



Chief Justice Kimball: Women of the Latest Vintage Have a “Role Model Worthy of Our Gender”

By Hon. Elizabeth Erny Foote and Marta-Ann Schnabel

Women litigators of a certain “vintage” came along in the profession at a time when the only available role models were men. This seems more disturbing in retrospect, really, than it did at the time. Back then, there was a collective sense of excitement and not a lot of worry about the origin of the advice and training. Truth be told, these women felt a little plucky and a whole lot empowered. They didn’t look around that much at what the other girls were doing, because, well, there were so few others to see. Life was an adventure full of endless possibilities.

Louisiana Supreme Court Chief Justice Catherine D. Kimball addressing the LSBA General Assembly at the 2009 Annual Meeting.
Photo by Matthew Hinton.





Chief Justice Kimball: Women of the Latest Vintage



Hon. Elizabeth Erny Foote talks with Louisiana Supreme Court Chief Justice Catherine D. Kimball and Michael A. Patterson before the LCLCE reception during the 2009 Annual Meeting in Destin, Fla. *Photo by Matthew Hinton.*

When Catherine D. (Kitty) Kimball was elected to Division A of the 18th Judicial District Court in 1982, she had already been practicing law for 12 years. She was one of only a handful of women on the bench in Louisiana, and one of the very few not serving as an administrative judge or sitting in a dedicated family or juvenile court. She had borne three children (two of them while attending law school), worked for the Louisiana Attorney General and the Commission on Law Enforcement, nursed her husband through a bout with cancer, and set out her own shingle from which she represented Fortune 500 corporations. She no longer needed a role model; she had become one.

The authors of this article are of a somewhat newer “vintage” than the Chief Justice, but it goes without saying that we thought we were pretty special in 1982. Recently launched from academic success, we were just naïve enough to have been oblivious of the nature and extent of Judge Kimball’s accomplishment. Ten years later, however, when Kitty Kimball was elected as the first woman to the Louisiana Supreme Court from a district of 1.4 million people, comprising about one-third of the state, we knew enough to be admiring.

By the time we took on leadership roles in the Louisiana State Bar Association, admiration had grown to awe, as we watched Justice Kimball juggle the heavy workload of a Supreme Court justice (the volume of writs requires the justices, as a base line, to review 2,500-3,500 pages a week) with her passion for ensuring the “fair and orderly administration of justice.” Though this may be a meaningless buzz phrase in the hands of mortals, Kitty Kimball knew from her days as a country lawyer and as a district court judge that people’s access to the court system depended on a strong infrastructure. Particularly committed to combatting domestic violence and ensuring justice for children, we watched Justice Kimball bring innovations and improvements to Louisiana’s court system. She found funding and matched volunteers and workers to programs and initiatives. She gave pep talks in public and cajoled in private. Intolerant of procrastination and evasion, Kitty Kimball developed a reputation for being direct and persuasive. Those talents reached super-hero proportion when she steered the

judicial system’s post-Katrina recovery.

In short, as we reached the place where we were called upon to work with the Justice, we were worried. All the bravado of our own careers — and we had experienced a number of “first women” moments of our own — seemed to pale in comparison. Quite honestly, we again failed to notice that there were not a lot of other girls in the room (although, to be sure, many more than there had been 25 years earlier). Still, we donned our finest suits and most becoming low heels, fluffed up our hair, and met with Justice Kimball on a variety of issues that impacted the courts and the profession. One meeting led to another, and before long, we realized it was never too late to find a role model.

Alone with her after a work day, or on the plane to the next work day, we sat at rapt attention while the Justice discussed the issues that confronted the Louisiana justice system in a narrative style that seemed relentlessly poised for new explorations and new solutions. She seemed never to need sleep nor lack enthusiasm. She dissected petty turf wars with the ease of a career diplomat, never lowering herself to the battle, but always displaying an uncanny knack for understanding each side’s position. Usually she could bring peace, but always she ended the impasse so that her objective could be accomplished. She would consider a situation carefully, then form an opinion, express it, and stick to



Louisiana Supreme Court Chief Justice Catherine D. Kimball in earlier days. *Photo provided by the Kimball family.*



Louisiana Supreme Court Chief Justice Catherine D. Kimball and Marta-Ann Schnabel during a quiet moment at the 2005 Annual Meeting in Destin, Fla. Photo by Ross Foote.

it. She never felt challenged by disagreement, but she was very seldom persuaded away from her own vision.

What struck us the most, however, was how warm and fun-loving she is. She talked of fashion and recipes and kids and husbands a half breath after she had solved the weightiest of problems, even after only four hours of sleep and in the midst of fighting with FEMA over funding for court services. She confided that, like us, she had always over-compensated for being a working mom. She remembered how she had been furiously focused on being sure that her children had home-cooked meals and snacks by rising in the wee hours of the morning to make them — a compulsion that finally ended when her third child asked if she couldn't have "cookies in packages like everyone else." She had juggled her professional schedule to attend mid-day mothers' club meetings because, well, none of the other mothers worked, and her children would have suffered if she had not participated. She was honest in acknowledging that she was a much better mother, in many ways, because she worked — but that the price of her career had been maternal guilt.

Justice Kimball told us that she had been reluctant to run for the district court bench, but that she had been talked into it by her husband, Clyde, who reasoned that she would be filling an unexpired term and could choose not to run again if she didn't like it. At the end of two years, he wanted her to quit and go back to a more lucrative private practice, but she had discovered that being a judge in a country parish meant that she could make a real difference in helping real people solve their problems. She talked of her first exposure to women who were victims of domestic violence, of young men who suffered from mental illness and drug addiction, of children who were abused. She even spoke of her reluctance to move up to the Supreme Court because she worried that she would be less able to help people. She ran only when she was persuaded that as a Supreme Court justice she could help develop more and longer term solutions for the people she

saw in a district courtroom. And she was excited to become Chief Justice because she knew that she could do even more.

We were surprised to be invited to travel to New York with her in 2008 to visit a community-based court in Brooklyn called the Red Hook Community Justice Center. Red Hook is a famously troubled neighborhood, where crime and familial disintegration had taken over. The Justice Center combines family, juvenile and criminal court under one roof with innovative interventions like peer mediation, mental health assistance and drug treatment, and Justice Kimball wanted to see if any aspects of the Red Hook model could be brought home to Louisiana. So as not to waste a moment, we were also scheduled to speak to a meeting of the New York City Bar Association about post-Katrina assistance from out-of-state lawyers.

Then she said, "And we can share a hotel room to keep down costs!" Tireless, by the way, is an adjective wasted on any description that does not include Justice Kimball. Even with the press of an ambitious day-time schedule, augmented by a healthy dose of night-time Broadway, the Justice would literally talk us to sleep at night. In our jammies, teeth brushed, lights out, Kitty Kimball was still sharing ideas and looking for input. A natural politician, she spoke to people in New York City high-rise elevators as though they were her neighbors in Ventress. Often they confided in her about the best place to eat, drink or get a bargain. At one point, she had almost talked us into a very large wine-tasting for a group of (all-male, by the look of it) sommeliers and wine experts from across the country.

There is, however, something bittersweet about praising the Justice's drive and enthusiasm for her work, since her doctors have suggested to her that her unrelenting schedule and her unwillingness to rest contributed to the stroke she suffered on Jan. 10, 2010. And that inability to do anything at less than full speed has, indeed, contributed to her decision to retire at the end of this year.

Kitty Kimball has taught us that service in the name of justice should form the basis for all that a lawyer and a judge does. So now women of the latest "vintage" can truly lay claim to a role model worthy of our gender. ♦

Hon. Elizabeth Erny Foote was confirmed by the U.S. Senate in June 2010 to the judgeship in the U.S. District Court for the Western District of Louisiana. She was the first woman to serve as a Louisiana State Bar Association (LSBA) officer when she served as treasurer from 1994-96. She later served as LSBA president in 2008-09. (300 Fannin St., Shreveport, LA 71101-3083)



Marta-Ann Schnabel, a shareholder in the New Orleans law firm of O'Bryon & Schnabel, P.L.C., served as the first woman president of the Louisiana State Bar Association in 2006-07. She is a member of the American Bar Association's Standing Committee on Bar Activities and Services. (Ste. 1950, 1010 Common St., New Orleans, LA 70112)

