

OBITER DICTUM

The Newsletter of the Louisiana District Judges Association

September 2012 - Vol. 2, Issue 4

PRESIDENT'S MESSAGE



Scott J. Crichton
1st JDC
President, LDJA
2011-2012

During my 22 years as a district judge, I have been guided by Luke 12:53, which reads, "For unto whomsoever much is given, of him shall be much required". The judgeship to which I was elected in 1990 was an extraordinary gift and honor; with that gift, I believe there is duty. I have done my best to faithfully discharge my duty to the judiciary and to our community, both in and out of the courtroom.

A special blessing has been the opportunity to serve as president of the Louisiana District Judges Association this past year. Although at times challenging, the position ranks among the top honors of my life and one that I have immensely enjoyed. I hope that I have measured up to the "much required" directive of Luke!

You may recall last October when I took office, I set out three initiatives for the year: (1) to improve and enhance our community outreach efforts; (2) to increase race, gender and geographic diversity in LDJA leadership positions; and (3) to heighten awareness of mental and physical wellness. Notwithstanding that there will always be work to be done, these initiatives have been accomplished. I thank all of you who helped - perhaps even humored and indulged - me in accomplishing these initiatives.

COMMUNITY OUTREACH

There is greater judicial community outreach than ever. Developed by visionary **Judge Ben Jones** and currently under the enthusiastic leadership of **Judge Wendell Manning**, the Judges in the Classroom program now has the largest number of judge participants in the program's history! I am proud to report that on September 17 I will go back to the middle school (it was actually junior high in the '60s when I was there) to discuss the U.S. Constitution with a class of 7th graders! Like many of you, I

will have to make adjustments of my docket but we must remember that teaching our children about the Constitution and our system of government and justice is both critical and laudable.

The LDJA has now partnered with the Louisiana Center for Law and Civic Education (LCLCE) for the promotion of both judges and lawyers in the classroom. While on the subject of the LCLCE, I want to report on a new development regarding this partnership with the LDJA. As referenced in the article honoring **Chief Justice Kimball**, and due in large part to her commitment to the LCLCE and to all civic education programs, the LCLCE was recognized this year by the National Center for State Courts and received the prestigious Sandra Day O'Connor Award for the Advancement of Civics Education. Appreciating the significance of this award, and in hopes to continue Justice Kimball's commitment to civics education, the LDJA and the LCLCE have together crafted a special tribute for Justice Kimball upon her retirement. The LDJA will bestow this remembrance upon our Chief Justice at the Fall meeting (October 1), so be sure to attend and join the LDJA in wishing her well.

And, finally, on the issue of community outreach I have previously told you of my three PowerPoint programs, "Don't Let This Be You", "Sexting Texting and Beyond" and "No More Strikes". Through lectures at schools, churches, neighborhood associations and other community meetings, I have reached more than 20,000 students, parents and teachers with these crime prevention programs. In July, I presented the "Sexting, Texting and Beyond" to the LCLCE Summer Institute, and had the opportunity to "teach the teachers" about the legal aspect of these electronic crimes which plague our public schools - even at the middle school level.

I suggested that teachers could partner with judges in their districts to teach the legal perils of electronic misbehavior. Perhaps most significantly, over a dozen judicial colleagues have requested and received thumb drives loaded

with those PowerPoint presentations and these programs are now being taught all over the state!

DIVERSITY

On my second initiative, diversity, I have favorably considered racial, gender-based and geographic diversity (yes, Shreveport is actually in Louisiana!) in the appointment of LDJA committee members. Now, approaching a more senior status, I am mindful that LDJA must invite leadership from our talented younger members to facilitate new ideas and vitality in the association.

The LDJA co-sponsored the LSBA Fifth Annual Diversity Conclave on Diversity in the Legal Profession, held this past spring in New Orleans. The seminar was extremely well attended and as LSBA President James Davidson astutely observed, "We all grow from this exchange of information...and, our profession becomes more inclusive, cohesive and more effective..."

Those words are well chosen and absolutely true; for a healthy judiciary, we must strive to be more inclusive and cohesive so that we can more effectively serve the third branch of government.

WELLNESS AND PROFESSIONALISM

Perhaps like a new exercise routine, my third initiative, to heighten awareness about mental and physical wellness, proved to be more challenging than expected. I have long believed physical fitness and wellness is linked to mental and emotional wellness which in turn is tied to the aspirational professionalism guidelines. Obviously, if we don't feel well, it's more difficult to be courteous, patient, and dignified during a busy and stressful day in district court. But that concept wasn't the hard part. The challenge was gaining approval from the MCLE to allow a Professionalism CLE credit for an hour that mainly addressed physical and mental wellness. With the generous assistance of Chief Justice Kimball and my Ironman friend and Caddo colleague, **Mike Pitman**, we were able to gain CLE accreditation for almost a half dozen programs on various aspects of fitness and professionalism, which have now been presented at Louisiana Judicial College and Louisiana State Bar Association seminars. More fully discussing his wellness program, Judge Pitman recently wrote an article that was published in the National Judicial College's newsletter, *Case in Point*. You may reference the article by following this link:

<http://www.judges.org/news/news072012.html>.

Stay tuned for the next presentation, which will be held Tuesday, October 2 during the American Judges Association Conference. It is titled, "The Importance of Wellness and Fitness for the Judiciary, and Food as an Integral Partner." The nationally acclaimed author, Holy Clegg, will present this topic along with Judge Pitman and, of course, it will be integrated with the Professionalism guidelines. I hope you join us for what I believe will be a fascinating and important hour.

We must continue to recognize that we have stressful jobs -- voluminous dockets, intellectually and emotionally challenging cases -- and we must be cognizant of our health so that we can be as professional as possible at all times and most effectively serve the judiciary.

LEGISLATIVE

Other critical work accomplished this year involved our Legislative Liaison Committee, chaired by one of our hardest working members, **Judge Bob Morrison**.

You will recall that this year proved to be an extremely ambitious (and for some frightening) legislative session. There were a multitude of bills (1191 in the House and 746 in the Senate) and Judge Morrison and his committee ably addressed all of them with the legislature. Of particular concern were the bills to significantly increase our retirement contribution (which would not have fortified our system and in reality would have amounted to more than a \$4,000.00 per year pay cut) and the perennial effort to lower the jury threshold from \$50,000 to \$10,000. Our fear on the former was obvious; our worry on the latter was the unintended and disastrous consequence it would have on the efficient management of our already voluminous dockets as well as the unnecessary burden on our citizens. With the guidance of Judge Morrison and committee members, a majority of the legislators agreed with our position on these and many other bills affecting the judiciary. As LDJA president, I can't thank Judge Morrison enough; please help me by shaking Bob's hand next time you see him with an affirmation of "job well done!"

I anticipate that the next few years will likely prove challenging as well. We must have good relationships with the two other branches of government so that when there are bills that adversely affect the judiciary or negatively impact our community, we have relationships in place and the ability to communicate. We must remember that all three branches of government serve the public and we shall always share that common and worthy goal.

EDUCATION

I also commend the LDJA Education Committee which works in concert with the Louisiana Judicial College. The success of the recent Domestic Relations seminar, organized by **Judges Patricia Koch** and **Pamela Baker**, is a testament to the contribution made by our district judges toward interesting and compelling judicial education courses. Thanks to all, and particularly to **Judge Madeleine Landrieu** and Professor Cheney Joseph, the Judicial College seminars are extremely well designed, relevant and critical for the work we do.

LDJA/DOC LIAISON

Judges and Co-Chairs **Harry Randow** and **Anthony Marabella** have also made great advancements in their work on the LDJA/DOC Liaison Committee. This committee work is critically important now, as we all work together to create more effective corrections programs through tough, but smart and fiscally responsible sentencing. Regarding this subject, the upcoming Louisiana Judicial College program entitled, *Smart, Tough and Fiscally Responsible Sentencing*, will take place on October 19-20 at the Bluffs in St. Francisville and at the Angola Training Facility. I urge you to register for this program if you have not already done so.

WEBSITE

Also noteworthy is the work of the website committee, chaired by **Judge John Molaison**. The website remains a work in progress, but many upgrades were made recently as noted in the website article published here. I urge you to take some time to join the website as a member and to assist the committee with your comments and suggestions.

NEW CAPITAL BENCHBOOK SUBCOMMITTEE

Almost a decade ago, **Judge John Conery** took on what many thought was an impossible task – to compile a comprehensive benchbook for judges presiding over capital cases. Not surprising to anyone who really knows and understands him, Judge Conery completed an extremely thorough and valuable guide for the capital judge. In recent years I have noticed the need for a definitive scheduling order in these difficult cases so that we can efficiently manage the multitude of pretrial motions and hearings and grant less continuances. Having served as a lawyer in a capital case (1990) and now having presided over 10 capital cases (since 1991), I know of no reason why capital trials cannot be scheduled – and actually held – within two years of indictment. The defendant, the

victim's family and the public deserve no less. Therefore, I have appointed a special subcommittee of the Capital Benchbook Committee to address the issue of a fair and balanced scheduling order that Louisiana district judges can use in capital cases. Our report and suggested scheduling order is forthcoming.

GOOD BYE AND THANKS

In closing, please know how much I value the gift to serve you and the LDJA this past year. I hope that I have complied with the “of himself shall be much required” directive of Luke. On October 1, the torch will be passed to **Judge Harry Randow**. I ask that you provide him and the other officers as much support and strength that you have given me this past year.

My passion for the judiciary is stronger than ever, and I look forward to the opportunities and challenges that lie ahead. For now, as William Shakespeare wrote, “I can no other answer make, but thanks, and thanks.”

Scott Crichton

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LDJA RECOGNIZES THE WORK AND LEGACY OF CHIEF JUSTICE CATHERINE D. KIMBALL PART II

By: Judge Scott Crichton

In the last issue of the *Obiter Dictum*, I highlighted only a small fraction of the legal opinions **Chief Justice Catherine Kimball** authored during her tenure as a Supreme Court Justice. As noted in that article, Justice Kimball left an indelible mark on our legal community. Because her legacy can be found in more than law books however, I felt compelled to write a follow-up article to recognize and underscore the contributions she made to society, especially as an outstanding administrator as Chief Justice of our Louisiana Supreme Court.

By way of background, Chief Justice Kimball is a graduate of the Paul M. Hebert Law Center at Louisiana State University and served as District Judge in the 18th Judicial District for ten years, including serving as Chief Judge for two years. Her previous legal experience includes law clerk for the United States District Court, Western District of Louisiana; Assistant District Attorney; Special Counsel for the Louisiana Attorney General's office; General

Counsel for the Louisiana Commission on Law Enforcement and Criminal Justice; and sole practitioner in a private law practice in New Roads, Louisiana. She was a Visiting Professor of Law for Tulane Law School's 1996 Summer School Program, and a Visiting Professor for the LSU Law Center's 2008 Summer Program. She is the first woman to serve as Chief Justice of the Louisiana Supreme Court, having been first elected as an Associate Justice in November 1992, becoming Chief Justice on January 1, 2009.



Catherine Kimball
Louisiana Supreme
Court

During her tenure on the Supreme Court, Chief Justice Kimball dedicated any spare time to promoting civic education, advocating for the rights of children, and addressing citizens' concerns about crime prevention. In particular, Justice Kimball founded the Sunshine Foundation, which for 15 years since its inception, has distributed free books annually to Louisiana's pre-schoolers to enhance self-esteem in children regardless of personal circumstance. To date, the Louisiana National Guard has distributed over 500,000 free books to Louisiana children.

In addition, Justice Kimball is a stalwart for the Louisiana Center for Law and Civic Education (LCLCE), which promotes the practical understanding of, and respect for, the law throughout Louisiana. As Chief Justice of the Supreme Court, Justice Kimball has been an avid supporter of the LCLCE and facilitated the development of programs such as *Lawyers in the Classroom/Judges in the Classroom*, and *The Summer Institute*, where she opened the doors of the Supreme Court to educators, students and parents across the state to provide law related curriculum and instruction. These programs have aided in the formation of a valuable partnership between educators, students, judges and lawyers and have resulted in a unique exchange of knowledge among local community members. Due in large part to Justice Kimball's promotion of and commitment to civic education programs, the LCLCE gained national attention and was recently honored with the prestigious Sandra Day O'Connor Award for the Advancement of Civics Education.

During her tenure as Chief, Justice Kimball also served as Chair of the Judicial Council; Chair of the Louisiana Integrated Criminal Justice System Policy Board; Chair of the Louisiana Supreme Court Technology Committee and Chair of the Human Resources Committee. She is a board member of the Juvenile Justice Implementation

Commission; and member of Louisiana Information Technology Advisory Board. She previously served as Chair of the Louisiana Budgetary Control Board; Chair of the Court Committee for Southeast Louisiana Criminal Justice Recovery Task Force; and as a member of the Louisiana Children's Cabinet.

Justice Kimball's service on these various committees always meant so much more than a name on a letterhead or simply attending a meeting. Once involved, her commitment and hard work was unwavering. In her service on the Juvenile Justice Implementation Committee and the Louisiana Children's Cabinet, Justice Kimball strenuously promoted juvenile justice reform, assisted in the creation of 19 juvenile drug court programs throughout the state, and helped to further the design and development of the best practice standards for the Families in Need of Services (FINS) Assistance Program. Even after such diligence and productivity in reforming juvenile justice, Justice Kimball was quoted as once cautioning the members of a Joint Session of the Louisiana House and Senate that, "Our improvement of the juvenile justice system has been significant, but there is still much work to be done."

The recipient of numerous awards and recognitions, Chief Justice Kimball was inducted into the Louisiana Justice Hall of Fame and the LSU Alumni Association Hall of Distinction. She was selected as Outstanding Alumni of the LSU Law Center in 1999, and is an honorary member of the Order of the Coif. She was named the 2006 Distinguished Jurist by the Louisiana Bar Foundation, and was inducted into the Louisiana Political Museum and Hall of Fame in 2011. Other awards include the Outstanding Judicial Award from Victims & Citizens Against Crime Inc.; YWCA Women of Achievement Award; one of 25 Women of Achievement by the Baton Business Report in 1997; the 2002 Louisiana CASA Association Presidents Award; the 2003 Louisiana CASA Ambassador for Children Award; the 2008 Louisiana CASA Judge of the Year Award; the Louisiana Association of Drug Court Professionals Alton E. Hadley Award; the LSU Women's Center 2009 Esprit de Femme Award, with prestigious distinction; the first recipient of Louisiana Champion of Juvenile Justice Award in 2010; and the Crimestoppers Criminal Justice and Community Service Award.

Chief Justice Kimball leaves a legacy on our Louisiana Supreme Court as both a distinguished jurist and an inex-

haustible contributor to the good of society. But, putting aside all of the awards and accolades, Justice Kimball's statement to the Legislature most completely embodies her character and work ethic: it seems that for Justice Kimball, there is no end to the good work which can be done. As public servants, we should all be inspired by the legacy she has left so as to never settle for mediocrity, to remain constant in our search for excellence, and to carry forward her directive that there will always be good work yet to be done.

LDJA/DOC LIAISON COMMITTEE FOCUSSES ON SMARTER SENTENCING: ANGOLA NO LONGER A ONE-WAY TRIP FOR SOME

*By: Jennifer Eagan, and
Judge Jules Edwards, 15th JDC*



Jules Edwards
15th JDC

The picturesque town of St. Francisville and the rolling Tunica Hills serve as a gateway to Louisiana's State Penitentiary at Angola. The Mississippi River surrounds the remaining three borders of the prison grounds and acts as a giant moat forbidding passage. Once inside the gates, more unwelcoming are the soaring fences atop with scrambled barbed wire and the watchful eyes of mounted deputies. Yet sprawling fields and manicured by-ways make obscure the reality that for many who pass here there is no way out. This reality, and Angola's reputation as an exclusive repository for *lifers*, is no longer entirely true however; the road now offers, at least for some who enter, a way out.

The positive change at Angola is due in large part to the work of the LDJA/DOC Liaison Committee, which held its bi-annual meeting at the Angola Training Facility on August 24th, 2012. The LDJA/DOC Liaison Committee is composed of a diverse group of judges and DOC personnel who are working to improve a correctional system disparaged by the media's declaration that "Louisiana is the world's prison capital." *Times-Picayune* journalists gathered and analyzed data and reported their conclusions in an eight-part series titled, "Louisiana Incarcerated." The series, and its potential impact on our state, was discussed at the committee meeting and drew varying responses from members. Most notably, the Honorable James M. LeBlanc (Secretary, Louisiana Department of

Public Safety and Corrections) disagreed with the harsh portrait of Louisiana's system of corrections, arguing that the articles failed to acknowledge the positive changes already in place. In contrast, Judge Jules Edwards praised the report and its potential impact, observing that vivid and urgent descriptions of public policy choices may be the only way to awaken the general public from its political slumber. Judge Edwards also suggested the series could be viewed as a call to action, intended to mobilize voters to communicate with their legislators and to demand a change in the public policy of this state in a manner consistent with the Liaison Committee's goal of smart and fiscally responsible sentencing reform.

Quite possibly however, Secretary LeBlanc and Judge Edwards are both correct. Isolation is important but correction is a critical component of successful and safe reentry and reintegration. Such developmental programs which were not highlighted in the series, but are currently in use in many of the courts and correctional institutions of our State, include Drug Courts, IMPACT (Intense Motivational Program of Alternative Correctional Treatment), and the expansion of Re-Entry Courts. More constructive work discussed at the meeting involved Secretary LeBlanc's work with *Lean Six Sigma*, a process used to study DOC structure and procedure for dealing with offenders from sentencing to release. Results of the study revealed gaps in the system, particularly with time computation. Addressing that concern, the committee explored ways to shorten the time for document transmittal from the courtroom to DOC, and to eliminate delay for releasing inmates upon time served. Other DOC work currently includes an effort to rewrite the (almost 2-decades old) rules governing Parole and Probation, a push to increase consideration



Judge White with Inmates

for compassionate release of prisoners, and the more widespread use of video-conferencing.

Following lunch the group toured Angola's grounds, visiting the automotive facility, machine shop, law library, and other buildings. Mentor-inmates from Judge Laurie White's Re-Entry Court explained

programs at each stop. The mentors (all of whom are *lifers*) demonstrated sincere and remarkable dedication to the task of training and preparing their “student-inmates” (each of whom are not *lifers*) for re-entry into our communities. At the machine shop and automotive facility, with Judge White offering positive reinforcement to her “student-inmates,” and her “student-inmates” *thanking* her for sentencing them to serve time at Angola, the encounter was oddly joyful.



Photo of Inmate in Library with Judge Randow

I was again strangely moved at the law library when another mentor-inmate (this one a jail-house lawyer) explained his journey. He told of arriving at Angola with a 6th grade education, and at some point making the decision to fully commit to the self-study of criminal law and procedure. Nearly mastering his skills, the jailhouse lawyer humbly recounted

praise once bestowed upon him by a federal judge that he was, “more knowledgeable and better prepared than most lawyers.”

The work of the Liaison Committee was thus not only evident during the meeting, but was also reflected in the eyes of the inmates who, despite their inmate status, seemed to foster a culture of hope: hope that criminal sentences can embrace rehabilitation and that “tough on crime” can also mean “smart on crime.”

Driving out, I pass fig and pecan orchards on the left and the meticulously landscaped Warden’s building on the right, such sights again serving as a subterfuge for this Angola road. But a routine inspection at the gate is reminder enough that no-one is leaving – at least in my car on this day – except for me.

For more information on re-entry courts, video conferencing, drug courts, or if you want to be a part of the DOC Liaison Committee, please contact:

Judge Jules Edwards (judgeedwards@15thjdc.org), Judge

Anthony Marabella (amarabella@brgov.com), or Jennifer Eagan (jeagan@lajao.org).

WEBSITE UPDATE

By: Judge John Molaison, Chair Website Committee



John Molaison
24th JDC

If you have not yet done so, please log-on to the Louisiana District Judges Website. Here are some easy steps to follow:

1. Go to www.ldja.org;
2. Click on “member login” in the upper right hand corner of the page;
3. Type in the information requested;
4. You will receive a confirmation email in less than 24 hours indicating you have successfully logged in;
5. Remember your password.*

Once you have successfully logged-in as a member, you will be allowed to navigate freely through the “member’s page” of the website. In the members’ pages, you can participate in forum discussions, view information about upcoming events, and download best practices manuals. Other news items such as the *Obiter Dictum* and press releases from the Supreme Court will also appear in these pages.

The website committee has been working to design a more interactive website with useful tools for sharing information and best practices among all members. The latest development is the forums page. With this development, you can either start a forum discussion or participate in a discussion that is already listed on the page. Currently there are several discussions which may be of interest to you, and through which the LDJA is seeking your collective opinions. It is the vision of the website committee that the forum discussions will enable judges across the state to share ideas, comment on best practices, and report new developments. Such discussions are only open to judge-members, and are not available for view by the general public.

If you are interested in serving on the Website committee, or if you have website ideas to share, please post your comments on the “Website Forum,” or contact either Judge John Molaison of the 24th Judicial District (Johnm@24jdc.us) or Jennifer Eagan (jeagan@lajao.org).

*Note that names and email addresses of all district judges

have been successfully imported into the “members only” section of the website. A default password was set for all judges, should you have trouble following the log-in steps above. Contact Jennifer Eagan for assistance with joining the website as a member, or for access to the site using the default password.

UPCOMING EVENTS

- **Annual Fall Judges’ Conference**
September 30 - October 2nd, New Orleans, LA
- **Sentencing Program at Angola and The Bluffs**
October 19-20, St. Francisville, LA
- **Annual Torts Seminar**
December 7, 2012, New Orleans, LA

Very noteworthy is the upcoming seminar at Angola entitled, *Smart, Tough & Fiscally Responsible Sentencing*. The program is designed to review and explore sentencing alternatives for non-violent offenders. The program can only accommodate 50 judges, so if you are interested in attending, and particularly if you preside over a criminal division, please contact Billie Bennett at the Louisiana Judicial College to reserve your place.

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NOTICE ABOUT THE NEWSLETTER DISTRIBUTION

Please note that all issues of *Obiter Dictum* will be sent exclusively via email unless you have indicated a preference for a paper version. For newsletter suggestions or submissions, or to indicate a preference for a paper version, please contact Jennifer Eagan at jeagan@lajao.org.