

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF LOUISIANA**

**RONALD CHISOM, et al.,  
Plaintiffs,**

v.

**BOBBY JINDAL, et al.,  
Defendants,**

\* \* \* \* \*

\* **CIVIL ACTION**  
\* **NO: 1986-4075**  
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\* **SECTION "E"**  
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\* **MAGISTRATE 1**  
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**AMICUS CURIAE BRIEF OF THE CITY OF NEW ORLEANS**

NOW INTO COURT, through undersigned counsel, comes the City of New Orleans (“the City”), who files this *amicus curiae* brief to represent the interests of the citizens of the Parish of Orleans (“Parish”), which boundaries are co-terminus with the City and whose citizens are represented by the City.

As explained in the opening paragraphs of the original Consent Judgment in *Chisom*, the purpose of the lawsuit was to protect the interests of the citizens of this Parish and City and to prevent the dilution of their voting strength:

Orleans Parish is contained within the multimember First Supreme Court District, along with Jefferson, Plaquemines, and St. Bernard Parishes.

The Chisom plaintiffs and the United States claim that the multimember district system for electing justices of the Louisiana Supreme Court in the First Supreme Court District (first district) dilutes black voting strength in violation of Section 2 of the Voting Rights Act of 1965 as amended, 42 U.S.C. 1973 (Section 2), because black citizens have less opportunity than other members of the electorate to participate in the political process and elect justices of their choice. In June 1992, the Louisiana Legislature passed and the Governor signed Act No. 512 (S.B. 1255) (1992), which provides, inter alia, for a change in the method of electing the Louisiana Supreme Court; for the assignment of the judge elected to the newly-created position from the first district (Orleans Parish) of the Fourth Circuit Court of Appeal to the Louisiana Supreme Court; and for the assigned

judge to participate and share equally in the cases and duties of the justices of the Supreme Court during this period of assignment.

Consent Judgment, pp. 1-2, *Chisom v. United States*, 86-4075, United States District Court for the Eastern District of Louisiana. As set forth in the Consent Judgment, protecting the citizens of this Parish included (1) creating a new method of electing justices to prevent the dilution of the voting strength in the Parish and (2) ensuring that the assigned judge “participate and share equally in the cases and duties of the justices of the Supreme Court during this period of assignment.”

If Justice Bernette Joshua Johnson’s *Chisom* service<sup>1</sup> is not counted towards her point of service pursuant to Louisiana Constitution Article V, Section 6 to permit her to succeed as the next Chief Justice, then Justice Johnson’s participation on the Louisiana Supreme Court pursuant to the Consent Judgment would not have been “equal” during this period of assignment. Furthermore, unless Justice Johnson’s participation as a *Chisom* Justice is deemed fully “equal” to all the other justices in all respects—such that her *Chisom* service is included in calculating her point of service—the citizens of this Parish and City could be deprived of their rights as voters once again. Accordingly, Justice Johnson, as a justice duly elected by the citizens of this Parish and City, should succeed as the first African American female Chief Justice of the Louisiana Supreme Court. This is what is due our citizens, and this is what the terms of the Consent Judgment mandate.

Based on the foregoing, the City of New Orleans respectfully requests that this Honorable Court recognize that Justice Johnson’s tenure as a *Chisom* Justice should count as years of service on the Louisiana Supreme Court and protect the voting interests of the citizens of this Parish and City by effectuating the provisions of the original Consent Judgment.

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<sup>1</sup> The term “*Chisom* service” refers to Justice Johnson’s period of service on the Louisiana Supreme Court under the Consent Judgment from October 1994 through 2000.

Respectfully submitted,

/s/ Erica N. Beck

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the above and foregoing pleading has been served upon all counsel of record via electronic filing this 15th day of August, 2012.

/s/ Erica N. Beck

**ERICA N. BECK**