



# DE NOVO

The Newsletter of  
The Law Library of Louisiana

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## SAYING FAREWELL TO TIM AVERILL

The Louisiana Supreme Court will soon be saying goodbye to Tim Averill, who has served as the Deputy Judicial Administrator/General Counsel here at the court for almost twenty years. Tim has accepted a one-year fellowship with the U.S. Supreme Court in Washington, D.C., and he will be leaving us this summer.

In his current job, he contributes to the administration of the Louisiana court system and provides legal analysis on a wide variety of issues affecting the bench and bar. Since his work involves quite a bit of research, he's a familiar figure in the law library, where he frequently can be seen sitting at one of the tables near the Louisiana acts and codified statutes.

I joked with him and said that when he leaves, we would put a "Tim Averill Memorial Chair" plaque on his usual seat.

Tim is not only extremely knowledgeable and helpful but also friendly and personable, and he will be greatly missed around here. He had a stellar academic career, first at James Madison University in Harrisonburg, VA, where he earned a B.A. in English, then at the University of Kentucky before he moved on to the University of Alabama, where he received a Master of Public Administration degree.

He worked to support himself through his decade of education at various jobs, including some time spent as a golf shop attendant. His first serious full-time

job was as a labor representative for the Civil Service Employees Association in Albany, NY, where he aided association members in salary and employment disputes and in negotiating terms and conditions of employment. His next move brought him to New Orleans, where he attended law school and got his J.D. from Loyola University in May 1985, graduating in the top 20th percentile of his class. He has been a member of the Louisiana Bar since October of that year. He worked at three different law firms while in law school and immediately after graduation, specializing variously in admiralty, casualty, medical malpractice, insurance, criminal, and business law. No wonder he knows so much!

*continued on page 3*

## NEW PATHFINDER ON LOUISIANA JUDGES

On numerous occasions, the Law Library has been called upon to research biographical information about justices who served on the Louisiana Supreme Court. In the interest of facilitating such inquiries, the library will soon post a new pathfinder on its website.

The Judges pathfinder will include resources for researching all Louisiana judges, past and present, including those of the Supreme Court, Circuit Courts, District Courts, and Parish/City Courts. All listed resources are

owned by the library or may be accessed from any of our public PCs. One easily browseable resource is the *Guide to the Louisiana Judiciary* (Reserve KFL 508 .G85 2000), which collates basic biographical information about each judge in the state. Transcripts of memorials, inductions and retirement ceremonies can be found in the front matter of the Louisiana Reports and the Louisiana Cases, So. 2d (Reference KFL 45 .A21).

Available from the library is an index of judges who appear in

the front matter from 1813-2002. Past that date, the names of judges who are the subject of such ceremonies can be located on the spine of the reporter volumes. Janice Shull's *The Chief Justices of Louisiana: Life Sketches* (KFL 512.Z9 S58 2007) is a fine place to begin researching information about Louisiana's chief justices throughout history. These resources and many more are listed on the pathfinder, which can be accessed at [http://www.lasc.org/law\\_library/library\\_information.asp](http://www.lasc.org/law_library/library_information.asp) (scroll down for the pathfinders). 8

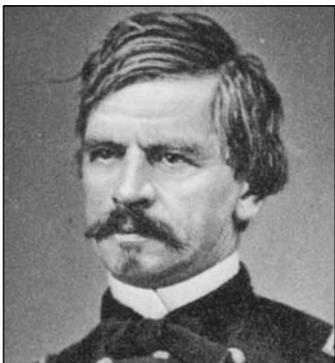
# A DAY OF DESPERATION & MADNESS

## THE NEW ORLEANS MECHANICS' INSTITUTE RIOT, PART I

by Jason Kruppa

In the early afternoon of July 30, 1866, a riot involving several hundred people erupted on Dryades Street at the New Orleans Mechanics' Institute, which at that time served as the Louisiana state house. The riot resulted from the convergence of a number of complex factors at play in a very confused and fragile city. It was a critical event in post-Civil War New Orleans that would both affect the issue of black suffrage in Louisiana and become yet another stone President Johnson's opponents could cast against him.

Since New Orleans had fallen to the Federals on April 24, 1862, the military command of the city had changed hands from the notoriously unpopular General Benjamin Butler to Nathaniel Banks, a Massachusetts politician who had served as major general in the Union army. Banks had arrived in December of 1862, seeking to reverse some of the ill will Butler's tenure had created. The people of New Orleans reacted favorably to his plan and, encouraged by this success, various Unionists (with



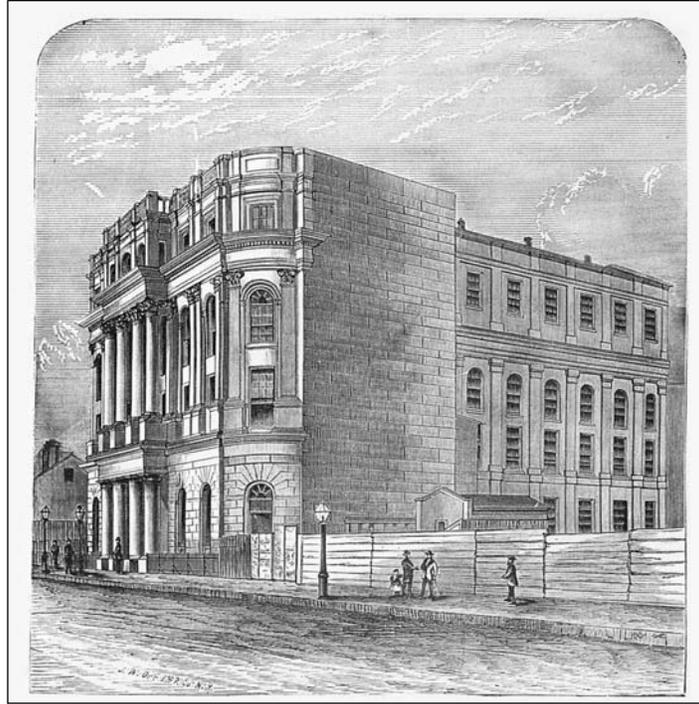
General Nathaniel Banks

Banks's urging) met in 1863 to form the Free State party.

The chairman of this meeting was Thomas Durant, a successful attorney and active member

of the Union Association who proposed calling a constitutional convention. This convention would effectively reject Louisiana's 1852 constitution, which conservatives favored

and recognized the rights of blacks to education and to equality before the law. Suffrage, however, was limited to an article that, as historian Gilles Vandal observed, "empowered



*The Mechanics' Institute as pictured in Jewell's Crescent City Illustrated*

returning to because it would continue slavery. Durant, however, envisioned universal black suffrage and, naturally, the complete abolition of slavery, neither of which matched Banks's ideas for reconstruction in Louisiana. Banks feared a negative response by whites that might keep Louisiana from being readmitted to the Union in a timely fashion, and he set about discrediting Durant to President Lincoln. As a result, the constitutional convention did not convene until April of 1864.

Judge Edmund Durell was elected president of the convention, which met in Liberty Hall (the top floor of City Hall). The delegates sat for 78 days, at the end of which they had hammered out a new constitution that abol-

any future legislature to extend the right of suffrage to citizens in considerations of military service, payment of a certain amount of tax, or intellectual fitness, without distinction of color." Vandal added that while the constitution was considerably more progressive than the previous one, "it had many shortcomings that reflected the majority's strong prejudice against blacks."

Fearing that the constitution would not be ratified because of its progressive nature, the delegates moved successfully to allow Durell to reconvene the convention if ratification failed. On September 5, 1864, however, the constitution was indeed ratified, even if by an unexpectedly small voter turnout – 6,836 to 1,566. Shortly after the ratification, the

convention came under scrutiny by General S.A. Hurlbut, who temporarily served as military leader while Banks was away on a leave of absence. Hurlbut discovered the delegates were attempting to defraud the state treasury of hundreds of thousands of dollars in the form of alleged expenses incurred during the convention. Two New Orleans papers, one radical and one moderate, picked up the scent of scandal, and the state legislature began an investigation. Among the discoveries: the convention's printer, the *True Delta*, a paper in which Governor Hahn had a share, had defrauded the treasury of between \$80,000 and \$85,000; and several members of the convention, including President Durell, had drawn \$5,380 in per diem salaries after the convention had adjourned.

Serendipitously, just before the full scope of the scandal was revealed, Hahn had been chosen by the legislature to fill one of Louisiana's vacant Congressional seats (a seat he would ultimately be blocked from taking). He consequently resigned as Governor, and Lieutenant Governor James Madison Wells assumed the office. Wells, in turn, began appointing his own men in strategic positions so he could gain



Judge Edmund Durell

control of New Orleans. These appointments precipitated the removal from office of a number of officials, including the state auditor – one A.P. Dostie – as well as the city's mayor and the sheriff of Orleans Parish.

Upon his return on April 20, 1865, Banks moved to undo Wells's appointments by installing a new mayor, Col. S.M. Quincy, prompting Wells to travel to Washington to confer with President Johnson. Wells was successful – Johnson removed Banks as military commander – and upon his return to Louisiana he appointed many ex-Confederates to important offices throughout the state. This conciliatory gesture met with only minimum protest, and when state elections were held in November 1865, Wells was elected governor and the National Democratic party swept the polls.

Wells, however, soon found himself at odds with a legislature composed largely of ex-Confederates. The platform of the National Democrats had read, “We hold this to be a government of white people, made and to be perpetuated for the exclusive benefit of the white race” – an adherence to pre-secession thinking that was unlikely to result in Louisiana's readmission to the Union. While Wells had been a former slaveholder himself, his primary goal was in “reconciling the people to the Government and Government to the people.” In this mission he favored no single political party, consequently drawing the ire of all of them.

Considering his options, Wells had by early 1866 turned to a radical policy that embraced universal suffrage in hopes of ousting the ex-Confederates in the next election and, significantly, ensuring his own continued political career. This gambit failed, however, and by April he had lost control of the legislature. δ

*Look for the second half of the Mechanics' Institute story in the next issue of De Novo*

## SAYING FAREWELL TO TIM AVERILL

*continued from page 1*

After law school, Tim had a one-year clerkship here at the court with the Honorable Pascal F. Calogero, Jr., our current Chief Justice, but at that time an Associate Justice. Tim must have liked it here, and vice versa, because after a two-year stint at another local law firm, he came back to the court to take the position he is about to leave. It must be with mixed feelings that Tim departs from a job he has done so well in, and from a place where he is so admired and liked.

However, he is moving on to an exciting and prestigious new position. The Supreme Court Fellows Program, founded in 1973 by then-Chief Justice Warren Burger, seeks outstanding individuals from diverse professions and academic backgrounds who are interested in improving both the federal judicial process and the public's understanding of it.

According to the program literature, “Fellows must be bright, energetic, and highly motivated; original and flexible

in their thinking; articulate speakers and capable writers; able to prepare quality staff work within a tight schedule; personable, discreet, trustworthy, and committed to serving the federal judiciary.”

The competition for these fellowships is intense, but anyone who knows Tim wouldn't be surprised that he met those qualifications and was selected for this honor. We wish Tim and his family the very best as he embarks on this new path. δ

## LIBRARY SPOTLIGHT ON MIRIAM CHILDS

Miriam Childs, Head of Technical Services at the Law Library of Louisiana, has recently added responsibilities as Documents Librarian for both state and federal documents to her duties. Miriam came to the Law Library in 2003, starting as the Serials/Preservation Librarian. In 2006, she was promoted to Head of Technical Services. Her previous ten years of professional library experience were at academic, public and special libraries.

Miriam is a Phi Beta Kappa, magna cum Laude graduate of LSU. She also completed her master's degree at the university's School of Library and Information Science. Miriam is a regular contributor to the library's newsletter *De Novo*. Currently, she is expanding coverage of the library's biographical files on prominent Louisiana legal figures. Miriam developed skill in uncovering information while assisting former library staff member Janice Shull with research for her book *The Chief Justices of Louisiana: Life Sketches*.

An active participant in several professional library associations, Miriam has served as both sec-

retary and treasurer of the New Orleans Association of Law Librarians. She co-chaired the Louisiana Library Association Serials Interest Group, and she also chaired LLA's Lucy B. Foote Award Committee.

Miriam served on the Southeastern Chapter of the American Association of Law Libraries program committee, and she has also been a speaker for several programs at SEAALL's annual meetings. Since joining AALL in 2003, Miriam has been a member of the State Court and County and Technical Services Special Interest Sections, and she will soon join the Government Documents SIS. Additionally, Miriam is a founding member of the association's new Gen X-Gen Y Caucus.

The Law Library of Louisiana is the oldest federal depository library in the state. The library has been receiving federal documents since at least 1838, when legislation was passed to create the State Library, an institution that later became the Law Library. Governor E. D. White sent a written communication to the state legislature, highlighting a memorial from Peter L. Jore

relative to the incorporation of a State and Public Library. Governor White's words are still of relevance today: “We already have some of the elements of a library; our own salutary laws and generals; the laws of the different States and of Congress; the various public documents and works illustrated of the political history of the country, copies of which are usually furnished to the State. These volumes are constantly accumulating; they are very useful sources of reference and ought to be carefully preserved.”

Miriam will combine her appreciation of history, talents in preservation, and superb skill with making online information accessible to take the library's state and federal documents collection into the future. δ

### A NEW LOOK

With a new year comes a fresh new layout for *De Novo*. Feel free to let us know what you think, and if you have any comments in general about *De Novo*, please email [jkruppa@lasc.org](mailto:jkruppa@lasc.org).



by Miriam Childs

As the United States approaches its 232nd birthday, many of the details of the nation's earliest history have been obscured by the passage of time. *The Territorial Papers of the United States* preserves some of this distant past and is a unique resource for locating documents from the post-colonial era.

*The Territorial Papers of the United States* (E 173 .T47 1934b), edited by Clarence E. Carter, is a 28-volume compilation of official records of the territories that became states, covering the years 1787-1848. The set contains just what it sounds like – a selection of territorial records – with an emphasis on papers dealing with administrative matters. Prior to the set's compilation, the records

## TERRITORIAL PAPERS OF THE UNITED STATES

of the territories were scattered among many agencies.

The Department of State managed territorial affairs until 1873. Records pertaining to Native American relations were kept in the Department of War archives until the Department of Indian Affairs was created in 1849. The Post Office archives contained

The American Historical Society and other historical entities recognized the worth of these records. These historical societies urged Congress to make the papers available to the public as a collection.

The Ralston Act of 1925 authorized the Secretary of State to collect, arrange, transcribe,

and edit the territorial papers. Limited funding and human resources meant that all records could not be included in the collection, and criteria for selection were set up by the editorial staff. Papers relating to Native American affairs were excluded from the collection mainly due to the volume of such records. In addition, records on the matter of "Indian affairs" tended to cross territorial boundaries. Previously published materials, such as territorial laws, were excluded from the collection, but refer-

ence citations to these materials are provided. Judicial records were excluded because they didn't become part of the national archives. Records that dealt only with a territory's local matters were also excluded. Inclusions and exclusions vary from territory to territory, depending upon what papers were

### *The Territorial Papers of the United States* is a 28-volume compilation of official records of the territories that became states, covering the years 1787-1848

territorial records dealing with the expansion of the postal service into the West. The General Land Office held records pertaining to surveying and disposing of public lands. The House and Senate generated territorial bills and committee reports relating to territorial affairs.

Congress also retained copies of some original territorial records that were lost. The Library of Congress Manuscripts Division was selected as the repository for some territorial records.

available. Each volume contains a prefatory statement providing an explanation of its scope and other facts relevant to the particular territory.

*The Territorial Papers of the United States* provides an opportunity to follow the nation's growth as Manifest Destiny pushed citizens and immigrants westward. The set is digitized and searchable through Hein Online. A thorough discussion of the set's origins and development can be found in the introduction on pages vii-xiii of volume 1. δ

and edit the territorial papers. Limited funding and human resources meant that all records could not be included in the collection, and criteria for selection were set up by the editorial staff. Papers relating to Native American affairs were excluded from the collection mainly due to the volume of such records. In addition, records on the matter of "Indian affairs" tended to cross territorial boundaries. Previously published materials, such as territorial laws, were excluded from the collection, but refer-

## WHO'S USING THE LIBRARY?

by Jenny Creevy & Katie Nachod

The Law Library sees a wide variety of patrons every day, from practicing attorneys to members of the general public and, of course, Supreme Court staff. Some of our outside visitors are such regulars that they become familiar faces.

Matthew Glodowski, a first year law student in Loyola Law School's night program, is one such regular. Like other law students who use our library, Matthew finds that the quiet and calm help him stay focused, and the atmosphere, increases his productivity. He brings his laptop and uses our wi-fi con-

nection, treating his studying like a 9-5 job, including a short lunch and a coffee break or two throughout the day. Matt jokes that paying to park in the French Quarter is no more hassle than finding legal parking at Loyola, and he feels more confident that his car won't get towed!

We naturally welcome law students like Matt to study in the library and encourage all our patrons to spread the word about our services.

Another frequent user of the law library is local trial attorney and solo practitioner Adolph J. Levy, known to his many friends

and associates as "A.J." A man of many talents and interests, A.J. started speaking to other lawyers about computer issues as far back as the early 1980s, and he is an acknowledged expert on computer searching. He is also a devotee of Edward De Bono, who invented the concept of "lateral thinking." *The Oxford English Dictionary* defines that process as a way of thinking which seeks the solution to intractable problems through unorthodox methods or elements which would normally be ignored by logical thinking.

A.J.'s dual interests in computers and creative thinking led him in

2003 to start a legal blog called "Out-of-the-Box-Lawyer" (<http://www.outoftheboxlawyer.com/>), which focuses on how attorneys have solved legal problems using creative and sometimes unconventional methods. He also publishes *Levy's Cites* (located in our library in Reserve KFL 197 .P3 L48), a newsletter for Louisiana attorneys who represent plaintiffs in personal injury cases. A.J. uses various materials from our collection, including appellate slip opinions, for his research. Because of his cheerful demeanor and steady supply of jokes, we're always glad to see him. δ

# ELECTRONIC RESOURCES IN THE LAW LIBRARY

by Katie Nachod

Just as the electronic revolution of the past several decades has changed the way we keep our business and personal records and how we communicate with others, the new formats have also altered the way libraries store and access information. The Law Library has purchased several subscriptions to electronic databases that provide quick searching capabilities and speedy access to a wide array of data. The two electronic resources described in this article are accessible to outside users only from the terminals in our library, and not from your home or office computer, unless your office is within the Louisiana Supreme Court system.

The first resource is HeinOnline, a database that provides access to more than 75 million pages of law and law-related research material stored in digital format. The biggest advantage of this resource is that all content is in original page image or PDF format, so using these materials is the same as looking at the hard-copy document. The most heavily used component of HeinOnline in our library is the Law Journal Library, which contains more than 1,200 academic law reviews and other legal periodicals.

Each title in the Law Library Journal starts with the first volume and usually covers through the last complete volume, so the only drawback is that the most recent issues of journals are not accessible. Users can search for words or phrases in the title or text of the journals, or for an author, either in one journal, in selected journals, or in all titles at once. You can also select a specific title, like the *Harvard Law Review*, and browse its pages, starting with the very first volume published in 1887. A quick perusal of the table of contents for any volume allows

you to click on an article and pull it up in PDF format. On the main search page, there is a 14-page PDF guide for users which explains search options. Also, the librarians at the Reference Desk will be glad to help you formulate a successful search strategy and print the articles you need. For outside users, the price is the same for photocopying from the paper volumes as it is for printing from our computers, which is \$.15 per page. Our subscription is a flat-rate one based on IP addresses, with no additional connect or search charges. If you would like a particular article sent to you, we charge \$.30 per page for staff-made copies plus either postage or plus an additional \$1.25 per page for faxing. Please note that we mail photocopies only to individuals outside of the New Orleans metropolitan area.

HeinOnline would be a fantastic resource if all they had was the Law Journal Library, but they offer much more and are adding new content all the time. By clicking on the HeinOnline icon on our computers, you can view federal documents like the *Federal Register* (FR) and the *Code of Federal Regulations* (CFR), the *Weekly Compilation of Presidential Documents*, the *American State Papers*, the *Territorial Papers of the U.S.*, the *U.S. Statutes at Large*, the *Congressional Record*, *U.S. Attorney General Opinions*, and session laws for all fifty states. There is also a Legal Classics library, containing over 1,000 works, many of them out-of-print, by and about the greatest legal minds in history. Other sections provide access to international treaties, federal agency decisions, and federal legislative history materials. There are even more items available, so come in and explore the full range for yourself.

The second resource is Thomson Gale LegalForms, an online da-

tabase that offers a wide selection of Louisiana-specific and multi-state legal forms. It also contains items relating to other states, such as attorney directories for every state by practice area, links to all states' income tax forms, and a general legal terms dictionary. The latter is not geared to Louisiana, but it does include some Louisiana terms. For example, there is an entry under "forced heir" that explains the unique Louisiana law on this topic, but there is no entry under "predial servitude," a term used frequently in civil property law. If you look under "servitude" alone, you will find "equitable servitude," whose definition sounds very similar to "predial servitude," and "involuntary servitude," which refers to people rather than property. The dictionary search engine allows you to enter a term in the search box or browse all entries under each letter of the alphabet. The definitions are written in simple layperson's language, but shouldn't necessarily be considered authoritative. This will never take the place of *Black's Law Dictionary*.

Here at the Law Library Reference Desk, we get a lot of questions from people trying to find the correct form to file in their particular case. Our policy regarding legal forms is that we do not select or provide forms to non-attorneys, because the forms available from various sources in the library are not fill-in-the-blank ones, but rather samples to use as a guide when drafting one's own form. Also, choosing the appropriate form for someone would be providing legal advice, and we do not practice law here. We provide legal information to our users, and we use our legal research skills to show them resources from which they can select the information, statute or form that they deem useful.

Before the advent of Thomson Gale LegalForms, we usually offered form seekers one of the various form books or formularies we have in our collection. With Thomson Gale LegalForms, we have an additional forms source to offer to our users, one that is easy to navigate and user-friendly, geared for the layperson but also of use to attorneys. The site is accessible through the icon for InfoTrac on our court staff and public access library computers. From the main page, you can search for forms within popular topic areas like bankruptcy, divorce, name change, power of attorney, real estate, sample letters, and wills, or you can browse forms within over eighty main categories or within approximately one hundred sample searches.

If you don't find what you're looking for by browsing in these categories, you can enter a specific form name in the search box. For instance, I had someone at the desk recently looking for a *subpoena duces tecum* form, and when I typed that into the box, the form came up under the heading "Criminal - Subpoenas." Another patron was looking for a *dation en paiement* form, which yielded four examples under the heading "Real Estate - Transfer." Like those in the form books, the forms in Thomson Gale LegalForms are not fill-in-the-blanks, but rather forms that can be printed and completed by hand or redrafted with your specific information added.

Anyone interested is welcome to come to the library and let us demonstrate how easy and useful these two online resources are. While you are here, you can explore some of our other online offerings, like free access to Westlaw, one of the major electronic legal databases. Stay tuned for more about electronic resources in the next issue of this newsletter. If you have any questions, call the Reference Desk at 504-310-2515, or e-mail us at library@lasc.org. δ

# LOOKING OUT ON ROYAL STREET

by Georgia Chadwick

Eighty-two years ago on a spring day in April 1926, the statue of Edward Douglass White was unveiled at what was then known as the “New Court House Building” on Royal Street. On the terrace of the court house, a large and enthusiastic crowd watched as the colossal bronze statue by sculptor Bryant Baker was unveiled by Susan White Hardin, a niece of Chief Justice White. Prominent persons representing federal and state government were the featured guest speakers at the unveiling ceremony.

White, a Catholic and a former Confederate soldier, served only a short time on the Louisiana Supreme Court, from January 1879 to April 1880, because a new state constitution required that all justices be at least thirty-five, and White was only thirty-four. He went on to a very distinguished career in Washington, D.C., first as a United States Senator to succeed James B. Eustis, for a term beginning in 1891. On February 19, 1894, President Grover Cleveland nominated White associate justice of the United States Supreme Court, and he was unanimously confirmed by the Senate. White had served on the Court for sixteen years when President William H. Taft nominated him Chief Justice on December 12, 1910. He was the first sitting justice to be appointed Chief Justice and served on the Court for a total of twenty-six years, ten of them as Chief Justice. He died in Washington, D. C. on May 19, 1921, and was buried there at Oak Hill Cemetery.

In 1864 Congress invited each state to contribute two statues of prominent citizens for permanent display in the space formerly used by the House of Rep-

resentatives. By the beginning of the 1920s, no distinguished Louisianian had yet been chosen to represent the state. The Louisiana Legislature passed an act in 1922 appropriating \$15,000 for the cost of erecting a statue of Edward Douglass White in Statuary Hall in the Capitol in Washington, D. C.

When Leita Montgomery White, the widow of the Chief Justice, learned that the legisla-

he was admitted to the Louisiana Bar in 1868, and both practiced within the State and served on its Supreme Court bench until 1891.” Mrs. White said it would be her husband’s preference as well as her own to have the statue placed in New Orleans. The Louisiana Legislature complied with Mrs. White’s request. Another act was passed in 1924 amending the prior act, designating the location of the statue to be at

the Louisiana Supreme Court in 1880. Since White lived for a time on Esplanade Avenue between Royal and Bourbon, he could easily walk the blocks from Esplanade to the Bermudez law office at 146 Royal. It was when White was practicing law in New Orleans that Leita Montgomery first met him.

Leita Montgomery was born in 1852 in New Orleans to Romanzo Warwick and Virginia High Montgomery. Her father, a New Englander, was a very successful banker and businessman who came to New Orleans before the Civil War. Leita’s older sister Mary married Randall Lee Gibson of New Orleans in 1868. Mr. Montgomery had died before the marriage and left a large estate to his widow and children. Gibson, like White, had served in the Confederate Army and after the war was admitted to the bar and practiced law in New Orleans. Also like White, Gibson was a planter. Both men were members of the Boston Club, and both were involved in the transformation of the University of Louisiana to become the private institution known today as Tulane University. Edward was a welcome guest at the many parties and gatherings held at the Gibson’s happy home at 16 Rampart Street, and here he met Leita Montgomery.

Edward had asked Leita to marry him during the time he was practicing law in New Orleans, but she did not accept his offer. In 1880 Leita was living in Washington, D. C. with the Gibsons and their four children. Gibson served in the United States House of Representatives for three terms, before being elected to the United States Senate for a term beginning in 1883. He was re-elected in 1888.



*The statue of Edward Douglass White in front of the Louisiana Supreme Court (photo courtesy the Library of Congress)*

ture had selected her late husband for this honor, she sent the Legislature a letter and asked that his statue instead be placed at the New Court House Building on Royal Street. She wrote that his family was delighted he was chosen, but that “Mr. White was a Louisianian last as well as first. Born in Lafourche Parish in 1845,

the New Court House Building on Royal Street.

Mrs. White wanted her husband’s statue to look out on Royal Street, where after the Civil War he went to New Orleans to study law in the offices of close family friend and prominent civilian attorney, Edward Bermudez. Bermudez was appointed Chief Justice of

In 1884, Leita married Linden Kent, a Virginia native who was just one year younger than Edward Douglass White. Like White, Kent left school at age 16 to join the Confederate Army, and near the end of the war he was captured and held for several months before being released. He resumed his studies and graduated from the University of Virginia in 1870 with a Bachelor of Law degree. Kent was a prominent member of the District of Columbia bar. He served as counsel for the Army and Navy Association, the Richmond and Danville Railroad, and other corporations. The Kents lived in a handsome red brick home at 1717 Rhode Island Avenue, very close to the Gibsons.

Edward Douglass White moved to Washington to take his seat in the Senate in 1891, with his good friend Randall Lee Gibson, who was serving a term begun in 1888. On October 4, 1892, Linden Kent died suddenly at his home at the age of 46, and was buried in Oak Hill Cemetery in Washington, D. C. Leita Kent became a widow after only eight years of marriage. Her sister Mary had died in 1887, leaving Randall Gibson with their three surviving children. Randall Gibson died on December 15, 1892. He named both Edward Douglass White and Linden Kent as two of five co-executors of his will, written in late 1891 before Kent's death.

Leita Kent made a gift of \$60,000 to the University of Virginia in January 1893 to establish the "Linden Kent Memorial School of English Literature" in her husband's memory. They had traveled to Charlottesville not long before Kent's death because he wanted to show his wife the school he loved so well. The memorial continues to this day as the Linden Kent Chair of English.

In 1894, after Edward Doug-

lass White was appointed to the United States Supreme Court, Leita Montgomery Kent accepted his offer of marriage. They were married at St. Francis Xavier Church in New York City on November 5, 1894, attended by a few close friends and family members. The former Mrs. Kent's home at 1717 Rhode Island Avenue was refurbished. White set up a comfortable study on the second floor, where he worked and wrote all of his decisions. The Supreme Court used the old Senate Chamber at the Capitol as its courtroom from 1860-1935, and none of the justices had individual office space. Each had to provide his own place to work.



*Leita and Edward Douglass White, pictured in 1921  
(photo courtesy the Library of Congress)*

Leita and Edward Douglass White were happily married for almost twenty-seven years, although their lives had been intertwined between family and friends for many more. She knew White would be honored with a bust – also sculpted by Bryant Baker – as was the tradition for chief justices, and a portrait at the US Supreme Court, but she also wanted him to be remembered in their home state of Louisiana. Leita White died in 1934. She is buried with Linden Kent and Edward Douglass

White at Oak Hill Cemetery.

In April 1941 a statue of Huey Pierce Long was accepted from the state of Louisiana to be the first person to represent Louisiana in Statuary Hall in the Capitol. Edward Douglass White was honored once again when the gift of a bronze statue from the Louisiana State Legislature, sculpted by Shreveport native Arthur C. Morgan, was unveiled at the Capitol in June of 1955.

After the Supreme Court moved to Loyola Avenue in 1958, Bryant Baker's 1926 statue of White was moved to that location as well. When the Court moved back to Royal Street in 2004, the statue was returned to its original

White's time, a copy of the play is kept in our library's Rare Book Room. The year 2010 will commemorate the 100th anniversaries of both Edward Douglass White's appointment as Chief Justice of the United States Supreme Court and the construction of the Louisiana Supreme Court building on Royal Street. δ

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site in front of the "New Court House Building" – now known simply as the Louisiana Supreme Court building. White's statue stands as a reminder of what he accomplished in the state and national legal arenas. For more information about White, the play *"Father Chief Justice": E. D. White and the Constitution* by Paul R. Baier, George M. Armstrong, Jr. Professor of Law at LSU Law School, elegantly portrays White through his written opinions and his interactions with fellow justices. Full of photos from Justice

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### We Skipped An Issue

For those of you keeping track, we only had three issues of De Novo last year. There was no Winter 2008 issue. We apologize for the inconsistency.

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## WORK/LIFE BALANCE IN THE LEGAL PROFESSION

by Miriam Childs

Law firms may soon be discovering a shortage of talent, according to several recent articles addressing current trends in the legal profession. The NALP (National Association for Law Placement) Foundation for Law Career Research and Education reported in 2006 that within five years of entering a firm, more than seventy-five percent of associates leave, and female associates were twice as likely as males to leave. Child care is a primary motivating factor for departure, but many young attorneys simply need more time to pursue personal interests. In large numbers, young attorneys are less willing to give up personal time than their older counterparts.

New attorneys anticipate that after landing their first job, they will work 70-80 hours a week for five to seven years in order to have a chance at making partner. Many find themselves under this type of stress at the point in their lives when they marry or begin families, and consequently, the younger generations of attorneys (those born

roughly from 1965-1981) have begun responding to the pressure by leaving firms before making partner.

Nationally, there is no uniform response to the trend, which tends to be more pronounced in large firms. Often it's the most talented associates who leave a firm to find a better work/life balance. Many attorneys who leave either begin solo practices or find positions with smaller firms that offer flexible schedules. Since most attorneys who leave firms are women, one effect of the high turnover rate is a lack of female partners. Older attorneys continue to be highly represented in the profession, which means that massive retirements loom on the horizon.

Possibilities for changing the legal work environment in order to retain young talent include: flexible schedules; allowing more attorneys to work on a case so that responsibility is shared; altering the billable hour method of accounting for time; having a longer partnership track; and using a salaried system

rather than a price-per-partner system. It is too early to tell which, if any, of these alternatives will become new standard practices. In the coming decade, younger attorneys will bring unavoidable change to the legal profession as they struggle to balance work, family, and personal lives.

For more information, these and other books are available in the library: *Stress Management for Lawyers*; *The Lawyer's Guide to Balancing Life and Work*; *It's Harder in Heels: Essays by Women Lawyers Achieving Work-Life Balance*; and *Raise the Bar: Real World Solutions for a Troubled Profession*.

\*Sources consulted: "Why Women are Leaving Big Firms," *California Lawyer*, February 2007; "Why Are Women—and Generation X and Y Attorneys Generally—Leaving Large Law Firms?," <http://writ.lp.findlaw.com/hilden/20070307.html>; "Generation of Lawyers Makes Work-Life Balance a High Priority," *Daily Journal of Commerce*, July 1, 2005