

# **Portraits & Perspectives: Louisiana Supreme Court Associate Justices**



## **One on One with Louisiana Supreme Court Associate Justice Jeffrey P. Victory**

**Interviewed by Joseph L. (Larry) Shea, Jr.**

Louisiana Supreme Court Associate Justice Jeffrey P. Victory will retire at the end of 2014 after 20 years of service representing the Second District.

He graduated from Byrd High School in 1963 as a member of the National Honor Society. He attended Centenary College on an athletic scholarship, graduating in 1967 with a BA degree in history and government. He entered Tulane University Law School on a regional scholarship in 1967, serving on the Law Review. While in law school, he joined the Louisiana National Guard's Special Forces/Airborne. After receiving his JD degree in 1971 from Tulane, he practiced with the Shreveport law firm of Tucker, Holder, Jeter & Jackson.

In 1981, he was elected to the 1st Judicial District Court. In 1990, he was elected to the Louisiana 2nd Circuit Court of Appeal, beginning his term in 1991. He served there until his election as associate justice of the Louisiana Supreme Court, beginning his term in 1995.

Justice Victory was a charter member of the Louisiana Sentencing Commission and has served as a director and board chair of the Louisiana Judicial College. He is a member of the National Lawyers Association and the American, Louisiana and Shreveport bar associations.

On Oct. 21, 2014, Justice Victory received the 2014 U.S. Chamber of Commerce Institute for Legal Reform's Judicial Leadership Achievement Award. The award recognizes individuals and organizations for outstanding work contributing to reform of the United States civil justice system.

Justice Victory is married to Dr. Nancy Clark Victory and has four children.

**Journal:** Justice Victory, tell us a little bit about yourself.

**Victory:** I was born in Shreveport, La., in 1946, one of seven children. My father was a lawyer, and my only brother, Steve, six years older than I was, worked for many years for Liskow & Lewis in New Orleans, although he was killed in an automobile accident in New Orleans in the mid-1980s. There are lots of lawyers in the family: my son Chris, my daughter Mary Kate, my wife's father, two brothers-in-law, a niece and a nephew. In fact, Steve's daughter, Leigh, clerked for me in New Orleans for a year early in my first term. I grew up in Shreveport, attended



Louisiana Supreme Court Associate Justice Jeffrey P. Victory and family members. Seated, from left, Justice Victory and his wife, Dr. Nancy Clark Victory, and Nancy's mother, Frances Clark. Standing from left, his daughter-in-law Michelle Victory, his son Brad Victory, his son Peter Victory, his son Christopher T. Victory, his daughter Mary Kate Victory Walters and far right, his son-in-law Ryan Walters. Photo provided by the Victory Family.

Byrd High School, played baseball in high school and went to Centenary College on a baseball scholarship. Then I went to Tulane Law School — actually got a scholarship to Tulane Law School. Tulane graciously awarded a tuition waiver to one Centenary student every year back then. They may still do that. While I was in Tulane, of course, Vietnam was raging, and they cancelled all the graduate school deferments. I was able to join a Louisiana National Guard Green Beret unit in New Orleans and went to jump school at Fort Benning, Ga. While I fulfilled my commitment to the Guard over the next six years, I finished law school and, in 1971, joined the law firm of Tucker, Holder, Jeter & Jackson, where I later became a partner. In 1981, I was elected to the 1st Judicial District Court. Then, in 1990, I was elected to the Louisiana 2nd Circuit Court of Appeal. In 1994, I was elected to the Louisiana Supreme Court and then re-elected 10 years later.

After I was elected to the Supreme Court, my wife, Nancy, and I chose to keep our family in Shreveport, which means that I have been making weekly trips to New Orleans for most of my time on the Court. We have four children — Brad, Peter, Chris and Mary Kate — and we wanted them to finish growing up in our home town. Now, all three of the boys live here, as does our granddaughter, Madilynn Grace. Mary Kate practices law in Oklahoma City and is expecting our second grandchild in the spring. We are also proud of our two goddaughters, Guoya and Pearl Long, and we

visit them every year in Colorado.

**Journal:** You had a lot of lawyers in your background. When was it that you decided you wanted to be a lawyer?

**Victory:** I think it was early because my brother was already a lawyer, and my father also was a lawyer. Dad attended law classes at night at Centenary College and passed the bar exam on his first try, although he never went to law school or even graduated from college. Instead, during the Depression, my father sent my mother to Centenary College, where she graduated *summa cum laude*. Even though my father was not in private practice, he worked for Ark-La-Tex Oil and Gas here in Shreveport for many years.

**Journal:** So, in the early 1990s, you decided to run for the Louisiana Supreme Court. What made you decide to seek the position?

**Victory:** (Chuckles) Looking back, I'm not quite sure, to tell you the truth, because I really enjoyed being a district judge, which I always described as like going to a play every day. Everybody else has to prepare and they play it out for you, and half the time the jury makes the tough decision. I enjoyed my four years on the 2nd Circuit, but then I thought it was really important that you get quality people on the Supreme Court. Pike Hall was serving on that Court. I talked to Pike — of course, he had been the chief judge of the 2nd Circuit — and he encouraged me to run.

**Journal:** Pursuant to an order of the Supreme Court, the Louisiana State Bar Association will be starting a voluntary mentoring program in January 2015 for the new lawyers. Did you have any mentors in your career?

**Victory:** Oh, gosh, yes. When I was practicing law, Bob and Kay Jeter, T. Haller Jackson, Jr. and Horace Holder. All of my partners were in the Order of the Coif and on the *Law Review*.

**Journal:** I know that your family had a role in you wanting to be a judge and a justice. Have there been any decisions you would deem to be your most significant cases during your tenure on the Supreme Court?

**Victory:** You know, I don't really think about things like being most significant. We get so many things that are very difficult and are very important because we're going to make the ultimate ruling of how a statute is to be interpreted and what the law is. I don't really think of our work in terms of most significant. Everything we do is really important to the citizens of the state of Louisiana.

**Journal:** You mentioned your service on the 2nd Circuit Court of Appeal. Are there judges from your time in the district court and on the Court of Appeal that you've maintained relationships with over the years?

**Victory:** Absolutely. I served with Gene Bryson, John Ballard, Charles Lindsay and Fred Sexton. All are close friends. When I got to the Supreme Court, Associate Justice Walter Marcus, who was already on the Court and had been there for many years, became a good friend. Walter was a great influence and extremely bright. He and I thought a lot alike.

One story about Walter: I remember walking into his office one day. We were talking about a case the Louisiana Supreme Court had decided 17 or 18 years earlier. Without looking at anything, Walter just walked over and picked up a book out of the shelf and opened it up. Within five seconds, he's reading that case. These were his books. They were not published books. He kept separate books of opinions by the Louisiana Supreme Court, and his mind was so good that he didn't even have to check an index. He knew where it was from memory.

**Journal:** Well, you said that you and



Louisiana Supreme Court Associate Justice Jeffrey P. Victory will retire at the end of 2014 after 20 years of service representing the Second District. Photo provided by the Victory Family.

he thought a lot alike. What is your judicial philosophy?

**Victory:** I guess like every other judge should be — to follow the law. The Legislature is the one that makes the law. Sometimes we have to interpret it — and these things are frequently very difficult — but basically we have to determine what the law is and follow it.

**Journal:** Several months ago, I had the privilege of speaking at law school professionalism orientations. That is something that the State Bar has taken a great interest in. From your perspective, have you seen an improvement in or a decline in professionalism over your years?

**Victory:** You know, we don't see a whole lot of that at our Court because we just hear lawyers who come in and argue things. So, we don't see the problems firsthand like you would see in a trial court, but we get reports on the issue and try to promote professionalism. I think things are improving. We're certainly working hard to try to improve professionalism, making it part of the Court's work and emphasizing the courses that you're required to take.

**Journal:** What are the most significant changes in the practice of law that you have observed since you started?

**Victory:** Gosh, I don't know. More

and more lawyers. It seems like the state of Louisiana, of course, has always had a large number of lawyers, and it seems like we are growing at an even faster rate now. I understand in the last couple of years the law schools are cutting back on the number of students they are admitting, so perhaps that will have some effect on the legal community.

**Journal:** There's certainly been a lot of change in technology.

**Victory:** For goodness sakes, yes. I have a cell phone that will probably do anything. It's one of those Galaxy S4s, and I use it as a phone. Everybody else uses it to do everything else, except wash clothes.

**Journal:** Do you have any advice to share for practitioners to do a better job before the Louisiana Supreme Court and other courts?

**Victory:** When you're before the Supreme Court, you need to be thoroughly prepared because the people on that Court are going to be thoroughly prepared. They're going to have read your brief. They're going to have read your opponent's brief. They're going to have memos of their own that have been prepared by their staff. So they're going to know that case inside and out, and you need to be prepared to answer any questions that they have. And, most of the time, the lawyers are. I'm very impressed with the preparation of most of the lawyers.

**Journal:** You have had 20 years of exceptional service on the Court. You served in district court and the Court of Appeal. Looking back, what is your greatest accomplishment?

**Victory:** I don't really think of things in terms like that. I would like to think that I have contributed to the legal community, especially the Supreme Court. I've written a lot of opinions at the Court of Appeal and at the Supreme Court, and I think that is the most important contribution I've made.

**Journal:** What was the most enjoyable part of being a justice in the Louisiana Supreme Court?

**Victory:** I think it was being in the courtroom and listening to the lawyers arguing the cases. (Laugh) I've always enjoyed that. I liked being in the courtroom. When I was a practicing lawyer, I didn't do a whole lot of courtroom work. We mostly were doing office work. But, when I became a district

judge, it was, like I said, like going to a play every day, very interesting. The Court of Appeal was somewhat like that because people come and argue cases, but you weren't seeing things firsthand. But, actually, when you get to the Supreme Court, all of the cases are really important, and you usually have very good lawyers that are there arguing the cases.

**Journal:** Now that you are nearing completion of your tenure on the Court, what are your plans for the future?

**Victory:** I don't have any current plans. I've had a lot of suggestions as to what I should do professionally, that I should do this and that and so forth. I'm open to that. But we do want to build a house. We will be tackling that probably early next year. And we are looking forward to spending time with our children and grandchildren. But, overall, after over 30 years of living by a strict schedule, it will be nice to have some flexibility.

**Journal:** What do you think will be your legacy from your service?

**Victory:** I hope it's good. I hope people

will read the opinions that we've written and know that we always tried our best to do what the law provides and to explain it as best we could.

**Journal:** Have there been other lawyers or judges you looked up to and admired?

**Victory:** Oh, goodness, as I said before, T. Haller Jackson and Bob Jeter with my firm were certainly a great influence on my getting into the details of it. Horace Holder was with our firm and one of the brightest people that I've ever met. I remember a business client asked Horace to tell them about chattel mortgages, and Horace wrote a 25-page, single-lined letter explaining it all. When I read his memo, I realized how many things Horace had covered that would never have even crossed my mind. They were all a great influence on me. Charles Lindsay and Fred Sexton were not only good friends, but they were good lawyers, and they were good judges, as were Gene Bryson and John Ballard. I've always looked up to them. They were a little older than I. I still appoint Fred a lot of times in cases when they need a judge around here because somebody is recused or

otherwise. So Fred has been doing work for the Supreme Court for many, many years.

**Journal:** Would you like to pass on some advice that you have gleaned from your legal career?

**Victory:** Work hard and study hard. Usually there are a whole lot of little curves in the law and exceptions to be considered, and so it's something that makes studying really, really hard, but extremely important, especially at the Supreme Court level. The people around you are bright, and they're going to be doing that too, and, hopefully when we all get together, we'll straighten out all of those things.

**Journal:** What would you have been if you had not been a lawyer or a judge?

**Victory:** I've always been interested in architecture. Still today, whenever we go to a big city, I go to look at all the cathedrals. I've always been impressed by the size of things like the Empire State Building. I actually went to NYU tax school for about a week after my brother, Steve, encouraged me by saying, "If you'll go, I'll pay for it."

## Justice Victory Receives Judicial Leadership Achievement Award

Louisiana Supreme Court Associate Justice Jeffrey P. Victory received the 2014 U.S. Chamber of Commerce Institute for Legal Reform's (ILR) Judicial Leadership Achievement Award at the 15th annual Legal Reform Summit in Washington, D.C., on Oct. 21, 2014.

The Judicial Leadership Achievement Award recognizes individuals and organizations for outstanding contributions to the reform of the United States civil justice system.

The ILR recognized Justice Victory's strong leadership on the Louisiana Supreme Court during his years on the bench. He was praised for using a strict constructionist approach in deciding cases and for his superior legal reasoning. A number of opinions authored by Justice Victory helped to curb lawsuit abuse in Louisiana.

Justice Victory will retire at the end of 2014, after serving 20 years on the Louisiana Supreme Court, representing the Second District.



Louisiana Supreme Court Associate Justice Jeffrey P. Victory, right, received the 2014 U.S. Chamber of Commerce Institute for Legal Reform's (ILR) Judicial Leadership Achievement Award in October 2014. The award, recognizing individuals and organizations for outstanding work contributing to reform of the United States civil justice system, was presented by ILR President Lisa A. Rickard. Photo by Ian Wagreich/U.S. Chamber of Commerce.



Several of Louisiana Supreme Court Associate Justice Jeffrey P. Victory's law clerks attended his retirement party in October. Photo provided by the Victory Family.

I had taken a couple of tax courses at Tulane. I spent a few days up there, and I called Steve and said, "I'm not spending my life poring over tax books." So he got his money back, and I got to see New York City.

**Journal:** Is there anything fun or interesting about you that we don't know that you can share with us?

**Victory:** Well, I ride motorcycles. I have a number of motorcycles, probably too many. A couple of dirt bikes, and I have three or four street bikes that I ride from time to time. I've always liked that. I also have a weakness for classic cars. My boys and I have worked on a number of them. Our favorite was a red '55 Chevy.

**Journal:** Do you ride motorcycles around New Orleans?

**Victory:** No. I don't even ride them around Shreveport very much. I usually take them up in the hills in Arkansas and down the little back roads. Riding a motorcycle in the middle of a big traffic jam is really not all that much fun.

**Journal:** During your career, you've indicated that you were in private practice and served as a district court judge, a Court of Appeal judge and a Supreme Court justice. How do those differing aspects of a legal career compare?

**Victory:** As I say, district court was a lot of fun, very interesting. You're right there. People are presenting witnesses, you're watching that, and you're having to decide a lot of cases and preside over jury trials. The

Court of Appeal is much calmer than that. As you know, everybody has a right to an appeal. But actually that was a quieter job. The Supreme Court is — I don't want to use the word "chaos" — but it can take up all of your time if you let it because there is so much administrative work to be done. With the volume of work that we had in the Supreme Court, it was hard to get away from it. I remember about three months after I started on the Supreme Court, I was sitting alone in my apartment in New Orleans, and I had boxes of things around me that had to be read that night, and I remember thinking, "Victory, what on earth have you gotten yourself into?" There is a tremendous amount of reading, and it never stops. In fact, when I started at the Supreme Court, we had about 75 new writ applications that we looked at every week. We're down to about 50 now, so it's not as bad as it used to be. The volume is just tremendous.

**Journal:** Do you have any advice to those thinking about a career in the law?

**Victory:** We always need good, solid lawyers and it's a great profession to be in. There are many facets of it, whether you want to do trial work or office work, or succession work, whatever. Yes, I would encourage anybody with a good brain. It's a great profession to be in.

**Journal:** As a personal privilege, you and I actually handled some matters together years ago dealing with First Amendment rights. You represented the morning paper and I represented the evening paper. Do you miss that?

**Victory:** Well, you know Bob Jeter and his wife, Kay Jeter, did a lot of First Amendment work and I've always been interested in the First Amendment, so that's always been something that has been very satisfying to me.

**Journal:** Did you get a chance during your tenure on the Supreme Court to address First Amendment issues from time to time?

**Victory:** Yes, but when you speak of the First Amendment, we talk about the Federal Constitution. Even though there are a lot of similar provisions in the Louisiana Constitution, it's usually the Federal Constitution we're talking about. But, we see it in many civil and criminal cases, such as the right to remain silent, and freedom of religion and the press. As you know, all the other protections that are provided in the Federal Constitution also apply to all the states, and so we see First Amendment issues pretty often.

**Journal:** Is there anything else you would like to tell the lawyers of the state of Louisiana upon this event of your retiring from the Supreme Court?

**Victory:** You should always be straightforward, ethical and honest before the Supreme Court and any other court. If you try to slip something by the justices and are discovered, the Court might well disregard all of your argument as untrustworthy. After all, we instruct jurors that if you believe a witness has lied to you about something, you are entitled to disregard all of the witness's testimony. It is extremely important that all members of the judicial system, including justices and judges, search for the truth of the matter and follow the law. After all, we are a system of laws, not men.

Louisiana State Bar Association President Joseph L. (Larry) Shea, Jr. is a member in the Shreveport office of Bradley Murchison Kelly & Shea LLC. He received a BA degree in 1974 from Tulane University and his JD degree in 1978 from Louisiana State University Paul M. Hebert Law Center (Order of the Coif and Louisiana Law Review executive editor). He chaired the LSBA's Ethics Advisory Service Subcommittee and the Multijurisdictional Practice Committee and served on the Ethics 2000 Committee. He received the LSBA President's Award in 2002. (jshea@bradleyfirm.com; Ste. 1000, 401 Edwards St., Shreveport, LA 71101-5529)

