an effort to “democratize” the state bar association, so that lawyers across the state could speak and act in unison, even if Long’s actions stemmed from vengeful motives and an insatiable appetite for control, who’s to say the Kingfish was wrong?

## FOOTNOTES

1. Act No. 54 of 1940. *Louisiana Acts, 1940* (Baton Rouge, 1940), p. 365. The Act passed unanimously in the Senate and with only one negative vote in the House. For much of the information in this article, I am indebted to the distinguished legal historian, Warren M. Billings, author of *A Bar for Louisiana: Origins of the Louisiana State Bar Association*, 41 La. Hist. 389 (2000), and *Politics Most Foul? Winston Overton’s Ghost and the Louisiana Judicial Election of 1934*, 97 Law Libr. J. 133 (2005). On matters pertaining to our 40th governor, the T. Harry Williams biography, *Huey Long* (Alfred A. Knopf, 1969), proved indispensable. The author wishes to thank Georgia Chadwick, head librarian of the Louisiana Supreme Court, and Loretta Larsen, executive director of the Louisiana State Bar Association, for making available books and records on which this article is based.

2. Billings, *A Bar for Louisiana: Origins of the Louisiana State Bar Association*, 41 La. Hist. 389 (2000), pp. 400-401. Report of Louisiana State Bar Association for 1941, pp. 92-99.

3. Louisiana Acts Nos. 185-186 (1855). See also, Address by J. Zach Spearing, *The Louisiana State Bar Association — Its Past, Its Future*, Reports of the Louisiana State Bar Association, 1935-1941, Vol. 34, p. 11 (Feb. 11, 1942).

4. Billings, *A Bar for Louisiana: Origins of the Louisiana State Bar Association*, 41 La. Hist. 389, 391 (2000).

5. *Id.*

6. *Id.* at 392.

7. *Id.* at 392-393.

8. Henry Plauché Dart, “Presidential Address, 1899,” *Proceedings of the Louisiana Bar Association, 1898-1899*, p. 148. These proceedings are published in a volume called *The Transactions of the Louisiana Bar Association* (The Graham Press, 1899). Dart was the last president of the New Orleans Law Association and the first president of the Louisiana Bar Association, serving in that capacity from 1898-1901.

9. *Id.*, pp. 19-28.

10. *Id.* at p. 20. This Code consumes less than a page and reads much like today’s LSBA Code of Professionalism.

11. *Id.* at p. 21.

12. Report of the Louisiana State Bar Association for 1929, p. 120.

13. Billings, *Origins*, at p. 395. Billings notes

that Article 85 of the Constitution of 1898 vested the Supreme Court with jurisdiction over charges of professional misconduct.

14. *Id.*

15. *Origins*, at p. 397.

16. *Id.* at 397-98, fn. 22.

17. Billings, *Politics Most Foul? Winston Overton’s Ghost and the Louisiana Judicial Election of 1934*, 97 Law Libr. J. 133 (2005), p. 134.

18. *Id.*, p. 137. T. Harry Williams, *Huey Long* (Alfred A. Knopf, 1969), p. 734.

19. T. Harry Williams, *Huey Long* (Alfred A. Knopf, 1969), p. 734.

20. *Id.* at 655. The Executive Committee of the LSBA recommended that Porterie be expelled on grounds that by his actions in ensuring the grand jury returned a no true bill against those charged with election fraud, he had violated legal ethics. Porterie tried to resign just before being expelled. But the LSBA refused his resignation and expelled him for unprofessional conduct. Baton Rouge *Morning Advocate*, June 25, 1933, p. 1. See also, Harnett T. Kane, *Louisiana Hayride* (Pelican Publishing Company, 1998), p. 249. How the underlying “battle of the ballot boxes” played out is vividly recounted in the Williams biography at pp. 654-661.

21. Billings, *Politics Most Foul*, at p. 140. T. Harry Williams, *Huey Long* (Alfred A. Knopf, 1969), p. 734.

22. Williams, p. 735.

23. Williams, p. 735.

24. Billings, *Politics Most Foul*, at p. 141.

25. Judgment of Judge Jones in case file of Porter v. Conway, 159 So. 725 (La. 1934), cited by Billings in *Politics Most Foul* at p. 144.

26. T. Harry Williams, *Huey Long* (Alfred A. Knopf, 1969), pp. 735-736.

27. Porter v. Conway, 159 So. 725, 726 (La. 1934) (O’Niell, C.J. dissenting).

28. John Baptiste Fournet served as associate justice of the Louisiana Supreme Court from 1935-49 and as chief justice from 1949-70.

29. Minutes, Executive Committee, Louisiana State Bar Association, Oct. 20, 1934, pp. 377-380. The complainants were Edwin T. Merrick, J. Blanc Monroe, Burt W. Henry, Charles E. Dunbar, J. Zach Spearing, Monte M. Lemann, Charles F. Fletchinger and Esmond Phelps.

30. *Id.*, April 13, 1935, pp. 406-417, and June 15, 1935, pp. 429-433.

31. Billings, *Politics Most Foul* at p. 147-148.

32. Louisiana Act 10 of 1934.

33. Act 10, Section 8.

34. Act 10, Section 13.

35. Act 10, Section 30.

36. Act 10, Sections 22, 25, 29, 30. Billings, *Politics Most Foul*, p. 148.

37. Williams, *Huey Long*, p. 739.

38. Billings, *Politics Most Foul*, pp. 147-148.

39. Report of the State Bar of Louisiana, 1934-35, pp. 15-18.

40. *Id.* at 108.

41. Minute Book, State Bar of Louisiana, Dec. 27, 1934. This was the SBL’s initial, organizational meeting. Dues were set in accordance with Act 10, Section 34, which empowered the board to increase them to a sum not exceeding \$5.

42. Minute Book, State Bar of Louisiana, March 13, 1936. Porterie became a federal judge. Appointed by President Roosevelt, he served on the United

States District Court, Western District of Louisiana, from 1939 until his death in 1953.

43. Ellison was appointed Attorney General in 1939 after Porterie became a federal judge.

44. Billings, *Origins*, p. 399.

45. Minutes, LSBA Executive Committee, Oct. 10, 1936, pp. 506-507.

46. “An Extraordinary Bar Integration Bill,” 20 A.B.A. J. 710 (1934), p. 769. In the same issue, the *ABA Journal* noted that in most respects “Senator Long’s Louisiana Bar Act” resembled “those in force in a number of states, but the differences are important.” *Id.* at p. 687.

47. Statutory Organization for Louisiana Bar, 18 J. Am. Jud. Soc. 110 (1934-35).

48. “The Louisiana State Bar Association — Its Past, Its Future,” Reports of the Louisiana State Bar Association for 1935-1941, Vol. 34, p. 14 (Feb. 11, 1942). On Jan. 5, 1935, the LSBA Executive Committee passed a resolution providing that, despite passage of the State Bar Act of 1934, the Association “should be maintained.”

49. Reports of the Louisiana State Bar Association, 1935-1941, Vol. 34, pp. 46-48.

50. *Id.* at 178.

51. Billings, *Politics Most Foul*, p. 148. See, e.g., Minutes of LSBA Executive Committee, May 9, 1936, regarding meetings with SBL board members on drafting new Bar legislation, and a letter from the New Orleans Bar Association to Gov. Richard W. Leche, dated May 19, 1936, advocating “adjustment of existing differences in the Bar.”

52. Report of Louisiana State Bar Association, 1935-41, Vol. 34 (Feb. 11, 1942), p. 247.

53. *Id.* at pp. 245-246.

54. *Id.* at pp. 247-248.

55. *Id.* at 251-252.

56. Report of Louisiana State Bar Association for 1941, p. 3-4.

57. *Id.* at p. 19.

58. *Id.* at pp. 30, 40.

59. Minute Book, State Bar of Louisiana, July 30, 1940. Act No. 55 of 1940 repealed the State Bar Act.

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