

Louisiana State Law Institute Recognizes 70-Year Milestone: Origin, History and Accomplishments

By William E. Crawford
&
Cordell H. Haymon

Col. John H. Tucker, Jr. and Dean Paul M. Hebert of the Louisiana State University (LSU) Law School, in 1938 and 1951, respectively, memorialized the origin of the Louisiana State Law Institute.

Col. Tucker said:

This organization originated in a movement, initiated here at the LSU Law School in 1933, to establish an institute dedicated to law revision, law reforms and legal research. Due to economic reasons, that project was postponed until April 1938, when the Board of Supervisors authorized its revival, under its present name. The Legislature, later in the year, chartered, created and organized it as “an official, advisory law reform commission, law reform agency and legal research agency of the State of Louisiana.”

The purposes of the institute are declared by the Legislature to be: “to promote and encourage the clarification and simplification of the law of Louisiana and its better adaptation to present social needs; to secure the better administration of justice and to carry on scholarly legal research and scientific legal work.” . . . This is the first time in the history of this State that Legislative recognition has been given to a long recognized need and an adequate organization established to meet it.

Col. Tucker made these statements at the first meeting of the Louisiana State



John H. Tucker, Jr. Photo provided by the Louisiana State Law Institute.

Law Institute. In the speech, he further made note of the official pronouncement by then-LSU President James Monroe Smith at the dedication of the Law School on April 7, 1938:

I am happy to announce that the Board of Supervisors has approved the establishment, in connection

with the Law School, of a research organization to be known as the Louisiana State Law Institute. This action of the Board amounts to a revival of a similar project which was considered and approved in 1933, but which was delayed for lack of proper facilities to carry on the work.

APPENDIX A

Past Presidents of the Louisiana State Law Institute

On Jan. 28, 1939, the Council of the Louisiana State Law Institute elected its first president, John H. Tucker, Jr.¹ With the exception of several years during World War II when Daniel Debaillon served as president, Tucker served as president of the Law Institute from January 1939 until December 1964.² After he requested that he not be re-elected president, the Council amended the by-laws of the Law Institute to create the position of chair.³ Tucker then served as chair from December 1964 until December 1981. After Tucker requested that he not be re-elected chair, the Council elected him to the honorary post of Animateur of the Law Institute.⁴ He served in this position until his death on May 22, 1984.

Mr. Tucker is considered to be the father of the Law Institute.⁵ It was his initiative, vision and drive that made possible the reopening of the Law Institute project by the Board of Supervisors of Louisiana State University.⁶ He was a leading member of the committee that drafted the legislative bill that became Act 166 of the 1938 Regular Session of the Louisiana Legislature.⁷ As president, his unselfish devotion to the Law Institute, his hard work and his relationships with the law schools in Louisiana and the practicing bar made the Law Institute an effective organization.⁸

The following individuals have served as president:

John H. Tucker, Jr.	Jan. 28, 1939-May 1, 1942
Daniel Debaillon.....	May 1, 1942-Nov. 25, 1944
John H. Tucker, Jr.	Nov. 25, 1944-Dec. 31, 1964
LeDoux R. Provosty	Jan. 1, 1965-Dec. 31, 1968
Leon Sarpy.....	Jan. 1, 1969-March 23, 1974
J.J. Davidson, Jr.	March 23, 1974-Dec. 31, 1976
Oliver P. Stockwell.....	Jan. 1, 1977-Dec. 31, 1979
M. Truman Woodward, Jr	Jan. 1, 1980-Dec. 31, 1981
T. Haller Jackson, Jr.....	Jan. 1, 1982-Dec. 31, 1984
Edgar H. Lancaster, Jr.	Jan. 1, 1985-Dec. 31, 1985
Jack C. Caldwell	Jan. 1, 1986-Dec. 31, 1990
Frank Voelker, Jr.....	Jan. 1, 1991-Dec. 31, 1994
LeDoux R. Provosty, Jr.	Jan. 1, 1995-Dec. 31, 1995
Robert L. Curry III	Jan. 1, 1996-Dec. 31, 1998
Max Nathan, Jr.....	Jan. 1, 1999-Dec. 31, 2001
Emmett C. Sole.....	Jan. 1, 2002-Dec. 31, 2003
Thomas M. Bergstedt.....	Jan. 1, 2004-Dec. 31, 2005
Marilyn Maloney.....	Jan. 1, 2006-Dec. 31, 2007
Cordell H. Haymon	Jan. 1, 2008 to present

FOOTNOTES

1. The minutes of the Council meeting of the Louisiana State Law Institute held on Jan. 28, 1939.

2. Paul M. Hebert, "The Louisiana State Law Institute," as presented in Volume 17 *West's Louisiana Statutes Annotated; Revised Statutes; Sections 24:1 to 31:End*, (West Publishing Co., St. Paul, Minn., 1951), pages 35-52, at page 41. (This Article was not carried forward in subsequent editions of Volume 17.)

3. The minutes of the Council meeting of the Louisiana State Law Institute held in December 1964.

4. The minutes of the Council meeting of the Louisiana State Law Institute held in December 1981.

5. Leon Sarpy, "Vignettes of the Louisiana State Law Institute," on page 7 of a written copy of the speech that he gave at the 50th Anniversary Address of the Louisiana State Law Institute, held in March 1988.

6. Hebert, at p. 39.

7. *Id.*

8. *Id.*

Then, 13 years later, Dean Hebert wrote the following:

The basic idea for the formation of the Louisiana State Law Institute originated with members of the law faculty of Louisiana State University who sensed a need for a more organized attack upon the problems of legislation and codification related to Louisiana law.¹ Professor James Barclay Smith, while a member of that law faculty in 1932, advanced a plan, modeled in part on the American Law Institute, for the establishment of a legal research foundation to be devoted primarily to the improvement and preservation of Louisiana's unique legal heritage — the civil law and the system of codified law. The idea gained momentum in discussions with members of the law faculties in Louisiana and enthusiastic interest and assistance from the profession early manifested itself. After numerous conferences with individual members of the bench and bar, with the working counsel of such leaders as the late Henry P. Dart, Sr., John H. Tucker, Jr., who later became the President of the Institute, Cecil C. Bird, Charles E. Dunbar, Jr., and the late Horace H. White, a preliminary plan of organization was developed which was to have been carried out by perfecting the organization as early as 1933. The economic depression, however, claimed these plans among its casualties, but not before the basic ideals and purposes of the Institute had been well formulated.

In fact, invitations setting forth the objective and details of a preliminary plan were actually advanced to the point of preparation of letters to members of the bar who were to participate in the formation of the Institute. It was decided, however, in May 1933, that it would be advisable to postpone these plans to a later date. The letter of invitation summarizes the ideas giving rise to the Institute:

The University proposed to establish a research foundation, to be known as The Louisiana State Law Institute, to promote the clarification and simplification of the law of Louisiana and its better adaptation to social needs, to secure the better administration of justice, and to carry on scholarly and scientific legal work. The Board of Supervisors has approved and adopted for The Louisiana State Law Institute the organization and purposes expressed herein.

These ambitious plans remained dormant until 1938. At the dedication of the new law school building at Louisiana State University on April 7, 1938, it was an-

nounced that the Board of Supervisors had approved the revival of the project and the establishment of the Institute was to be made a reality. The announcement stated:

...The Board of Supervisors has approved the establishment, in connection with the Law School, of a research organization to be known as the Louisiana State Law Institute. This action of the Board amounts to a revival of a similar project which was considered and approved in 1933, but which was delayed for lack of proper facilities to carry on the work.

The legislative recognition was forthcoming with the adoption by the Legislature of Act No. 166 of 1938, which chartered and created the Louisiana State Law Institute as "an official advisory law revision commission, law reform agency and legal research agency of the State of Louisiana." The legislation was prepared by a committee composed of John H. Tucker, Jr., of the Shreveport bar, and the author who was, at that time, dean of LSU Law School. It was the initiative, vision and drive of Tucker which made possible the reopening of the project and his sustained leadership has constituted the veritable lifeblood of the Institute. (See Appendix A for a list of the presidents of the Institute.) Tucker's unselfish devotion of a large part of his time to this work, augmented by his superior attainments as an outstanding scholar of the civil law, have provided the essential links between the law schools and the profession required to make the Institute an effective organization. Hon. Gaston L. Porterie, judge of the United States District Court for the Western District of Louisiana and then attorney general of Louisiana, was active in his support of the project and in securing passage of the necessary legislation.

The organizational meeting of the Institute followed on Jan. 28, 1939. The members of the Council of the Institute present are shown in Appendix B, an abstract of the minutes of the first Council meeting.

The first annual meeting of the Institute was held on March 16, 1940. (Those present are shown on Appendix C.) The program reflected the quick move to ac-

APPENDIX B

Abstract of the Minutes of the First Council Meeting

THE LOUISIANA STATE LAW INSTITUTE

ACT 166 of 1938

The organizational meeting of the Louisiana State Law Institute was held at the Law School of the Louisiana State University on Saturday, January 28, 1939, with the following members of the Council of the Louisiana State Law Institute present:

John H. Tucker, Jr., Acting President, Shreveport
Chief Justice Charles A. O'Neill, New Orleans
Morde M. Lewman, New Orleans
Dean James T. Connor, Loyola University College of Law
Dean Paul M. Brucman, Tulane University College of Law
David M. Gillison, President, State Bar of Louisiana
C. V. Fortier, President, Louisiana State Bar Association
Attorney-General Gaston L. Porterie, Baton Rouge
Judge William H. Byrne, Jr., New Orleans
George M. Wallace, Executive Counsel to the Governor
Holmes B. Rice, Chairman, Judiciary Committee of the House of Representatives
Judge S. Allen Bordelon, Chairman, Judiciary Committee of the House of Representatives
Dean Paul M. Hebert, L. S. U. Law School, Acting Secretary
Charles C. Dambert, Jr., New Orleans
Professor Harriet S. Daggett, L. S. U. Law School
Professor Joseph Unison, L. S. U. Law School
Professor Henry G. McMahon, L. S. U. Law School
Professor J. Jort Walker, Jr., Loyola University School of Law
Professor Leon Barry, Loyola University School of Law
Professor Charles F. Fletchinger, Loyola University School of Law
Professor Eugene A. Nabors, Tulane University College of Law
Professor Walter J. Suthon, Tulane University College of Law
Professor Mitchell Franklin, Tulane University College of Law
Hugh M. Wilkinson, New Orleans
Charles J. Rivet, New Orleans
Henry C. Hubert, Jr., Shreveport
Daniel Debillon, Lafayette
Benjamin B. Taylor, Sr., Baton Rouge
George T. Ladison, Bastrop, Louisiana.

The following members were not present at the organizational meeting:

Senator F. E. Delahoussaye, New Iberia
E. B. Dubuisson, Opelousas
Sidney L. Herald, Shreveport
Senator Percy T. Ogden, Crowley
Senator Harvey Pelletier, Thibodaux
Frank J. Stich, New Orleans
H. H. White, Alexandria
Judge J. S. Sesterfield, New Orleans
Judge Ben C. Hawkins, Shreveport

In brief opening remarks, Dean Hebert of the Louisiana State University Law School outlined the background of the organization of the Louisiana State Law Institute. The Acting President of the

tion taken by the newly formed Council of the Institute. Among the reports on projects were: the Compilation of Codes, by Joseph Dainow; the Compilation of Statutes, by Harriet S. Daggett; the Model Non-Profit Corporation Act, by John Minor Wisdom; and the Translation of Plainol, by Pierre Crabites.

Standing Committee reports were received on the Civil Law, Walter Suthon; Criminal Law, Jay Fair Hardin; Procedural Law, Henry G. McMahon; Statutory Revision, George Wilson; and Publications, Eugene Nabors.

(For a complete list of the Council members and Committee members as of March 16, 1940, see the replication of the program of the first annual meeting in Appendix D.)

Organization and Structure

The governing body of the Institute is its Council, composed of both ex-officio members and elected members. Ex-officio members are from the Louisiana Supreme Court, the Louisiana courts of appeal, the Louisiana district courts,

the federal judiciary, the Louisiana attorney general, the executive counsel to the Governor, and members from the Louisiana Senate and House of Representatives; the president of the Louisiana State Bar Association and the chair of the Young Lawyers Section; the deans of the four Louisiana law schools; the officers of the Institute; and Louisiana lawyers serving on the Council of the American Law Institute, on the Board of Governors of the American Bar Association and in the House of Delegates of the American Bar Association.

The Institute's officers are president, vice presidents, chair emeritus, chair, director, secretary, assistant secretary, treasurer and assistant treasurer.

The elected membership is made up of three faculty members from each of the four law schools, 19 practicing attorneys in Louisiana, and senior officers (members of the Council who have served 12 years in an elected position). (See Appendix E.)

The general membership of the Institute consists of 150-175 lawyers licensed to practice in Louisiana and who have practiced at least 10 years, elected by the Council. There are also inactive, ex-officio, junior and honorary members of the general membership.

An Executive Committee, consisting of the officers of the Institute and the chairs of the standing committees, oversees the business of the Institute when the Council is not in session.

The Law Institute Process

Most of the Law Institute revision proposals have originated in a request from the Legislature, as was the case with the Code of Procedure and the Civil Code. The idea may come from any source, however, as long as the Council thinks it a good idea worthy of the Institute's investment and suitable in nature for our type of work.

First, a reporter is secured, generally someone from the faculty or from the practicing bar who is deemed an expert in the subject. An advisory committee of 10 to 15 members of the practicing bar, the Legislature and the judiciary is formed to serve with the reporter. A research assis-



Members of the Louisiana State Law Institute Council at the March 16, 1995, meeting. Front row from left, Emmett C. Sole, Stanford L. Raborn, A.N. Yianopoulos, William E. Crawford, Julio Romanach, Jr., Monica T. Suprenant, Robert L. Curry III and Richard Moreno. Standing from left, T. Haller Jackson, Jr., James E. Ayres, Herschel Richard, Jr., D. Ryan Sartor, Jr., Guyton Watkins, Dian A. Arruebarrena, Kent Beard, Cynthia A. Samuel, James A. Babst, Edgar H. Lancaster, Jr., Leon Sarpy, Anna L. Simon, J. Huntington Odom, Howard B. Gist, Jr., Katherine B. Jeter, Thomas Bergstedt, Wedon Smith, Daniel T. Murchison, William D. Hawkland, Ron J. Landry, Dorrell Brister, F.A. Little, Jr., Kenneth Rigby, Marilyn Maloney, Robert M. Fleming and LeDoux R. Provosty, Jr. Photo provided by the Louisiana State Law Institute.

APPENDIX C

Minutes from March 16, 1940

MINUTES OF THE ANNUAL MEETING OF THE LOUISIANA STATE LAW INSTITUTE
HELD IN THE LAW BUILDING OF THE LOUISIANA STATE UNIVERSITY ON MARCH 16,
1940.

The following members registered:

Allen Barakdale	A. O. King
J. D. Barakdale	Eldon S. Lazarus
Dale E. Bennett	E. P. Lee
Joseph F. Bisset, Jr.	W. V. Lunn
Alfred J. Bonoco	George T. Madison
H. Payne Breazeals	H. P. Madison, Jr.
Paul Brozman	T. J. Magee
H. E. Bruner	W. S. Malone
James Henry Bruns	Leandre Marchal
Carroll Buck	Samuel D. Marks, Jr.
Leon S. Cahn	Henry G. McCall
A. J. Caillouet	Harry McEnery, Jr.
Laurie G. Campbell	Benjamin W. Miller
Theo. F. Cangelosi	Ben R. Miller
Olivier P. Carriere	P. W. Miller
C. L. Chappuis	John D. Miller
Alvin R. Christovich	Vernon X. Miller
Lloyd Cobb	Richard B. Montgomery, Jr.
James Thomas Connor	Coell Morgan
S. M. Cook	C. T. Mumholland
Sumter P. Cousin	Hermann Moyse
Thomas A. Cowan	Eugene A. Nabors
Harriet S. Daggett	J. B. Nachman
Joseph Dalmon	Leon O'Quin
John Dale, Jr.	Antonio E. Papale
Henry P. Dart, Jr.	S. W. Piauche
J. J. Davidson, Jr.	John R. Pleasant
Ronald L. Davis	C. V. Porter
Dan DeBallion	Gaston L. Porteris
Arthur A. de la Houssaye	Ledoux R. Provosty
Chas. I. Deschoud	Nichol Provosty
Chas. E. de la Vergne	E. L. Richardson
E. B. Dubuisson	Joseph A. Loret
Charles E. Dunbar, Jr.	Fred W. Osar
Francis R. Edwards	Robert Roberts, Jr.
C. J. Ellis	Joe Sanders
John E. Fleury	Leon Sarpy
P. S. Gahan, Jr.	M. C. Scharif
Ira S. Flory	M. R. Sioaneaux
Howard B. Gist	Walter J. Suthon
Edward L. Gladney, Jr.	E. B. Taylor
Solomon S. Goldman	M. G. Thompson
Herbert P. Goodrich	S. G. Thornton
George Gundy	Clyde W. Thurston
Eike Hall	R. L. Tullis
H. L. Hammett	J. Mort Walker, Jr.
J. Pair Hardin	R. J. Weisman
Frank Wm. Hart	William O. West, Jr.
Clifford E. Hays	George A. Wilson
C. Ellis Henican	John Minor Wisdom
Delos R. Johnson	B. V. Wolf
Jess Johnson	Louis H. Yarrut
Joseph M. Jones	W. W. Young
George Janvier	

tant from the Institute staff is assigned to work with the reporter to the conclusion of the project. (See Appendix F, Reporters of the Institute.)

The reporter will ordinarily formulate his/her own ideas of the substantive content of the project. This is discussed and clarified with the advisory committee and the results of their combined consideration is submitted to the Council in a "principle and policy question" session to determine the general direction of the project.

The substantive work proceeds in much the same fashion, with the reporter formulating basic draft proposals first for the committee's consideration, then for the Council.

After the Council has debated and approved the proposal, the Semantics Committee and the Coordinating Committee (if it is a Civil Code matter) review the work and make necessary corrections. If the Coordinating Committee finds there is serious conflict within the work itself or between the work and other existing portions of the Civil Code, it may be necessary to go back to the Council to settle the conflict.

Once the proposal has been completely reviewed and approved by the

Council, it is presented in the form of a legislative bill and tendered to the appropriate legislative committee. Any number of legislators may sign the bill as sponsors and introduce it into the legislative process. Traditionally, the bill has the identifying caption: "On Recommendation of the Louisiana State Law Institute."

When the bill is scheduled for committee hearing, the reporter appears to explain the bill — why it is necessary; why it is a good proposal substantively — and to defend the specific provisions of the proposal. It is this presentation and defense by the reporter that constitute the entire effort of the Institute to have its proposals adopted. There is no lobbying in the traditional sense of addressing specific legislators and enlisting their specific aid in support of the bill. The same process would be followed whether it was an entirely new proposed substantive work of law or whether it was the correction or amendment of an existing body of law, such as the amendment of the Mineral Code to accommodate provisions for the mining of lignite.

APPENDIX D

First Annual Meeting Program

<p style="text-align: center;">LOUISIANA STATE LAW INSTITUTE</p> <p style="text-align: center;">FIRST ANNUAL MEETING</p> <p style="text-align: center;">●</p> <p style="text-align: center;">LAW BUILDING</p> <p style="text-align: center;">LOUISIANA STATE UNIVERSITY</p> <p style="text-align: center;">●</p> <p style="text-align: center;">March 16, 1940</p>	<p style="text-align: center;">MORNING SESSION -- 10 A. M.</p> <p>OPENING OF MEETING John H. Tucker, Jr.</p> <p>INVOCATION Dr. Phillip Werlein</p> <p>WELCOME FROM THE LOUISIANA STATE UNIVERSITY Paul M. Hebert</p> <p>PRESIDENT'S ADDRESS John H. Tucker, Jr.</p> <p>REPORT OF TREASURER Charles F. Fletcheringer</p> <p>REPORT OF ACTING DIRECTOR J. Denson Smith</p> <p>REPORTS ON PROJECTS</p> <p>(1) <i>Compilation of Codes</i>.....Joseph Dainow</p> <p>(2) <i>Compilation of Statutes</i>...Harriet S. Daggett</p> <p>(3) <i>Model Nonprofit Corporation Act</i>John Minor Wisdom</p> <p>(4) <i>Translation of Platonic</i>.....Pierre Crabitte</p>	<p style="text-align: center;">LUNCHEON MEETING -- 1:00 P. M.</p> <p style="text-align: center;">●</p> <p style="text-align: center;">AFTERNOON SESSION -- 2:30 P. M.</p> <p>ADDRESS Herbert F. Goodrich, <i>Adviser on Professional Relations,</i> <i>American Law Institute</i></p> <p>STANDING COMMITTEE REPORTS</p> <p>MEMBERSHIP.....Dan Deballon</p> <p>PROGRAM AND WORK.....Ben B. Taylor, Sr.</p> <p>(1) <i>American Law Institute</i> <i>Restatement Annotations</i>Charles Edward Dunbar</p> <p>(2) <i>Civil Law</i>.....Walter Sutton</p> <p>(3) <i>Criminal Law</i>.....J. Fair Hardin</p> <p>(4) <i>Procedural Law</i>.....Henry G. McMahon</p> <p>(5) <i>Statutory Revision</i>.....George Wilson</p> <p>PUBLICATIONS.....Eugene Nabors</p>	<p style="text-align: center;">OFFICERS</p> <p>JOHN H. TUCKER, JR., <i>President</i> MONTE M. LEHMAN, <i>Vice-President</i> CHARLES F. FLETCHINGER, <i>Treas.</i> J. DENSON SMITH, <i>Acting Director</i></p> <p style="text-align: center;">COUNCIL MEMBERS</p> <p>Dunbar, Allen S. Dunbar, Paul W. Elliott, Wm. M. Conroy, James Thomas Slaughter, J. H. Dunbar, Joseph Lawrence, H. C. DeBallon, Daniel Dunbar, Henry D. M. Dunbar, H. B. Dunbar, Charles E. Fletcheringer, Charles F. Franklin, Mitchell</p> <p>Goodrich, Wesley P. Galt, Howard M. Harris, Paul M. Harris, Stuart Lawrence, Henry Madison, George T. McMahon, Henry Nabors, Eugene Dunbar, Perry T. Dunbar, Charles A. Pettif, Harvey Fletcheringer, Charles F. Fess, Richard D.</p> <p>Rivet, Charles J. Smyth, J. H. Smith, J. H. Slaughter, George Smyth, J. H. Sutton, Walter J. Taylor, Ben B., Sr. Tucker, John H., Jr. Walker, George M. Walker, John H., Jr. Walker, George M. Wentworth, William W. Williamson, Hugh M.</p> <p style="text-align: center;">STANDING COMMITTEES</p> <p>WORK AND PROGRAM COMMITTEE Ben B. Taylor, Sr., Chairman</p> <p>SECTION ON AMERICAN LAW INSTITUTE RESTATEMENT ANNOTATIONS Charles E. Dunbar, Vice-Chairman Joseph Dainow</p> <p>SECTION ON CIVIL LAW Walter J. Sutton, Vice-Chairman Joseph Dainow E. H. Dickinson Leon Elliott Eugene Nabors</p> <p>SECTION ON CRIMINAL LAW AND PROCEDURE J. Fair Hardin, Vice-Chairman E. H. Dickinson Edmond S. Talbot</p> <p>SECTION ON PROCEDURAL LAW Henry G. McMahon, Vice-Chairman Charles F. Fletcheringer Clyde Hays E. H. Dickinson George Wilson</p> <p>SECTION ON STATUTORY LAW George Wilson, Vice-Chairman J. H. DeBallon, Jr. Eugene Nabors J. Mont Walker George M. Walker</p> <p style="text-align: center;">COMMITTEES ON PROJECTS</p> <p>COMPILATION OF CODES Joseph Dainow, Reporter Advisers E. H. Dickinson Henry Nabors Eugene Nabors Leon Elliott</p> <p>COMPILATION OF STATUTES Harriet S. Daggett, Reporter Advisers William V. Egan Stanley D. Marks Reine A. Vassar</p> <p>LEGATION COMMITTEE George T. Madison, Chairman James T. Gousser Henry P. Durr, Jr. Charles E. Dunbar, Jr. Gaston L. Fortner Walter Young</p> <p>LEGISLATIVE ADVISORY COMMITTEE Charles J. Rivet, Chairman</p> <p>MEMBERSHIP COMMITTEE Dan Deballon, Chairman Charles E. Dunbar George T. Madison Charles J. Rivet H. C. Walker</p> <p>PUBLICATIONS COMMITTEE Eugene A. Nabors, Chairman W. S. Goussier, Jr. R. E. Miller, Jr. Geoff Keegan G. V. Foster</p> <p>MODEL NON-TRADING CORPORATION ACT John Minor Wisdom, Reporter Advisers Walter Sutton Charles E. Dunbar Eugene Nabors George T. Madison Charles J. Rivet</p> <p>TRANSLATION OF PLATONIC Pierre Crabitte, Reporter</p>
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The Overall Process of Code Revision by the Institute

In 1976, when the Institute tendered to the Legislature for its consideration the proposed revision of the Civil Code title covering usufruct, use and habitation, it reflected the thinking that, as long as completed segments of the revision were severable from the balance of the code, the revision should be presented to the Legislature for adoption so Louisiana citizens will see the benefit of the revised and improved law as early as possible.

This general approach has been used for the subsequent completed segments of the revision. It was a difficult decision to continue with this approach once the massive work of revising the provisions relating to Obligations was completed under Professor Saul Litvinoff, of the LSU faculty, as reporter. It was decided that the assimilation and integration of the new law of Obligations would be more difficult if only portions of it were enacted and, hence, the entire revision project was tendered to the Legislature as a single proposal. The Legislature in its wisdom, once viewing the massiveness of the proposal, held it over for a year to allow the Legislature, the Bar, the public

and all interested groups the opportunity to review the work and report to the Legislature in committee hearings their feelings and reactions to the revision. The Legislature in the session immediately following adopted the entire revision.

Viewing the desire of the Legislature to study intimately the provisions of the Obligations revision, together with the subsequent successful and virtually unanimous adoption of the revision, the judgment of the Institute in going forward with each segment of code revision as it is completed is fully vindicated.

Professor A.N.Yiannopoulos, one of the scholars in the revision effort, has described the Institute's Civil Code revision:

In 1908, the Louisiana Legislature appointed a commission of three prominent attorneys and charged them with the task of preparing a revision of the Civil Code. A Code proposed by this commission, however, was rejected by the Legislature at the insistence of the Bar Association. In 1948, the Louisiana State Law Institute, an official law reform agency for the state, was specifically instructed by the Legislature to prepare a project for the revision of the Civil Code.

In due course, the Institute implemented the legislative mandate by the creation of a Civil Law Section and by the appointment of Reporters and Advisory Committees.

Faced with the responsibility of Code revision, the Louisiana State Law Institute considered two possible approaches. One possibility would be an effort at bringing the text of the Code up to date in light of judicial precedents and special legislation bearing on civil law matters. Modifications in language and style could be worked out but with no major changes in organization and policies. The alternative was substantial revision of the Civil Code with regard to structure, determination of policies and drafting of new provisions. Redrafting the Louisiana Civil Code as a whole, however, appeared to be a task of such magnitude that it might well await a new generation of Louisiana lawyers. Attention was thus focused on the possibility of partial revision, namely, revision of the law governing certain institutions that might qualify for independent consideration. Although a civil code is an integrated piece of legislation and, in principle, does not lend itself to piecemeal adoption or revision, there are examples in history which tend

to confirm the effectiveness of partial revision. Moreover, concentration on specific areas of interest has often resulted in the drafting of comprehensive legislation designed to replace obsolete rules. In light of these considerations, the Louisiana State Law Institute decided to proceed with the revision of individual titles and chapters of the Civil Code.

The entire Book II of the Civil Code, "Things and the Different Modifications of Ownership," consisting of Titles I (Things), II (Ownership), III (Personal Servitudes), IV (Predial Servitudes), V (Building Restrictions) and VI (Boundaries), was revised by a series of legislative acts between 1976 and 1979. Title VII, Chapter 2 (Of Legitimate Children), of Book I of the Civil Code was revised in 1976. The Preliminary Title (General Dispositions) and Title I (Of Successions), Chapters 1, 2, and 3, of Book III of the Civil Code were revised in 1981. Titles III (Obligations in General) and IV (Conventional Obligations or Contracts) of Book III were revised in 1984. Title VI (Matrimonial Regimes) was revised in 1979. Title XI (Partnership) was revised in 1980. Title XXIII (Occupancy and Possession) was revised in 1982. Title XXIV (Prescription) was revised partly in 1982 and partly in 1983.

Partial revision does not necessarily commit itself to the preservation of the present organization of the Louisiana Civil Code. For example, a revised law of property may well fit in any scheme that might be adopted later. The main advantage of this approach is that it enables the Institute to proceed to revision immediately, without fruitless deliberations on the abstract question of the form of the Civil Code. By the time a limited project is completed, it will be for the Institute to decide whether recommendation should be made to the Legislature for immediate adoption or whether recommendation should be delayed until completion of other interrelated projects. It may be expected that the whole work will be the product of evolution; it will rest on tested values and will retain the accumulated wisdom of the past within the scheme of a modern, scientific, comprehensive and comprehensible organization of the subject matter.

APPENDIX E

Current Senior Officers (2008)

NAME DATE FIRST ELECTED TO THE COUNCIL

Glenn B. Ansardi.....	1-1-08
Thomas M. Bergstedt.....	2-1-72
Bernard E. Boudreaux, Jr.....	1-1-94
Jimmy N. Dimos.....	7-10-82
Lawrence E. Donohoe.....	1-1-88
David M. Ellison, Jr.....	1-1-88
Frank Foil.....	1-1-74
Howard B. Gist, Jr.....	1-1-70
Thomas A. Harrell.....	9-1-81
Katherine B. Jeter.....	1-1-78
Richard F. Knight.....	12-1-58
Ron J. Landry.....	9-1-76
Walter I. Lanier.....	4-1-83
Thomas B. Lemann.....	1-1-62
F.A. Little, Jr.....	1-1-68
Saul Litvinoff.....	10-6-78
Edward F. Martin.....	1-1-91
William M. Meyers.....	1-1-78
Daniel T. Murchison.....	1-1-88
L.D. "Buddy" Napper.....	1-1-71
George W. Pugh.....	1-1-55
William W. Pugh.....	1-1-88
Herschel Richard, Jr.....	4-1-91
Kenneth Rigby.....	1-1-88
D. Ryan Sartor, Jr.....	1-1-70
Frank P. Simoneaux.....	1-1-73
Monica T. Surprenant.....	1-1-84
Thomas W. Tanner.....	1-1-87
George J. Tate.....	1-1-91
Charles S. Weems III.....	1-1-86
Jacques L. Wiener, Jr.....	1-1-68

Accomplishments of the Louisiana State Law Institute

Compiled Edition of the Louisiana Civil Codes (1940)

Pursuant to the legislative Act No. 165 of 1938, the Editorial Committee, appointed by the Governor under Act No. 286 of 1936, requested that the Louisiana State Law Institute undertake as its first major project the preparation and publication of a Compiled Edition of the Louisiana Civil Codes. This compilation contained the text of the Revised Civil Code of 1870, the corresponding provisions of the Civil Code of 1825, and the Civil Code of 1808 in both French and English, together with the corresponding source articles or provisions of the Code Napoleon. Professor Joseph Dainow of LSU Law School, with the assistance

of Professor Eugene A. Nabors of Tulane University Law School, Professor Leon Sarpy of Loyola University Law School, Judge Sam E. LeBlanc and Messers. E.E. Dubuisson and Sidney L. Herold, as advisors, and a research staff of the Law Institute worked on this project for four years. The first half of this work was published in 1940 and the remainder was published in 1942. The Compiled Edition achieved the task of making available to the legal profession the essential codal provisions required to trace the legislative history of particular articles of the Louisiana Civil Code.

Louisiana Statutes Related to the Civil Code (1942)

Dr. Harriet S. Daggett was selected as reporter by the Council of the Law Institute, assisted by Judge Renea Viosca and Messers. C.C. Bird, Jr., Wilburn V. Lunn and Sumter D. Marks, as advisors, to make a compilation of all of the statutes dealing with matters covered by the Louisiana Civil Code but not actually integrated into the Civil Code. Dr. Daggett's thorough knowledge of the Civil Code and related statutory materials within the scope of the compilation resulted in the collection into one volume of the statutes that were related to the Civil Code. This compilation was extremely useful during the creation of Title 9 of the Louisiana Revised Statutes of 1950.

The Louisiana Revised Statutes of 1950

The attorneys who practiced prior to 1950 recall the major task involved in researching the statutes applicable in any case. The only previous revision of legislative statutes was in 1870. Therefore, it was necessary for lawyers to search the acts of each and every session from 1871 to 1949 to determine which rules had been amended or repealed. Since the adoption of the Revised Statutes of 1950, the practicing bar and the courts have been able to rely upon an organized set of statutes. (See Appendix G for those assigned to this task.)

The Criminal Codes

The Law Institute's first attempt at codification began with the Criminal Code. Professor Dale E. Bennett of LSU, Clar-

ence Morrow of Tulane University and Leon Sarpy of Loyola University worked on the project for three years. The Louisiana Criminal Code was enacted by Acts 1942, No. 43.

To facilitate the application of the new substantive law, the Law Institute drafted a new Code of Criminal Procedure. Professor Dale E. Bennett of LSU, Leon D. Hubert, Jr. of Tulane University and Adrian Duplantier of Loyola University worked on the project for the Law Institute. The Code of Criminal Procedure was enacted by Acts 1966, No. 310.

The Louisiana Code of Civil Procedure

In Acts 1948, No. 335, the Louisiana Legislature instructed the Louisiana State Law Institute to prepare revisions to the Code of Practice of Louisiana and the Civil Code of Louisiana. The Law Institute began the project to draft the Louisiana Code of Civil Procedure in 1950. Professor Henry George McMahon of LSU, Leon D. Hubert, Jr. and Leon Sarpy were selected to revise the old 1825 Code of Practice. The project took 10 years to complete. In that time, they traveled around Louisiana explaining their project and seeking support. The Louisiana Legislature enacted the Louisiana Code of Civil Procedure by Acts 1960, No. 15.

The Louisiana Civil Code

In the 1970s, the Law Institute began the revision of the Louisiana Civil Code on a title-by-title basis. In the decades that have followed, dozens of reporters and hundreds of people have participated in the ongoing revision process. Several of the reporters, who have given years of work in the revision of the Civil Code, are living legends, including A.N. Yianopoulos and Saul Litvinoff.

As of early 2006, the following Titles of the Civil Code have been revised in accordance with recommendations from the Law Institute:

- Preliminary Title, revised by Acts 1987, No. 124; and Acts 1991, No. 923.
- Book I, Title I, Natural and Juridical Persons, revised by Acts 1987, No. 125.
- Book I, Title III, Absent Persons, revised by Acts 1990, No. 989.
- Book I, Title IV, Husband and Wife, revised by Acts 1987, No. 886.
- Book I, Title V, Divorce, revised by Acts 1990, Nos. 1008 and 1009; Acts 1993, Nos. 108 and 261; and Acts 1997, No. 1078.
- Book I, Title VI, Of Master and Servant, repealed in part by Acts 1990, No. 705.
- Book I, Title VII, Parent and Child, Chapters 1, 2, and 3, revised by Acts 2005, No. 192.
- Book I, Title IX, Persons Unable to Care for Their Persons or Property, revised by Acts 2000, 1st Ex.Sess., No. 25.
- Book I, Title X, Of Corporations, repealed in part by Acts 1987, No. 126.
- Book II, Title I, Things, revised by Acts 1978, No. 728.
- Book II, Title II, Ownership, revised by Acts 1979, No. 180.
- Book II, Title III, Personal Servitudes, revised by Acts 1976, No. 103.
- Book II, Title IV, Predial Servitudes, revised by Acts 1977, No. 514.
- Book II, Title V, Building Restrictions, revised by Acts 1977, No. 170.
- Book II, Title VI, Boundaries, revised by Acts 1977, No. 169.
- Book II, Title VII, Ownership In Indivision, enacted by Acts 1990, No. 990.
- Book III, Title I, Of Successions, Chapters 1, 2, and 3, revised by Acts 1981, No. 919; Chapters 4, 5, 6 and 13, revised by Acts 1997, No. 1421.
- Book III, Title II, Donations, Chapter 2, revised by Acts 1991, No. 363; Chapter 3, revised by Acts 1996, 1st Ex.Sess., No. 77; Chapter 6, revised by Acts 1997, No. 1421 and Acts 2001, No. 573.
- Book III, Title III, Obligations in General, revised by Acts 1984, No. 331.
- Book III, Title IV, Conventional Obligations or Contracts, revised by Acts 1984, No. 331.
- Book III, Title V, Obligations Arising Without Agreement, Chapters 1 and 2, revised by Acts 1995, No. 1041.
- Book III, Title VI, Matrimonial Regimes, revised by Acts 1979, Nos. 709 and 710.
- Book III, Title VII, Sale, revised by Acts 1993, No. 841.
- Book III, Title IX, Lease, Chapters 1-4, revised by Acts 2004, No. 821.
- Book III, Title XI, Partnership, revised by Acts 1980, No. 150.
- Book III, Title XII, Loan, revised by

APPENDIX F

Reporters of the Committees (1938 to December 2007)

- Bennett, Dale E.
Code of Criminal Procedure, Criminal Code
- Bergstedt, Thomas M.
Limitation of State Liability
- Blackman, John C.
Business Trust Code
- Breaux, Marie
Uniform Computer Information Transactions Act (UCITA)
- Bugea, James A.
Revised Statutes of 1950
- Carroll, Andrea B.
Community Property Reimbursement Rights
- Ciolino, Dane S.
Curatorship, Emancipation, Tutorship Procedure
- Cromwell, L. David
Component Parts, Security Devices
- Daggett, Harriet S.
Compilation of Statutes Related to the Civil Code (1942), Revised Statutes of 1950
- Dainow, Joseph
Compiled Edition of the Civil Codes of the State of Louisiana (1940), Revised Statutes of 1950
- deBessonnet, Cary
Coordinating, Virtual Law
- Downs, Karen D.
Visitation
- Duplantier, Adrian G.
Code of Criminal Procedure
- Force, Robert
Code of Evidence
- Forrester, William R.
Code of Civil Procedure
- Gray II, James A.
Bail Bond Procedure
- Grodner, R. Marshall
Adjudicated Properties
- Hardy, III, George W.
Mineral Code
- Harrell, Thomas A.
Mortgages, Registry, Suretyship
- Harrison, Milton M.
Revised Statutes of 1950
- Hawkland, William D.
Mortgages, Suretyship, The Uniform Commercial Code
- Haymon, Cordell H.
Lease

Continued next page

APPENDIX F, Continued

Reporters of the Committees (1938 to December 2007)

Herman, M. Shael
Semantics, Style and Publications

Hubert, Jr., Leon D.
Code of Civil Procedure, Code of Criminal Procedure, Revised Statutes of 1950

Joseph, Cheney C.
Criminal Code and Code of Criminal Procedure

Knight, Richard F.
Banking Act, Rights of Public Access to Non-Navigable Waters

Lanier, Jr., Walter I.
[Disposition of] Pornographic Evidence, Postponement of Taxes

Lazarus, Carlos E.
Revised Statutes of 1950

Litvinoff, Saul
Bond for Deed, Conventional Obligations, Exchange, Obligations In General, Sales, Transaction or Compromise, Uniform Commercial Code 2 and 2A

Martin, Patrick H.
DEQ Administrative Law Procedure, Mineral Code

McAulay, John J.
Revised Statutes of 1950

McCollam, John M.
Arbitration

McDonald, Jesse
Products Liability

McGough, Lucy
Children's Code

McMahon, Henry George
Code of Civil Procedure, Revised Statutes of 1950

Mengis, Warren
Tax Sales

Morris, Glenn
Single Business Enterprise

Morrow, Clarence J.
Criminal Code

Murchison, Kenneth M.
DEQ Administrative Law Procedure

Nathan, Jr., Max
Donations, Partnership, Successions

Oppenheim, Leonard
Trust Code

Papale, A. E.
Revised Statutes of 1950

Pugh, George W.
Code of Evidence

Continued next page

Acts 2004, No. 743.

- Book III, Title XIII, Deposit and Sequestration, revised by Acts 2003, No. 491.
- Book III, Title XV, Representation and Mandate, revised by Acts 1997, No. 261.
- Book III, Title XVI, Suretyship, revised by Acts 1987, No. 409.
- Book III, Title XXII, Mortgages, revised by Acts 1991, No. 652; and Acts 1992, No. 1132.
- Book III, Title XXII-A, Of Registry, revised by Acts 2005, No. 169.
- Book III, Title XXIII, Occupancy and Possession, revised by Acts 1982, No. 187.
- Book III, Title XXIV, Prescription, Chapters 1, 2 and 3, revised by Acts 1982, No. 187; Chapter 4, revised by Acts 1983, No. 173.
- Book III, Title XXV, Of the Signification of the Sundry Terms of Law Employed in This Code, revised in part by Acts 1999, No. 503.
- Book IV, Conflict of Laws, revised by Acts 1991, No. 923.

The Louisiana Trust Code

In the early 1960s, Louisiana bankers, attorneys and businessmen called for a reform of Louisiana's first trust laws as provided in Acts 1920, No. 107. The drafting of the Louisiana Trust Code was troublesome because the civil law of France had always been against the basic concepts of trusts. In addition, the people who called for the reforms disagreed on what should be the new rules. The Louisiana Legislature enacted the Law Institute's recommendations, prepared by Professor Leonard Oppenheim of Tulane University Law School as reporter, by Acts 1964, No. 338.

The Louisiana Mineral Code

The Louisiana Mineral Code was the result of a study begun by the Louisiana State Law Institute with the concurrence of the Mineral Law Section of the Louisiana State Bar Association. Professor Eugene Nabors of Tulane University and George W. Hardy III worked on the project for several years. After the Code was approved by the Council of the Louisiana State Law Institute, the Louisiana Legislature enacted the Code by Acts 1974, No. 50.

The Translation of French Commentators

In 1938, the legal community in Louisiana realized that it needed additional doctrinal writings relative to Louisiana's civil law. Because of this need, the Louisiana Legislature directed the Law Institute "to make available translations of civil law materials and commentaries and to provide by studies and other doctrinal writings, materials for the better understanding of the civil law of Louisiana and the philosophy upon which it is based."

To fulfill this duty, the Law Institute began a program to translate the various works of French commentators, including Planiol, Aubry and Rau, Baudry, Lacointerie and Tissier. These translations from French into English have made available the texts of many French commentators. Translations provided by the Law Institute are frequently cited by the courts.

The Louisiana Code of Evidence

A void in the law of Louisiana for many years was the lack of a Code of Evidence. Professor George Pugh of LSU, Professor Robert Force of Tulane University and Professor Gerald Rault of Loyola University conducted the drafting of the Louisiana Code of Evidence. The Louisiana Legislature enacted this Code by Acts 1988, No. 515.

The Private Works Act

In 1922 and 1926, the Louisiana Legislature enacted legislation that made a comprehensive revision and consolidation of the law regulating the rights and liabilities of persons who contract for the improvement or modification of an immovable. The amendments after 1926 were not always consistent with other provisions of law or did not satisfactorily resolve the problems they addressed. The Louisiana State Law Institute, under the leadership of reporter Thomas A. Harrell, revised the Private Works Act. The Louisiana Legislature enacted this revision by Acts 1981, No. 724.

The Uniform Commercial Code

The Law Institute devoted a considerable amount of time into studying how to mesh the Uniform Commercial Code with Louisiana's civil law. Conflicting

statutes had to be repealed, terminology changed, and important policy decisions made before the uniform act could be integrated into Louisiana law. Under the able leadership of James A. Stuckey of the New Orleans bar, who replaced Professor William Hawkland after his retirement, the Law Institute was able to complete the project in a timely fashion. The Louisiana Legislature enacted the Law Institute recommendation by Acts 2001, No. 128.

The Children's Code

The initial enactment of the Children's Code was not a project of the Louisiana State Law Institute. However, in Acts 1991, No. 235, the Louisiana Legislature requested that the Law Institute prepare comments for the Children's Code and provided that the Law Institute shall direct and supervise the continuous revision of the Children's Code. Under the direction of reporter Lucy McGough, the Law Institute prepared comments for the Children's Code. Since 1991, the Law Institute has presented several bills to the Legislature recommending revisions.

Non-Navigable Waterbottoms

HCR No. 145 of the 1991 Regular Session of the Louisiana Legislature directed the Louisiana State Law Institute to study Louisiana law with respect to the ownership of inland, non-navigable waterbodies subject to tidal influence in light of the United States Supreme Court decision in *Phillips Petroleum v. Mississippi*, 484 U.S. 469, 108 S.Ct. 791, 98 L.Ed.2d 877 (1988). Immediately upon receipt of this legislative mandate, the Law Institute established a special committee to perform the necessary research and do the required study. Under Chairs Lawrence Donohoe and Patrick Tracy, prominent members of the Lafayette bar, the committee developed a consensus on the basic issues. Subsequently, Donohoe and Tracy prepared a detailed written opinion, extensively debated at the Council meetings of Dec. 13, 1991, and Jan. 17, 1992. The Law Institute then prepared an advisory opinion that was submitted to the Louisiana Legislature in February 1992.

In August 1992, Senate President Sammy Nunez thanked the Law Institute for

its report on the *Phillips Petroleum* case and cited it as the primary reason for the enlightened discussions that led to the passage of Acts 1992, No. 998. The purpose of that Act was to confirm that the *Phillips* case has not affected land titles in Louisiana.

Rights of Public Access to Non-Navigable Waters

After the Law Institute's work relative to the *Phillips* case, Senator Nunez, in August 1992, requested that the Law Institute conduct an additional study on all aspects of the right of the public to lands covered by non-navigable waters.

A special committee, under the able leadership of Richard Knight of the Bogalusa bar, began working on a report to the Louisiana Legislature detailing what rights members of the public have to the non-navigable waters of the state. The committee examined the issues of navigability, public trust and expropriation in determining to what extent the general public may use the waterways of this state. Extensive research into Louisiana law, federal law and the law of other states was completed and the Law Institute submitted a complete report to the Louisiana Legislature in 1995.

Oil and Gas Well Privilege Statute

Under the leadership of Professor Thomas A. Harrell, a committee of leading oil and gas lawyers worked on revising the complex area of oil and gas well liens. The Law Institute's comprehensive revision of the entire body of law was designed to bring consistency, certainty and simplicity to this important area of Louisiana's law. The project received favorable Council approval and was enacted by the Louisiana Legislature by Acts 1995, No. 962.

The committee then continued its work on revising Louisiana's laws relative to the privilege on the operation of oil wells. The committee's work was approved by the Council and enacted by the Louisiana Legislature by Acts 1997, No. 1040.

Bail Bond Procedure Revision

SR No. 56, passed during the 1992 Regular Session of the Louisiana Legislature, requested that the Law Institute

APPENDIX F, Continued

Reporters of the Committees (1938 to December 2007)

Rault, Jr., Gerard A.
Code of Evidence

Rigby, Kenneth
Coordinating, Semantics, Style and Publications
Divorce Law

Samuel, Cynthia A.
Charitable Trust Law, Trust Code

Sarpy, Leon
Code of Civil Procedure, Criminal Code

Simien, Jr., Eulis
Son of Sam

Sole, Emmett C.
Attorney's Fees

Spaht, Katherine S.
Husband and Wife, Marriage-Persons,
Parent and Child

Stuckey, James A.
The Uniform Commercial Code

Symeonides, Symeon
Conflicts, Lease

Wisdom, John M.
Revised Statutes of 1950

Wolbrette, Dorothy Dowling
Revised Statutes of 1950

Woodruff-White, Lisa
Child Support

Yiannopoulos, A.N.
Absent Persons, Boundaries, Building Restrictions, Community Property, Deposit and Sequestration, Domicile, Loan, Matrimonial Regimes, Natural and Juridical Persons, Obligations Arising Without Agreement (Quasi-Contracts), Occupancy and Possession, Of Corporations, Of Master and Servant, [Of] Rents and Annuities, Of the Signification of the Sundry Terms of Law Employed in This Code, Ownership, Ownership In Indivision, Personal Servitudes, Predial Servitudes, Preliminary Title, Prescription, Property, Representation and Mandate, Things

study all aspects of bail bond procedure and to formulate any revisions deemed appropriate. Professor Cheney Joseph was named the chair of the committee and Eulis Simien served as reporter. The committee submitted a comprehensive revision of bail bond procedure, which was introduced during the 1995 Regular Session as H.B. 1745.

The committee continues its work under the leadership of a new reporter, James Gray.

APPENDIX G

Revised Statutes of 1950 (Acts 1950, Ex. Session, No. 2)

ANNEX 3 - REVISION ORGANIZATION

1. LOUISIANA STATE LAW INSTITUTE
MEMBERSHIP

2. COUNCIL OF INSTITUTE

3. GENERAL REVISION COMMITTEE

John H. Tucker, Jr., *Chairman*

J. J. Davidson; Dan Debaillon (Deceased);

F. L. Hargrove ; Alvin O. King; Monte M.

Lemann; H. F. Madison, Jr.; Charles J. Rivet;

H. C. Sevier; J. Denson Smith; Grove Stafford;

Walter Suthon, Jr.; Ben B. Taylor

4. SPECIAL COMMITTEE ON STYLE
AND SEMANTICS.

Le Doux Provosty, *Chairman*

C. C. Bird, Jr.; Charles J. Rivet; Alex F. Smith

5. SPECIAL COMMITTEE ON
CONTINUOUS REVISION

John H. Tucker, Jr., *Ex-officio*

C. C. Bird, Jr.; Leon Hubert; Monte M. Lemann;

LeDoux Provosty; Leon Sarpy;

Wade O. Martin, Jr., *Special Consultant*

CO-ORDINATOR

Dale E. Bennett

ASSISTANT CO-ORDINATORS

Milton M. Harrison (Until September 1, 1948)

Carlos E. Lazarus (From July 1, 1948)

Special Assistants in Final Preparation of

General Statute Plant: John L. Avant; Neil

Dixon; Camille F. Lastrapes; Patricia B. Price;

A. J. Tillery

7. REPORTERS

JAMES A. BUGEA

Title 4. Amusements and Sports

Title 5. Auctions and Auctioneers

Title 6. Banks and Banking

Title 7. Bills and Notes

Title 18. Elections

Title 56. Wildlife and Fisheries

Research Assistants: Robert I. Broussard, May

1-Dec. 1, 1946; James D. McGovern, Jr., begin-

ning Dec. 1, 1946.

Advisors: Sumter Cousin, E. Wayles Brown

(deceased), Stuart S. Kay; Francis Doyle

and Malcolm Monroe for Title 6 only.

HARRIET S. DAGGETT

Title 8. Cemeteries

Title 9. Civil Code Ancillaries, including
Insolvency, Marital and Domestic Relations,
Mortgages and Privileges, Partnerships

Title 28. Mental Health

Title 29. Military, Naval and Veterans Affairs

Title 30. Minerals, Oil and Gas

Research Assistants: Thomas M. Wade, III, for

Titles 8, 9, 28, 29; John L. Avant, part-time, for

Title 30; David Garrett, Jr., part-time, helping on

Privileges part of Title 9.

Advisors: Theo Cangelosi, Val Irion, W. T.

McCain, Wm. F. Meadors, LeDoux Provosty;

James R. Fuller, Cecil Morgan, Leiland Richard-

son for Title 30.

JOSEPH DAINOW

Title 39. Public Finance

Title 41. Public Lands and Property

Title 42. Public Officers and Employees

Title 43. Public Printing and Advertisements

Title 44. Public Records and Recorders

Title 46. Public Welfare and Assistance

Title 49. State Administration

Research Assistants: Cyrus A. Greco, Charest

D. Thibaut, Jr., half-time.

Advisors: Richard Anderson, Arthur B. Ham-

mond, Eldon Lazarus, W. C. Perrault, Ashton

L. Stewart.

MILTON M. HARRISON

Title 1. General Provisions

Title 2. Aeronautics

Title 3. Agriculture and Animals

Research Assistants: Hale Walker, half-time,

March-July, 1946.

LEON HUBERT

Title 14. Criminal Law

Title 15. Criminal Procedure

Title 16. District Attorneys

Title 38. Public Contracts, Works and Improvements

Title 52. United States

Title 53. War Emergency

Research Assistant: Miss Carol Byms

Advisors: E. A. Campbell, John T. Carpenter,

J. H. Henderson, C. C. Wood; Harry V. Booth,

Bentley Byrnes, M. E. Culligan, and Herve

Racivitch for Titles 14, 15, and 16.

CARLOS E. LAZARUS

Title 17. Education

Title 21. Hotels and Lodging Houses

Title 23. Labor and Workmen's Compensation

Title 24. Legislation and Laws

Title 25. Libraries and Museums

Title 32. Motor Vehicles and Traffic Regulations

Title 34. Navigation and Shipping

Title 35. Notaries Public and Commissioners

Title 47. Revenue and Taxation

Research Assistants: Neil Dixon, part-time, for

incorporation of 1948 legislation in Title 17; John

L. Avant, part-time, for Title 32.

Advisors: Thomas W. Leigh, George T.

Madison, J. B. Nachman, Oliver Stockwell,

W. C. Yancey; Normand Edwards for Title 17;

Grove Stafford for Title 24; Lamar F. Miller and

Stephen Rodi for Title 47.

JOHN J. MCAULAY

Title 37. Professions and Occupations

Title 45. Public Utilities and Carriers

Title 51. Trade and Commerce

Research Assistants: Clarence M. East, half-

time, October, 1946 to June, 1948; Joseph

B. Henderson, half-time from October, 1946,

full-time since June 1, 1948.

Advisors: Robert I. Garrett, John Madison, Victor

A. Sachse.

“Son of Sam” Committee

SCR No. 157 of the 1993 Regular Session of the Louisiana Legislature requested that the Law Institute study the state's laws dealing with crime victims' reparations, escrow accounts and other related areas, with particular emphasis on the effect of the 1991 United States Supreme Court decision in the *Simon & Schuster* case (502 U.S. 105, 112 S.Ct. 501, 116 L.Ed.2d 476) which invalidated New York's “Son of Sam” law. Senator Nunez also asked the Law Institute to propose legislation that would pass muster under *Simon & Schuster*.

After numerous meetings, the committee concluded not only that the state's current law was unconstitutional, but also that it could result in the state being liable for substantial damage awards. The committee also determined that, without guidance from additional jurisprudence, the Law Institute would not be able to draft a proposal that would pass muster under *Simon & Schuster*. The committee, therefore, proposed the repeal of the state's law, La. R.S. 46:1831-1839. The Louisiana Legislature enacted that proposal by Acts 1997, No. 888.

Tax Study Committee

Pursuant to SCR No. 88 of the 1999 Regular Session, the Law Institute created a Legislative Tax Study Committee to study the tax laws of Louisiana. In 2000, the committee presented its report to the Louisiana Legislature.

Included in the report were recommendations for a state sales tax reduction offset by income tax adjustments; elimination of federal deductibility and excess itemized deductions; adjustment of the state tax rates and brackets; an alternative business tax structure that included a minimal VAT with appropriate business tax reduction [a minority report in opposition was included]; rejection of an Oil & Gas processing tax; elimination of the gift tax; rejection of “sin taxes” as part of long-term tax reform; taxation of non-resident income of partnerships and LLCs; lowering of the homestead exemption with automatic millage adjustments; and limitation of the 10-year industrial tax to five years.

Continued next page

APPENDIX G, Continued

Revised Statutes of 1950 (Acts 1950, Ex. Session, No. 2)

ANNEX 3 REVISION ORGANIZATION

HENRY GEORGE MCMAHON

Title 13. Courts and Judicial Procedure
Research Assistants: Ronnie Bounds, John S. Simonton, J. Luther Jordan, all part-time prior to May, 1948; Martha C. Innes, full-time beginning February 9, 1948.

Advisors: Hollingworth Barret, W. H. Bronson, Donald Labbe, Sumter Marks, Leon O'Quin, Leon Sarpy, Walter Suthon.

A. E. PAPALE

Title 22. Insurance
Title 26. Liquors-Alcoholic Beverages
Title 40. Public Health and Safety
Title 48. Roads, Bridges and Ferries
Title 50. Surveys and Surveyors
Title 54. Warehouses

Title 55. Weights and Measures
Research Assistants: Frank L. Micholet, half-time to Dec. 31, 1946; Thomas J. Meunier, full-time beginning December 17, 1946.

Advisors: Solomon S. Goldman, Charles Phillips, Frank Purvis, Stephen Rodi.

JOHN M. WISDOM

Title 12. Corporations and Associations
Research Assistant: Paul O. H. Pigman, half-time.

Advisors: C.I. Chappuis, Louis B. Claverie, Charles E. Dunbar, Jr., A. K. Goff, Jr., H. L. Hammett, C. Ellis Henican, R. Emmett Kerrigan, W. L. Martin, R. E. Milling, Alex Smith.

DOROTHY DOWLING WOLBRETTE

Title 33. Municipalities and Parishes
Research Assistants: Ralph M. Jackson, Lester Sarpy, assisting at different times with parts of the title.

Advisors: Wood Brown, Frank Peterman, A. M. Pyburn.

LUETA (Louisiana Uniform Electronic Transactions Act)

Acts 2001, No. 244, adopting LUETA in Louisiana, instructed the Law Institute to prepare comments to the Louisiana version. Professor Henry Gabriel completed the comments in October 2001 and presented them to the Council during the February 2002 meeting of the Council of the Law Institute.

Limitation of State Liability

HCR No. 41 of the 2002 First Extraordinary Session requested that the Law

Institute review issues relative to the limitation of state liability. Tom Bergstedt chaired a committee that studied the subject. During the 2003 Regular Session, four bills (HB 424, 428, 983 and 1094) were filed with the Louisiana Legislature. HB 424 was enacted by Acts 2003, No. 1295 to provide a constitutional amendment.

Maintenance and Organization of the Laws of Louisiana

The Law Institute maintains the Revised Statutes and other laws of Louisiana pursuant to the continuous revision authority of La. R.S. 24:251 et seq. After each legislative session, the staff, under the direction of the Revisor of Statutes, reviews each Act and adopted Resolution, sorts them by Title and Code, corrects errors, identifies conflicting provisions, and designates and redesignates sections of the Revised Statutes and articles of the Codes as necessary for an orderly disposition of the laws, all done in preparation for the printing of the Revised Statutes and Codes. Between legislative sessions, the Law Institute works closely with the Capitol staff and with the publishers to keep the printed statutes as up-to-date as possible and to ensure the accuracy of interim publications of the laws of Louisiana.

Conclusion

It must be noted that the members of the Council and the various committees receive no compensation for the important services they render. In a typical year, more than 5,000 lawyer-hours of service through Council and committee meetings alone are donated to the state. The members of the Council and the committees are reimbursed on a limited basis for expenses relative to hotel accommodations, meals and travel. The reporters of the committees receive a modes honorarium for their prodigious work. In light of the accomplishments of the Louisiana State Law Institute, it is clear that the expenditure of these funds is well justified.

FOOTNOTE

1. For background in problems of Louisiana law and codification, see Morrow, "Louisiana Blueprint: Civilian Codification and Legal Method for State and Nation," 17 Tulane L.Rev. 351, 537 (1943); Morrison, "The Need for a Revision of the Louisiana Code," 11 Tulane L.Rev. 213 (1937); Ireland, "Louisiana's Legal System Reappraised," 11 Tulane L.Rev. 585 (1937); Comment, "Stare Decisis in Louisiana," 7 Tulane L.Rev. 100 (1932); Symposium, (Daggett, Dainow, Hebert, McMahon): A Reappraisal Appraised: A Brief for the Civil Law of Louisiana, 12 Tulane L.Rev. 12 (1937); Morrow, "The Proposed Louisiana Criminal Code—An Opportunity and a Challenge," 15 Tulane L.Rev. 415 (1941); Morrow, "The Louisiana Criminal Code of 1942—Opportunities Lost and Challenges Yet Unanswered," 17 Tulane L.Rev. 1 (1942); Morrow, "The 1942 Louisiana Criminal Code in 1945: A Small Voice From the Past," 19 Tulane L.Rev. 483 (1945); Rivet, "Thoughts on the Legislative Process in Louisiana," 6 La.L.Rev. 63 (1944). For an extensive bibliography of materials on history and early development of Louisiana law, see Dainow, *Civil Code of Louisiana* (1947) at pp. XXXI-XXXVI; see, also, Groner, "Louisiana Law, Its Development in the First Quarter Century of American Rule," 8 La.L.Rev. 350 (1948); Oppenheim, "Louisiana's Civil Law Heritage," 42 L.Lib.J. 249 (1949).

Professor William E. Crawford has been a member of the faculty of Louisiana State University Paul M. Hebert Law Center since 1965 and director of the Louisiana State Law Institute since 1978. (Louisiana State Law Institute, LSU Paul M. Hebert Law Center, Room W127, University Station, Baton Rouge, LA 70803-1016)



Cordell H. Haymon, an attorney in Baton Rouge, is a 1968 graduate of Louisiana State University Paul M. Hebert Law Center. He has been a member of the Louisiana State Law Institute for more than 35 years and is currently serving as president. (725 Main St., Baton Rouge, LA 70802)