

Portraits & Perspectives: Louisiana Supreme Court Associate Justices



Louisiana Supreme Court Associate Justice William J. Crain. Photo courtesy of Louisiana Supreme Court.

One on One with Louisiana Supreme Court Associate Justice William J. Crain

Interviewed by Scott L. Sternberg

Louisiana Supreme Court Associate Justice William J. (Will) Crain works out of an unassuming, oak-shaded office just a short drive from the Lake Pontchartrain Causeway and, depending on the burgeoning Northshore's traffic conditions, about a 45-minute drive from where he was raised in Bogalusa.

He is a native of Washington Parish, but a son and a living, breathing illustration of the area colloquially known to many as the Northshore, but to the locals the actual varied areas of St. Tammany, St. Helena, Washington and Tangipahoa parishes.

After graduating from Louisiana State University Paul M. Hebert Law Center in 1986, Justice Crain practiced law for 22 years with the Jones Fussell law firm in Covington. He and his wife, Cheri, raised their four children (William, Michael, Matthew and Elizabeth) there, and, in 2009, he was sworn in as a judge of the 22nd Judicial District Court.

Nearly 11 years later, after service on the district bench and the 1st Circuit Court of Appeal, his father, retired 1st Circuit Judge Hillary J. Crain, swore him in as a Louisiana Supreme Court Justice. Dec. 4, 2019 was his first conference as a Supreme Court Justice. Approximately three months later, COVID-19 changed the world forever (and significantly delayed this interview).

Journal: Justice Crain, thank you for allowing us some time for this interview. How hectic has your nearly two years in office been?

Crain: I had a few months of "normal," meeting alternating weeks at the courthouse in New Orleans in person and by Zoom, then everything shut down for the pandemic. Since then, in addition to navigating the challenges from the pandemic, we've had, I think, five named storms hit our state. Both the southwest and southeast parts of the state have been significantly impacted. But, it seems my term so far has been defined by dealing

with one emergency order after another.

Journal: Your father was a judge, and so being a judge is kind of in your blood. I've heard you talk about him before and the reverence is so apparent.

Crain: If judging was in my blood, Scott, I didn't know it. My Dad is a huge figure in my life. He has been ever-present, but never in the way. He's always been there when I needed him, but he's also not one to hover. Dad was elected judge when he was either 29 or 30. So, while I had lawyering in my blood, I still distinctly remember never viewing myself as a judge. I simply never saw myself following that path. But, I always wanted to be a lawyer. I can remember that from my earliest days in elementary school.

Over the course of my career, particularly when trying cases in St. Tammany Parish and Washington Parish, there were times I felt — and this was just my perception — I had to do a little bit more to persuade the judges, just because they would never do anything to make it even appear they were favoring me as "Judge Crain's son." I remember complaining to my father about that. Of course, he was unfazed by my complaints and probably took some satisfaction in them. I'd argue a case and ask him if one of his fellow judges gave him any feedback. It was always "yeah, you did fine" or something bland like that. That's the way my Dad wanted it.

Journal: You have a son who's a lawyer as well. Nice guy. Do you give him feedback?

Crain: (Laughing) Very similar to the kind my Dad gave me.

Journal: Fathers and sons, then, right?

Crain: Matthew is the only one of my four children who had any interest in going to law school — his twin brother is an engineer. I was the only one of four siblings who had an interest in being a lawyer. So, I guess, the passing of that gene has been very similar.

Journal: You had the political bug early in life.

Crain: I was involved in student government in junior high and high school. I also vaguely remember when my Dad was

elected in 1967. But, I never was in the bowels of a campaign. The first election I really remember was in 1979, the governor's race, (former House Speaker) Bubba Henry was running, and I was asked by a local lawyer to help him put up signs for Bubba Henry. I was 16 or 17 years old. I still have my Bubba Henry for Governor T-shirt that I got for helping.

Then, when I went to LSU in 1979, I needed a job. I was hired by Sen. B.B. (Sixty) Rayburn from Bogalusa to work for the Joint Legislative Budget Committee in 1980. I was young and not informed on any subject, but it did not take me long to realize he was one of the straws that stirred the drink at the Capitol in Baton Rouge. I started in the spring of 1980 and helped during that year's budget process. Then, Sen. Rayburn told his daughter, who was his executive assistant, that for the 1980 Regular Session I could stay on as a sergeant at arms for the Senate or continue with the Budget Committee. Deciding to stay as close to him as I could, I chose to stay with the Budget Committee. I ended up working there throughout college and law school and did not leave until 1986, when I moved to Covington to start practicing law. It was a great experience.

Mr. Sixty was one of the most influential men in my life. I visited him after I decided to run for judge around 2008. He was in the hospital at the time. As soon as I walked in the room, he started rattling off names of people to see and talk to — I told him I didn't come to talk politics — but politics was part of his DNA. He gave me good counsel, some great stories, and I will always treasure the time spent with him.

Journal: Tell me about your early practice and how it developed.

Crain: I was married in 1985, then graduated from LSU Law School in 1986. I was young, married, and, largely due to my time at the Capitol the previous six years, probably a little smitten with politics. But, I remember my father telling me, "Forget politics." His message was, "You've got a job, take care of it; you have a wife, take care of her; you want a family, take care of it. Politics, if it's meant to be, will be there later." I followed his advice for 22 years.

As far as developing my law practice, I was not going to be a litigator. I didn't particularly like the idea of being in front of anyone and having to talk, persuade or advocate. I enjoyed my Property Law class with Professor Symeonides, my mother was a real estate agent in Bogalusa, so my plan was to have a transaction practice, closing sales and loans. I did that with some focus for about a year, but picked up a few litigation cases that forced me to the courthouse. I found I liked the courthouse more. I knew the judges, not as judges but as people I knew growing up. Because I knew them, or knew of them, it didn't stress me to appear before them. Also, there was a certain energy at the courthouse that I came to love. So, that's where my practice took me.

Journal: Only after the 22 years of litigation did you decide to run for judge.

Crain: Yes. A few people asked me to run before, but I wasn't ready. And I still didn't view myself as a judge. I had a ways to go before I thought I could do the job. Then, along that path, I found myself judging the judges. I found myself critiquing how they dealt with me as a lawyer, how they dealt with the jury, how they managed the courtroom. I found myself dwelling on that. In 2008, a seat was open and, with lots of help, we put the politics together and I was fortunate to run unopposed.

Journal: How does your experience as a district court judge help in reviewing those decisions?

Crain: I think you can see it in my opinions — I respect the adversarial process. I'm pretty deferential to the factfinders. I believe in that system. I tried cases to juries for many years. Juries are smart. I might not have always agreed with them, because I always wanted to win, but they usually got it right. I have tremendous faith in the jury process. I think being there, making instantaneous decisions as a district judge, gives you a different perspective as an appellate judge.

Journal: You had a tough race for Supreme Court. There was a lot of outside spending. Do you think we learned anything from that race?

Crain: I learned a lot (laughing). The first thing was I was blessed to be unop-



Justice William J. Crain was sworn into his position on the Louisiana Supreme Court by his father retired 1st Circuit Judge Hillary J. Crain. With them is Justice Crain's wife Cheri. Photo provided by the Crain Family.

posed for the district bench and the court of appeal (laughing).

It was an expensive race. A very tough race. I don't know what drove all of it. A lot is the way the district is drawn, with distinct geographic and political alliances. I think because of the district's population, most viewed it as a "conservative" seat on the court, and political labels always draw opposition, whichever one people might attach to you. Counting heads on the Supreme Court is a silly exercise because the votes change on just about every case we hear depending on the facts in front of us. But, outside our circle, people see the seats and think they can change the dynamics of the court. Twelve years ago, my current District 1 seat was aggressively challenged as well. The races end up being very expensive and very intense on all sides. Geography drives some of it. It's just the nature of elections. It's our reality.

Journal: In 11 years, you went from practitioner to Supreme Court Justice. That's unusually quick and it puts you in a very unique position, don't you think?

Crain: Well, I didn't create the opportunities, again, that's politics. When I was elected district judge, I thought I would retire from that position. That was my ambition. A seat came open on the 1st Circuit and my judge colleagues chose not to make the race. At that time, I was only about two-

and-a-half-years into being a district judge. But, it was an opportunity that doesn't come around often. I ended up being the first judge from the 22nd Judicial District Court to win a seat on the 1st Circuit in 20 years. With lots of help, I was fortunate to run unopposed. But, keep in mind (former Justice) Greg Guidry and I are the same age, and I thought he'd be at the Supreme Court until we both retired. So, I never considered a Supreme Court race.

Also, from a time perspective, I practiced law for 22 years. So, I started as a judge later than most. In fact, I still see things through the lens of a practicing lawyer because I did that for so long. I don't think that will ever go away. I practiced law twice as long as I've been a judge.

Journal: Does that make you hungry to do more?

Crain: I'll do this as long as the people who elected me allow, and as long as I'm blessed with good health. Also, for me, a key is desire. Being a judge still feels new to me — not the law, as there are very few cases after 35 years at every level of the legal profession that I haven't seen before in some variation. That is very helpful in performing my job as a Supreme Court Justice. I really love what I do. I tell my wife, when it starts feeling like work to me, I'll probably give it up. I don't expect that anytime soon.

Journal: The judging part is only part of the role on the Supreme Court though, right?

Crain: Deciding cases is what people see and expect from us. But, the administrative and legislative responsibilities take a lot of time. The seven of us juggle those responsibilities at the same time. We work with hundreds of judges across the state and regulate the practice of law. We have a \$185 million budget to run the judiciary, which has to be navigated through the legislative process. It requires year-round effort. And the cases, complex cases, come in every day. It is a demanding job, but a fulfilling one.

Journal: With your college and law school legislative experience, do you enjoy the legislative part of your Supreme Court service?

Crain: Well, there's a part of that that is super familiar to me. When I go into the sub-basement of the Senate, I can still remember walking those halls as an 18, 19 year old. I enjoy seeing people from that time and the picture collages from that time. I have fond memories from those days. But, I'm a judge. And there's no doubt that I picked the right branch of government for me (laughing).

Journal: Talk a little about the administrative function of your Supreme Court service.

Crain: When this pandemic started, we had to figure out how to keep the courts running. I called one of my opponents in my Supreme Court race, Judge Scott Schlegel on the 24th Judicial District Court. Judge Schlegel is a technology whiz. I heard Scott give his speech about technology many times during our campaign. He was already thinking of solutions, and shortly we introduced Zoom to the district courts. With the enthusiastic support of our entire Supreme Court, we now have a Technology Commission, chaired by Judge Schlegel. We're implementing uniform websites across the state. That way, if a person wants to go to court anywhere in the state virtually, they can do that through a uniform portal. I'm proud of the Technology Commission for the work the members are doing. Of course, administration also includes disciplining lawyers and judges. Not a fun part of the job, but



Justice William J. Crain and his wife Cheri are the parents of four children — William (with wife, Sarah), Michael, Matthew and Elizabeth. Photo provided by the Crain Family.

necessary, and we spend a lot of time performing that function. We must make sure the courts work for people every day, and we work hard at doing that.

Journal: What about unified e-filing?

Crain: In this last legislative session, we worked with Sen. Jay Morris from Monroe to create a statewide commission on e-filing. Hopefully that leads to e-filing statewide, as is done in the federal courts. We took what was essentially a local bill and transformed it into a statewide commission on e-filing, pulling in banking interests, clerks of court, and other stakeholders across the state. I think we have the right cross-section of knowledge and interest to put together an effective e-filing system. I am optimistic about that.

Journal: Fourteen years ago, you were taking depositions, arguing motions, trying cases. What do you miss the most about practicing law?

Crain: Our law firm at Jones Fussell was a family. I miss that. I miss those relationships and interactions on a daily basis. I miss the local courthouse, going in for a rule day and regularly seeing my lawyer colleagues in St. Tammany and Washington parishes. We talked about our cases, our kids, our interests, community happenings. I miss that. And I really miss trying jury trials. There is tremendous sat-

isfaction and adrenaline that attaches to that process.

Journal: What piece of advice would you have for a young lawyer reading this interview?

Crain: I'm a perfect example of where you see yourself when you start not necessarily being where you end up. So, for young lawyers in particular, keep an open mind and find your passion in the law. It is a demanding profession — you've got to find balance. Family, life's pleasures, spiritual life, recreation must all have a place. It's not easy finding balance. Believe me, I tried to do it for 22 years. I didn't always succeed, but always tried. I think that is one of the most important things.

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