

A Visit to the Louisiana Supreme Court Activity Book



FREQUENTLY ASKED QUESTIONS ABOUT THE COURT

1. WHAT IS THE ROLE OF THE LOUISIANA SUPREME COURT?

The Louisiana Constitution distributes the powers of government of the State of Louisiana into three separate branches -- legislative, executive and judicial.

Except as provided by the Constitution, no branch of government can exercise the power of another branch of government. This principle is commonly referred to as the constitutional "separation of powers."

The judicial power of the state, which is the power to interpret the Constitution and the laws of this state, is vested in the Judicial Branch of Government, made up of a supreme court, courts of appeal, district courts and other courts authorized by the Constitution. The supreme court is Louisiana's highest court and is domiciled in the City of New Orleans.

2. HOW MANY OTHER COURTS ARE THERE IN LOUISIANA?

In the Louisiana court structure there are 5 courts of appeal, 43 district courts, 5 family or juvenile courts, 48 city courts and 3 parish courts. Along with most other states, Louisiana has established the intermediate courts of appeal between the district courts and the supreme court. These courts guarantee the right to have almost any trial court decision reviewed by a higher court.

Their appellate jurisdiction extends virtually to all civil and criminal cases triable by a jury, except for those few cases which are directly appealable to the supreme court.

The trial court of general jurisdiction in Louisiana is the district court. District courts generally have authority to handle all civil and criminal cases. Civil cases involve actions to enforce, correct or protect private rights. In general civil cases include all types of actions other than criminal proceedings. In a criminal proceeding a person is charged with a crime and brought to trial and either found guilty or not guilty. The purpose of a criminal case is to punish persons who violate criminal laws.

The juvenile courts have exclusive jurisdiction over delinquency cases involving persons under 17 years of age, with the exception of some felony offenses for which 15 or 16 year old persons can be bound over to the district courts. Juvenile courts also handle all adoption proceedings of children under the age of 17. Similarly, family courts have jurisdiction over all family matters ranging from delinquency proceedings to divorce and child custody proceedings.

The city courts are courts of record. This means that their decisions are reviewed on appeal on the record, as opposed to being tried anew in a higher court. City courts generally exercise concurrent jurisdiction with the district court in civil cases where the amount in controversy does not exceed \$50,000. In criminal matters, they generally have jurisdiction over ordinance violations and misdemeanor violations of state law. City judges also handle a large number of traffic cases.

Louisiana's 3 parish courts are distinguishable from city courts only in that they are always staffed by full-time judges and their jurisdiction is a bit broader. Parish courts exercise jurisdiction in civil cases worth up to \$20,000 and criminal cases punishable by fines of \$1,000 or less, or imprisonment of six months or less. Cases are appealable from the parish courts directly to the courts of appeal.

A total of 368 judges preside over these Louisiana courts.

3. HOW MANY JUSTICES ARE ON THE LOUISIANA SUPREME COURT?

Under the Constitution of 1974, the Louisiana Supreme Court is composed of seven justices elected from districts throughout Louisiana. In the year 2000, Supreme Court districts were reapportioned into seven new districts, with one justice elected from each of the districts. The justices of the Louisiana Supreme Court serve ten-year terms of office. The senior justice in point of service is the Chief Justice, who is the chief administrative officer of the judicial system.

4. WHO ARE THE SUPREME COURT JUSTICES?

Louisiana Supreme Court Justices

The current justices of the Louisiana Supreme Court are:

Chief Justice John L. Weimer - Sixth District

Justice William J. Crain - First District

Justice Scott J. Crichton - Second District

Justice James T. Genovese - Third District

Justice Jay B. McCallum - Fourth District

Justice Jefferson D. Hughes III - Fifth District

Justice Piper D. Griffin - Seventh District



5. HOW DOES SOMEONE BECOME A LOUISIANA SUPREME COURT JUSTICE?

Judges in Louisiana are chosen by election. As of January 1, 2008, to serve as a justice of the supreme court or a judge on a state court of appeal, a person must have been admitted to practice law in Louisiana for ten years and been domiciled in the respective district, circuit or parish for one year preceding election. Persons wanting to serve as a judge on a district court, family court, parish court or court having solely juvenile jurisdiction shall have been domiciled in the respective district, circuit or parish for one year preceding election and have been admitted to practice law in Louisiana for eight years.

Judges of city courts shall be licensed to practice law in the State of Louisiana for at least five years previous to their election, and qualified resident electors of the territorial jurisdiction of the court for at least two years prior to their election.

6. WHAT KINDS OF CASES GET TO THE LOUISIANA SUPREME COURT?

“Jurisdiction” is the legal term given to the power and authority of a court to hear and decide certain judicial cases. Pursuant to the Louisiana Constitution, the Louisiana Supreme Court has several types of jurisdiction:

*The supreme court has **exclusive original jurisdiction** in cases involving disciplinary actions against lawyers and judges. Exclusive original jurisdiction means “jurisdiction in the first instance;” these cases cannot be heard by any other state court.*

*The supreme court has **appellate jurisdiction** in cases in which a law or ordinance has been declared unconstitutional and in capital cases where the death penalty has been imposed. These cases originate at the trial court level, but bypass review by the intermediate courts of appeal in order to be heard directly by the supreme court.*

*The supreme court has **supervisory jurisdiction** over all courts. Cases from these courts reach the supreme court after they have already been heard by a lower court. The supreme court does not automatically hear these cases. A party must first convince the court in a special application that their case merits high court review because an error occurred in the opinion, judgment or ruling of the lower court. This procedure is known as “applying for writs.”*

7. HOW DOES THE SUPREME COURT DECIDE WHICH CASES TO HEAR?

As stated earlier, the Louisiana Supreme Court must hear all cases involving disciplinary actions against lawyers and judges, all cases in which a law or ordinance has been declared unconstitutional, and all capital cases where the death penalty has been imposed.

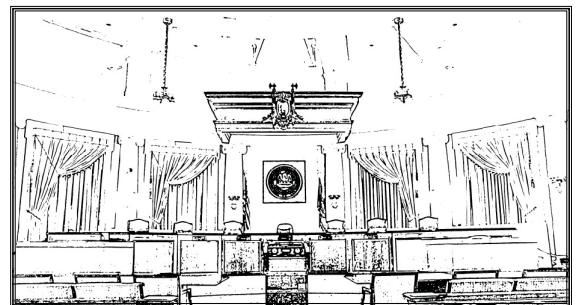
All other cases, and these are those involving litigants who are not satisfied with the outcome of their cases in a lower court, are not heard unless the supreme court grants an application for writs to review the case. A majority of the justices must agree to hear the case.

Whether or not to grant writs rests within the sound discretion of the supreme court; however, one or more of the following five reasons are usually present if the court decides to hear a case:

1. **CONFLICTING DECISIONS:** *This means that the decision of the lower court conflicts with the decision of court of appeal, a decision of the Louisiana Supreme Court or a decision of the United States Supreme Court on the same legal issue.*
2. **SIGNIFICANT UNRESOLVED ISSUES OF LAW:** *This means that the decision of the lower court involves a significant legal issue which should be decided by the Louisiana Supreme Court.*
3. **OVERRULING OR MODIFICATION OF A CONTROLLING PRECEDENT:** *This means that the decision of the lower court is based on a prior ruling of the Louisiana Supreme Court which should be overruled or substantially modified.*
4. **ERRONEOUS INTERPRETATION OF A CONSTITUTION OR LAW:** *This means that the decision of the lower court erroneously interprets or applies the United States or Louisiana constitution or a state or federal law, and the decision will cause material injustice or significantly affect the public interest.*
5. **GROSS DEPARTURE FROM PROPER JUDICIAL PROCEEDINGS:** *This means that the decision of the lower court has so far departed from proper judicial proceedings or so abused its powers as to call for an exercise of the Louisiana Supreme Court's supervisory authority.*

8. ONCE THE SUPREME COURT DECIDES TO HEAR A CASE, WHAT HAPPENS?

If a majority of the justices agree to grant writs, that is, agrees to review a case, the case is set on the supreme court's docket for full briefing and argument before the court. The full record of the case is moved from the lower court and lodged with the clerk of court for the Louisiana Supreme Court. It is important to note that the supreme court's review is limited to the testimony and exhibits contained in the lower court record. No new evidence can be introduced in the Louisiana Supreme Court. There is no jury.



Before the case is heard by the supreme court, one justice is assigned the duty of writing the opinion of the court. The opinion is not written, however, until after the case has been argued before the court.

9. WHO CAN ARGUE BEFORE THE LOUISIANA SUPREME COURT?

In the usual case, attorneys represent their clients in cases before the Louisiana Supreme Court. The attorneys for the clients on each side of the case are given a specific amount of time to state their reasons why the Supreme Court should or should not decide the case a certain way. Only the attorneys speak before the seven supreme court justices. There are no witnesses.

10. WHAT IS A “FRIEND OF THE COURT?”

Although the attorneys representing the parties are usually the only persons who file written briefs and present arguments in that case before the Louisiana Supreme Court, the court will sometimes allow a person not a party to the case an opportunity to also file a brief with the court and present arguments at the hearing. These parties are called “amicus curiae,” which means a “friend of the court.” An amicus curiae privilege is granted only if:

- 1. the party making the request has an interest in another case having a similar question as that before the Louisiana Supreme Court;*
- 2. the party making the request has knowledge of a fact or law that might otherwise escape the court’s attention; or*
- 3. the party making the request has a substantial, legitimate interest that will likely be affected by the outcome of the case which will not be adequately protected by those already a party to the case.*

11. HOW LONG CAN A PERSON ARGUE BEFORE THE SUPREME COURT?

In lawyer discipline cases, each side is given 20 minutes for oral argument. In all criminal cases, except a death penalty case, each side is given 20 minutes for oral argument. In a death penalty case, each side is given 40 minutes for oral argument. In civil cases and in judge discipline cases, each side is given 30 minutes for oral argument.

LAWYER DISCIPLINE CASES	20 MINUTES PER SIDE
CRIMINAL CASES	20 MINUTES PER SIDE
DEATH PENALTY CASES	40 MINUTES PER SIDE
JUDGE DISCIPLINE CASES	30 MINUTES PER SIDE
CIVIL CASES	30 MINUTES PER SIDE

A Brief Note

Time given in Oral Argument

Although each side must complete their presentation to the court within the time limitations, an attorney can be asked a question by any justice at any time during his or her remarks, with no additional time given.

12. WHAT HAPPENS AFTER ORAL ARGUMENTS?

Following oral arguments, the justice assigned to write the court’s decision in the case prepares a proposed written opinion and circulates it to the other six justices for their review and approval. If this opinion gets the approval of a majority of the justices, the opinion is considered as having been “passed” and becomes the official decision of the Louisiana Supreme Court. If, however, the proposed opinion does not get a majority vote of the justices, the opinion is reassigned to one of the other justices who must then write another proposed opinion. This process continues until such time as a majority of the justices will sign on, resulting in the official decision of the Louisiana Supreme Court. A decision is usually rendered by the supreme court approximately six weeks after oral argument.

13. WHERE CAN I FIND LOUISIANA SUPREME COURT DECISIONS?

Supreme Court decisions are a matter of public record and are posted on the supreme court’s Internet web site, www.lasc.org. These decisions are also published in print and electronic format and can be found in any law library.

14. HOW MANY CASES DOES THE SUPREME COURT HANDLE EACH YEAR?

In 2020, there were 1,505 cases filed in the Louisiana Supreme Court and the court rendered opinions in 45 cases. Of the cases filed in the Louisiana Supreme Court, 831 were civil cases and 674 were criminal cases. Among these cases, 402 were prisoner pro se writs. "Prisoner pro se" means that the prisoner filed the writ application by himself, on his own behalf and without the assistance of an attorney.

The court disposed of 1,704 cases in 2020, a decrease of 479 from 2019. However, the net clearance rate for 2020 increased and was 113.2% over the 104.2% in 2019.

These numbers show that only a small fraction of the work of the Louisiana Supreme Court is reflected in its official opinions. Most of the court's time is taken up with the high volume of questions put to the court in the form of writ applications and direct appeals. These cases are handled in weekly conferences while the court is in session.

15. WHAT IS THE DIFFERENCE BETWEEN THE U.S. SUPREME COURT AND THE LOUISIANA SUPREME COURT?

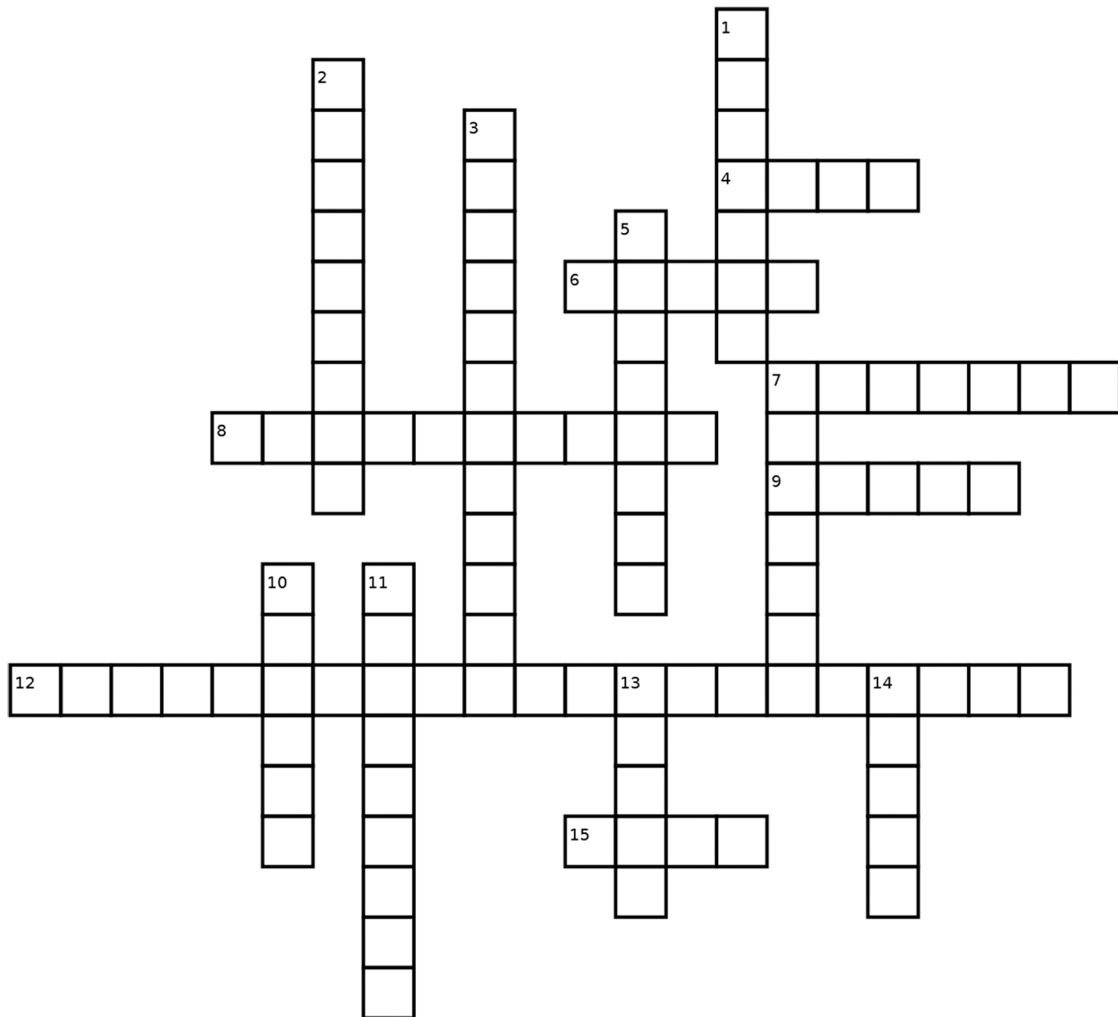
The U.S. Supreme Court is a federal court while the Louisiana Supreme Court is a state court. The U.S. Supreme Court is the highest court of appeal in our country. It has the final word on all laws and on the Constitution itself. A chief justice and eight associate justices, all appointed by the president, serve on the U.S. Supreme Court.

16. HAS ANYONE FROM LOUISIANA EVER SERVED ON THE U.S. SUPREME COURT?

Yes. Edward Douglass White, a former Louisiana Supreme Court justice, served on the U.S. Supreme Court for 27 years between 1894-1921. In 1910, at the age of 65, he was appointed chief justice of the U.S. Supreme Court.

Amy Coney Barrett, who served on the United States Court of Appeals for the Seventh Circuit 2017-2020, was nominated to serve as an associate justice of the Supreme Court of the United States in October 2020. She succeeded Justice Ruth Bader Ginsburg and is the fifth woman to serve on the court .

Court Crossword



Across:

4. A legal action to be decided in a court of law.
6. A small mallet used by a judge to signal for order in the courtroom.
7. The museum in the courthouse is named for which Chief Justice?
8. Before moving to New Orleans, some elected officials thought the court should be moved to the state's capital. Where would it have been located?
9. How many Justices currently sit on the Louisiana Supreme Court bench?
12. The highest court, the court of last resort in Louisiana. (3 words)
15. To swear to the truth of a statement.

Down:

1. How judges get selected to serve in Louisiana.
2. The building was built using this type of architectural design. (2 words)
3. The first ten amendments of the Constitution. (3 words)
5. The courthouse is named for which Chief Justice?
7. The official title of judges who serve on the State Supreme Court or U.S. Supreme Court.
10. The last name of the Chief Justice of the Louisiana Supreme Court.
11. How the Chief Justice of the Louisiana Supreme Court is decided.
13. The name of the street where the Louisiana Supreme Court is located.
14. A written or verbal direction of the court or judge to do or refrain from doing certain acts.

CAN YOU FIND THE WORDS IN THE PUZZLE?



WEIMER
BAILIFF
BENCH
BILL OF RIGHTS
CALOGERO
CASE
ELECTED

FASCES
GAVEL
JOHNSON
JUDGE
JURY
JUSTICE
GAVEL

LOUISIANA SUPREME COURT
MUSEUM
ORDER
RIGHTS
SEVEN
WRIT

Supreme Court Scavenger Hunt

1. What is the name of the street the bus is parked on? _____
2. What is the name of the Clerk of Court? _____
What is his job? _____
3. Write down the name of the street the front of the Courthouse is on. _____
4. Write down 2 names of people that we met today and what their jobs are at the Courthouse.
 1. _____ Job: _____
 2. _____ Job: _____
5. Find the Symbol of the Supreme Court, describe this symbol.

6. List 5 adjectives that would describe the Courtroom. _____
7. How many steps does it take to get to the top of the Court stairs? _____
8. How many steps does it take to get from the Courthouse to the Bus? _____
9. How many Supreme Court Justices are there? _____
10. Write down the names of 3 of the Supreme Court Justices
 1. _____
 2. _____
 3. _____
11. How long is the Supreme Court Justice's term? _____
12. How old is the Supreme Courthouse building _____
13. Was the Court building recently renovated? _____ If so, when? _____
14. On the back of the book write down 3 things you learned about the Courthouse and Judicial System today. They can not be answers to any of the above questions.
15. Pick one of the following choices and complete on the back of this page.
 1. Draw a picture of your experience today.
 2. Write a poem about your experience today.
 3. Write a story about your experience today.
 4. Write a 5 sentence paragraph about what you learned today.
 5. Write a song about your experience today.

This Lady Justice holds a balance. But there's a school bell in her other hand! See what this cartoon suggests about youth rights at school.

Lady Justice Schoolmarm



Adapted from *Insights on Law & Society* 1.3 (Spring 2001): 23

1. What does the saying "Justice is blind" mean? What "hangs" in Lady Justice's balance?
2. Freedom of speech, press, religion, and association are guaranteed by the Bill of Rights. How are these rights practiced in your school? How are they limited? What are some other constitutional rights?
3. If you were able to increase one freedom in your school, which would it be? How much would you increase it? If you were able to limit one freedom in your school, which would it be? How much would you limit it?

This cartoon characterizes how difficult it sometimes is for the U.S. government to find a way to balance constitutionally guaranteed freedoms and liberties with its responsibility to maintain order and protect the public.

Liberty vs. Order



Adapted from *Insights on Law & Society* 3.1 (Fall 2002): 6

1. Who are the three figures in the cartoon? What does each figuratively have in his or her hands?
2. Review the Bill of Rights. What freedoms and liberties does it guarantee? Do you feel that any freedoms or liberties are in jeopardy today? If so, which ones? Why do you think they are in jeopardy?

Here is a classroom in 1954, when an important social protest movement was brewing but not yet in full swing. Find out more about this movement, and your rights as a student, by completing these activities.

Schoolroom



Adapted from *Insights on Law & Society* 3.2 (Winter 2003): 9

1. Where does this cartoon take place? Describe each student. The students are divided into two groups. Who is in which group? Can you think of any reasons why the cartoonist divided them this way?
2. In what month and year does this cartoon take place? What famous Supreme Court School Case was decided on May 17 of that year? Who was Thurgood Marshall? How did the efforts of Marshall and his colleagues help to ensure equal educational opportunities for all children?
3. What famous Social Protest Movement began in the mid-1950s? What problems involving diversity did it begin to help solve? What problems involving diversity still challenge us today?

This cartoon suggests that the Bill of Rights has different applications for youths and adults. Use it to explore the realities of youth rights in the United States and elsewhere.

Rights Rated "R"

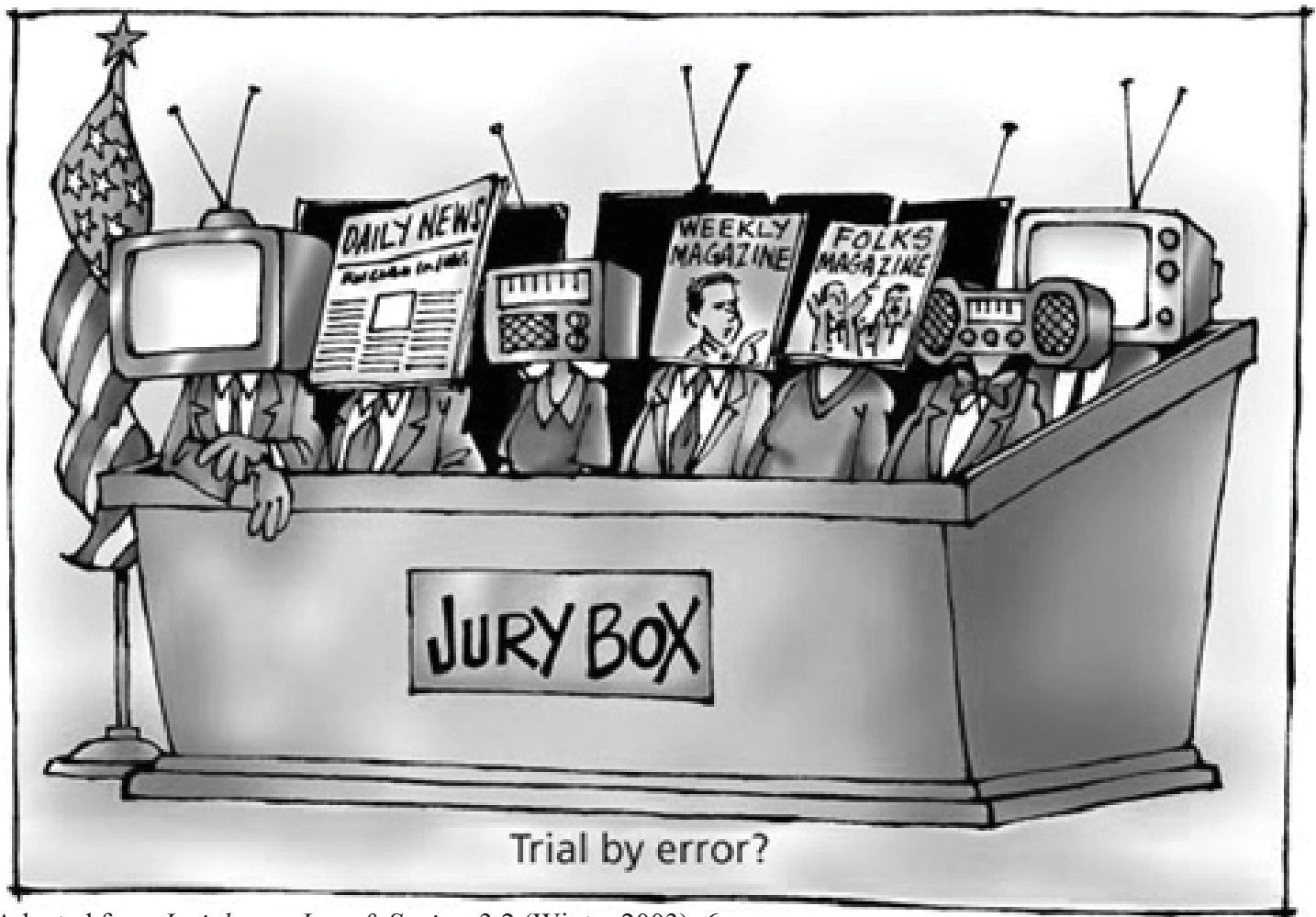


Adapted from *Insights on Law & Society* 3.1 (Fall 2002): 12

1. About what ages are the cartoon children? What program have they tuned in to? Who authored the program? Why would these authors create such a program for children?
2. What does an "R" rating mean for a TV program?
3. Do you agree that juvenile access to certain TV programs should be restricted? Why or why not? If you support such restrictions, what types of programs would you put off limits? What types would you allow? Would the age of the child make a difference? Under what specific circumstances?

Would you trust this jury to come to a fair decision? See what you can learn about juries, the media, and the right to a fair trial by completing the activities below.

Trial by Error?



Adapted from *Insights on Law & Society* 3.2 (Winter 2003): 6

1. What are the members of this jury using instead of their heads? In what nation is the trial taking place in which they are serving? What statement is this cartoonist making with respect to jury trials in this nation?
2. Which of these terms do you think best describes the mood of this cartoon: condemning, sarcastic, or humorous? Do you feel that this mood is appropriate for this subject? If so, why? If not, what mood do you think is the most appropriate?
3. Where in the U.S. Constitution are the requirements for Jurors and Jury Trials described? What are the jury's tasks? What are the Rights of the Accused? What juror characteristics are essential to ensuring the accused's right to a fair trial? Name a trial in which it is possible that the News Media influenced the verdict. What was the outcome of that trial?

GLOSSARY

amicus curiae

Means, literally, friend of the court. A person with strong interest in or views on the subject matter of an action may petition the court for permission to file a brief, on behalf of a party but actually to suggest a rationale consistent with its own views. Such briefs are commonly filed in appeals concerning matters of broad public interest; i.e. civil rights cases.

appellant

The party who sues on a writ of error by taking an appeal from an inferior court to a higher court for review.

appellate jurisdiction

The power vested in an appellate court to review and revise the judicial action of an inferior court.

appellee

The party in a cause against whom an appeal is taken; that is, the party who has an interest adverse to setting aside or reversing the judgment of the inferior court.

Attorney General

Each state has an attorney general, who is the chief law officer of the state. He gives advice and opinions on the interpretation of laws to the governor and to executive departments and agencies.

bill of information

The charging document filed by the district attorney which sets forth the criminal allegations of the state against the accused.

blood alcohol level

The percentage of alcohol in a person's blood measured in grams of alcohol per hundred cubic centimeters of blood. The amount of alcohol is set by weight.

capital case

One in which the death penalty may, but need not necessarily, be imposed.

case reporter

Published volumes of case decisions by a particular court or a group of courts; i.e. Supreme Court Reporter, Federal Reporter, Louisiana Supreme Court Reporter.

civil law

Laws concerned with private rights and remedies as contrasted with criminal laws.

consent decree

A decree entered with the consent of all parties. An agreement of the parties, made with approval of the court, and in effect, an admission by them that the decree is a just determination of their rights.

constitutional

Not conflicting with any provision of the constitution or fundamental law of the state.

criminal law

In general, refers to the state and federal statutes that define criminal offenses and specify corresponding fines and punishment. Criminal offenses includes certain offenses of a public nature or wrongs committed against the state.

defendant

The person defending or denying: the party against whom relief is sought in a civil case or the accused in a criminal case.

direct appeal

Cases which originate at the trial court level, but bypass review by the intermediate courts of appeal in order to be heard directly by the supreme court.

dissent

The explicit disagreement of one or more judges of a court with the decision passed by the majority upon a case before them. In such event, the non-concurring judge is reported as "dissenting."

due process of law

Broadly defined as the constitutional guarantee that no person shall be arbitrarily or unreasonably deprived of life, liberty or property.

equal protection of the law

The constitutional guarantee of "equal protection of the laws" means that no person or class of persons shall be denied the same protection of the laws which is enjoyed by other persons or other classes in like circumstances in their lives, liberty, property and their pursuit of happiness.

expunge

The act of destroying or erasing information--including criminal records--in files, computers or other depositories.

judge

A public officer who presides in a court of justice and who is charged with the control of proceedings and the decisions of questions of law or discretion.

jurisdiction

The power and authority of a court to hear and decide certain judicial cases.

justice

Title given to judges, particularly judges of U.S. and state supreme courts.

legislation

The act of giving or enacting laws via the legislative process; in contrast to court-made laws.

legislative intent

The background and events leading up to the enactment of a law. Such is looked to when court attempts to interpret a statute which is ambiguous or inconsistent.

litigant

A party to a lawsuit.

litigation

A lawsuit. Legal action including all proceedings therein. Contest in a court of law for the purpose of enforcing a right or seeking a remedy.

opinion

The statement by a judge or court of the decision reached in regard to a cause tried or argued before them, expounding the law as applied to the case, and detailing the reasons upon which the judgment was made.

oral argument

A presentation, usually limited in time, by the appellant and appellee providing rationale for affirming, reversing, or modifying the decision of the inferior court.

original jurisdiction

Jurisdiction in the first instance. The Louisiana Supreme Court has exclusive original jurisdiction over cases involving disciplinary actions against lawyers and judges. This means that these cases cannot be heard by any other state court.

plaintiff

A person who complains or sues in a civil action. The prosecuting party (i.e. State or United States) in a criminal action.

presumption

A presumption is a rule of law, statutory or judicial, by which finding a basic fact gives rise to existence of a presumed fact until it is rebutted or challenged.

proffer

An offer or endeavor to proceed in an action.

prosecute

To proceed in a judicial proceeding against a criminally accused party.

quash

To overthrow; to abate; to vacate; to annul; to make void.

separation of powers

The governments of states and the United States are divided into three branches: the legislative, which is empowered to make laws, the executive which is required to carry out the laws and the judicial which is charged with interpreting the laws and adjudicating disputes under the laws.

standing

Standing is a requirement that the plaintiffs have been injured or been threatened with injury by governmental action complained of, and focuses on the question of whether the litigant is the proper party to fight the lawsuit.

statutes

Laws enacted or established by the will of the legislative department of government declaring, commanding or prohibiting something.

supervisory jurisdiction

The supreme court has supervisory jurisdiction over all courts. Cases from these courts reach the supreme court after they have been heard by a lower court. The supreme court, however, does not automatically hear these cases. A party must first convince the supreme court that their case merits high court review because an error occurred in the opinion, judgment or ruling of the lower court.

unconstitutional

That which is contrary to the constitution and the fundamental laws of the state.

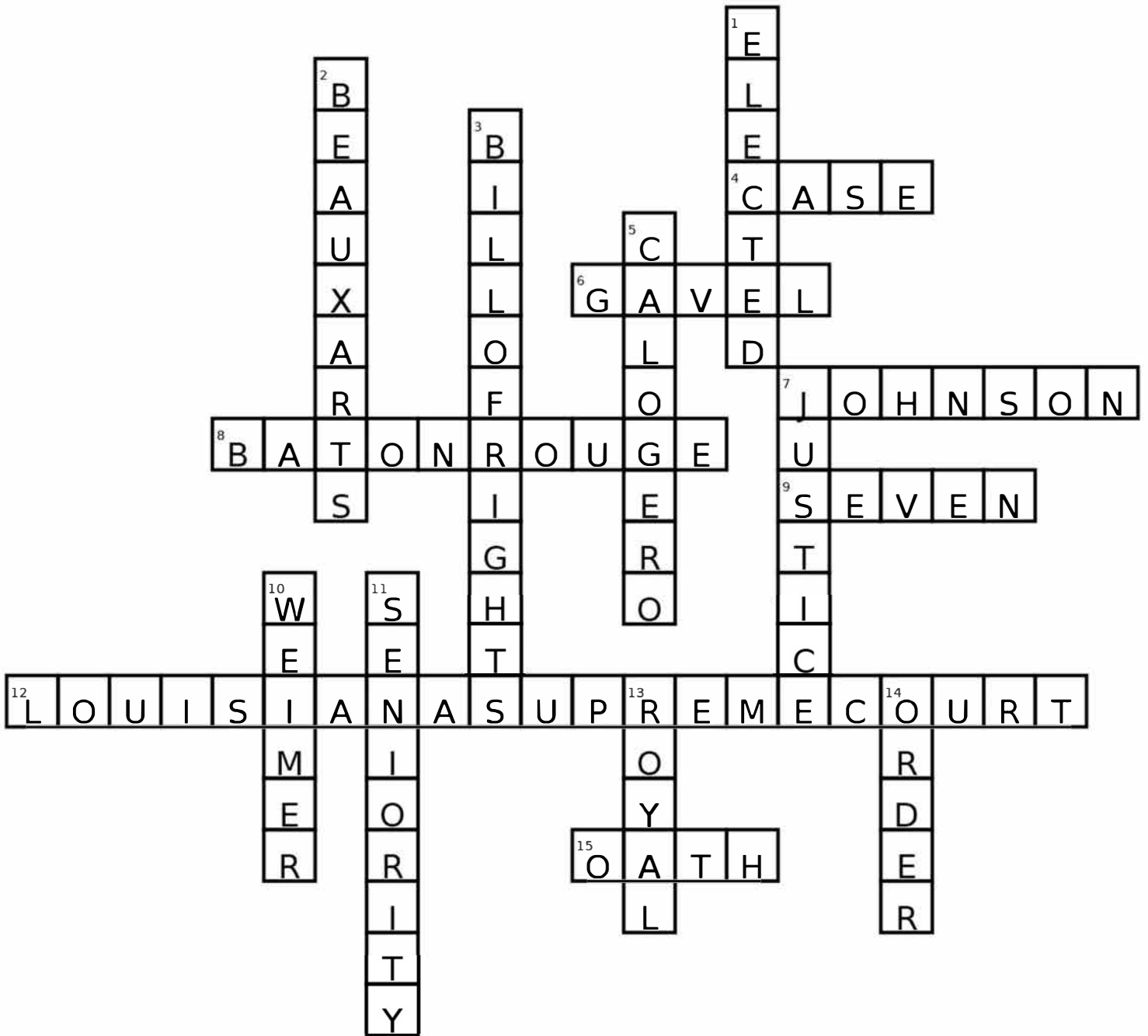
writ of certiorari

An order by an appellate court which is used when the court has discretion on whether or not to hear an appeal. If the writ is denied, the court refuses to hear the appeal and, in effect, the judgment below stands unchanged. If the writ is granted, then it has the effect of ordering the lower court to certify the record and send it up to the higher court which has discretion to hear the appeal.

zero tolerance law

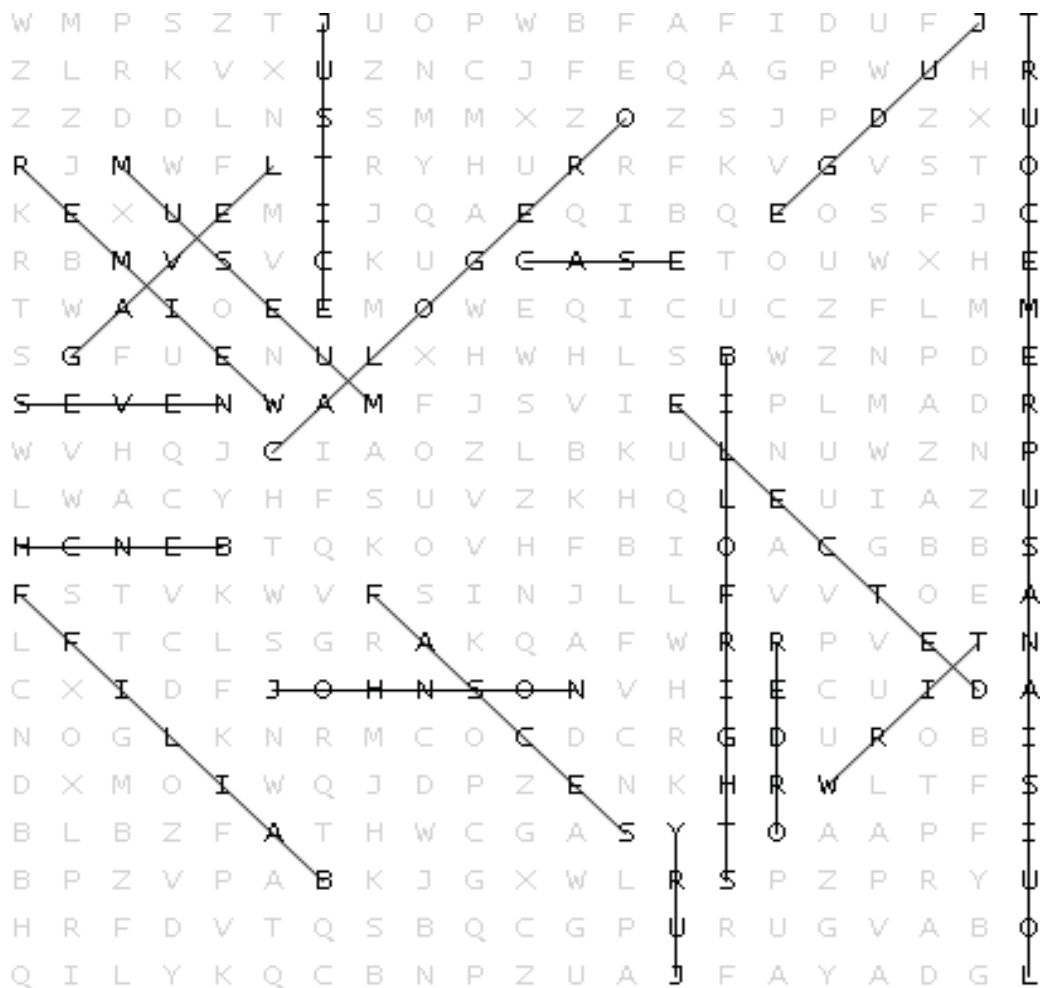
An enforcement policy allowing no exception to the rule of law.

Court Crossword Key



CAN YOU FIND THE WORDS IN THE PUZZLE?

KEY



WEIMER

BAILIFF

BENCH

BILL OF RIGHTS

CALOGERO

CASE

ELECTED

FASCES

GAVEL

JOHNSON

JUDGE

JURY

JUSTICE

GAVEL

LOUISIANA SUPREME COURT

MUSEUM

ORDER

RIGHTS

SEVEN

WRIT

