

1960

Chief Justice John Fournet

Paul M. Hebert

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Members of the Clergy,
Mr. Chief Justice, Judge Cassibry, / Honored guests, members of the
Bench and Bar, ladies and gentlemen:

I deem it a particular honor to have been selected from the large coterie of our Chief Justice's friends in the Bench, at the bar, and in the Law Schools of Louisiana to perform a pleasant task here today. ¶ Almost five years ago, it was my privilege to contribute an editorial to the Louisiana Law Review under the title "Mr. Chief Justice Bournet: Completion of a Quarter Century of Judicial Service." I then referred in some detail to the highlights of Judge Fournet's judicial career and to the many strides made by Louisiana in improving the administration of justice since his succession to the responsibilities of the Chief Justiceship on September 7, 1949. I then said: ["Louisiana's legal profession and its courts, ~~thanks~~ to the Chief Justice and his leadership, have much to point to with pride in the counsels of those who strive always to make the courts more effective instrumentalities for the adjustment of and adjudication of problems which can only be resolved by the role of law in our society."] This statement remains true today as we pause during this Judicial Conference to give fitting recognition to our honoree in connection with the fifteenth milestone in his years of service as Chief Justice. ¶ From the comments by the speakers preceding me, the magnitude of the debt of our profession and the public, which it serves, to the Chief Justice for the gains already made in attacking so many of the causes of popular dissatisfaction with the administration of justice can be fully visualized. I shall refrain, therefore, from retracing the ground covered by the other speakers who have so eloquently described the significance of the achievements of those fifteen years during which the Chief Justice has brought us to the fortunate point at which we stand today. However,

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 if the field of legal education constitutes, after the bench and the bar, a third estate of our profession, it would be unseemly in this Company not to mention briefly the strong support and interest Judge Fournet has always manifested in the work of the Law Schools. He has given so generously of his time and of the prestige of his high office to help so many worthwhile educational activities including the moot courts, the continuing education programs, the legal institutes and similar activities that we of the law schools of Louisiana can truly feel that the Chief Justice is now, as he always has been, our friend in Court. ~~For~~ this we of the teaching profession are grateful to him and I feel that I speak for all colleagues in the law schools in paying this tribute to him in the name of legal education. The interest of the Chief Justice and the Court in re-establishing the bar examination is further evidence of his sustained efforts to maintain proper standards in the quality of those who seek admission to the legal profession. Here, he has pursued goals in common with those of us in the Law Schools.

There is much more that I should like to mention but I am reminded of the words of Seneca. With characteristic wisdom he wrote

"We should give as we would receive, cheerfully, quickly and without hesitation for there is no grace in a gift that sticks to the fingers."

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← So I shall return to the pleasant assignment in hand lest you think the gift I am about to present is sticking to the fingers of the givers.

Chief Justice Fournet, a group of your friends have taken to heart the admonition: ^P ["When thou makest presents, let them be of such things as will last long; to the end that they may be in some sort immortal, and frequently refresh the memory of the receiver."] They want you to receive this special bowl with all accoutrements thereunto appertaining, namely, its cups, its saucers, its tray, and more importantly, its ladle. They want you, as you continue with the heavy responsibilities of your office, to use this gift as a remembrance of the deserved tributes paid to you here today. They even hope that you will soon match your expertise in the problems of courts, and their administration, with a comparable skill in concocting and brewing the special delicacy for which a brulot bowl is so uniquely designed. They tell me, although we professors could not vouch for the verity of that statement, that if prepared with the zeal, the delicate touch and with the craftsmanship characteristic of that going into the making of judicial opinions, the emerging product truly has the capacity to refresh the memory and stimulate the receiver. ^P We take pleasure in expressing the hope that the long life of this bowl will be symbolic of the years of useful service still open before you as you work upon the agenda of the things yet to be done. As you perform the boulot ritual, may it bring to your mind fond memories of this occasion and of the fifteen years of solid accomplishment which it commemorates. ^P Finally, if the bowl is anachronistic to the extent of carrying the engraved legend "October 5, 1964" remember that the responsibility is not that of

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the givers but of a certain lady, called "Hilda of 1964."

It is an honor to ask you to accept this as a token of affection and high regard.

Remarks - Dean Paul M. Hebert
LSU Law School - December 3, 1964 -
Mid-winter Conference, La. State Bar Assn.
New Orleans, Louisiana. *At the special luncheon honoring Chief Justice John B. Rousselle upon completion of fifteen years as Chief Justice*

* *The presentation was postponed because the Hurricane caused postponement of the Judicial Conference originally scheduled for October 1964.*

*Proposed
June issue of
Law Review*

MR. CHIEF JUSTICE FOURNET

COMPLETION OF A QUARTER-CENTURY OF JUDICIAL SERVICE

Temporary illness of Louisiana's Chief Justice forced a cancellation of plans that had been projected to honor Mr. Chief Justice Fournet on the completion of a significant judicial milestone during the 1960 Annual Meeting of the Louisiana State Bar Association. On January 2, 1960, the Honorable John B. Fournet completed twenty-five years of continuous service as a member of the Supreme Court of Louisiana. Though the planned testimonial dinner expressing the esteem in which the Chief Justice is held by the members of the legal profession could not be held, as the Review goes to press, it can be fortunately noted that he is rapidly recovering and is expected to resume the bench in his usual good health and vigor with the opening of the forthcoming October term of the Court. The Louisiana Law Review takes this means of expressing its felicitations to the Chief Justice on the noteworthy attainment of a quarter of a century of judicial service.

John Baptiste Fournet was born in St. Martinville, Louisiana, on July 27, 1895. After attending the public schools of his native area, he entered the Louisiana State Normal College from which he was graduated in 1915. Shortly thereafter the strong attraction of the law claimed him. Following service in World War I he entered Louisiana State University Law School from which he received the degree of Bachelor of Laws in 1920. Entering the private practice in St. Martinville, he subsequently practiced ~~firm~~ in Baton Rouge and later moved to Jennings, Louisiana, where he was engaged in the practice until he ascended the bench in 1935. While residing in Jennings, he was elected to the House of Representatives and served as Speaker of the House from 1928 to 1932. Elected Lieutenant Governor in 1932, he resigned before the completion of his

term of office to assume the position of Associate Justice to which he was elected following the death of Judge Winston Overton. Upon the retirement of Chief Justice Charles A. O'Niell, at the age of eighty, on September 7, 1949, Justice Fournet succeeded to the Chief Justiceship. Thus his judicial career spans fifteen years/as an associate justice and ten years/as the Chief Justice.

In his opinion writing Chief Justice Fournet has made marked contributions to the development of many aspects of Louisiana law. Especially noteworthy has been his judicial contributions to the mineral law. As Professor Harriet S. Daggett so aptly phrased it in citing the Chief Justice for the Honorary Degree of Doctor of Laws from his alma mater in 1956: "Without subtracting in any way from other contributions to jurisprudence made by this jurist, emphasis must be placed on his creative art in the patient and continuous sculpture of the law of mineral rights. He had ~~few~~ few measurements and perhaps even within his own mind and heart little knowledge of the size of the gigantic structure which he built so slowly and painstakingly." The judicial sculpture of which Mrs. Daggett was speaking is indeed reflected in his numerous opinions, the product of the long years of judicial service he has rendered. Obviously, limitations of time and of space do not permit even partial reference to his detailed doctrinal contributions found in the case law which ranges from Volume 180 through Volume 238 of the Louisiana Reports. The story of his tremendous impact upon the developing substantive Louisiana law of the last quarter-century will, therefore, have to be unfolded in its rich detail when a definitive and comprehensive study of his judicial work is undertaken.

Anyone making even brief editorial comment at this time would be remiss in his task if fitting tribute were not paid to the Chief Justice for the vast strides made by Louisiana in improving judicial administration during the past decade. This progress is the direct result of his drive and interest in removing as many as possible of the causes for dissatisfaction with the administration

of justice. Louisiana's enviable place among the states in the nation-wide effort to relieve court congestion is due to measures he has visualized and administratively executed. Through his leadership legal research assistance has been provided for the Supreme Court and Appellate Courts; the Judicial Council was organized to analyze and study the flow of judicial business in all of the courts; the office of Judicial Administrator was established to implement the work of the Judicial Council; a drive was initiated to place trial dockets throughout the state on a current basis; new administrative procedures to expedite the handling of appellate cases was undertaken; the appellate court structure was expanded and the jurisdiction of the Supreme Court and courts of appeal was radically changed to meet the problems occasioned by the increased judicial business; and a fitting Supreme Court Building to facilitate the work of the Court has only recently been completed and dedicated. This brief and incomplete enumeration of accomplishments gives evidence of the tempo and variety of matters of real administrative concern to the courts and to the legal profession which have had the firm guiding hand and sustained interest of the Chief Justice during the past ten years.

The progress which has been made is an earnest for the future. The Louisiana Law Review joins with the bench and with the bar of Louisiana in expressing appreciation to the Chief Justice as he looks back upon the past twenty-five years so filled with fruitful accomplishments. Those efforts are shortly to be augmented by the coming into effect of Louisiana's new Code of Civil Procedure, a reform in the adjective law which will add new dimensions to the broad outlook in judicial administration for which the Chief Justice has been such a noted exponent. Louisiana's legal profession and its courts, thanks to the Chief Justice and his leadership, have much to point to with pride in the counsels of those who strive always to make the courts more

effective instrumentalities for the adjustment of and adjudication of problems which can only be resolved by the role of law in our society. That role is performed when the courts are efficiently administered and sound procedural rules are observed. This dual specification is now virtually within the grasp of the legal profession in Louisiana.

The Review extends best wishes for the Chief Justice's speedy recovery and continued accomplishments in areas of vast importance to which he has already contributed so notably.

Paul M. Hebert
Dean

Baton Rouge, Louisiana

June 15, 1960

Dr. Paul
Dr. Herbert
for the State Law
Institute, see Herbert's talk

Charles Curtis in his book "Law is as Large as Life" tells this story: "There was once a farm boy in New York who got a chance to read law in the judge's office at the county seat. His father's farm was some ten miles away, and his father drove the boy in one September day and left him to take up the reading. Three weeks went by before his father drove the team in town again and took him home for Sunday dinner. When the apple pie was finished and the family was still gathered around the table, the farmer asked the boy 'Well, son, how do you like the law?' There was a brief ruminative silence; then the boy said, 'Pa, I don't like it. I'm sorry I learned it.'"

There is little doubt that as the Law Institute has gone about its tasks of law revision during the past twenty-two years there have been occasions when lawyers and even some judges may have pictured themselves somewhat in the plight of the farm boy referred to in this story. Like him they may have philosophized - "I'm sorry I learned it" since the Law Institute seemed to be so busy about the urgent business of changing it. We all know, however, that change as well as continuity and stability are part of the life of the law. One of the marks of a great jurist is his sympathy with the inevitable processes of change which are so indispensable if law and its administration are to be improved and advanced.

It is in this vein that I would like to refer to the work of our distinguished honoree of the evening. In the absence of President Tucker, who is in Europe, my esteemed friend and colleague, the Director of the Institute, Professor Smith, with his characteristic modesty, has joined in delegating to me the pleasant task of expressing to our revered Chief Justice the greetings and felicitations of the Louisiana State Law Institute as we ~~commemorate~~

his completion of a quarter of a century of judicial service. If I may refer again to my opening story, I should say that the Chief Justice was himself once a country boy, who as the farm boy of that story studied law, somewhat longer than three weeks to be sure, but who unlike that boy came up with a different conclusion. He liked the law and has become its servitor. I doubt that he has ever been sorry that he learned it.

The mere fact that the Law Institute has been invited to participate with this group of leaders of the bench and bar in extending greetings to the Chief Justice on this happy occasion itself bespeaks an evident truism. Between Chief Justice Fournet and the Louisiana State Law Institute deep ties of common interest and common endeavor have been long and strongly forged as his accomplishments in the judiciary and in judicial administration have so closely paralleled those of the Law Institute in legislation, law revision and re-codification. If our honoree were wont to do so, he might even lay claim to being a sort of vicarious parent of the Institute for he was a member of the Board of Supervisors of Louisiana State University, present at the dedication of the law building on April 7, 1938, when the President of the University pursuant to previous board authorization publicly announced the establishment of the Institute. To quote from that announcement:

"The creation of such an institute, we believe, is in response to a definite need. The organization is designed for the purpose of providing some tangible machinery as a permanent agency which can combine, utilize and make effective the work of the legal scholar, the practitioner, the judge and the legislator. Such an organization may consider and propose needed improvements on both adjective and substantive law. We believe that this endeavor which merits united support of the best in the legal profession and in our educational institutions."

Since that date, the institutional life of the Law Institute has spanned almost twenty-three of the twenty-five years John B. Fournet has served on the Supreme Court of Louisiana. During the twenty-five years,

which we pause to note this evening, the cause of law revision, law reform and the clarification and improvement of the law has made great strides in our State. One needs only to list such major legislative accomplishments as the new Criminal Code, the Revision of the Statutes and the new Code of Civil Procedure to prove the thesis that the bar, the bench, and law teachers and legislators, given the proper opportunity and a conducive organizational framework, can and will work together most efficiently for the improvement of the law. But the tasks of those who would reform the law could never be accomplished without the interest and support of leaders in the judiciary whose encouragement and participation have been outstanding in the major projects of the Institute. Chief Justice Fournet has ever been in the vanguard as a stalwart supporter of the Institute, of its objectives and of its projects. He has shown his friendship and understanding of the difficult tasks of the Law Institute in every possible way. On countless occasions he has given the proof that he shares the Institute's zeal for the clarification and improvement of law even as the Institute shares his zeal for efficient judicial administration in all of the courts of Louisiana. In addition to the tremendous impact his judicial career has had upon the development of the substantive law of Louisiana through the interpretative process, Judge Fournet, in his quiet and efficient manner, has constantly encouraged the Institute in its work so that his impact through the Institute's accomplishments has also been real. Though the demands of his high judicial office have been heavy, he has never been too busy to help when wise counsel and advice were needed. His regular appearance as an opening speaker at all annual meetings of the Institute has become a valued tradition much appreciated by the Council and members of the Institute as well as by the legal profession as a whole.

Judge Fournet has been able to do all of this even while carrying on something of a veritable crusade, with the support of the Supreme Court, to remove any and all road blocks which threaten to thwart or hamper a proper expedition of judicial business in Louisiana. Under his driving leadership, the Judicial Council has become an effective reality and we now have information constantly available concerning the flow of judicial business in all of the courts. He was instrumental in establishing the office of Judicial Administrator to implement the work of the Judicial Council. He has spearheaded the significant judicial reorganization which we usher into existence this Fall and has pioneered the changes made in appellate jurisdiction so as to handle increased judicial business and which holds such bright promise of keeping the disposition of appealed cases on a current basis.

It is not possible to even attempt a complete enumeration of the many matters of administrative concern to the courts and to the legal profession with which he has dealt in his ten years as Chief Justice of the Louisiana Supreme Court. You of the profession know, in your hearts, how to measure the magnitude of the debt owed by the Bench and the Bar of Louisiana to John B. Fournet.

So I say to you Mr. Chief Justice, speaking on behalf of one law reformer to another, that the Louisiana State Law Institute is happy, indeed, to join in this evening's deserved tribute to you. The Institute sees in you a kindred spirit who has provided a broad outlook for Louisiana in the field of judicial administration. In common with all the members of our profession, we rejoice that the inauguration of the most recent of your major accomplishments in this field will almost coincide with the coming into effect

of the new Code of Civil Procedure. We rejoice because we know, as you know, that the role of law in society is best performed when courts are efficiently administered and sound procedural rules are observed. We rejoice with you because this dual specification is now virtually within the grasp of the bench and bar of Louisiana.

We congratulate you, Mr. Chief Justice, for your great share in making these things possible and we wish for you many, many more fruitful years of leadership for similar achievements.

Remarks of Dean Paul M. Hebert,
LSU Law School, on the occasion
honoring Chief Justice John B.
Fournet - October 3, 1960 -
New Orleans, Louisiana.

Members of the Clergy,
Mr. Chief Justice, Judge Cassibry, / honored guests, members of the
Bench and Bar, ladies and gentlemen:

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LSU Law School - December 3, 1964 -
Mid-winter Conference, La. State Bar Assn.
New Orleans, Louisiana.

HONORABLE CHIEF JUSTICE FOURNET

JUSTICES OF THE SUPREME COURT, AND OF THE CIRCUIT COURT

JUDGES OF THE DISTRICT COURT

MEMBERS OF THE BAR

DISTINGUISHED GUESTS

LADIES AND GENTLEMEN:

*Fred Blaich's
remarks
10/3/60*

It is my privilege at this time to present to you your
Toastmaster. I say present, because to introduce him would be
superfluous. *Presumably*

He is an outstanding member of this Bar. He is a past
President of this Bar, and it was under his guidance and his
leadership that the Louisiana State Bar attained the place of
honor and respect that it now enjoys. It was this young man's
leadership that calmed the troubled waters of a growing, seething
Bar; it was his leadership that steered it into the paths of service
to the lawyer and to the citizens of this State. This young man
received his AB degree at Tulane University and thereafter he was
awarded the degree JD from the same university and admitted to
the Bar. He holds membership in the Order of Coiff, The Council
of the Louisiana State Law Institute, The American Law Institute,
The American Judicature Society, The American College of Trial
Lawyers, and the International Association of Insurance Counsel.
The most fortunate incident in his life was when he met Virginia
Dunham, and through his great persuasive ability, prevailed upon
her to become his wife.

He has a fine sense of humor, a great command of the English language, and a good story-teller---the prerequisite of a fine master of ceremonies.

I present to you the Honorable James J. Davidson, past President of the Louisiana State Bar, as your Toastmaster.

Mr. Davidson.