

# “Meet-and-Greet” at Midyear: New Associate Justice Genovese Offers Practical Tips on Writ Applications

By John W. Redmann and David B. Belk

**N**early two weeks after being sworn in as the newest associate justice of the Louisiana Supreme Court, James T. Genovese made one of his first public appearances on Jan. 19 at a “Meet and Greet” event coordinated by the Louisiana State Bar Association’s (LSBA) Bench and Bar Section on the first day of the LSBA’s Midyear Meeting in Baton Rouge.

Among those at the well-attended event were Bench and Bar Section Chair John W. Redmann and Vice Chair Christopher K. Ralston, LSBA President Darrel J. Papillion, LSBA President-Elect Dona Kay Renegar, LSBA Treasurer H. Minor Pipes III and Judge Raymond S. Steib, Jr., 24th Judicial District.

During the event, Justice Genovese shared his vision for the future of the state’s highest court and offered practical advice for attorneys about writ applications.

Regarding the challenges in his new position, Justice Genovese said, “I’ve been on a learning curve for the past 60 days,” adding, with a hint of irony as he spoke to a room full of lawyers and judges, “for the first time in my life, I’m quiet.” The import of his new job is not lost on him. “It’s amazing what one person can do, (how one person) can make a difference.” He described what undoubtedly will soon be a familiar feeling. “Last Tuesday was the first time the vote came down 3-3. ‘Alright, Genovese, what’s your vote?’ All of a sudden I get this chill. Wait a minute — right now, 10 days in — what I say is going to be what that decision is going to be!”

Justice Genovese has big plans regarding the understanding and transparency of the Supreme Court and hopes to



**New Louisiana Supreme Court Associate Justice James T. Genovese, second from left, made one of his first public appearances on Jan. 19 at a “Meet and Greet” event coordinated by the Louisiana State Bar Association’s (LSBA) Bench and Bar Section. From left, Bench and Bar Section Chair John W. Redmann, Genovese, LSBA President Darrel J. Papillion and Bench and Bar Section Vice Chair Christopher K. Ralston.**

give greater insight to the Bar as to the inner workings. “It’s important for you to know what goes on in the Supreme Court. We’ve got to get out and let people know what’s involved with taking a writ to the Supreme Court — what to expect in the Court, how it functions, what happens to your case when you file that writ, where does it go, what’s the first thing that happens, what are my chances of getting a writ granted? I would like to take the opportunity in due course just to have a presentation regarding the Supreme Court — what it is, what it does, what works, and what doesn’t work.”

He also offered some practical advice. “People need to understand what works and what doesn’t work and how important it is — your application for

writ of certiorari. Don’t sit back and think, ‘Well, let’s wait and see when the Justices look at the record and they’ll see what I’m talking about.’ We don’t get the record until maybe a week before the case is orally argued — key distinction between that and an appellate court. You live and die on your writ application. So if you want to put all your marbles in one basket, don’t wait for the end of the parade to get the doubloons.”

In response to a question regarding what practitioners should keep in mind when filing a writ application with the Supreme Court, Justice Genovese advised, “People need to know that the Supreme Court is a writ court. It is not what we call an errors court. I take issue with the broad statement that the Supreme Court is a policy court. In

## FOOTNOTE

1. Review the full Louisiana Supreme Court Rule 10 online at: [www.lasc.org/rules/supreme/RuleX.asp](http://www.lasc.org/rules/supreme/RuleX.asp). The five specific areas where the Supreme Court can exercise its discretion include: 1) Conflicting Decisions; 2) Significant Unresolved Issues of Law; 3) Overruling or Modification of Controlling Precedents; 4) Erroneous Interpretation or Application of Constitution or Laws; and 5) Gross Departure from Proper Judicial Proceedings.

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my view, the Supreme Court decides a case based on the law (not policy) but its decision becomes the policy of the court. Rule 10 [of the Rules of the Supreme Court of Louisiana]<sup>1</sup> gives you five specific areas where the Supreme Court would exercise its discretion. Those five issues are the issues which you must pound on. Knowing that it's a writ court, you have to approach it like that. People make a major mistake going at it from an error standpoint. You want to go with your errors to the appellate court, but leave that at the door in the Supreme Court. We cannot correct every error. It's going to have to have something to catch our attention. It's going to have to fall under the umbrella of Rule 10."

In closing, Justice Genovese offered an inside look into the collective mind of the Supreme Court. "Things that we look at — the judge makes a difference, the [district] court makes a difference, the circuit court makes a difference. And it goes back to credibility. If you do good work, it's not that you get the

benefit of the doubt, but it casts you in a much better, believable light. We're all human beings and you cannot separate the human element involved. On the district level, you know the attorneys who do good work and they're going to get in and get out quickly. On the appellate level, you know the judges who are very conscientious. It's not that they get a free pass, but they come to the forefront."

Justice Genovese, a Loyola University Law School graduate, spent more than 20 years in practice before being elected to the district court bench in Opelousas in 1995. From 2005 until his recent election, he was a judge on the 3rd Circuit Court of Appeal. His 3rd District seat on the Supreme Court was formerly held by retiring Justice Jeannette Theriot Knoll.

The leadership of the LSBA's Bench and Bar Section plans to continue offering unique opportunities for interaction between members of the Bar and judiciary and invites all LSBA members to take part in future events.



## 2017 LSBA Midyear Meeting LCLCE Award Recipients



Kirby Gordon, Jr., second from left, a teacher at Galvez Middle School in Prairieville, received the 2017 President's Award of Excellence for Outstanding Civics Teacher during the Louisiana State Bar Association's (LSBA) Midyear Meeting in Baton Rouge. The award is jointly presented by the LSBA and the Louisiana Center for Law and Civic Education (LCLCE). From left, Louisiana Supreme Court Justice Jefferson D. Hughes III, Gordon, LCLCE President Lawrence J. Centola III and LSBA President Darrel J. Papillon. Photo by Matthew Hinton Photography.



Frederick D'Wayne Bell II, right, a 2015-16 senior at the Math, Science and Arts Academy-East in Iberville Parish, received the 2016 Louisiana Center for Law and Civic Education's Civics in Action Award during the Louisiana State Bar Association's Midyear Meeting in January, presented by Louisiana Supreme Court Justice Jefferson D. Hughes III. Photo by Matthew Hinton Photography.