

New Series Begins with New Orleans in Commemoration of Tricentennial



By John E. McAuliffe, Jr.

Louisiana's legal legacy is deep-rooted in every corner of the state. Over the course of 300-plus years of history, the legal profession in the state has been peopled by patriots and scholars, by activists and visionaries. Inspired by the New Orleans' Tricentennial, the *Louisiana Bar Journal* is kicking off a new series to commemorate and recognize the state's legal legends, including "legends in their own time."

In commemoration of the Tricentennial, the *Journal* begins the series with short profiles (150 words or less) of a dozen New Orleanians (or those with connections to New Orleans) who have contributed to the legal history of the city and the state.

William Charles Cole Claiborne

► Claiborne was the first territorial and state governor of Louisiana, presiding over the transitional years of Americanization from the Louisiana Purchase of 1803 to statehood in 1812.

► He passed his bar examination in Virginia and established a successful law practice in Tennessee before being appointed to the Tennessee Supreme Court and later elected to rep-

resent Tennessee in the U.S. House of Representatives.

► In 1804, he was appointed governor of Orleans, with his chief concern to incorporate the former French and Spanish colony into the United



**William Charles
Cole Claiborne**

States, bring its institutions in line with those of the republic and mitigate conflict between the Creoles and the influx of American settlers.

► After Louisiana's admission to the Union on April 30, 1812, he was elected as the state's first governor in a two-tier system that involved balloting by the state's male property owners, followed by a vote in the Legislature.

Edward Livingston

▶ Livingston left his mark on Louisiana when he successfully advocated for preserving the colonial legal system based on Roman civil law even though the legal codes of the rest of the United States were derived from the English system of common law.

▶ To prevent the first territorial legislative council from adopting the common law, he gathered signatures for a petition asking Congress for immediate statehood. Instead, Congress determined the Louisiana Territory's appointed legislative council would be counterbalanced by an elected House of Representatives. In 1806, Louisiana's first Legislature passed an act declaring that Louisiana would retain the Roman civil law and the Spanish laws in effect at the time of the Purchase.

▶ In 1820, he won election to the state Legislature and was selected in 1821 to prepare a criminal code of law. He also completed a code of commercial law. The Legislature ratified both legal codes in 1824.

John Bartow Prevost

▶ Prevost was one of the first three judges of the Superior Court of the Territory of Orleans from 1804-1808, appointed by President Thomas Jefferson.

▶ He opened the Superior Court with a charge to the grand jury on Nov. 5, 1804. He served alone on that bench for about two years due to the death and refusal to take office of his fellow judges. In 1808, he resigned from the bench and practiced law in New Orleans for many years.

▶ In 1818, he was appointed by President James Monroe as an American commissioner to examine the state of Spanish colonies in South America. He was also tasked by Secretary of State John Quincy Adams with securing U.S. possession of the Oregon Territory as reparations from the British government for the War of 1812 as spelled out in the Treaty of Ghent.



Edward Livingston

François-Xavier Martin

▶ Martin served as the third presiding judge — the equivalent of chief justice — of the Louisiana Supreme Court from 1836-1846. He participated in some of the most significant legal questions raised in Louisiana and is often referred to as the “Father of Louisiana Jurisprudence.”

▶ He compiled a digest of the state laws and wrote the first published history of Louisiana in 1827.

▶ Gov. William C. C. Claiborne appointed him as the first Louisiana attorney general in 1813.

▶ He reported and published the first 20 volumes of decisions for both the Supreme Court of the Territory of Orleans and the Supreme Court of Louisiana.

▶ His olographic will, written in 1844 after he became completely blind, was contested by the state, but the Louisiana Supreme Court allowed his bequest of his entire estate to his brother, upholding the right of the blind to make olographic testaments.

Chief Justice Edward Douglass White, Jr.

▶ White was a U.S. senator and the ninth Chief Justice of the United States. He served on the U.S. Supreme Court from 1894-1921 and is best known for formulating the “Rule of Reason” standard of antitrust law.

▶ Born in Lafourche Parish, he enrolled at the University of Louisiana in New Orleans (now known as Tulane University Law School) to complete his study of the law. He was admitted to the bar and began practice in New Orleans in 1868.

▶ He was appointed as an associate justice of the Louisiana Supreme Court, serving from 1879-1880, then elected, serving from 1888-1892.

▶ He sided with the U.S. Supreme Court majority in *Plessy v. Ferguson*. In one of several challenges to Southern



François-Xavier Martin



Chief Justice Edward Douglass White, Jr.

states' grandfather clauses, used to disfranchise African-American voters at the turn of the century, he wrote for a unanimous court in *Ginn v. United States*, which struck down many Southern states' grandfather clauses.

Alexander Pierre Tureaud

▶ Tureaud was a key legal activist in an era of vigorous challenges to Jim Crow in 20th century Louisiana. From the beginning of his legal career in New Orleans in the 1920s, he directed the most substantive assaults on racial segregation in Louisiana's history, shaping the modern civil rights movement nationwide.

▶ In 1922, he joined the National Association for the Advancement of Colored People. He graduated from Howard Law School in 1925, but due to the whites-only admissions policies in Louisiana's law schools, he was one of fewer than 20 practicing African-American attorneys in Louisiana until the 1950s.

▶ In the 1930s, he joined the NAACP Legal Defense Fund, Inc., and filed lawsuits to force Louisiana to enforce the separate-but-equal doctrine established in *Plessy v. Ferguson* (1896).

▶ He launched lawsuits in the 1940s and 1950s that resulted in the desegregation of Louisiana State University and the Orleans Parish School District.

Charles Edward Dunbar, Jr.

▶ Dunbar developed the modern civil service system in Louisiana and was the first chair of the Louisiana State Civil Service Commission, serving from 1940-1947.

▶ Born in McComb, Miss., he received his BA degree in 1910 from Tulane University, did graduate work at Harvard University and graduated in 1914 from Harvard Law School. In 1915, he began affiliation with a New Orleans law firm and was made partner in 1919.



Alexander Pierre Tureaud



Charles Edward Dunbar, Jr.

► His pursuit of civil service was a response to end the past practices of political patronage in the awarding of state and municipal government jobs. The first civil service law was drafted in 1940.

Anna Judge Veterans Levy

► Levy was elected in 1941 to Orleans Parish Juvenile Court, becoming the first woman jurist in the state.

► In 1948, she was defeated by Leo B. Blessing in her reelection bid. She refused to give up the seat, claiming Blessing lacked the necessary qualifications and that a constitutional amendment passed the previous year extended her term another eight years. In 1949, Blessing sought an injunction against her in Civil District Court. Judge Luther Hall found in favor of Blessing and the Louisiana Supreme Court upheld his decision.

► In 1951, she appointed to First City Court to complete the term of deceased Judge William Conkerton. She served until her death in 1964. Gov. John McKeithen appointed her husband to serve out the remainder of her term.



Anna Judge Veterans Levy

Justice Revisus O. Ortique, Jr.

► Ortique, a civil rights activist, was the first African-American justice of the Louisiana Supreme Court, elected in 1992.

► Born in New Orleans in 1924, he earned his JD degree from Southern University Law School in 1956.

► As president of the Community Relations Council, he served as “chief negotiator” for the peaceful desegregation of lunch counters, hotels and other public facilities in New Orleans.

► In 1970, in the wake of killings by national guardsmen at Kent State University and Jackson State University, President Richard Nixon asked him to serve on the President’s Commission on Campus Unrest.

► In 1974, President Nixon appointed



Justice Revisus O. Ortique, Jr.

him to serve on the newly created Legal Services Corporation, a private, non-profit corporation established by the U.S. Congress to ensure equal access to the criminal justice system by providing civil legal assistance to those who were unable to afford it.

Ernest N. (Dutch) Morial

► Morial, a civil rights advocate, was the first African-American mayor of New Orleans, serving from 1978-1986.

► He graduated from Xavier University of Louisiana in 1951. In 1954, he became the first African-American to receive a law degree from Louisiana State University.

► He came to prominence as a lawyer fighting to dismantle segregation, preferring to fight for civil and political rights in courtroom battles rather than through sit-ins and demonstrations.

► He became the first African-American member of the Louisiana Legislature since Reconstruction in 1967, the first African-American Juvenile Court judge in Louisiana in 1970, and the first African-American judge on Louisiana’s 4th Circuit Court of Appeal in 1974.

► As mayor, expanding on the efforts of his predecessor Moon Landrieu, Morial redoubled the city’s commitment to affirmative action in hiring city workers and introduced minority hiring quotas for city contractors.



Ernest N. (Dutch) Morial

Chief Justice Bernette Joshua Johnson

► Johnson is the Louisiana Supreme Court’s 25th Chief Justice, its second female Chief Justice and its first African-American Chief Justice. She was sworn in on Feb. 1, 2013.

► She was one of the first African-American women to attend Louisiana State University Paul M. Hebert Law Center, receiving her JD degree in 1969.

► Her judicial career began in 1984 when she was the first woman elected to



Chief Justice Bernette Joshua Johnson

serve on the Orleans Parish Civil District Court.

► Always an advocate for social justice and civil rights, she worked as a community organizer with the National Association for the Advancement of Colored People (NAACP) Legal Defense & Educational Fund, and at the U.S. Department of Justice’s Civil Rights Division. Following law school, she became the managing attorney of the New Orleans Legal Assistance Corporation (NOLAC), where she provided legal services to clients in socio-economically deprived neighborhoods.

Walter J. Leger, Jr.

► Leger, senior partner in the law firm Leger & Shaw in New Orleans, served as a volunteer member of the Louisiana Recovery Authority, one of the groups credited with helping New Orleans recover following the devastation from Hurricane Katrina in 2005. He co-chaired the Louisiana Recovery Authority’s Housing and Redevelopment Task Force.

► He provided legal advice in developing the state’s rebuilding program, which delivered more than 130,000 grants to south Louisiana homeowners. He chairs the Louisiana Land Trust, which has returned more than 10,000 Katrina-destroyed properties to the market.

► He is president of the New Orleans Bar Foundation and plans to bolster the Foundation’s Veterans Justice Fellowship which provides life-changing civil legal help to veterans in the areas of housing law, consumer issues, discharge upgrades, child support, and the removal of legal barriers to employment.



Walter J. Leger, Jr.

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