

Book Review

A Bayou Bar: The Louisiana State Bar Association, 1804-1941 by Warren M. Billings

University of New Orleans Press (2025)

Reviewed by E. Phelps Gay

Who is better qualified to write the early history of the Louisiana State Bar Association than Prof. Warren M. Billings, Distinguished Professor of History, Emeritus, at the University of New Orleans? The answer is: No one.

A native Virginian, Prof. Billings graduated from the College of William and Mary and obtained his Masters' degree from the University of Pittsburgh and his Ph.D. from Northern Illinois University. His books include *The Historic Rules of the Supreme Court of Louisiana, 1813–1879* (1985); *In Search of Fundamental Law: Louisiana's Constitutions, 1812–1974* (1993); *A Law Unto Itself? Essays in the New Louisiana Legal History* (2001); and *The Supreme Court of Louisiana: A Bicentennial Sketch* (2013, 2024).

He has also published numerous professional articles, including *A Bar for Louisiana: Origins of the Louisiana State Bar Association and Politics Most Foul? Winston Overton's Ghost and the Louisiana Judicial Election of 1934*.

Professor Billings “was enticed to Louisiana law as I got to know the late Albert Tate, Jr.,” discovering they shared “a common interest in the history of law and the value of judicial records for historical enquiry.” Their friendship led to “our drawing up an arrangement whereby the University of New Orleans became the repository of the Louisiana Supreme Court’s archives for the years between 1813 and 1921.”

Upon finishing his prior book, *Statute Law in Colonial Virginia: Governors, Assemblymen, and the Revisals that Forged the Old Dominion* (2021), Prof. Billings decided the time had come

to write a book on the Louisiana Bar. Recently published in paperback by UNO Press, *A Bayou Bar* is a concise and lively volume which students of Louisiana law and history will undoubtedly enjoy.

Judges on both the Superior Court of the Territory of Orleans (1804–1812) and the early Louisiana Supreme Court “relied on certain well-placed New Orleans lawyers” to assist them in drafting rules of practice and standards for admission to, and supervision of, the bar. Who were these folks? Throughout his narrative Billings offers thumbnail sketches of his *dramatis personae* — e.g., judges like Dominick Hall, George Mathews, and Pierre Derbigny; and lawyers like Francois Xavier Martin (a future Chief Justice), Edward Livingston, Etienne Mazureau, and Abner Duncan.

Initially, standards for Bar admission

were minimal—good character, citizenship, residency, and passage of a perfunctory oral examination. No educational degree was necessary.

Judges “worked at a leisurely pace,” only three days a week, while oral arguments “dragged on for hours.” As Louisiana prospered economically, the Court struggled with “accelerating workloads,” having “none of the secretaries, law clerks, librarians, and other administrative personnel that support the modern court.”

Over time the bond between the Court and these “elite” New Orleans attorneys grew closer, eventually leading to the 1847 founding of the New Orleans Law Association (NOLA).

Upon becoming Chief Justice in 1846, George Eustis asked a committee of New Orleans lawyers to draft new Supreme Court rules. They produced “a three-page compilation of twelve tersely worded, logically arranged rules,” which the Court trimmed to eleven. Oral arguments were shortened, and the Court’s ability to grant re-hearings limited. An 1840 requirement that candidates “demonstrate mastery of the syllabus of legal studies” was retained. Significantly, under these new rules the Justices would appoint and rely upon a “screening committee” whose mission was to recommend applicants to the justices.

As a careful historian, Prof. Billings acknowledges areas where the evidence is thin. As a result, precisely how Chief Justice Eustis “encouraged the society” that became the New Orleans Law Association is “difficult to pin down,” but he believes Eustis and the attorneys who drafted the Rules of 1846 “probably talked about the usefulness of such a society” and decided to found one. We know that in the Spring of 1847, several New Orleans attorneys responded to Eustis’s invitation to consider forming an association, and a city judge named Edward Rawle presented a constitution for a Society whose purpose was to promote “the interest, dignity and character” of the city’s attorneys and “create a library for the exclusive use of members.” NOLA was formed.

Officers and founders of this private

association included John Randolph Grymes, Alfred Hennen, Thomas Allen Clarke, Christian Roselius, Pierre Soulé, and Richard Henry Wilde, each of whom is adroitly profiled. Under NOLA’s constitution, members were to be selected by invitation. A membership committee would recommend lawyers for admission “by means of black and white balls” to be put in a box. Anyone who received three black balls was rejected. The committee was also empowered to receive and review complaints of professional misconduct by any member of the bar. NOLA’s law library, considered a major member benefit, grew to become “one of the larger private libraries in the city.”

By 1855, at least 51 lawyers belonged to NOLA, and in December of that year the association reorganized itself from a “society of individuals” into a state-chartered company under “An Act for the Organization of Corporations for Literary, Scientific, Religious, and Charitable purposes.” Membership was open to lawyers who lived or kept offices in Orleans Parish.

According to Billings, the New Orleans Law Association “stayed close to the Supreme Court” throughout the 1850s. Its members advised justices on rule changes and acted as screeners of bar applicants. Its library became “a resource for students in the law department of the University of Louisiana,” the precursor of Tulane Law School.

One of the compelling (if also disheartening) aspects of this book is that the story unfolds within the ambient history of the times: the rise of the anti-slavery movement, Southern secession, the Civil War, Reconstruction, and the ensuing descent into the era of Jim Crow. Billings notes that members of the New Orleans Law Association “were increasingly caught up in the debates over enslavement,” and many “flocked to the Confederate standard.”

Union occupation of New Orleans “shut down the association for nearly a decade.” Over time it recovered, although many of its members “were steeped in the pernicious mythology of the Lost Cause that reinforced their unyielding belief in white supremacy.”

The nature and purpose of the New

Orleans Law Association began to change in 1877 when leaders Felix Pierre Poché, Carleton Hunt, and Thomas Jenkins Semmes attended a conference of the American Social Science Association in Saratoga Springs, New York. A “casual conversation” between Poché and a Connecticut jurist named Simeon Baldwin led to this suggestion: “It would be a good thing for the legal profession if there were a special organization to deal with the subject of jurisprudence in a broader way, in the shape of a national bar association.”

A year later, at the same location, 75 lawyers from 20 states and the District of Columbia founded the American Bar Association. Its lofty purposes were to “advance the science of jurisprudence, promote the administration of justice and uniformity of legislation throughout the Union, uphold the honor of the profession of law, and encourage cordial intercourse among the members of the American bar.” Local councils were established to transform state bar associations from “social clubs or subscription libraries” into organizations patterned after the ABA. The New Orleans Law Association became the local council for Louisiana.

From 1898 until his death in 1934, the indefatigable Henry Plauché Dart became the “dominating presence” of the Louisiana bar. Born in Fort St. Philip, the son of a Creole mother and a father who supervised construction at the fort, Dart received his law license at the age of 21 and became a prolific litigator, arguing over 300 cases in the Louisiana Supreme Court. His deep interest in the history of Louisiana law resulted in a “cascade” of scholarly articles, lectures, translations, and book reviews. Billings believes Dart is “best remembered” for these “deeply researched, pioneering works.”

Elected president of NOLA in 1898, Dart succeeded in transforming it from a “library and dining society” into a modern professional bar association. In a presidential address he emphasized the need for improved legal education, calling it a “self-evident truth that candidates for admission should have a good English education . . . as well as a

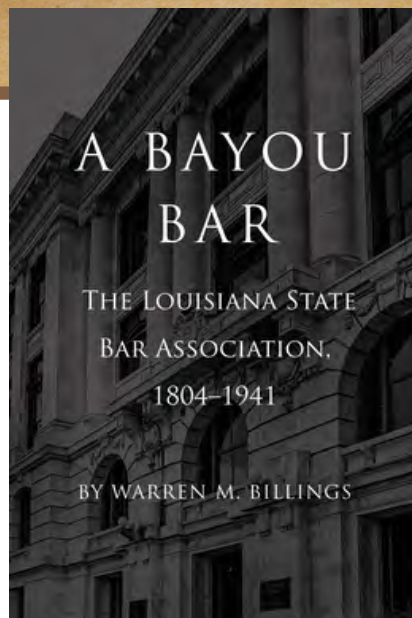
knowledge of the law and its sources.” In his view the Bar should also adopt a new canon of ethics and “watch legislation and endeavor to shape and control it for the public good.” Since the new state Constitution made city judges elective, Dart believed the Bar should recruit and support “men of integrity and learning.”

Once again, Billings spices up this story with profiles of Bar leaders of that era, men like Henry Denis, Thomas Jones Kernan, William Stirling Parkerson, William Wirt Howe, Charles Erasmus Fenner, and William Sommer Benedict.

Dart’s efforts resulted in replacing NOLA’s 1855 charter with a new one in the Spring of 1899, which changed the organization’s name to the “Louisiana Bar Association.” Article III set forth four objectives: (1) to improve legal education; (2) to devise rules for disciplining attorneys, whether members of the association or not; (3) to prevail upon state and local authorities to build “a proper courthouse in the city of New Orleans” and maintain the law library; and (4) to advance the welfare of the profession across Louisiana.

Membership was no longer restricted to residents of Orleans Parish. Any attorney in good standing could apply, if recommended by two members. There were three classes of membership: ex officio (state and federal judges, who paid no dues); full (members with access to the library who could also hold office and serve on committees); and library (attorneys desiring only library access).

After LBA leaders like Bernard McCloskey, Ernest Kruttschnitt, and William P. Ball made their case for a new courthouse to the General Assembly and served on a commission to oversee the project, a “proper courthouse” in New Orleans finally got built on a tract bounded by Conti, Chartres, St. Louis, and Royal Streets. Designed in the Beaux Arts style, its massive size was, as Billings notes and everyone can see today, “out of scale with its surroundings,” but impressive nonetheless.



Among those moving into this edifice on October 1, 1910, were the Supreme Court, a Court of Appeal, the Civil District Court, the Attorney General, the Civil Sheriff’s office, the Recorder of Mortgages, and the Louisiana Bar Association, “just as Dart had always intended.”

Billings traces the LBA’s efforts to expand and diversify. Of its 151 dues-paying members in 1902, only seven percent lived outside of New Orleans. By 1910, 159 of its 364 members (43%) were “country lawyers.” Annual Meetings began to rotate around the state, with several lawyers from outside New Orleans serving as LBA presidents, including Edmund Hughes Randolph (Shreveport), Charles A. McCoy (Lake Charles), Fred G. Hudson Jr. (Monroe), and Cecil Charles Bird Jr. (Baton Rouge). Nevertheless, the Bar’s membership remained an “elite band” of lawyers which “never equaled more than a third of Louisiana’s active attorneys.” According to Billings, its influence with the General Assembly “was employed in guarding the interests of corporate clients,” rather than helping the “lower classes” suffering in a post-war economy.

Enter Huey Pierce Long, attorney-at-law from Winnfield, Louisiana. Billings reports that when Long “first appeared on the political scene, the respectable members of the LBA dismissed him as

a boorish clod”—that is, until he was elected governor. The LBA then invited him to speak at its 1928 Annual Meeting, apparently thinking “he would speak about the ways he would cooperate with the association.” They thought wrong.

Instead, Billings reports, Long attacked the courts, judges, and LBA members as “corrupt tools of big corporations,” out of step with the needs of the people. He believed the LBA should “accept all qualified attorneys, irrespective of their background.” Recognizing Long as an “imminent threat,” the Bar amended its charter in 1929, reducing its membership categories to two (members and ex officio members) and changing its name to the Louisiana *State* Bar Association.

The last part of *A Bayou Bar* covers the political drama swirling around the disputed 1934 election for a seat on the Louisiana Supreme Court between incumbent Winston Overton (a Long supporter) and 14th Judicial District Judge Thomas F. Porter Jr., no fan of the Kingfish. The feeling was mutual, Long once saying of Porter: “If I owned a whorehouse, I wouldn’t let him pimp for me.”

For those not familiar with this fantastic story, I will not play the role of spoiler (at least not entirely), urging you to read this fine book, except to say that leaders of the LSBA lined up four-square behind Judge Porter—and paid a price. Prof. Billings paints colorful sketches of Chief Justice Charles A. O’Niell, Attorney General Gaston L. Porterie, Judges Benjamin H. Pavy of Ville Platte and W. Carruth Jones of Baton Rouge, and Lieutenant Governor John B. Fournet.

All this drama led to Huey Long’s revenge. At his behest, in 1934 the legislature passed the State Bar Act which created a new public corporation called the State Bar of Louisiana (SBL). Any lawyer licensed before the statute went into effect “was automatically enrolled” in the SBL. Candidates were not required to possess a law degree or a bachelor’s

diploma. Governor O.K. Allen was empowered to nominate eight attorneys to serve on the new Bar's board of governors. They would serve until "the people [not fellow lawyers, but the public] elected a new SBL board in the 1936 congressional primaries. Candidates for the SBL board were required to file an affidavit disclosing any fees received from private corporations during the past five years.

As Billings writes, the State Bar Act "not only shot down the LSBA," it "violated the Supreme Court." The SBL board, not the Supreme Court, was now charged with establishing standards of professional behavior, adjudicating complaints of attorney misconduct, fixing educational standards, and requiring applicants to pass an examination designed and administered by the SBL.

In fairly short order, however, the State Bar of Louisiana "flamed out," and a re-energized LSBA returned to good health as an "integrated" Bar. Interestingly, Billings attributes these events largely to Huey Long's "lieutenants" who "rivalled to succeed him" after his assassination in September 1935. They proved to be "spectacularly corrupt" and "made a mockery" of the SBL.

During its five-year existence, the State Bar of Louisiana held only one annual meeting. Required reports to the state treasurer were never filed. Complaints poured in about its failure to prepare adequate bar examinations and investigate charges of attorney misconduct.

Meanwhile, the LSBA "pressed on" with leaders like John D. Miller, Monte M. Lemann, Eugene Stanley, Charles Vernon Porter, and W. Pike Hall Jr. taking "pains not to appear too confrontational." Both the ABA and the American Judicature Society continued to recognize the LSBA as the state's official bar organization.

What ultimately turned the tide, Billings writes, were the Louisiana Scandals of 1939 and 1940 during the

administration of Governor Richard W. Leche. Brought to light in a nationally syndicated column by reporters Drew Pearson and Robert S. Allen, the evidence showed materials belonging to the Works Progress Administration (WPA) were being used "to build one of Leche's houses in Covington." Then came the revelation that LSU president James Monroe Smith "had squandered millions of university dollars speculating on the stock market, and dozens of leading members in Leche's administration had robbed the university too." Leche and Smith were tried and convicted on charges of conspiracy to defraud, income tax evasion, mail fraud, kickbacks, and theft of WPA labor and materials. Both went to prison.

In 1940, voters wanting to "cleanse the mess in Baton Rouge" elected Lake Charles lawyer, Sam H. Jones, a member of the LSBA, as Louisiana's "reform" governor. In response, LSBA president Pike Hall, who had "worked tirelessly" for Jones's election, drafted a resolution and bill calling for repeal of the State Bar Act and return of Bar supervision to the Louisiana Supreme Court. On inauguration day, Gov. Jones said to Hall: "Pike, there is one thing I want to see happen in Louisiana while I am governor. The bar of this State wants a self-governing, integrated bar. You fellows go to it, and I am behind you 100 percent all the way."

Accordingly, Act No. 54 of 1940 "memorialized" the Louisiana Supreme Court to create an association known as the Louisiana State Bar Association, requiring all attorneys to become members. The Court was to use its "inherent powers" to organize the new LSBA by "regulating admissions, members' conduct, membership dues, and providing rules for punishing miscreant members." The Justices appointed an advisory committee to draft new LSBA Articles of Incorporation. Chaired by Hall, the committee, after considerable study, submitted its proposed Articles to the Court in February 1941. On March

12th the Court issued an Order formally creating the Louisiana State Bar Association.

The new charter established three LSBA officers (president, vice president, and secretary-treasurer) and a board drawn from congressional districts, law schools, the Louisiana State Law Institute, the "junior bar," and one person "at large." Article 12 set standards for admission. Article 13 created a committee to investigate complaints of misconduct, while Article 14 contained a canon of ethics, drawn from the ABA canon.

In Lake Charles, on April 18 and 19, 1941, the old voluntary LSBA held its last meeting and the new integrated LSBA its first, both chaired by Pike Hall. Governor Jones was on hand to say: "Today marks the beginning of a new and hope-filled future for the members of the bar of our State." He concluded: "Through the tumult and the chaos has come a finer Louisiana State Bar Association."

Billings concludes by noting that all these Bar issues — admissions, rules of professional conduct, discipline, and membership, among others — would remain subjects of debate going forward, as they have. The history of the Louisiana State Bar Association since April 1941, he writes, "is a tale yet to be told."

True, but its history from 1804 to 1941 has now been written — and written well by Prof. Warren M. Billings.

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