

Portraits & Perspectives: Louisiana Supreme Court Associate Justices



One on One with Louisiana Supreme Court Associate Justice Jeannette Theriot Knoll

Interviewed by Winfield E. Little, Jr.



Louisiana Supreme Court Justice Jeannette Theriot Knoll with her family. Front row from left, Lyla Knoll; husband Eddie Knoll, Sr.; Jeanne Elyse Knoll; Justice Knoll; Sunni Claire Knoll; Jameson Knoll; Lauri Knoll; and Andree Knoll. Back row from left, Sonny Knoll, Laura Knoll, Jonathan Knoll, Emily Knoll, Jamie Knoll, Blake Knoll, Lawson Knoll (in front of Blake), Trey Knoll and Eddie Knoll, Jr. Photo by Bernie Saul.

On Oct. 19, the Louisiana Supreme Court justices sat *en banc* in a courtroom ceremony to honor Associate Justice Jeannette Theriot Knoll on her last day sitting on the Supreme Court bench. Surrounded by friends, family and colleagues, Justice Knoll celebrated 34 years of being a member of the Louisiana state judiciary. Her service began in 1983 when she was elected to the 3rd Circuit Court of Appeal, becoming the first woman to be elected to an appellate court in the history of Louisiana.

"Twenty years ago, Justice Knoll joined the Louisiana Supreme Court bench and she has since devoted herself to serving the Court, the judiciary and the people of Louisiana. She has established an impressive record during her time here, having read and voted on more than 58,000 writ applications and authoring nearly 200 Louisiana Supreme Court full opinions. When you add this to the 856 opinions she wrote during her 14-year tenure at the 3rd Circuit Court of Appeal, it is impossible to overstate Justice Knoll's contribution to the development of Louisiana law," said Chief Justice Bernette Joshua Johnson.

Justice Knoll received her undergraduate degree and law degree from Loyola University. She cut her teeth as an indigent defender in Avoyelles Parish and, for 13 years, she practiced law with Knoll and Knoll. From 1972-82, she served as the first assistant district attorney for the 12th Judicial District. In 1996, she earned a Master of Laws degree in the judicial process from the University of Virginia School of Law.

She is the recipient of several honors and awards, including the 2017 St. Ives Award from Loyola University College of Law; the 2016 Distinguished Jurist Award from the Louisiana Bar Foundation; the 2002 Outstanding Judicial Award from Victims and Citizens Against Crime, Inc.; and the 2000 Outstanding Jurist of the Year Award from Louisiana Crimefighters. In 2007, she and her whole family were inducted into the Louisiana Justice Hall of Fame.

Justice Knoll has been married for nearly 50 years to Jerold Edward (Eddie) Knoll, with whom she raised five sons and has nine grandchildren.

Her official last day before retirement is Dec. 31.

Journal: What did you do in college to get ready for law school?

Knoll: I had no idea I was going to law school. All my young life, I was going to be an opera singer, and could have been. The Metropolitan Opera was very interested in me, gave me a scholarship, and I was under the tutelage of Maestro Kourt Adler. My horizons were not in the field of law nor did we have anybody in our family who was a lawyer. I'm one of 10 children, and my dad graduated from Tulane in 1930 in business administration. He was a businessman but he was not involved in law or politics. We were a musical family. My mother was a classic pianist and everybody in the family sang. I started studying at the age of 11. Dad discovered I had a very pretty voice. God blessed me with a very good talent.

Journal: Where were you raised?

Knoll: In New Orleans from second grade on because of my Dad's work.

Journal: Did you finally go to college as a voice major?

Knoll: I gave up my voice scholar-

ship and majored in political science and minored in history at Loyola University. I lost a year because I had a year of music and those credits just didn't apply. After my first year of college, I went and studied with the Met. And my mother died. I was 19 and mom had five little ones under me, and it was very tragic. I just couldn't live without my mom. I couldn't get my arms around the grief. I cried for seven years. I got into law through my husband, and I really reluctantly went to law school.

Journal: Was your husband already an attorney at that time?

Knoll: Yes, he was. I worked my way through college teaching a glee club and liturgical music at Mount Carmel Academy, St. Joseph Academy and St. James Major High School. I also worked for a couple of the professors at the university to lower my tuition. I met my husband-to-be while I was an undergraduate. He graduated from law school in 1966, and I graduated as an undergraduate the same year.

After receiving my undergraduate degree, I attended Loyola Law School in the three-year program. Eddie asked me to go to law school. I fell very much in love with him. He was not from New Orleans. I had never heard of the little town he was from because my roots are in Gueydan where my father was born and raised, and I lived there the early years of my childhood in Vermilion Parish. My daddy's name is Alfred Joseph Theriot, Sr. I always loved the country and hoped that I would live back in Vermilion Parish, preferably Abbeville or Gueydan. When Eddie said he was from Simmesport, I had never heard of the little town. He was raised by wonderful parents who had a mom-and-pop grocery store in the country, the little rural, general merchandise store. They made a very successful living. His idea of a husband-and-wife team was a mom-and-pop business, too. So, he asked me to go to law school. It never entered my mind to be a lawyer. In those days, many women did not go to law school. The Bar Association was predominantly white male. All of the judges throughout the state were all white male. But he was persistent because he wanted us to have a law office together. I told him I would give law school two weeks, then I'd know if I liked it or not. Of course, I fell in love with it, and I did very well.

Journal: Were you married while you were in law school?

Knoll: We married after my first year in law school in June of 1967. He lived and practiced in Marksville. I was the one who commuted back and forth from New Orleans. I'd go home on Fridays. There used to be a passenger train that would pass through Mansura, five miles from Marksville. I'd catch the train at the Fontainebleau train station near the Fontainebleau Hotel at the intersection of Tulane and Carrollton. It was a grueling schedule. Then, I started driving back and forth on Fridays. I'd call my little car the "mailman" because, no matter the weather, I was going home.

Journal: So, you and Mr. Knoll practiced law for a number of years in Marksville?

Knoll: Yes. At first, my husband Eddie was in a partnership with Mr. Riddle. It was assumed I would go in the partnership with them, which is what Eddie and I were hoping. But Mr. Riddle was not accustomed to women lawyers. There were no women lawyers. His financial offer to me was the same as his secretary's salary, and I was not going to go into the courtroom, but just write briefs and pleadings and do whatever Mr. Riddle told me to do. I said to myself, for \$500 per month, I could stay home and teach music. My husband was very disappointed as well. Eddie went off to the National Guard to do his summer duty. The Vietnam War was on. While he was gone, I made up my mind. I would be miserable not being able to go in the courtroom and not being able to really practice law. I told him I was going to strike out on my own. I tried to clerk for judges. I tried to get a job. But all the clerkships were taken up. I had waited too late. I struck out on my own. For one year, I practiced alone.

Journal: You had your own shingle for a year?

Knoll: Yes, that's exactly the traditional "hanging of the shingle." I remember the day I hung it. I didn't know anybody there in Marksville. My family wasn't there. I was still grieving the loss of my mother. But I was successful from the get-go.

Journal: What type of cases did you have?

Knoll: Anything that walked through the

door. I had one man walk in and say he just wanted to see what a woman lawyer looks like. That's how strange it was. That concept of a woman lawyer just wasn't the norm.

Journal: After the first year, how did your practice change?

Knoll: After my first year, my husband joined me and we opened a law firm, Knoll and Knoll. I always teased him that I was the "Knoll" and he was the "and Knoll." But, one thing is true. You can't hold a good lawyer down, and I was a good lawyer because I did my homework. I won cases I should have won, and I won cases I should have lost.

One of the cases I tried as a young lawyer was a rape case of an African-American man, Sifton James, charged and indicted with the aggravated rape of a white woman. He was an ex-con with a record of a burglary but not a sexual offense. I was appointed to represent him. You had to have five years' experience, so the district judge appointed an older member of the Bar, Mr. Bennett, to assist me. But I literally tried the case and did all of the work. In 1971, women were not allowed to sit on the jury unless the woman formally requested it by going to the clerk's office or registrar of voters' office and placing her name in the jury pool. My jury selection was confined to all men. They didn't have the Batson Challenge then, either. And I won that case. He was truly innocent, and I think God placed me there at that time to save this man's life because he was looking at the electric chair. My defense of him was the prosecution of who really raped her, so parallel to *To Kill a Mockingbird*.

Let me describe the courtroom. It was just like in *To Kill a Mockingbird*. It had racial overtones, the prosecution. All the whites were on one side and all the African-Americans were on the other side. We didn't have central air and heat. We had these big, old windows and the air conditioner was in the window. They'd have to turn the air conditioner off when somebody was testifying so everybody could hear. There was just no evidence against him. They came back with a "not guilty" verdict.

After the trial, there was sitting on my desk a little package wrapped with legal paper. I opened it and it was the "not guilty" pen. The jury signed the verdict with a little,

inexpensive BIC pen, and one of the jurors was a cabinet maker—Rudie Hydel. He put the BIC in a beautiful piece of cherry wood, oval-shaped, and called it the “Not Guilty Pen, State versus James” and the year. I’m often asked which case I’m the proudest of, and that’s the case. My family and I were inducted into the Louisiana Justice Hall of Fame at Angola. They wanted memorabilia, so the pen is there.

Journal: Later on, you became the first assistant district attorney?

Knoll: Yes. In those days, they didn’t have anti-nepotism laws. My husband became DA and he named me his first assistant. I was truly a hardworking first assistant. When I won a judgeship in 1982, he had to hire two to replace me. It was nepotism, but the state really got its money’s worth out of me.

Journal: You mentioned you ran for a judgeship. That would have been to the 3rd Circuit?

Knoll: My subdistrict consisted of eight parishes, with one French-Catholic parish, Avoyelles. Then right above Avoyelles, straight across the state, from the Texas border to the Mississippi border, starting with Sabine Parish, Natchitoches, Lasalle, Concordia, Rapides, Catahoula and Grant.

Journal: How long were you on the Court of Appeal?

Knoll: Fourteen years, until I was elected to the Louisiana Supreme Court in 1996.

Journal: Let’s talk about your time on the Court of Appeal.

Knoll: I wanted to get out of the courtroom. The courtroom is a stressful place, and I had a huge family practice. Couples would pull me in when they got in a fight. Husbands would call and say, “My wife and I are fighting. She’s going to go see you, but I’m going to hire you, so you’re my lawyer, if she gets to you before I do.” I’d say, “Sir, whoever pays me first is who I’m going to represent.” I also don’t like bargaining negotiations on personal injury, but you have to do that in the personal injury field.

Then a vacancy opened up on the Court of Appeal when Judge Culpepper planned to retire. I had never dreamed of being a judge. Never. I certainly didn’t want to be a trial



Louisiana Supreme Court Justice Jeannette Theriot Knoll’s home office in Marksville. Photo provided by the Knoll Family.

judge. I did not know how to campaign. You have to be able to ask people for their vote. You have to go up to them, perfect strangers, and say, “My name is Jeannette Knoll. I’m running for the 3rd Circuit Court of Appeal. I sure would appreciate your vote and support.” My husband and my brother, Paul Theriot, taught me how to be a politician.

When I was a trial lawyer, clients would call and come to my house (I could never say no) and I was dealing with them following Caesarean sections and through breast-feeding. I never lost a case or a client because I had to feed a baby.

But my work with the Court of Appeal was more of an academic atmosphere. My first love always has been family life and wanting to do for my family. The Court of Appeal gave me the opportunity for a less stressful life in trying to raise my five wonderful boys.

Journal: You’re able to schedule every day for a week in advance of what’s going to happen at the 3rd Circuit.

Knoll: I think most of the intermediate courts in the state, the five Courts of Appeal, have the same system. They get their docket three months ahead of time. We get their records so when you hear oral argument you have a draft opinion already. Then, you make your adjustments accordingly after oral argument. You work ahead on the Court of Appeal level.

Journal: How important were oral arguments to you at the Court of Appeal level and then at the Supreme Court level?

Knoll: I found the Court of Appeal level very important, but we were criticized by the lawyers because they knew we had a draft opinion ready. Most good appellate lawyers know that the Courts of Appeal work ahead. They felt like they’re going to have a hard time getting a judge to go back on an opinion and rewrite it. But I would. I would go back. Most of the time, lawyers’ arguments at the Court of Appeal or Supreme Court aren’t very different from their briefs. You can’t introduce new evidence. You can’t have new assignment of error. It’s pretty well set. It would have to be something I didn’t think of. And my technique in appellate work, to include on the Supreme Court, the way I’m questioning you is the way I’m thinking of ruling. So if I’m wrong, here’s your opportunity to correct me. I was very honest with the lawyers. Let me hear your side. And I still do that to this day.

Journal: Let’s talk about the procedure at the Supreme Court.

Knoll: The procedure here is totally different. It’s a discretionary court whereas the Court of Appeal is not. You have a constitutional right to appeal. The only way to dismiss an appeal is if you haven’t appealed timely or filed your briefs timely. We don’t deny appeals. We deny writs be-

cause you don't have a constitutional right to our court, only in limited circumstances. The death penalty cases are a direct appeal. The declaration of unconstitutionality is an appeal. The Supreme Court gets 3,000 writs a year, and the Justices have to read them. The perfect description of this court is it's a deadline court for the Justices. At the Supreme Court, we meet our deadlines every week. We meet every Tuesday and Wednesday to vote. You have to do all that reading and you have opinions to write. We meet for oral argument every six weeks, and for one period, it is seven. We have about six times that we sit a year. There also are many other functions that the Supreme Court handles that the appellate level does not do. We have original jurisdiction sanctioning lawyers and judges. We have many committees that work for us. There are many, many other things that we do besides our work.

Journal: How did you learn to balance your private family life with your trial work and later with your judicial work?

Knoll: That's always been a challenge. I was able to successfully do it as a trial lawyer with the wonderful women who worked for me in my home helping with my children. In the Court of Appeal level, I could participate more and have more of a schedule to my life because of the stressless atmosphere. Now, I'm in the grandmother days. I'm a granny first and foremost now. Whenever I do something for the children, I always have to make up for the time in reading. If one of my sons asks me to babysit, most of the times, I cannot. But when I do, I'll make up the time by getting up early in the morning and reading or working on the weekends. It's very common, and it causes stress.

Journal: Do you have an office at your house?

Knoll: I have an office in Marksville, one in my home and one at the Supreme Court building. You have to maintain an office in your home because we're never closed. The Supreme Court never closes. We get writs constantly. We're not in three-person panels like at the Court of Appeal. But we're in recess now, and I'm on writ duty. Each Justice, except the Chief, puts in 10 days and, at the end of the 10 days, the

new Justice for that writ duty period comes on. All that means is that they have to do the homework on the writ, the priority writ or emergency writ that's filed. The weekly meetings are not scheduled. But that doesn't mean we have stopped working.

Journal: In the Court of Appeal, you said that basically most of the appellate judges had already read the record or reviewed the briefs and come up with at least a draft of an opinion, and then you had oral argument. At the Supreme Court, is it different?

Knoll: Completely opposite. Four or five days before oral argument, we are assigned the case we're going to author. We don't even know which case we're going to author until that time. There's absolutely no time to read the record before oral argument. We only know the writ application. So we ask a lot of questions. If we get a particularly hard case, we ask even more questions, trying to get our arms around it and understand the positions of the different issues from the parties. More questions are asked up here than at the intermediate level. I call it a hot bench. Don't send the lawyer who has not read that record.

Journal: Over all your years of practice, are there any cases besides *State of Louisiana v. James* that were significant for you?

Knoll: One that was significant to New Orleans, the State and to history is the fence around the Cabildo. The fence was not always there. Homeless people would mingle there and the area was being abused with bodily excretions. The stench was an abomination and it was getting to be a bad spot for one of the most historic buildings in the state. There was a big battle between the Vieux Carre Commission and the State Museum over the building of that fence, and it ended up in the Supreme Court. I authored the opinion on that. It was state Constitution issues. I was very proud of that case for the city, the people and the history of the building.

I authored the criminal case on the serial killer, Derrick Todd Lee, who killed so many wonderful, beautiful women. The U.S. Supreme Court denied writs on it. It took me a whole summer to read that voluminous record. I met Cheney Joseph, who I deeply admire, a criminal law professor at LSU. He remarked that, in teaching criminal law

to his students, my case on Derrick Todd Lee was excellent. The discussion that he said was the best he's ever read was the inevitable discovery doctrine of search and seizure. Search and seizure is one of the most highly litigated criminal law areas. That compliment by Professor Joseph has been one of my hallmark compliments.

Journal: Do you have any view on electing judges versus appointing judges?

Knoll: Yes, I have a very strong view. I'm not for appointment of judges at all. Both are very political. I'd rather see the politics in the hands of the people rather than in the hands of a few. You can get good judges from both systems. If you could ever get the politics out of appointment, then I could be for appointment. I know people who got federal appointments for no other reason than they worked for the Democratic Party or the Republican Party. That leaves the people out and puts it in the hands of a few. In 1982, when I was elected, I was the first woman ever elected to the Court of Appeal in Louisiana history or to any reviewing bench in the state. There were no women. There were no African-Americans. There were only white males. But times have changed and women are in the profession now. Who would have appointed a woman back in 1982? I ran against a very worthy opponent. If he wanted the job, I can assure you he had the political stroke to get an appointment. I didn't pay attention to politics. I was very worthy of an appointment. I took it to the people.

Journal: Thank you for this interview and congratulations on your retirement.

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