

## ***Foster Honored During Royal Street Event***

Surrounded by the justices of the Louisiana Supreme Court, the judges of the Court of Appeal-Fourth Circuit and members of the Louisiana Supreme Court Historical Society, **Chief Justice Pascal F. Calogero, Jr.** honored **Governor Mike Foster** in a December 18, 2003 ceremony commemorating the Governor's contribution and marking the completion of the major final renovation of the Royal Street Courthouse by Brice Building Company, Inc.



*Louisiana Supreme Court Chief Justice Pascal Calogero makes a presentation to Governor Mike Foster in recognition of his contribution to the renovation of the 400 Royal Street building.*

*Photo by The Times-Picayune*

"We are not here to dedicate this building, but rather for a more limited, special reason. The final construction contract has been completed by the Brice Building Company. We hold this function in part to commemorate that milestone. But even more importantly, we hold this function to express our thanks and appreciation to Governor Mike Foster, without whom our future move to the newly renovated Supreme Court building would not have been possible," said Chief Justice Pascal Calogero, Jr.

The Beaux Arts-style building was originally built in 1910 for the Louisiana Supreme Court and the Orleans Civil District Court. The building has now been restored for multi-purpose use to house the Louisiana Supreme Court, the Court of Appeal-Fourth Circuit, the State Judicial Administrator's Office, the Law Library of Louisiana, an Attorney General's Office and, in time, a legal museum. Occupancy is expected in the spring of 2004.

As part of the ceremony, which was emceed by U.S. District Court Judge Eldon Fallon, Calogero presented to the Governor a doorknob salvaged from the original courthouse building as a commemorative award for his longstanding belief that the courthouse restoration was "the right thing to do."

According to Calogero, "The overarching reason for this new courthouse is the State's respect for a constitutional co-equal branch of government and the significance of the work of the Supreme Court Justices and the Court of Appeal Judges who will toil within its walls. No less a justification is the pride in the physical structure and corresponding accommodations for our Louisiana citizens and the lawyers who represent them in court proceedings which rise to the Court of Appeal and Supreme Court levels of the state's judiciary."

After the ceremonial program, the newly restored courthouse was opened to attendees for self-guided tours.



## C O R N E R

C O L L I N S



*Hugh M. Collins, Ph.D.  
Judicial Administrator*

The start of a new year is the perfect time to reflect on the year gone by. In 2003, the Judicial Administrator's Office accomplished many good works on which to build in the year 2004. Here are some of the highlights:

- Assisted the Court with the comprehensive revision of the Louisiana Rules of Professional Conduct for attorneys.
- Worked with the Pro Se Litigation Task force and drafted the Best Practices Guide on Pro Se Litigation.
- Helped staff the Juvenile Justice Commission's Advisory Board which developed the findings and recommendations that were enacted into law.
- The Children and Families Department continued a partnership with the legislative and executive branches of government as envisioned by Chief Justice Calogero toward the creation of a juvenile justice system responsive to the needs of Louisiana's children and families.
- Completed a Drug Court Case Management System accessible by all drug courts across the state.
- Established 3 new drug court programs in areas not previously being served...St. Bernard, Concordia and Livingston/Tangipahoa Parishes...increasing the total to 38 drug courts statewide.
- The Accounting Services Department completed the annual audit in a timely fashion and received a clean audit opinion from the Legislative State Auditors.
- Louisiana Protective Order Registry trainers conducted a variety of educational programs in 2003, reaching more than 900 people with information about the registry which is used by courts, advocates and attorneys.
- The Community Relations Department produced and distributed numerous publications to keep the public informed about the workings of Louisiana courts such as the Annual Report, Justice At Work and Court Column.

## 2003-2004 Officers Named

During the 2003 Fall Judges Conference, held October 5-7, in New Orleans, officers for the four state judges' associations were elected. The officers are responsible for managing the business of each association, increasing public outreach efforts, and ensuring strategic plan implementation and compliance by their membership.

### *Conference of Court of Appeal Judges*

#### Chairman

**Judge Gene Thibodeaux**

Third Circuit Court of Appeal

#### Vice-Chairman

**Judge Joan Bernard Armstrong**

Fourth Circuit Court of Appeal

#### Secretary-Treasurer

**Jerry Peterson - Staff Director**

Fifth Circuit Court of Appeal

### *District Judges Association*

#### President

**Judge Michael G. Bagneris**

Orleans CDC

#### First Vice-President

**Judge Jerome J. Barbera III**

17th JDC

#### Second Vice-President

**Judge W. Ross Foote**

9th JDC

#### Secretary

**Judge Fredericka Wicker**

24th JDC

#### Treasurer

**Judge Charles Porter**

16th JDC

### *Retired Judges Association*

President - **Thomas W. Tanner**

Vice-President - **A.J. Kling, Jr.**

Secretary/Treasurer - **William Norris**

### *Council of Juvenile and Family Court Judges*

#### President

**Judge Andrea Price Janzen**

Jefferson Parish Juvenile Court

#### Vice-President

**Judge J.P. Mauffray**

28th JDC

#### Secretary

**Judge George Murray, Jr.**

Vidalia City Court

Treasurer (appointed by President)

**Judge Nancy Amato Konrad**

Jefferson Parish Juvenile Court

### *City Court Judges Association\**

#### President

**Judge Grace Bennett Gasaway**

City Court of Hammond

#### Vice-President

**Judge Scott Leehy**

Monroe City Court

#### Secretary

**Judge Marilyn Lambert**

Ascension Parish Court

#### Treasurer

**Judge Paul Sens**

New Orleans Municipal Court

*\*(begin 2 year terms)*

## Supreme Court Hosts Botswana Court Officials



*Louisiana Supreme Court Clerk of Court John T. Olivier with visiting legal officials from Botswana interested in further developing their country's legal system. From left: Godfrey Nthomiwa, Registrar High Court; Gabriel Rwelengera, Court Administrator; John Olivier; Tino Robin, Managing Director Bytes Technology Group, Botswana.*

The Louisiana Supreme Court hosted a group of court officials and a technical advisor from the Republic of Botswana. During their visit, the group discussed case management solutions, data collection and its uses, courthouse development, and software implementation.



## 14th JDC Begins Televised Arraignments

Technology has taken over in the 14th JDC as video arraignments can now be held at the Calcasieu Judicial Center.

Inmates can now enter their plea and be appointed a public defender all via a video screen and T-1 line connected directly between the court and the jail.

"We struggled with it initially because of sound quality but have since made the necessary adjustments," said 14th JDC Judge Kent Savoie, who held the first video arraignment at the court. "I think it's helped with the administration of justice. I've not heard any complaints from the public defender, any members of the bar or law enforcement officials."

Six video arraignments have been held since the launching of the initiative.

Over 50 defendants have been brought "before the court" via video monitor.

"One of the complaints initially was that it was demeaning to the defendants but I feel it's more demeaning for them to have to show up in court with shackles on," said Judge Savoie. "Using the video technology, the defendant, still housed at the jail, can see the judge, his lawyer and the district attorney. The district attorney reads the charges, the defense attorney enters a plea and the judge is able to listen to the information firsthand. The defendant is standing in front of the video monitor and camera as he would be standing in front of the bar if he were in court. If the defendant needs to confer with his attorney, we have a direct line set up in a separate room where the defense attorney can have that conversation."

The court, which already holds 72-hour right-to-counsel via video, also is able to solve problems that arose due to space limitations.

"One of the problems we had in our court was that arraignments were scheduled for Monday afternoons. We had limited space to house defendants and had other cases and events scheduled for that day. This has really helped us alleviate some of those concerns," said Judge Savoie.

Cooperation between the court and the Calcasieu Parish Sheriff's Office was essential due to the cost of the technology, hardware and equipment. However, it is believed that the money spent initially will save an even greater amount over time due to the decreased expenditures for transportation of inmates to the judicial center, security costs and personnel costs.

It also poses less of a security risk as inmates who can be arraigned via the video conference will have their hearings held while they stand in the jail's in-house courtroom. Only those prisoners who require an in-person appearance will still be transported in person to the judicial center.

The video arraignments were the brainchild of the late 14th JDC Judge L.E. Hawsey Jr. Retired Judge Charley Quienalty held the first video right-to-counsel session within 72 hours for recently-jailed inmates in April, 1998.



*Judge Kent Savoie and attorneys listen to a defendant during a video arraignment session at the 14th JDC in Calcasieu Parish.*

### CYBER COURTS

**National Youth Court Center**

[www.youthcourt.net](http://www.youthcourt.net)

**Law School  
Admission Council**

[www.lsac.org](http://www.lsac.org)

**The Environmental Law  
Institute**

[www.eli.org](http://www.eli.org)

**The Guide to Law Online**

[www.loc.gov/law/guide](http://www.loc.gov/law/guide)

**National Senior Citizens  
Law Center**

[www.nsclc.org](http://www.nsclc.org)



## *The Judiciary Commission of Louisiana*

The Judiciary Commission of Louisiana is a nine-member constitutional body, empowered to review allegations of judicial misconduct and to recommend to the Supreme Court that a judge be sanctioned when misconduct is proven by clear and convincing evidence.

In addition to their review of complaints about judicial behavior, the Commission members endeavor to inform the judiciary about proper applications of the Canons of the Code of Judicial Conduct and the ethical limitations placed upon judges, both professionally and personally. Commission members serve without pay but receive reimbursement for expenses incurred in attending to Commission business. Its members also act as case managers who attend status conferences and other meetings in connection with cases before the Commission. During 2003, the Commission convened 9 meetings, requiring 19 days of business.

### **2003 ACTIVITY**

The Judiciary Commission of Louisiana received and docketed 549 complaints against judges and justices of the peace in 2003. In addition, 206 complaints filed prior to 2003 were pending January 1, 2003.

Complaints are received from litigants, non-litigant citizens, attorneys, judges, non-judicial state/parish/city employees, nonjudicial public officials and anonymous sources. Some complaints are referred to the Commission by the Louisiana Attorney Disciplinary Board, and the Commission is authorized to review matters on its own motion, which may come from media reports of alleged judicial misconduct.



### *Powers of the Judiciary Commission*

On recommendation of the Judiciary Commission, the Supreme Court may censure, suspend with or without salary, remove from office, or involuntarily retire a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, and conduct while in office which would constitute a felony, or conviction of a felony.

On recommendation of the Judiciary Commission, the Supreme Court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of disciplinary proceedings in the Supreme Court.

On recommendation of the Judiciary Commission, the Supreme Court may retire involuntarily a judge for disability that seriously interferes with the performance of his duties and that is or is likely to become permanent.

The Commissions' jurisdiction includes justices and judges of all courts of this state, including commissioners, magistrates, justices of the peace, and mayors who perform judicial functions.



In 2003, the Commission's Office of Special Counsel received over 748 requests for information, and the Commission Office received more than 334 requests.

Of the 549 complaints filed and docketed in 2003, 399 were screened out as not within the jurisdiction of the Commission, or without merit or sufficient corroborating evidence. The remaining 150 cases were reviewed to consider the need for investigation. During 2003, 38 of these cases required in-depth investigation.

In 2003, the Commission filed 23 formal charges against 11 judges. Formal hearings were conducted in six cases. In 2003, after formal hearings, the Commission submitted to the Supreme Court recommendations for discipline in five cases. In addition, one case was resolved through a Deferred Recommendation of Discipline Agreement. One case remained pending after hearing upon formal charges before the Commission.

## *How Do I File a Complaint?*

### **Submit complaints to:**

Steven Scheckman  
Special Counsel  
Office of Special Counsel  
601 St. Charles Avenue  
New Orleans, LA 70130  
(504) 568-8299  
[osc@lajao.org](mailto:osc@lajao.org)

### **Contact:**

Hugh M. Collins, Ph.D.  
Chief Executive Officer  
109 Supreme Court Bldg.  
301 Loyola Avenue  
New Orleans, LA 70112-1814  
(504) 568-5747

## *Confidentiality*

In accordance with Rule XXIII, Section 23, of the Rules of the Supreme Court, all documents filed with and evidence and proceedings before the Commission are confidential unless and until the Commission files a recommendation for discipline or retirement with the Supreme Court. The record filed by the Commission with the Supreme Court and the proceedings before the Supreme Court are not confidential. Once a recommendation is filed with the Supreme Court, it becomes public as any other case before the Court.

Also, during 2003, two justices of the peace made voluntary appearances for questioning by the Commission's Sub-committee on Justices of the Peace.

The Supreme Court issued one public censure, one 60-day suspension, and one 120 day suspension, and the justices removed one judge from office. The Supreme Court also placed one judge on interim disqualification precluding her from exercising judicial functions during the pendency of further proceedings.

As of December 31, 2003, there was one matter pending before the Supreme Court.

The Commission had 236 cases pending as of December 31, 2003, having disposed of 508 cases in 2003.

## **COMPLAINTS**

Complaints may be made to the office of the Chief Executive Officer of the Commission, **Hugh M. Collins, Ph.D.**, 1555 Poydras Street, Suite 1540, New Orleans, LA 70112, telephone (504) 568-5747. Complaints should be in writing and should allege judicial misconduct. Dissatisfaction with legal rulings, absent judicial misconduct, should be addressed through appeal. The Commission is not empowered to change a judicial ruling of any kind.

## *Membership*

The Commission consists of nine members who shall serve four-year terms: one court of appeal judge and two district judges selected by the Supreme Court; two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three but not more than ten years, selected by the Conference of Court of Appeal judges; and three citizens, not lawyers, judges or public officials, selected by the Louisiana District Judges Association. Members of the Judiciary Commission are not allowed to succeed themselves as members of the Commission.



## *Justice Weimer Addresses State Legal Educators at LCE event*

**Justice John L. Weimer** was a featured speaker at the Louisiana Center for Law and Civic Education's (LCE) Annual Summer Institute for Educators. The LCE, which is the public education partner of the Louisiana State Bar Association, held the workshop for social studies educators and community members from public, parochial and community settings across Louisiana.

Justice Weimer spoke about his days as an educator at Nicholls State University and the importance of preparation and perseverance when working with students.

"When I took the bench, I thought having been a teacher and out of the courtroom a while would have been a severe handicap as a judge," said Justice Weimer. "However, I found that being a teacher helped prepare me to be a judge. Teaching and judging share common components such as caring for people, dedication in assisting people, and a willingness to serve the public. As teachers sit in judgement of their students, so must judges sit in judgement of those matters which come before them."



*Supreme Court Justice John L. Weimer addresses a group of education professionals at the LCE Summer Institute for Educators.*

One of the requirements of his course was for students to attend a session of court and write about that experience utilizing the terminology and subject matter learned during the course of the semester. His students became well-versed in a wide variety of legal matters.

Since his election to the bench, Justice Weimer has been very

involved in Law Day and inviting students into the classroom - both at the district court and appellate levels. Additionally, he cites the Louisiana Supreme Court's sessions at Nicholls State University in Thibodaux and at the University of Louisiana at Monroe as examples of positive outreach efforts designed to reach the leaders of the future and further educate the public about the law.

"There are so many misconceptions about the judicial and legal system and education helps dispel some of those misconceptions," Weimer added.

Weimer was both an Adjunct Professor of Law and a Professor of Law at Nicholls State University from 1982-1997.

## *Justices from Republic of China Visit Supreme Court*



*Presiding Justice Hsiung-Ming Wu and Justices Chien-Nan Chu, Yu-Shan Cheng and Kuang-Hsia Hui Chang of the Supreme Court, Republic of China visited and toured the Louisiana Supreme Court in December.*

The Louisiana Supreme Court was visited by a group of justices from The Supreme Court of the Republic of China. The justices met with **Chief Deputy Clerk of Court Jeffrey Collins** and **Deputy Judicial Administrator Tim Averill** of the Louisiana Supreme Court. During their visit, the justices learned about the history, procedures and structure of the court system in Louisiana. Following their visit, the justices presented the Louisiana Supreme Court with a set of court rules from the Republic of China in appreciation for the exchange of information.



## *National Association of Women Judges Holds 25th Annual Conference*

The National Association of Women Judges held its 25th Annual Conference in Washington, D.C. Louisiana attendees included 40th JDC Judge Mary Hotard Becnel, 22nd JDC Judge Patricia Hedges, 15th JDC Judge Phyllis Keaty, and Orleans Civil District Court Judges Rose Ledet and Madeline Landrieu.

The conference was attended not only by U.S. women judges but also international women judges, many of whom had their trips paid for by U.S. judges. The conference, which featured an international theme, had several highlights. Senator Mary Landrieu was guest speaker for an audience of nearly a thousand at the National Building Museum gala honoring Justice Ruth Bader Ginsburg. First Lady Laura Bush and House Minority Leader Nancy Pelosi ad-



*(from left) Judge Phyllis Keaty, Judge Patricia Hedges, Justice Sandra Day O'Connor, Judge Mary Hotard Becnel, Judge Madeline Landrieu, and Justice Ruth Bader Ginsburg.*

*Photo courtesy of Judge Mary Hotard Becnel*

ressed the organization during sessions. Justice Ginsburg made a surprising and unscheduled appearance at the annual banquet, during which she shared her personal reminiscences and answered questions from the audience.

Justices Sandra Day O'Connor and Ruth Bader Ginsburg also hosted a reception for the organization at the U.S. Supreme Court. There was a particularly poignant moment at the reception when the justices proposed a

toast to the recently named Nobel Peace Prize winner, Honorable Shirin Ebadi, a human rights activist and the first woman judge in Iran.

All judges, magistrates and commissioners are welcome to join the National Association of Women Judges. The 2004 annual conference will be held in Indianapolis, IN.

## *First Circuit Develops Records Preparation Seminar*

Libby Hardaway, Deputy Clerk for the First Circuit Court of Appeal, has developed a records preparation seminar for the lower court clerk's offices in the First Circuit's jurisdiction. The first such seminar was held this past fall at the Courthouse in Baton Rouge for the staffs of the Clerk's Offices from the 21st JDC, which includes the parishes of Tangipahoa, Livingston, and St. Helena.



*(from left) Liz Dupre, Brandie Porche, Patti Redmond, Connie Fitch, and Sue Theriot (not pictured Miriam Bolden and Marie Firmature) from Houma City Court.*

Chief Judge Burrell J. Carter sent a special welcome to the visiting group, expressing his appreciation for their interest in requesting the First Circuit to initiate this particular outreach project. Also, during their visit to the Courthouse, the group had the opportunity to attend the opening of Court for a hearing being conducted before a three-judge panel of the Court, which included Judge James E. Kuhn, Panel Chief, and Judges John Michael Guidry and John T. Pettigrew.

Deputy Clerk Hardaway also traveled to the City Court of Houma to present the seminar. The staff in attendance learned about and discussed the mechanics of physically putting the records together, along with information about the materials that must be included in the record for it to be considered complete for lodging with the First Circuit. The clerk's offices within the First Circuit's jurisdiction are specifically invited to contact Ms. Libby Hardaway at 225-382-3000 to schedule a date and time for either a visit to the First Circuit Courthouse or for Libby to "ride circuit" to a local office.



## IPSO FACTO... *Runaway Jury*

When a young widow in New Orleans brings a civil suit against the powerful corporate consortium she holds responsible for her husband's murder, she sets in motion a multi-million dollar case. *Runaway Jury*, from writer John Grisham, is a suspense-thriller about a ruthless jury consultant (Gene Hackman), a jury member (John Cusack), and an honest lawyer (Dustin Hoffman). The 2003 movie was filmed in New Orleans with court scenes taking place at the 400 Royal Street Courthouse.



Photo courtesy of 20th Century Fox

### IT'S A FACT:

The Royal Street Courthouse, formerly the Wildlife and Fisheries Building, has been the backdrop of a number of television shows and motion pictures over the years including *JFK* and *Orleans*. In 2004, the Royal Street Courthouse will set the stage for a new "cast of characters"....the Louisiana Supreme Court, the 4<sup>th</sup> Circuit Court of Appeal, an office of the Attorney General, and the Louisiana State Law Library....and will officially become known as the Louisiana Supreme Court Building.

■ **Retired 4th Circuit Court of Appeal Judge Steven Plotkin** received the Lifetime Achievement Award from the New Orleans Bar Association.

■ **Louisiana Supreme Court Justice John L. Weimer, Orleans Civil District Court Chief Judge Michael Bagneris, 24th JDC Judges Henry Sullivan Jr. and Alan Green, 10th JDC Judge Monty Doggett, 30th JDC Judge Lester Kees, 35th JDC Judge Allen Krake, 1st Parish Court of Jefferson Judge Rebecca Olivier, Baker City Court Judge Mark Plaisance, New Orleans Municipal Court Judge Paul Sens and retired Judge John Peytavin** were elected fellows in the Louisiana Bar Foundation.

■ **16th JDC Judge John E. Conery** was elected to a three-year term on the American Judges Association (AJA) Board of Governors at that organization's meeting in Montreal. Judge Conery has been a member of AJA since 1995.

■ **Orleans Criminal District Court Judge Raymond Bigelow, Orleans Traffic Court Judge Paul Bonin, 3rd Circuit Court of Appeal Judge Oswald Decuir, Orleans Juvenile Court Judge Mark Doherty, 24th JDC Judge Greg Guidry, 21st JDC Chief Judge Robert Morrison III and Supreme Court Justice Jeffrey P. Victory** were honored by the Victims and Citizens against Crime.

■ **2nd Circuit Court of Appeal Judge D. Milton Moore III** received the Mother Gertrude Hennessy Humanitarian Award from St. Francis Medical Center in Monroe citing his record of community involvement.

■ **Orleans Parish Civil District Court Chief Judge Michael Bagneris and 4th Circuit Court of Appeal Judge David Gorbaty** were named to the board of directors of the New Orleans Center for Creative Arts (NOCCA) Institute.

■ **Orleans Criminal District Court Judge Dennis J. Waldron** received an Excellence in Teaching and Dedication to the Adult Learner Award by the Loyola City College Alumni Board. Waldron taught undergraduate students from 1976 to 2003 and taught at Loyola Law School from 1985 to 2002.

■ **Orleans Parish Criminal District Court Chief Judge Calvin Johnson** announced the receipt of a \$150,000 federal grant to begin a Mental Health Court program. This grant will provide assistance to offenders suffering from dual diagnosis issues. Through the efforts of

Judge Johnson, Orleans Criminal District Court is believed to be the first court in the state to implement such a program.

■ **26th JDC Court Administrator Suzanne Stinson** was elected to the Board of Directors for the National Association for Court Management (NACM) at the annual conference held in Washington, D.C. She is immediate past president of the Louisiana Court Administrators Association.

■ **First Circuit Court of Appeal Chief Judge Burrell J. Carter** has been appointed to the 2004 Survival Committee of the Council of Chief Judges of the Appellate Judges Conference, ABA Judicial Division. The committee undertakes projects vital to Council activities, including a speech bank, a new judge's manual, judicial clerk manuals, and *pro se* programs.

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

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