

State of the Judiciary  
Chief Justice Joe W. Saunders, Louisiana Supreme Court  
Message to the Louisiana Legislature  
May 2, 1977, in Baton Rouge, Louisiana

MR. PRESIDENT, MR. SPEAKER, MEMBERS OF THE SENATE AND THE HOUSE:

Almost two score years have passed since I sat in this Chamber, as a 24-year-old attorney imbued with youthful ambitions and high ideals. My legislative experience in those prehistoric years permits me, in some measure, to understand the task confronting you at this session, which one journalist has described as "a long, hard summer of decision."

Today, upon your invitation, I address you as a representative of another branch of government—the judiciary. I note that this is the first time in the history of our State that the Chief Justice has officially addressed a joint session of the Legislature. In making this possible, you have Joined several of our sister states where such an address is a regular feature of the legislative process. I am highly honored, as is the state judiciary as a whole, by this rare privilege.

Article II of the Louisiana Constitution divides the powers of government into three separate branches: legislative, executive, and judicial. It further directs that, except as provided in the constitution, no one of these branches shall exercise power belonging to either of the others. In basic terms, the Legislature makes the laws; the executive executes them; the judiciary interprets them and measures them by the constitution. This separation of powers among the three coordinate branches of government has a long history in our State. I am pleased to observe that it has fostered a good working relationship between the judiciary and the other branches of government.

The judiciary of Louisiana, just as the judiciary of other states, can be viewed from many perspectives. I like to view it, not as a collection of institutions, but as an essential service, to the people of our state. It can properly be called the justice service. As such, it looms in importance with other essential services. To it each year come many thousands of troubled people seeking the solutions of the law: the farmer embroiled in a boundary dispute; the injured workman seeking compensation for his injuries; the distressed mother seeking support for her children; the frustrated motorist beset with conflicting claims arising from an automobile accident; the heirs enforcing a will; the District Attorney prosecuting a fellow citizen for a crime against society. All these and more pass through the doors of our courts each year.

#### LEGISLATIVE MATTERS

In 1940, the Legislature memorialized the supreme court of Louisiana to exercise its "inherent powers" by establishing a unified bar association, providing rules for admission to the bar, and providing for the discipline of its members. The Supreme Court did exercise its inherent powers as to all three subjects.

Today, the Louisiana State Bar Association is composed of about 8,200 attorneys. It is estimated that more than 6,500 of them are engaged in professional service, either in private practice or legal employment.

The Committee on Bar Admissions, appointed by the Supreme Court on recommendation of the State Bar Board of Governors, handles the bar examinations and certifications. To be eligible for the examination, an applicant must be a graduate of an accredited law school. The bar examination is given twice each year, usually in February and July. The average number of new attorneys inducted during the past several years has been about 700. The Supreme Court holds bar admission ceremonies twice each year.

The Committee on Professional Responsibility, appointed by the Supreme Court, investigates disciplinary complaints against attorneys and, when warranted, files petitions for discipline in the Supreme Court. Presently, it is investigating about 600 complaints each year. During the year from April 1, 1976, to March 31, 1977, on petitions of the Committee, the Supreme Court disbarred six attorneys and suspended two. Fourteen petitions for disciplinary action are now pending.

Since 1954, the Judicial Council, composed of judges, lawyers, legislators and representatives of other interested groups, has dealt with court problems. Senator Thomas A. Casey and Representative John J. Hainkel, Jr., represent this body on the Council. By joint resolution of the Legislature, the Judicial Council was requested to make recommendations on requests for additional judges and for modification of judicial districts. Thus, with the aid of the Judicial Administrator and his staff, the Council performs what might be called a screening function. For example, at the March meeting, the Council heard requests for sixteen additional judges. After reviewing staff reports, the Council approved eleven additional judges, including three from the Lake Charles Third Circuit Court of Appeal, which has required the assistance of specially assigned judges for some time. The Judicial Council also received but rejected one request to divide a judicial district.

In keeping with the action of the Judicial Council, I recommend that you take favorable action only on the approved judgeships, including the three additional judges for the Third Circuit Court of Appeal in Lake Charles.

For several years now the exchange of information in criminal cases, referred to as pre-trial discovery, has been the subject of controversy in numerous prosecutions. The disposition of these cases has placed a heavy load on the judiciary. Discovery in criminal cases appears to be working satisfactorily in the federal system, as well as in other states. The time has arrived, I think, when your committee can develop a balanced, two-way discovery procedure that will meet the approval of both the prosecution and the defense. I believe that it is worth the effort.

For a long time, our State has needed adequate small claims procedures. Our citizens with small claims, say under \$300, should be able to process them quickly at the lowest possible cost. Accelerated procedures would greatly improve our court service to the people. I commend this subject to you as a matter of judicial interest.

Many other matters concerning the courts will be brought to your attention during the session. Our Judicial Administrator, Eugene J. Murrell, will be available at all times to supply information in resolving these matters. You may feel free to call upon him for information about the courts at any time.

Our goal is to provide reasonably prompt justice in both civil and criminal matters. In civil matters, the parties are entitled to have their disputes settled without undue delay. In criminal

prosecutions, justice requires, not only that the innocent be promptly freed, but also that the guilty receive effective correction without undue delay. We shall constantly strive to achieve this goal. Your cooperation on legislative matters has been most helpful. I thank you for your help and, especially, for this unique opportunity to address you.

We of the judiciary have no Jacob's ladder leading to the heaven of perfection in the administration of justice. The improvement of our judicial system requires, adequate resources and sustained effort - - the steady application of heart and head and hand. As Chief Justice Vanderbilt once remarked, "The improvement of the courts is no sport for the short-winded."