

Book Review

Speeches by Paul R. Baier

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Reviewed by R. Patrick Vance

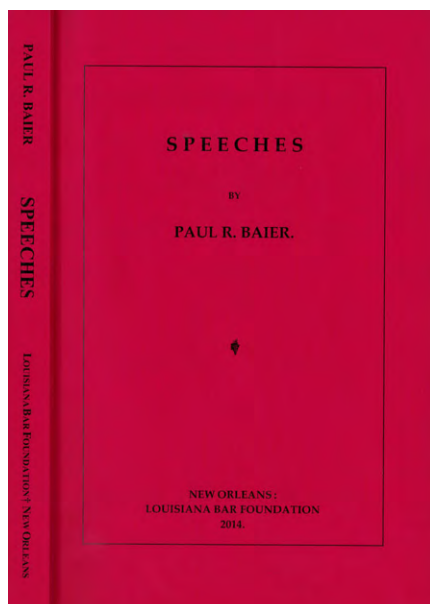
Professor Paul R. Baier is a keen observer of the law and the jurists and scholars who are lovingly profiled in his latest publication, *Speeches*. His portraits range from the Olympian U.S. Supreme Court where he served as a Judicial Fellow in 1975 to a selection of Louisiana's distinguished jurists and Civil Code scholars.



Our Paul Baier is not the 6'4" former American professional ice hockey defenseman one finds with a Google search. Rather our Paul Baier is the young professor who came to Louisiana in 1972 from Harvard Law School by way of Michigan and Tennessee where he first instructed aspiring lawyers. Prof. Baier credits that legal lion from Ville Platte, Albert Tate Jr., with the sweet words of persuasion to join the Louisiana State University faculty in Baton Rouge. It was a variation of "*laissez les bon temps rouler*" — "you'll have fun," as Judge Tate phrased it — that closed the deal. And fun he had.

What the close reader will observe in his *Speeches* is that Prof. Baier arrived in Louisiana as a student of the U.S. Constitution, and, in time, became an acknowledged scholar of that great document and a devotee of Louisiana's Civil Code heritage. Over the course of the next 40 years in recognition of his considerable facility with words and immense knowledge of judicial history, Prof. Baier's inner Cicero was called upon to add gravitas to an event. He participated in events of celebration from the U.S. Supreme Court Historical Society in Washington, D.C. to the *Louisiana Law Review* banquet at Juban's Restaurant in Baton Rouge, with numerous significant retrospectives in between. While he arrived as a Harvard man, he morphed into a Professeur de Faculté de Droit, a Marcus Tullius Baierus, so to speak.

Although this 264-page volume is modestly titled *Speeches*, *Orations* seems a more apt appellation for this collection of grand words and perceptive observations on the giants in U.S. and Louisiana jurisprudence, including a trio of Chief Justices, Edward Douglas White, Louisiana's contribution of the ninth chief justice of the U.S. Supreme Court, William Rehnquist and Louisiana Chief Justice John Dixon; Associate Justices Antonin Scalia, Hugo Black, Lewis Powell and Harry Blackman; a trio of Louisiana associate justices, the beloved Albert Tate, Jr., who also served on the U.S. 5th Circuit Court of Appeals,



Justices John Weimer and Luther Cole; and a brace of Louisiana judges, one state and one federal, Judges Melvin Shortess and Jane Triche Milazzo.

How judges judge is the recurring theme that runs through *Speeches*. As an example, one of Prof. Baier's sketches is found in his Retrospective of our own Chief Justice John Dixon upon the occasion of his retirement in 1990. The picture painted of Justice Dixon is not abstract. It is simple, unadorned and direct, as straight forward and plain as Dixon's adherence to the edict of Strunk and White's *The Elements of Style* — "omit needless words." Indeed, Prof. Baier's final brushstroke in summing up Dixon's march to mete out justice is to quote the justice himself — "It is almost a contradiction in terms to speak of the thought and actions of a human being as 'objective.' A man's thoughtful decisions are a product of his whole life and his whole environment."

Clearly, Prof. Baier's "main man" for his orations, whom he draws upon time and again, is Oliver Wendell Holmes, Jr., himself a Harvard man and a long-serving associate justice of the U.S. Supreme Court who published his own *Speeches* in 1891. We learn from Prof. Baier's introduction that Holmes' *Speeches* was described at a black-tie

dinner in the LSU Union in 1979 which he attended as "not quite a Bible, still a Book of most uncommon prayer." The existence of Holmes' *Speeches* was a revelation to Prof. Baier, not on the road to Damascus, but on his subsequent journey as both an advocate for constitutional principles and as a sought-after commentator on the work of jurists and scholars.

Yet, Prof. Baier was not blinded by Holmes' brilliant light on the law and human condition — "The life of the law has not been logic; it has been experience." — but he was inspired, went forth and observed. As Holmes' disciple, Prof. Baier echoes his muse — "law is a human enterprise. It is more interesting, as life is more interesting, by virtue of its intellectual personalities. . . ." The thesis of *Speeches* so stated, Prof. Baier notes, "These pages are a scrapbook of a few friends who have tintured my landscape. . . ."

Ironically, Prof. Baier's *Speeches* captures moments in his own life as he celebrated the present by reminding us of the importance of the wisdom of the past. In so doing, Prof. Baier, as an observer extraordinaire, without design, has found a place in the Pantheon of those he has observed. Well said, *mon professeur*, and to paraphrase the sage of Ville Platte — *c'est si bon*.

The book was published by the Louisiana Bar Foundation (LBF). Prof. Paul R. Baier was the LBF's first Scholar-in-Residence. Claitor's Law Books in Baton Rouge is marketing the book, with a 20 percent royalty being paid to the LBF to benefit the LBF's Civil Justice Initiative. To order the book, go to: www.claitors.com.

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