



Commentary:

What Does It Mean to Be a Lawyer Today and What Can We Learn from the Cajuns?

By John D. Schoonenberg

The Louisiana State Bar Association's (LSBA) Francophone Section will present the Judge Allen M. Babineaux Symposium at the University of Moncton Law School in New Brunswick, Canada, on Aug. 20 as part of a two-day event.¹ (*More information on the event can be found on page 16.*) This article forms the basis for my symposium presentation.

The legal landscape is changing rapidly. With the onslaught of technology and advertising and the advent of legal service companies, it is a wonder any of us can keep pace except for the techno savvy and the virtuosos.

This rapid change has had a dramatic impact on our profession which, in many cases, has not been positive. Alcohol and drug abuse among lawyers and judges is at an all-time high.²

I believe we have lost many practitioners because they could not keep pace with the technology or dwindling legal market. Some have fallen because they could no longer take the stress of law practice.

What can we do as lawyers to survive not only economically but emotionally and spiritually?

As I think about the future of our profession and the challenges we face, I am reminded of the struggle of the Cajun people to retain their culture. I recall the disparaging comments often hurled at the Cajuns. But despite the negative stereotypes of the Cajuns, their culture and language has not only survived but flourished.

The positive qualities of the Cajuns were their religious beliefs, friendliness, hospitality, collegiality, family ties and language. Their uniqueness makes them strong.

Prior to WWII, the Cajun culture and language remained somewhat isolated. The language was significant in holding the culture together and newspapers were printed in both French and English.

After WWII, newspaper editors began to print the papers only in English. French in the courtrooms began to wane. Cajun children were punished for speaking French in school. Country doctors stopped speaking French to their patients. The Cajun culture began to unravel. They had to learn to read and write "*en anglais*." They had to quickly "urbanize" in order to survive.³ Scholars across the globe have used the Cajuns as a case study of assimilation and recipe against ethnic cleansing.

Then in the early 1970s, Cajun intellectuals and artists, such as Barry Jean Ancelet and Zachary Richard, began to promote the language, culture and the

music. Amanda LaFleur Giambrone started the first Cajun language curriculum at Louisiana State University.⁴ Warren A. Perrin, chair of the LSBA Francophone Section, has written several books on the history and culture of the Acadians and successfully obtained a royal proclamation of apology from the Queen of England for the Acadian Deportation. Gov. Edwin Edwards, Louisiana's first Cajun governor, was also partially responsible, along with other legislators, for the passage of Art. XII, Sec. 4, of the 1974 Constitution which allowed the people to "preserve, foster and promote their respective historic linguistic and cultural origins."

What Can We Learn from the Cajuns?

Our profession is at a crossroads. Can we survive the onslaught? Will the law firm as we know it exist in 20 or 30 years? Bundled services firms, like Axiom and LegalZoom, are invading the legal market.

The Cajuns almost did not survive. Yet they exist and continue to grow in South Louisiana. There has been a renaissance in the music, language and the culture.

How did they do it?

The Cajuns have a collective sense of self-identity. They take pride in their language and culture. They refused to be homogenized. It is not uncommon to hear French spoken again.

I can remember trying a case in 17th Judicial District Court in Lafourche Parish as a young attorney. One of the witnesses did not speak English. Judge Wollen J. Falgout translated the woman's testimony and gave it back to the court reporter in English. There was no need for a translator. Judge Cleveland J. Marcel, Jr. in the 32nd Judicial District Court often translated from the bench.

I believe we can take a lesson out of the Cajun culture playbook to help us survive as a profession.

Collegiality, Custom and Traditions

I can remember a time when we were all proud to be lawyers, when we tried to help each other before things became cutthroat and competitive. Veteran attorneys should



not hesitate to offer advice and mentoring to younger and less experienced attorneys.

We are all one large legal family. We should care about our fellow attorneys. If we see a colleague suffering, we should offer assistance. We need to learn to live, love and forget, just like the Cajuns.

We should commit to maintain our customs and traditions, such as law societies, local bar associations, swearing-in ceremonies, Red Mass and the "Charge" at law school graduations. All of the things that separate us from other trades and professions should be actively maintained and promoted.

Our Civilian Tradition

Louisiana's primary distinction from other legal jurisdictions is our civilian law tradition, which comes directly from France and the Napoleonic Code.⁵ However, our Code is an amalgamation of French and Spanish law.

We all studied the Civil Code in law school. The simplicity and uniqueness of the code was wasted upon me as a young law student. It was not until much later in practice that I began to appreciate its genius as a method of solving legal problems and disputes. Our civilian tradition relies on statutory law as opposed to precedent in common law states.

Technology and Survival

As seasoned attorneys, if we want to remain relevant and productive, we should attempt to embrace technology. Computer programs like Microsoft Word, QuickBooks (for billing) and Microsoft Outlook (for calendaring) should be part of our practices. Many attorneys have refused to use email or smartphones; most of them are no longer in practice.

The Cajuns adapted and assimilated but, at the same time, maintained their cultural identity. If we are to survive as a profession, we must do the same. The Cajuns lived by a code which revolved around their God, family, hard work and fairness. We will survive if we live by the same basic code. They were ethical and refused to take an oath of allegiance to the British crown.⁶

Conclusion

There are many similarities between the Cajun culture and the Louisiana Rules of Professional Conduct. Competency, diligence, communication and truthfulness are the bedrock of our profession.⁷

We live and practice in a rapidly changing world. In order to survive and thrive, we need to maintain our competency and learn new skills. Like the Cajuns, we must learn to assimilate into this new legal culture. We can learn from our Cajun



brothers and sisters and derive inspiration from their struggle to face a brave new world. Communication with clients and other attorneys, often via technology, is a key component of our survival. Like the Cajuns fought to hold their language, we must fight to preserve our legal language and traditions as we are attacked by many non-lawyer legal service companies, the “barbarians at the gate.”⁸ What makes us strong is our uniqueness. In our civilian tradition, we have something that no other state has in the union.

The life of an attorney is not easy; however, with help from our Cajun friends, we can live, practice and thrive — à *bientôt*.

FOOTNOTES

1. The symposium will be held in conjunction with the Congrès Mondial Acadien 2019, World Acadian Reunion, held every five years. This year’s symposium will take place at the University of Moncton Law School on Aug. 20, 2019. The University of Moncton is one of only two law schools in Canada where all classes are taught in French. The other French-speaking university is St. Anne in Pointe-de-l’Église, Nova Scotia.

2. Report from the National Task Force on Lawyer Well-Being, American Bar Association, Nov. 9, 2018, www.americanbar.org/groups/lawyer_assistance/task_force_report/.

3. This is a controversial subject. However, I believe that CODOFIL (Council for the Development of French in Louisiana) deserves much of the credit for the renaissance of French in Louisiana and, as a direct result, the revitalization of the culture.

4. Amanda LaFleur Giambone, coordinatrice des études cajines, 1998-2015. She is also the author of *Tonnerre Mes Chiens!* and numerous other books on the Cajun language.

5. The Napoleonic Code, officially today known

as *le code civil*, is the French Civil Code established under Napoleon in 1804. The Civil Code gave post-revolutionary France its first coherent set of laws concerning property, the family, persons, inheritance and individual rights. It was revised in 1825 and 1870 and is still in use today. See, “The History and Development of the Louisiana Civil Code,” Vol. 19, No. 1, Legislative Symposium: The 1958 Regular Session, December 1958, John T. Hood, Jr. Our code is an amalgamation of French and Spanish law. See also, *An Elementary Treatise of the Civil Law of Louisiana*, Vol. 1, An Introduction of Louisiana’s Civil Law Tradition, by J.-R. Trahan.

6. This also is a controversial subject. Many historians and commentators believe they were not expelled from Nova Scotia for refusal to take the oath. Many of them may have been willing to take an empty oath. The real reason for their expulsion was simply a “land grab” by the British.

7. Louisiana Rules of Professional Conduct, Rules 1.1 (Competence); 1.3 (Diligence); 1.4 (Communication); and 4.1 (Truthfulness).

8. I borrow this term from a book title, *Barbarians at the Gate: The Fall of RJR Nabisco*, a book about the leveraged buyout of RJR Nabisco written by investigative journalists Bryan Burrough and John Helyar. The book was made into an HBO movie in 1993.

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Registration Open for Francophone Section’s August CLE Program in Canada

The Louisiana State Bar Association’s (LSBA) Francophone Section is presenting a CLE program, “Acadian Diaspora: From Louisiana to Acadia,” on Aug. 20 on the campus of the University of Moncton School of Law in New Brunswick, Canada. The program commemorates the 50th anniversary of the recognition of language/law rights in Canada, the 20th anniversary of the founding of the LSBA’s Francophone Section and the 40th anniversary of the collaboration of the University of Moncton School of Law with the LSBA.

Program organizers are applying for 4 hours of CLE credit, including ethics and professionalism. Cost is \$175 (including the closing reception).

The Francophone Section’s Executive Committee has assembled an outstanding program to be moderated by New Orleans attorney Louis R. Koerner, Jr., co-chair of the Francophone Section. Presenters include three Louisiana attorneys — Warren A. Perrin, Fernin F. Eaton and John D. Schoonenberg — and four Louisiana and Canadian historians, including Jason P. Theriot, Ph.D., Houston, Texas; Jean-Robert Friguault, New Brunswick, Canada; Barry J. Ancelet, Ph.D., Lafayette; and Mary Perrin, Lafayette.

To register, complete the registration form and mail to: Louisiana State Bar Association Francophone Section, 251 La Rue France, Lafayette, LA 70508.

Download a registration form: <http://files.lsba.org/documents/News/LSBANews/2019FrancophoneCLE.pdf>.

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