

Journal of Civil Law Studies

Volume 5

Number 1 *200 Years of Statehood, 300 Years of Civil*

Law: New Perspectives on Louisiana's Multilingual

Legal Experience

October 2012

Article 20

10-1-2012

Louisiana Civil Code Précis Series

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Repository Citation

Susan Gaultier, *Louisiana Civil Code Précis Series*, 5 J. Civ. L. Stud. (2012)

Available at: <http://digitalcommons.law.lsu.edu/jcls/vol5/iss1/20>

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LOUISIANA CIVIL CODE PRÉCIS SERIES

Reviewed by Susan Gaultier*

Louisiana holds the unique distinction of being the only one of fifty U.S. states to be governed by a Civil Code rather than a body of common law. Although jurisprudence may be used to support an argument or to interpret the language of the Civil Code, it is, as in any civil law jurisdiction, a non-binding secondary authority. At the federal level, Louisiana is, of course, bound by the same common law system as the rest of the United States. In such a mixed jurisdiction, the opportunity for misinterpretation of the law is considerable, and it is no wonder that the typical American common law lawyer or law student, or law students first encountering the dual system of civil and common law in Louisiana, may find the differences in concept and language to be confusing or even overwhelming.

In the LexisNexis *Précis* series, Alain Levasseur, of the Louisiana State University Paul M. Hebert Law Center, seeks to provide a concise and easily understandable guide to Louisiana civil law for both law students and professionals. These volumes serve to expand upon the text of the Civil Code and to explain its meaning, nuance and history. They are a reliable and easily readable study guide to several major areas of law that are covered by the Civil Code, and would be a useful resource not only to students and practitioners working in Louisiana, but to common law attorneys seeking to understand better the unique nature of Louisiana law and the Louisiana Civil Code.

Beginning in 2006 with the first volume, *Louisiana Law of Obligations in General: A Précis*, Levasseur discusses, treatise-style, relevant sections of the Civil Code, moving numerically through the articles in the order that they appear. The first *Précis*,

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which covers articles 1756 to 1905, provides an overview of those sections of the Civil Code that constitute “Obligations in General,” a term that to a common law lawyer might best be described as obligations arising from contract or from the law itself, which requires certain obligations of an individual, or obligor, toward other persons, or obligees. Levasseur, with the help of his colleagues in the academic study of Louisiana law, has followed his first *Précis* with five additional volumes: *Louisiana Law of Sale and Lease* (2007), by Alain Levasseur and David Gruning; *Louisiana Law of Torts* (2010), by Frank Maraist; *Louisiana Law of Conventional Obligations* (2010), by Alain Levasseur; *Louisiana Law of Security Devices* (2011), by Michael H. Rubin; and *Louisiana Law of Property* (2012), by John Randall Trahan. At the time of publication, at least one more volume of the series is planned. The series also includes a *Louisiana Pocket Civil Code*, updated annually, containing the text of the Civil Code as written, which serves as a useful companion to the substantive volumes.

The strength of the series lies in the authors’ expertise in their subject areas, and in their ability to elucidate the briefest sections of the Civil Code through discussion of theory and supporting case law, while at the same time keeping the text concise, focused, and practical. The books are also thoroughly indexed and include appendices containing tables of relevant cases, the text of the Civil Code, and other relevant information depending upon the subject area. Each volume also follows essentially the same format, enhancing their readability and allowing the reader to turn to the books as a uniform reference.

If the series wants for anything, it is that few of the volumes contain much framing information. The series assumes the understanding that Louisiana is a mixed civil and common law jurisdiction, as well as an understanding of the purpose of the series itself. It does not attempt, for the most part, to situate the Louisiana laws within the greater context of the U.S. common law legal system, or to draw any parallels between the civil law

concepts and those at common law. Only the volume on Torts includes a history of the Louisiana civil code and its relationship to the common law, while the volume on Security Devices is the only volume to explain the differences and draw parallels between civil and common law concepts. Therefore, readers seeking a more comparative overview may wish to consult additional sources in conjunction with the *Précis* series. A general Introduction to the study of Louisiana law could also be a useful addition to the collection.

Overall, this series is highly recommended for Louisiana law students and attorneys, for foreign researchers, and for those common law students and practitioners seeking a better understanding of specific provisions of Louisiana's Civil Code and of the supporting legal theory and case law. The series has filled a much-needed gap in the literature on the Louisiana Civil Code, and is, to this author's knowledge, one of the only such sources currently available.¹

1. The volumes in the PRÉCIS series are: ALAIN LEVASSEUR, LOUISIANA POCKET CIVIL CODE, 2012 EDITION (LexisNexis, 2012; 345 pages, \$31.00); JOHN RANDALL TRAHAN, LOUISIANA LAW OF PROPERTY: A PRÉCIS (LexisNexis, 2012; 568 pages, \$37.00); ALAIN LEVASSEUR & DAVID GRUNING, LOUISIANA LAW OF SALE AND LEASE: A PRÉCIS (LexisNexis 2d ed., 2011; 181 pages, \$37.00); MICHAEL H. RUBIN, LOUISIANA LAW OF SECURITY DEVICES: A PRÉCIS (LexisNexis, 2011; 280 pages, \$35.00); ALAIN LEVASSEUR, LOUISIANA LAW OF CONVENTIONAL OBLIGATIONS: A PRÉCIS (LexisNexis, 2010; 153 pages, \$35.00); FRANK MARAIST, LOUISIANA LAW OF TORTS: A PRÉCIS (LexisNexis, 2010; 80 pages, \$35.00); ALAIN LEVASSEUR, LOUISIANA LAW OF OBLIGATIONS IN GENERAL: A PRÉCIS (LexisNexis 2d ed., 2009; 208 pages, \$37.00).