

Louisiana Supreme Court Holds Court in Lafayette

Since 1898, the Louisiana Supreme Court has been domiciled in New Orleans. Here, it has had the distinction of being the state's highest court, or as it is often called, the court of last resort in the state of Louisiana. Ultimately, the eight justices of the Louisiana Supreme Court have the final authority on a wealth of cases addressing issues most basic to the daily lives of Louisiana citizens. Recently the justices of the Louisiana Supreme Court held proceedings in Lafayette in an effort to inform and educate the public about the work of the Court.

"For the past fifteen years, holding court in venues other than New Orleans has been a biennial tradition of the Court. The goal is to provide area citizens with a snapshot of the volume, variety and complexity of the Court's caseload by bringing the Louisiana Supreme Court to them," said Chief Justice Pascal F. Calogero, Jr.

Typically these special sessions of court are held at one of the state's four law schools—Louisiana State University, Loyola University, Southern University, Tulane University—on a rotation basis. However, on occasion public venues have also served as "the courthouse." Such was the case on April 12 when the Heymann Performing Arts & Convention Center in Lafayette became a temporary "courthouse" for the Louisiana Supreme Court.

While in Lafayette, the Court heard oral arguments on three cases: one involving the



Justice Jeannette Theriot Knoll greets a group of students after her remarks at the Heymann Performing Arts Convention Center in Lafayette, La.

admission of additional evidence, another on riding a bicycle while intoxicated and a third case involved employer liability for the work-related automobile accident of an employee.

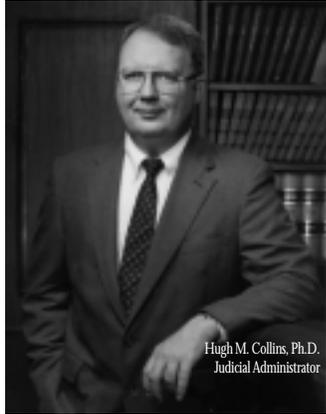
Following oral arguments Justice Jeannette Theriot Knoll, who was elected from the Third Supreme Court District which includes Lafayette, spoke to the high school students in attendance as well as a group from the University of Louisiana-Lafayette on court structure and appellate procedure.

The justices of the Louisiana Supreme Court hear oral arguments approximately every six weeks at the Court's permanent residence – 301 Loyola Avenue in New Orleans. The morning and afternoon court sessions are open to the public. For information about the Court calendar contact the Clerk of Court's Office at (504) 568-0507 or visit www.lasc.org.



C O R N E R

C O L L I N S



Hugh M. Collins, Ph.D.
Judicial Administrator

Congratulations are in order as the Judicial Administrator's Office, Department of Children and Families, won first place in the 1999 National Educational Telecommunications Association (NETA) Awards for their production, *Adrift in the System: Louisiana's Children in Crisis*. The 30-minute documentary, spearheaded by Deputy Judicial Administrators Kären Hallstrom and Tony Gagliano as part of the Court Improvement Program's Campaign for Children, was produced in conjunction with Louisiana Public Broadcasting. It highlights the plight of nearly 6,000 of Louisiana's children involved in the foster care system on any given day.

Adrift in the System presents the views of parents, children's advocates, child welfare professionals, legal experts and others on how to make the foster care system more responsive to the needs of Louisiana's foster children.

Additional insights about the system are provided by Judge Ernestine S. Gray, Orleans Parish Juvenile Court; Randy Ewing, former Louisiana Senate President; and Judge Billy Ezell, 14th Judicial District Court.

The video was made possible by the Court Improvement Program of the Louisiana Supreme Court, the Louisiana Children's Trust Fund, Wendy's International, Inc. and the Dave Thomas Foundation. NETA is a nationwide consortium of public television stations that provide educational and traditional programming.

District Court Rules Revised

Reported efforts to streamline and unify the various rules of district courts in use throughout the state of Louisiana began as early as the 1970's. In February 1997, the Louisiana Supreme Court created the Court Rules Committee of the Judicial Council of the Supreme Court to bring together representatives of the bench and the Louisiana State Bar Association (LSBA) to again tackle this topic. Since that date, a dedicated committee of judges and lawyers worked as one to review the various district court rules in existence in Louisiana and to consider whether more consistency might be possible.

The efforts by the current Court Rules Committee were enhanced by several factors, including: participation by a committee appointed by the Supreme Court; monetary resources from the LSBA, the Supreme Court, the Louisiana Bar Foundation and the Criminal Justice Institute; and professional assistance from the National Center for State Courts.

After much study and debate, the Court Rules Committee has proposed a set of general rules (Title I), covering topics such as courtroom use and courtroom decorum, applicable in all civil, criminal, family and juvenile cases in district court.

The Court Rules Committee also proposed a set of rules for civil proceedings (Title II) and a set of rules for criminal proceedings (Title III).

With respect to family and juvenile proceedings (Titles IV and V), the Court Rules Committee proposed a uniform system rather than a specific set of rules. If implemented, each judicial district or court would be asked to renumber its existing rules using the numbering system adopted.

The proposed rules are in draft form and the Court Rules Committee is actively seeking comments and suggestions from Louisiana judges and lawyers in an effort to address legitimate concerns and make needed changes before reporting to the Judicial Council of the Supreme Court in October 2000.

Court Rules Committee

Susie Morgan, Chair
Patrick W. Pendley, Co-Chair
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Gregory Eaton
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L. Albert Forrest
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Judge Ronald J. Sholes
Judge Alex Wall
Jack K. Whitehead, Jr.
Thomas W. Sanders
Jeremiah A. Sprague
Raymond P. Ward



Mel Dugas, Director of Civil Staff of the Louisiana Supreme Court, was named the recipient of the 1999 Chief Justice Excellence Award at a ceremony held recently. Dugas, a Tulane Law School graduate who has served with the Louisiana Supreme Court since his graduation, accepts congratulations from Justice Walter F. Marcus, Jr. and Chief Justice Pascal F. Calogero, Jr.

INNOVATIONS

Offenders With Grave Detail

Judge Paul Bonin, New Orleans Traffic Court, has begun a program where offenders cited for minor violations have the option of keeping the city's cemeteries clean rather than face jail time and fines. At sentencing, Judge Bonin provides the offender with the community service option which gives the city of New Orleans and its cemeteries the manpower it normally lacks to accomplish the maintenance and cleaning of the city's seven cemeteries.

Judge Bonin began by providing eight helpers as a result of the program and expects to make 20 the maximum number. "Believe me, we're not going to run out of people," said Bonin, who estimated that at least 100 traffic violators go before Orleans Parish judges each day.

Judge Bonin also noted that an additional benefit is that the program allows residents who live near the cemeteries to rest easier, as the cleanup has eliminated some undesirable elements and undesirable sights from their community and has made their neighborhoods a better place to live.



An Orleans Parish traffic offender works off his sentence by cleaning the city's cemeteries of overgrowth and debris.

Offender Program Assists Civic Groups

First Parish Court Judge Rebecca Olivier believes that when a misdemeanor offender is sentenced to community service, the service that is provided should really be needed by the community. For that reason, Judge Olivier has developed a new program that permits civic associations to request help for a wide variety of work, including litter cleanup and maintenance of common grounds.

Under Judge Olivier's program, which went into effect in January, community leaders and nonprofit agencies fill out a form and request assistance from those sentenced to community service for projects deemed beneficial to the community. Jefferson Parish officials supply two supervisors every Saturday and a community advisory board that assigns the workers has been formed. The rest of the program's cost is financed through court fees.

Judge Olivier said, "I am concerned by the challenge to get those sentenced to community service to work where there is the greatest need in the community." Prior to the development of Judge Olivier's program, those individuals sentenced to community service chose from a set list of tasks, including picking up trash at Lafreniere Park or along Earhart Boulevard, or working at Goodwill. Judge Olivier's plan is based on a successful program created by an Arizona court.

Sentencing Noise Offenders

In response to the growing number of loud sound systems in both cars and clubs, many cities have noise or music ordinances in place. One such city is Oakdale, Louisiana. While many large municipalities require that violators pay fines, Oakdale City Judge Perrell Fuselier goes one step further by requiring community service and sentencing offenders to jail.

In Oakdale, anyone who gets a ticket for excessive noise must appear in court. If the offender pleads guilty or is found guilty of violating the noise ordinance, the offender is not only subject to a \$125 fine, but also to two days of community service and a 15-day suspended sentence in Oakdale City Jail.

In lieu of jail time, Judge Fuselier puts first-time offenders on unsupervised probation for one year. If an offender doesn't pay the fine or has another violation in the one-year time frame, the offender automatically must serve 15 days in jail. In addition to the 15 days, second offenders are assessed additional jail time and a higher fine that is decided on a case by case basis.

Judge Fuselier believes that the sentencing punishes the offenders more than a simple fine would. "A fine punishes the parents of a younger offender more than it punishes the actual offender, whereas having to be accountable in other ways punishes the person actually violating the law", according to Judge Fuselier.

CYBER COURTS

Federal Judicial Center
www.fjc.gov

National Association for
Court Management
<http://nacm.ncsc.dni.us/>

Cornell Law School Legal
Information Institute
www.law.cornell.edu

Department of Justice,
Violence Against
Women Office
www.ojp.usdoj.gov/vawo

Department of Justice,
Violence Against
Women Online Resources
www.vaw.umn.edu

American Bar Association,
Commission on
Domestic Violence
www.abanet.org/domviol/home.html

Louisiana Judicial College
www.law.lsu.edu/jc/

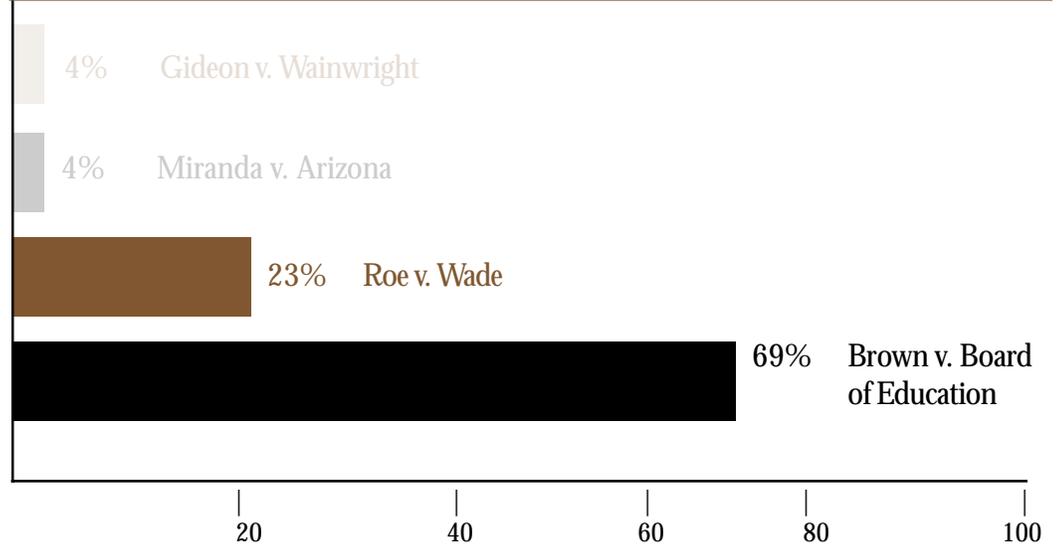


What Was The Most Historically Significant Decision Rendered by the U.S. Supreme Court During the 20th Century?

“For over two centuries the U.S. Supreme Court has interpreted the Constitution. Virtually every issue of significance in American Society eventually arrives at the Supreme Court.”

As we move into the 21st century, the importance of certain decisions rendered by the United States Supreme Court continue to evolve. The Community Relations Department of the Louisiana Supreme Court asked judges throughout the state to give their answer to the question. A survey questionnaire was sent to every judge in the state and a listing of the most popular responses along with a sampling of explanations follow.

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



In the decisions rendered by the U.S. Supreme Court in the four cases selected, the following conclusions were reached:

Gideon v. Wainwright, 372 U.S. 335 (1963) - Established an indigent criminal defendant's right to counsel in state criminal trials under the Sixth Amendment of the U.S. Constitution.

Miranda v. Arizona, 384 U.S. 436 (1966) - Declared a specific set of rights for criminal defendants. The Miranda warning, named after Ernesto Miranda, one of the petitioners in the case, is a list of rights that a law enforcement officer must read to anyone arrested for a criminal act.

Roe v. Wade, 410 U.S. 113 (1973) - Declared a pregnant woman is entitled to have an abortion until the end of the first trimester of pregnancy without any interference by the state.

Brown v. Board of Education, 347 U.S. 483 (1954) - Held that racial segregation in public education is unconstitutional, violating the Equal Protection Clause of the Fourteenth Amendment.



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

Judge Gene Thibodeaux
3rd Circuit Court of Appeal



“Rooted, as it was, in a federal right to privacy that is unmentioned in the Constitution, Roe v. Wade created constitutional interpretive issues separate and apart from the turmoil that it left in its wake.”

Judge John L. Peytavin
23rd Judicial District Court



“Brown v. Board of Education. Not only did it change the prevailing concept of educating children (particularly in, but not limited to, the South), it gave impetus to the integration of races in every aspect of life, socially, politically, economically and philosophically. The whole outlook of a majority of citizens of the United States was transformed.”

Judge Preston N. Aucoin
13th Judicial District Court



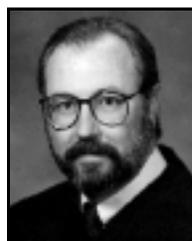
“The social and moral implications of Roe v. Wade have entered the very fabric of our society and will impact our culture for generations. Rarely does a legal decision so starkly outlive the religious and moral divergence on an issue within our society.”

Judge Peter J. Garcia
22nd Judicial District Court



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

Judge W. Ross Foote
9th Judicial District Court



“Gideon v. Wainwright. This concept affects every aspect of inherent fairness. It ‘leveled the playing field’ of criminal law. This case made it clear that the rights guaranteed by the U.S. Constitution would be effective for all citizens, no matter their stature or position in life. In effect, it insured that the Constitution itself would survive.”

Commissioner Craig Cimo
24th Judicial District Court



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

Judge Luke LaVergne
East Baton Rouge Family Court



“While other cases may be farther reaching, no case has reached more people than Miranda v. Arizona or made citizens more aware of their Constitutional rights at the critical juncture when these rights are most significant, i.e., you have the right to remain silent...”

Judge Roland L. Belsome, Jr.
Orleans Civil District Court



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

Judge Paul Young
Caddo Juvenile Court





First Circuit Rides the Circuit

The Judges of Louisiana's **First Circuit Court of Appeal** held hearings in St. Mary Parish at Franklin Senior High School, with **Judge Douglas M. Gonzales** of Baton Rouge, **Judge Brady M. Fitzsimmons** of Covington, **Judge John Michael Guidry** of Baton Rouge and **Judge John L. Weimer** of Thibodaux, alternating sitting as a three-judge panel to hear oral arguments.

The First Circuit Court of Appeal decided to hold oral arguments in St. Mary Parish following a request of the District and City Court Judges, the attorneys of the St. Mary Bar Association and the Inn of Court on the Teche. It is believed to have been the first time the Court of Appeal held oral arguments in St. Mary Parish.

The First Circuit Court of Appeal is domiciled in Baton Rouge and normally holds hearings at its courthouse located across the lake from the State Capitol at 1600 North Third Street. In the late 1800's, judges literally "rode circuit" on horseback to hold court. Riding the circuit, which gave the court its name, ended in 1960. In 1996, the practice of "riding the circuit," or traveling to various locations within a jurisdiction to hold court, was reinstated for special hearings. Judges decided to renew the tradition of "riding the circuit" for educational purposes and to provide the opportunity for citizens to view the proceedings of the Court of Appeal.

Lafayette Hosts Eatin' Meetin'



Speakers included (left to right): Judge Diana P. Simon, Judge Thomas R. Duplantier, Judge Harmon Drew, Jr., Ms. Jean Talley Drew and Mr. Luke Edwards.

Youngsville Police Department. Each officer received a complimentary copy of the True Blue Drew Book, authored by Judge and Mrs. Drew.

Approximately 100 of Lafayette's finest attended the first annual **Lafayette Area Peace Officers Eatin' Meetin'** at the Lafayette Parish Sheriff's Department Training Academy. The seminar, hosted by the **Louisiana Third Circuit Judges Association**, was designed to give area law enforcement officers an overview of basic criminal law. Areas of discussion included search and seizure, arrest and search warrant affidavit development and DWI arrest procedure. The group also reviewed and discussed several recent Supreme Court cases dealing with traffic stop searches and other areas of arrest and search procedure.

The attending officers represented the Lafayette Police Department, Lafayette Parish Sheriff's Department, Acadia Parish Sheriff's Department, University of Louisiana Police Department, State Police/Troop I, Broussard Police Department, Carencro Police Department, Duson Police Department, Scott Police Department and

Buckle Up Acadiana

Judge Douglas J. Saloom, Lafayette City Court, has designed a car safety belt program, Buckle Up Acadiana, that is in full swing with the help of the Louisiana IceGators. The objective of the program is to increase the use of safety belts and child safety seats by putting an emphasis on teaching students why they should be sure that everyone in their family's vehicle is properly buckled.

The program was presented to seventeen fourth and fifth grades during the school year, reaching over 2000 children. Judge Saloom was joined at each session by a hockey player from the IceGators. The hockey players discussed the importance of wearing safety equipment in the sport of hockey followed by a local police officer or State Trooper who dis-

cussed statistics and actual tragic incidents involving passengers not wearing safety belts. Afterward, a safety instructor would demonstrate the proper way a child should wear a safety belt. The program concluded with a recitation of the "Safety Belt Promise" and the students placing their signatures on a banner to be hung at the school as a reminder to buckle up.





Judge Participates in State Police Ride-Along

Getting out of the courtroom, away from the bench, and into the front seat of a Louisiana State Police unit affords a judge a new perspective on the typical cases he or she might hear in court, according to Judge Kathy Johnson, 7th Judicial District Court.

Johnson participated in a Ride-Along Program with State Trooper Glenn Lipsey, traveling with him from 7:00 on a Friday evening until 4:00 am Saturday as he worked a regular shift.

"I learned to appreciate the risks the officers subject themselves to as they work," Johnson said, noting that darkly tinted vehicle windows and remote rural areas of the



State Trooper Glenn Lipsey and District Judge Kathy Johnson.

regarding arrest procedures and other law enforcement and court matters in an informal atmosphere.

parishes seem to provide some of the most hazardous situations for law enforcement.

While traveling nine hours and 260 miles during the night, Johnson observed as Trooper Lipsey patrolled and ticketed motorists for speeding, stopped a motorist for suspected driving while intoxicated and assisted a Concordia Parish Sheriff's Deputy in a vehicle search for drugs.

Johnson said she feels the ride-along experience can be beneficial for both law enforcement and court officials as it provides them the opportunity to share their views

Truancy Intervention Program Gets Children Into The Classroom

Judge Grace Bennett Gasaway, Hammond City Court, and District Attorney Scott Perrilloux recently entered into a partnership with the Tangipahoa Parish School System and Sheriff Ed Layrisson to enforce mandatory school attendance. Parents and guardians are accountable for their children's attendance and the new partnership is designed to bring attendance violations to the attention of the Court more quickly and efficiently.

Under the partnership's truancy plan, known as S.W.A.T. (Seventh Ward Assertive Truancy Program), parents of children in Tangipahoa Parish 7th Ward Schools receive a letter from Judge Gasaway and the District Attorney, along with a copy of the school attendance law. The letter explains the consequences for failure of a parent to send their children to school and specifically informs par-

ents of the potential for charges being filed against them and the possibility of a daily fine for noncompliance. The parents are required to return a signed acknowledgment of the letter.

The Tangipahoa Parish School System provides daily attendance information through the principals of the 7th Ward Schools to the court Truancy Officer, who monitors the attendance and assists in the processing of cases through the Truancy Court.

The FINS/Truancy Officer works daily with schools to assure that absent students do not go unnoticed or unaddressed. "Swift and consistent follow-up is the key to the success of the S.W.A.T. program," according to Judge Gasaway. "The goal is to assure the formalized education of all children, and everyone knows that the first step is to get the children into the classroom," she said.

Classroom in the Courtroom

Judge Monty Doggett and Judge Rick Harrington, 10th Judicial District Court (JDC), hosted students from Lakeview High, St. Mary's High and Natchitoches Junior High as the first Natchitoches area schools to participate in Classroom in the Courtroom, a new court-initiated program designed to educate junior and senior high school students about the criminal justice system.

With Classroom in the Courtroom, the students are invited to the 10th JDC to learn about the judicial system firsthand through meetings with the judges, who provide information about the courts, an overview of the day's docket and an opportunity for students to observe arraignments, hearings and misdemeanor trials from the jury box. Students deliberate on the verdict as if they were a real jury.

"While students never actually participate in the proceedings," said Judge Harrington, a former teacher, "they are as close to the action as possible. This, combined with their simulated jury role play, gives them a real-life educational experience and a view of what they might expect if they take the wrong path in life."



Students from Natchitoches Junior High take part in Classroom in the Courtroom under the watchful eye of Assistant District Attorney Jacqueline Williams and Judge Harrington.



IPSO FACTO... Artist Leaves Legacy at Courthouse

Enrique Alferez was a prolific sculptor whose sleek, streamlined works can be found in parks, buildings and public spaces throughout the New Orleans area. A native of Mexico, Alferez came to New Orleans in the late 1920's. He remained artistically active in the city into his 90's, rounding out a life rich and lengthy enough to have included service as a young man with rebels loyal to Pancho Villa, the Mexican revolutionary. Alferez recently died at the age of 98, but not without leaving his mark at the St. Bernard Courthouse.



Photo by Times Picayune

IT'S A FACT:

In 1939, an Enrique Alferez carving of King Solomon was installed at the St. Bernard Courthouse but later disappeared. No one knows what happened to it. In 1993, Alferez created a second carving of King Solomon for the courthouse as a replacement.

YOUR HONORS

■ Chief Justice Pascal F. Calogero, Jr., recently celebrated his 10th anniversary as Chief Justice of the Louisiana Supreme Court. Calogero was elected to the Louisiana Supreme Court in 1972.



■ Justice Walter F. Marcus, Jr., has announced after 28 years of service, he will leave the bench of the Louisiana Supreme Court effective September 1, 2000.



■ Justice Harry T. Lemmon recently celebrated his 20th year as a Louisiana Supreme Court Justice.



■ Retired Judge Kaliste J. Saloom, Jr., was the recipient of the 1999 Warren E. Burger Award, which honors individuals who have made a significant contribution to the administration of justice by the state courts supporting the mission and goals of the National Center for State Courts. He became the first and only municipal



court judge in the United States to have received this award. The award was presented to him by U.S. Supreme Court Chief Justice William H. Rehnquist in a ceremony held in Washington, D.C.

■ Judge Salvadore T. Mulé was recently honored by the Louisiana Children's Trust Fund with the Judge Richard Ware Award, given to individuals who work for the prevention of child abuse and neglect and demonstrate commitment and dedication to the well-being of Louisiana's children.

■ The Fifth Circuit Judges Association recently announced their newly Elected Officers, Judge Edward A. Dufresne, Jr., Fifth Circuit Court of Appeal, Treasurer; Judge Emile R. St. Pierre, 29th Judicial Dis-

trict Court, Vice-President; Judge Andrea Price Janzen, Jefferson Parish Juvenile Court, Secretary; and Judge Robert M. Murphy, 24th Judicial District Court, President.

■ Judge Jimmie C. Peters, 3rd Circuit Court of Appeal, was recently elected as a Fellow of the Louisiana Bar Association Foundation.

■ Judge Elaine W. Guillot, 22nd Judicial District Court, has completed a course in enhancing judicial skills in domestic violence cases, which was presented by The National Judicial Institute on Domestic Violence.

■ Judge Gerard J. Hansen has assumed the position of Chief Judge for Criminal District Court for the Parish of Orleans, as of early 2000.

Community Relations Department
Judicial Administrator's Office
State of Louisiana
1555 Poydras Street, Suite 1540
New Orleans, Louisiana 70112-3701

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(504) 599-0311

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