

COURT COLUMN

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A NEWSLETTER OF THE JUDICIARY OF THE STATE OF LOUISIANA

Chief Justice Kimball addresses Louisiana Legislature in 2009 State of the Judiciary Address

Speech Highlights

✿ Our court's first implementation priority is "improved case management" at all levels of the judiciary. We want to understand why some courts and some judges' dockets are handled quickly and efficiently and some are not. We are also reviewing all departments at the Supreme Court to improve efficiency and competency. We have instituted management training so that our managers may better handle their supervisory functions and responsibilities and assist our staff in achieving their top job performance.

✿ We have recently taken other steps towards judicial reform. Last year, we implemented stringent rules requiring financial disclosure by our state judges. We also revised and strengthened Canon 6 of our Code of Judicial Conduct governing the receipt of gifts by state judges.

✿ We are also concentrating on improving the competency of our judges by improving the judicial education we offer. Our State District Judges Association has undertaken a universal "best practices" effort to discover and then implement the best methods of handling cases



Louisiana Supreme Court Chief Justice Catherine D. Kimball addresses a Joint Session of the House and Senate of the Louisiana Legislature for the 2009 State of the Judiciary Address, Kimball's first as Chief Justice.

in our court system. We also recently held mandatory training for all judges who handle capital cases. And our Supreme Court Conference has recently authorized representatives of the Judicial College to examine successful judicial education programs in other states so that we may further improve our own education curriculum.

✿ In the pursuit of making our vision of

the judiciary a reality, we are concerned about the public perception of our branch of government. We have read, as have you all, disparaging articles about our legal system from some national organizations. To that end, the court has appointed a committee to analyze these articles and to address them. I believe our committee is one of the most diverse and distinguished that we have ever appointed. We are encouraged by the enthusiasm and interest of this group in improving the image of Louisiana's legal system. Though there are many diverse

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interests and ideas among this group, we all share a love of our state and a commitment to try to improve its image.

✦ On the national stage, we are seeing an increase in the numbers of *pro se* litigants that are using the court system. These are litigants that seek to file suit or pursue relief from a court without the assistance of an attorney. The Supreme Court, in concert with the Louisiana State Bar Association, has formed a committee to explore methods of assisting those *pro se* litigants in navigating the legal system. In states such as ours where poverty might play a widespread yet unfortunate role in the lives of our citizens, it is imperative that we move in this direction.

✦ I would like to quickly mention some of the other advances we have and are making at our court. As you may know, we “live stream” our oral arguments so anyone can watch them from a computer; our Court website is now translatable into 31 different languages; and we will soon be kicking off an e-filing system where court filings can be made via e-mail. Our domestic violence registry is unique in that it reports directly to the FBI and has been recognized by the FBI for its outstanding work. Our security staff is one of the best in the country, and we participate in training with the secret service.

✦ We have and will continue to work with the legislature and the executive branch to do our part to address the problems in criminal justice, both in the adult and juvenile areas. In the adult arena, you may know that one in 26 adults in Louisiana is under correctional control - one in every 55 Louisiana residents is incarcerated. Even more sobering is our recidivism rate - just under 50%. In 2009, approximately 15,000 offenders will be released from prisons back to Louisiana’s communities. They will face huge obstacles such as finding a job, a place to live, and treatment for physical or mental health issues. I applaud Secretary LeBlanc’s commitment to try to reduce this recidivism rate through reentry programs - preparing an offender for his return to society before he is released from prison. The Secretary and I have spoken about the critical importance of pre-release preparation and the associated cost benefit to the citizens of Louisiana when an offender successfully reenters our communities and becomes a productive, law-abiding and tax-paying citizen.

✦ A subject that is very near to my heart, Louisiana’s juvenile justice system. Our improvement of the juvenile justice system has been significant, but there is still much work to be done. We need to keep moving forward. We need to continue with the reforms that have been set in place. We need to continue to work together so that our shameful past does in fact remain in the past. Louisiana’s youth deserve our continued efforts.

✦ One particular area where the legislature provided requested funding was to implement a procedure by which we could speed up the disposition of judicial discipline cases. Judicial discipline continues to be one of the Court’s top priorities and concerns. As with any profession, unfortunately, there are some members who engage in misconduct and abuse the public’s trust. We take such action and abuse very seriously. Following the dictates of our state constitution, we have endeavored to act swiftly and thoughtfully on recommendations of judicial discipline that come to us from the Louisiana Judiciary Commission. Since 2002, we have removed 6 judges and two justices of the peace from the bench, and issued a suspension without pay or other action in 31 instances.

✦ We recently established a procedure where selected retired and active judges will serve as Hearing Officers on certain Judiciary Commission complaints. In only its first year of implementation, formal charges regarding 10 different judges were referred to the hearing officers. Of these 10 cases, 2 judges and 1 justice of the peace resigned or retired rather than proceed to hearings, and hearing dates were promptly set in the 7 other cases.

✦ As I close this, my first State of the Judiciary Address, I believe we have a strong and sound judiciary. However, we can, and we will, make it better. We appreciate the assistance of you, the State Legislature, in our pursuit of making our vision of a competent, compassionate, and efficient judiciary a reality.

Law Day 2009 Activities Involve Many Louisiana Schoolchildren

Calcasieu Law Week Celebration includes Chief Judge Thibodeaux

Third Circuit Court of Appeal Chief Judge Ulysses Gene Thibodeaux was the guest speaker for Moss Bluff Middle School's Law Week activities, where he addressed 6th and 8th grade students as part of Calcasieu Parish's 2009 Law Week celebration, May 4-8.

Chief Judge Thibodeaux spoke to the students about current legal events, ethics and laws which relate to young people and concluded with a question and answer session where the middle school students were able to quiz the judge on a variety of topics.

"Judges, as symbols of authority, must communicate the idea that authority and justice are also merciful," said Chief Judge Thibodeaux. "Children especially should always be left with the impression that judges do good things. The only way to convey that is to be visible and DO good things."



Third Circuit Court of Appeal Chief Judge Ulysses Gene Thibodeaux with students from Moss Bluff Middle School during 2009 Law Week activities.

LSBA Receives 2009 ABA Professionalism Award

The American Bar Association (ABA) presented the Louisiana State Bar Association (LSBA) with a 2009 E. Smythe Gambrell Professionalism Award for its work in educating Louisiana law students on the stringent Bar Admissions "character and fitness" requirements.

The ABA's Standing Committee on Professionalism presents the annual award to recognize projects contributing to the understanding of professionalism among lawyers and to ensure the maintenance of the highest principles of integrity and dedication in the legal profession.

In spring 2008 the LSBA's Committee on the Profession rolled out its Bar Admissions Education Initiative, a program specifically designed to help focus future lawyers early on in their law school career on the absolute importance of guarding their ethical and professional character and reputation. LSBA officials believe Louisiana is the only state to have this type of program.

Under the LSBA Bar Admissions Education Initiative, various sectors of Louisiana's legal community collaborate to allow law school students to go through special training and screenings, such as one-on-one ad hoc panels, to help identify potential "red flags" in students' backgrounds, so they can address integrity or potential professionalism problems at the earliest stage in their careers as lawyers and show them why this "character and fitness" segment of the bar admissions application process is so important to their future profession.

Louisiana Supreme Court Chief Justice Catherine D. Kimball expressed her belief that the long-term benefits of this initiative will prove to be substantial "as we at the Court will certainly see a reduction in attorneys who are disciplined for ethical violations or who are engaged in unprofessional conduct. Down the road, we are sure to see an increased level of professionalism among the bar." For this major contribution to the legal profession, she added, "we offer our heartfelt thanks to the LSBA's Committee on the Profession, and we again offer our congratulations to Beth Foote, Barry Grodsky, the LSBA leadership and everyone at the Bar who has been involved with the Bar Admissions Education Initiative for the receipt of this award. Well done!"

The award received by the LSBA was one of only three 2009 E. Smythe Gambrell Professionalism Awards presented this year.

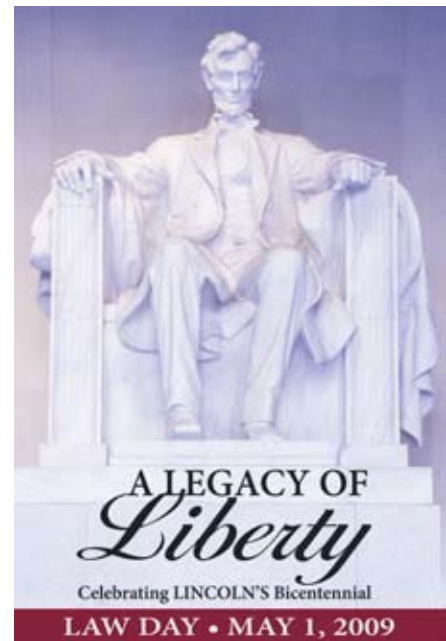
Supreme Court Law Day 2009 Activities Involve 100 Louisiana Schoolchildren

Justice Johnson, Judge Love, Judge Gray host Law Day mock trial with Bethune Elementary

Louisiana Supreme Court Justice Bernette J. Johnson, Fourth Circuit Court of Appeal Judge Terri Love and Orleans Parish Juvenile Court Judge Ernestine Gray played host to a group of students from Bethune Elementary for a mock trial in the Louisiana Supreme Court courtroom in conjunction with Law Day 2009 Activities. The mock trial script was developed by a law clerk to Judge Terri Love.



Louisiana Supreme Court Justice Bernette J. Johnson and Orleans Parish Juvenile Court Judge Ernestine Gray with students from Bethune Elementary on the steps of the Louisiana Supreme Court.



Fourth Circuit Court of Appeal Judges Terri Love and Charles Jones discuss the mock trial with the students following their tour of the Louisiana Law Library.



Bethune students enjoyed the opportunity to act as attorneys, bailiffs, witnesses, court reporters, news reporters, judges and jury during their mock trial held at the Louisiana Supreme Court.

Justice Weimer & Judge Kirby Preside Over Project L.E.A.D. Law Day activities

Louisiana Supreme Court Justice John Weimer and Fourth Circuit Court of Appeal Judge Michael Kirby presided over mock trials conducted by students from South Plaquemines Elementary and Our Lady of Perpetual Help School in Plaquemines Parish as part of Project L.E.A.D. (Legal Enrichment And Decision-making), under the supervision of Plaquemines Parish DA Charles Ballay and his staff.

Using a law-related education model, Project L.E.A.D. is designed to help students recognize and analyze potential consequences of the difficult decisions they face during adolescence and beyond. The 12 L.E.A.D. classes taught by assistant district attorneys and other district attorney personnel are designed to give students the intellectual tools to recognize the legal and social consequences of drugs and alcohol abuse, violence, bullying, and hate crimes. This law-related course of study focuses on the operation of the criminal justice system, culminating in a full-scale mock trial experience for the students, a tour of the parish prison, and a local government tour.



Students from Our Lady of Perpetual Help School handle evidence and testimony in their Project L.E.A.D. mock trial under the watchful eye of Justice John Weimer.



In the courtroom of the Fourth Circuit Court of Appeal, Judge Michael Kirby listens to testimony from a South Plaquemines Elementary student during the Project L.E.A.D. mock trial.



Fourth Circuit Court of Appeal Judge Michael Kirby, Justice John Weimer, Plaquemines Parish District Attorney Charles Ballay and Assistant District Attorney Joe Roberts with students from South Plaquemines Elementary School in Plaquemines Parish.



Louisiana Supreme Court Justice John Weimer, Plaquemines Parish District Attorney Charles Ballay and 1st Assistant District Attorney Robert White with students from Our Lady of Perpetual Help School in Plaquemines Parish.

11 of Louisiana's Drug Courts recognized at Annual Conference; Comeaux receives Hadley Award

Eleven of Louisiana's 47 Drug Court Programs were awarded certificates by the Louisiana Supreme Court during the 11th Annual Louisiana Association of Drug Court Professionals Conference held in New Orleans last week. Certificates signed by Chief Justice Catherine D. Kimball were presented to the following Drug Court Programs in recognition of ten years of service

and commitment to their drug court clients, clients' families, and the citizens of the parishes they serve: **4th JDC Adult Drug Court Program** (Ouachita and Morehouse Parishes); **9th JDC Adult Drug Court Program** (Rapides Parish); **15th JDC Adult Drug Court Program** (Lafayette Parish); **16th JDC Adult Drug Court Program** (Iberia Parish); **16th JDC Adult Drug Court Program** (St. Mary Parish); **19th JDC Adult Drug Court Program** (East Baton Rouge Parish); **21st JDC Adult Drug Court Program** (Livingston, St. Helena, and Tangipahoa Parishes); **22nd JDC Adult Drug Court Program** (St. Tammany and Washington Parishes); **24th JDC Adult Drug Court Program** (Jefferson Parish); **Jefferson Parish Juvenile Drug Court Program**; and the Orleans Parish



16th JDC Judge Keith Comeaux (center), recipient of the prestigious Jake Hadley Award, with members of his drug court team, who serve both the adult and juvenile drug courts in Iberia, St. Martin and St. Mary Parishes.

Adult Drug Court Program.

The Conference was co-sponsored by the Louisiana Supreme Court Drug Court Office which currently supports 47 local drug court programs statewide. These 47 programs provide judicial oversight and treatment to over 3,000 adult and juvenile drug court clients each month.

"Judges, district attorneys, public

defenders, treatment providers, and others around the State are helping to change the lives of individuals and families who suffer from drug and alcohol addiction," said Louisiana Supreme Court Chief Justice Catherine D. "Kitty" Kimball, "and in doing so, they are changing communities. We are very grateful for the support we receive from our federal and state partners who make it possible for our courts to do this critical work."

During the Conference, **Judge Keith Comeaux, who serves as both the adult and juvenile drug court judge in the 16th Judicial District - St. Mary Parish**, was awarded the prestigious *Jake Hadley Award* for his dedication and outstanding service to the drug court field.

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We would like to encourage judges, clerks of court and court administrators to submit any outreach activities, awards received, or other "good news" about your court to rgunn@lajao.org for publication in future issues of Court Column.

CASA Jefferson Receives Award from National CASA Association

Court Appointed Special Advocates (CASA) Jefferson was recognized with the National CASA Association Award, Promising Practices Spotlight. This nomination was submitted by Jefferson Parish Juvenile Court Deputy Judicial Administrator-Special Projects Cindy Chauvin and Rebecca Corbello, director of CASA Jefferson and is the first time National CASA has presented such an award. The award acknowledges the collaborative efforts of CASA and Louisiana's Office of Community Services (OCS).

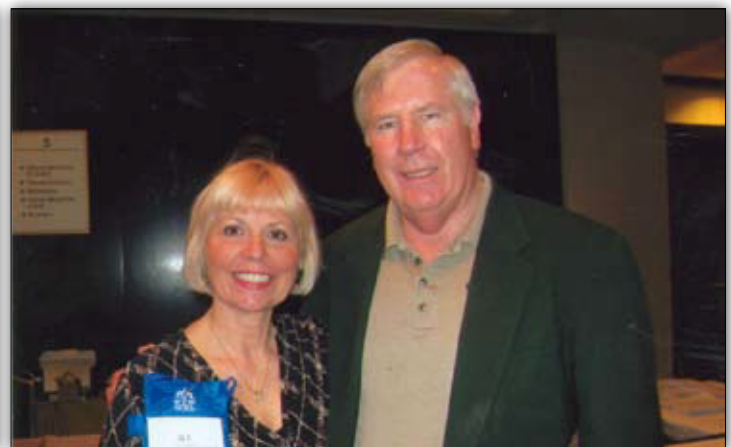
"The Judges of Jefferson Parish Juvenile Court are very proud to have such a wonderful team of people with CASA Jefferson and Office of Community Services who care and dedicate themselves each and everyday to provide services to the neglected and abused children," said Chief Judge Ann Murry Keller. "Job well done!"

In 2009, National CASA introduced the Promising Practices Spotlight to highlight original activities, projects or events that enhance the CASA/GAL (Guardians ad Litem) program's ability to deliver on the mission of providing court-appointed volunteer advocacy to abused and neglected children. In 2009, CASA Jefferson was one of two programs nationally to receive this award.



Pictured from (l-r) The Honorable Ernestine Gray, Orleans Parish Juvenile Court Judge & the National CASA Board President along with Hannah Dunn, District Manager of the Greater Orleans Region, Jefferson District, Office of Community Services, Cynthia Chauvin, Director, CASA Jefferson, and Michael Piraino, CEO of the National CASA Association.

Judge Conery Represents LDJA at Court Reporting Conference



16th JDC Judge John E. Conery, president of the Louisiana District Judges Association (LDJA), attended the National Court Reporter's Convention in New Orleans and welcomed the group on behalf of the LDJA. At left is NCRA Secretary-Treasurer R. Douglas Friend, Judge Conery and President Karen Yates. On the right is NCRA Deputy Executive Director B.J. Shorak with Judge Conery.

Chief Justice Catherine Kimball Celebrates HERstory for LSU Women's History Month Program

As a wife, mother and now Chief Justice, **Catherine D. Kimball** typifies those she mentioned in her Women's History Month speech, whom she described as "ordinary citizens who, because of life's circumstances, chose to do extraordinary things."

Chief Justice Kimball's address as keynote speaker returned to that theme as she described the blending of caring and courage by of a number of female pioneers during the celebration of LSU Women's History Month salute to "Celebrating HERstory."

"Every woman's story has the ability to transform her from an ordinary person into someone who can do extraordinary things," said Kimball. "The circumstances that you find yourself in, in your ordinary life, can sometimes lead you into a position to be able to do extraordinary things."

The first woman elected to the Louisiana Supreme Court, Kimball made history again on Jan. 12 when she was sworn in as the first female to serve as chief justice of Louisiana's highest court. A 1970 graduate of the LSU Paul M. Hebert Law Center, Kimball was inducted into the Louisiana Justice Hall of Fame in 2006.

During her speech, **Chief Justice Kimball** mentioned a few female pioneers by name - Ellen Richards, Rachel Carson, Grace Thorpe, Anne Milling, Claudette Colvin, Candy Lightner, Lindy Boggs, Mary Landrieu - as examples of those who chose to do extraordinary things with their lives. But it was at the end of her speech that she drew a parallel between those leaving their towns prior to Hurricane Katrina and a woman leaving an abusive situation in search of a better one as examples to be followed.

"The courage of women who are able to leave an abusive situation for the sake of their children, they are the people who history should remember. They are ordinary people that all of us should think about during Women's History Month. These women are giving everything up for their families."

Following her speech, Kimball was presented with the inaugural LSU Women's Center "Esprit de Femme" award by Vice Provost for Equity, Diversity and Community Outreach Katrice Albert. The Esprit de Femme award will honor a person each year who has made an exceptional effort to diminish the struggles of women throughout the community, state and nation.



The LSU Women's Center and the LSU Bar Association welcomed Chief Justice Catherine "Kitty" Kimball of the Louisiana Supreme Court as the Women's History Month Star Performance keynote speaker on March 12. Pictured (left to right): LSU Women's Center Director Catherine Hopkins; Paul M. Hebert Law Center Chancellor Jack Weiss; Chief Justice Kimball; LSU Vice Provost for Equity, Diversity and Community Outreach Katrice Albert; and President of the LSU Student Bar Association Jeffrey Coriel. Photo: Sharbari Dey/LSU Women's Center

Supreme Court's Web Site Adds Language Translation Tool

The Louisiana Supreme Court's award-winning web site has recently expanded to include a language translation tool making the entire web site translatable into 31 different languages. Found on the Louisiana Supreme Court web site home page at www.lasc.org and powered by Google, the translation tool requires only a click on the language of choice to activate the web site content in the chosen language.

According to Chief Justice Catherine D. "Kitty" Kimball, "Keeping the web site current and user-friendly is a priority for this court, as the web site is often the resource where citizens access court information. We are excited about the addition of a translation tool as it was a simple improvement that has a huge impact. Louisiana Supreme Court information is now accessible to the diverse, non-English speaking audience living within the state of Louisiana and to web-users throughout the world."

In 2005, the Louisiana Supreme Court web site was awarded a spot on the Top-10 Court Web Sites list by Justice Served, an alliance of court management and justice experts, for being among the best in providing on-line court services. The court web site averages about 5.8 million hits and hosts approximately 77,500 visitors per month.



Listed are a sample of the many languages offered by the translation tool on the Supreme Court's Web site.

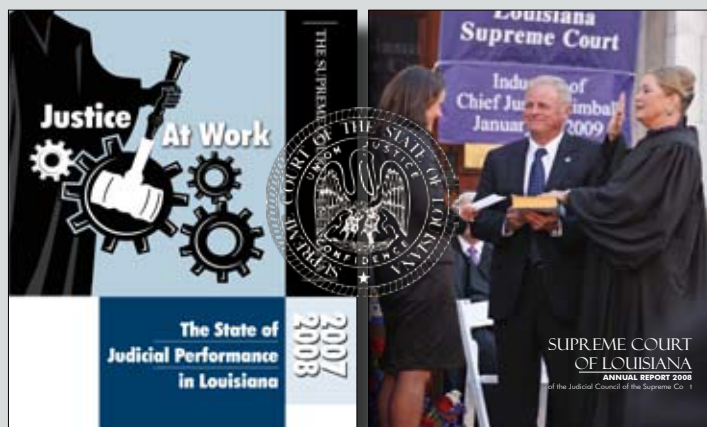
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LOUISIANA SUPREME COURT

Annual Reports

The 2008 Annual Report and the Guide to Louisiana Courts are now available in an online edition. The Annual Report contains statewide court statistics, while the Guide to Louisiana Courts lists judges, clerks of court and court administrators for all levels of court statewide and their contact information. Additionally, Justice At Work - The State of Judicial Performance in Louisiana, which contains statewide strategic planning initiatives of courts statewide, will soon be available online. Read or download in the Press Room section of the Louisiana Supreme Court's Web site: www.lasc.org.



Court Tours

Villanova Law Students visit Court



20 students from Villanova Law School visited and toured the Louisiana Supreme Court during their time in New Orleans.

Jefferson Bar Auxiliary tours building



Members of the Jefferson Bar Association Auxiliary take a moment to gather for a group picture following their tour of the Louisiana Supreme Court building.

RAJA Squad tours Supreme Court



Katie Nachod, Reference & Electronic Services Librarian, discusses a Law Day exhibit with members of RAJA (Retired Army Judge Advocates Association) who were in New Orleans as part of their national convention.

Assistant AGs visit from the Office of the Attorney General of Texas



Court Tours

During their tour of the Louisiana Supreme Court and Law Library of Louisiana, attorneys from the Office of the Attorney General of Texas are shown Las Siete Partidas (1587), the Code Civil (1804), and Recopilación de Leyes de los Reynos de las Indias (1681) by the Director of the Law Library of Louisiana Georgia Chadwick.

St. Mary Parish Students Visit with Justice Weimer



Students from schools in St. Mary Parish enjoyed the opportunity to visit and tour the Louisiana Supreme Court and to meet Supreme Court Justice John L. Weimer, who discussed his background with the students in his chambers.



Visiting Attorneys tour Louisiana Law Museum

A group of attorneys from across the United States were in New Orleans for an educational conference and took an afternoon to visit and tour the 400 Royal Street building including the Louisiana Law Museum.

Your Honors



Louisiana Supreme Court Chief Justice Catherine D. Kimball has been named Judge of the Year by Louisiana Court-Appointed Special Advocates.

Louisiana CASA is a member of the National Court Appointed Special Advocate Association, a network of nearly 950 local community programs that recruit and train citizen volunteers to advocate for the rights of abused and neglected children.



Louisiana Supreme Court Justice Bernette J. Johnson was named the recipient of the 2008 Distinguished Jurist Award by The Louisiana Bar Foundation.



21st JDC Judge Zoey Waguespack was inducted into the Southern University Law Center Hall of Fame.



Retired Louisiana Supreme Court Chief Justice Pascal F. Calogero, Jr. received the 2008 Integritas Vitae Award from Loyola Law School for displaying high moral

character and selfless service without expectation of material reward or public recognition and adhering to the principles of honesty, integrity, justice and the preservation of human dignity.

First Supreme Court Judicial Administrator Honored During Ceremony

Professor George Pugh, who served as the Louisiana Supreme Court's first judicial administrator, 1954-1956, was recognized in a ceremony held following oral arguments in March, 2009. Pugh, who earned his JD from Louisiana State University Law School in 1950, began teaching at LSU Law School in 1952 and remained there on faculty until 1994, during which time he took a two-year leave of absence to serve as the judicial administrator.

"I remember...his insistence on teaching a student to think and to analyze," said **Chief Justice Catherine D. Kimball**, who had Professor Pugh as an instructor during her studies at LSU Law School. "I don't know that I ever had any other professor in any of the time I had at law school that focused so strongly on that particular task, which has been so critical in where I find myself today."

Professor Pugh, who has also served as a judge *ad hoc* on the Court of Appeal, is known as the "father" of the Louisiana Code of Evidence.



Taking part in the ceremony were (l to r): Louisiana Supreme Court Judicial Administrator Dr. Hugh M. Collins, Ph.D., retired Louisiana Supreme Court Chief Justice Pascal F. Calogero, Jr., former Louisiana Supreme Court Judicial Administrator Richard "Dick" Knight, Esq., former Louisiana Supreme Court Judicial Administrator George Pugh, Esq., Jean Pugh, Esq., and Louisiana Supreme Court Chief Justice Catherine D. Kimball.

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