

MEMORIAL FOR
LOUISIANA CHIEF JUSTICE JOHN ALLEN DIXON, JR.
PRESENTED AT THE MEMORIAL AND RECOGNITION CEREMONY
HELD BEFORE THE
FIRST JUDICIAL DISTRICT COURT
OCTOBER 24, 2003
UNDER THE AUSPICES OF THE
SHREVEPORT BAR ASSOCIATION

FILED

OCT 24 2003
Dianne Doughty
DIANNE DOUGHTY
DEPUTY CLERK OF COURT

Chief Judge Scott, Members of his Court, Honorable Judges from other Courts

here present including Louisiana Supreme Court Justice Jeffrey P. Victory, family and friends of our departed colleagues and particularly Chief Justice John Allen Dixon, Jr.'s three daughters, Stella Dixon Shepard, Diana Marie Dixon Gingles and Dorothy Jeanette Dixon.

We have been admonished by the Honorable Chairman of these memorial exercises, Edwin Blewer, to honor a time limitation, but how can one do so while speaking about the life and legends of Chief Justice Dixon?

John Allen Dixon, Jr., was born on April 8, 1920 in Orange, Texas, the first of five children. He led a life of accomplishments for 82 years, before expiring on February 22, 2003. His finest accomplishments during these years included his marriage to Imogene Kathleen Shipley Dixon on October 20, 1945 and the birth of their previously mentioned three children, Stella, wife of Paul Shepard, Diana, wife of Bill Gingles, and Jeanette, wife of William Howze. The Dixons also had five grandchildren and two great-grandchildren. John's devoted wife and companion, Imogene, predeceased him on January 31, 2001.

John obtained his elementary, secondary and higher education in Shreveport. We all knew John to be hard-headed. An early example of this was as a football player for Centenary, at that time one of the finest teams in the country, John tackled the ball carrier and used his head while doing so. John got a concussion, but the ball carrier had to leave the game with a broken leg. After completing Centenary, John spent a semester at L.S.U. Law School. Finances, however, cut short his tenure at L.S.U. He then taught at Tallulah High School. He was an assistant football coach and the girls' head basketball coach. It seems he had never even seen a basketball game. He found some books on the game,

studied them, and coached the girls to a winning season.

World War II interrupted his teaching and coaching career. He enlisted and became a paratrooper. As a squad leader of an antitank squad, his regiment, the 505th, was dropped over Sicily. That he landed safely was a miracle in itself for this was the drop where the United States Navy fired on our own troop carrier planes, and the planes, in turn, dropped many of the troops in the Mediterranean. The winds caused the paratroopers to miss the drop zone, and despite John's squad knocking out several tanks, it was surrounded by the enemy and they all surrendered. John sawed his way out of a box car while being transported through Italy and escaped only to be recaptured. He spent 23 months as a prisoner-of-war in a camp in Poland. As the Russians approached, the Germans marched the entire camp to the allied lines and turned the soldiers over to the Americans. Again, during the march, John was shot at by Americans. This time instead of the Navy firing on them, it was our own aircraft which strafed the group.

John returned home and shortly thereafter married Imogene Shipley. It has been said that a good judge's life is lonely, not however with John, who had Imogene, a loving, giving, talented, and in short, a wonderful person who shared 56 years of marriage.

After the war, John went to Tulane Law School, under the G.I. bill of rights. His allowance of \$75 a month was supplemented by Imogene's work. Upon his graduation John joined the prestigious Shreveport law firm of Booth, Lockard and Jack. When John's brother, Neil, finished law school, they formed their own partnership. At that time John was also an Assistant District Attorney in Caddo Parish. He put all of the crooks in jail. His critics later said he let them all out!

John was elected a district judge for the First Judicial District in 1957, and thereafter re-elected twice. He was then elected to the Second Circuit Court of Appeal in 1968. A little over two years later he was elected to the Supreme Court of Louisiana and thereafter re-elected. Chief Justice John A. Dixon, Jr., is the first chief justice in Louisiana's history to have been elected to all three tiers of the judiciary. Five associate justices have done likewise: Leblanc, Blanche, Watson, Dennis and Victory, but no other chief justice

ever.

John loved his country and his state and the rule of law which governs them. John was a model to all whom have known him during his illustrious career of 33 years on the Bench. His reported opinions from the earliest, as rendered on December 3, 1968, through the latest as rendered on January 26, 1990, cover more than one half of all the volumes as published by West Publishing Company, during its more than a century of Southern Reporter publications which started on February 2, 1887. John wrote over a thousand opinions while serving on the Louisiana Supreme Court bench. I have known nine Chief Justices of the Louisiana Supreme Court and of these only Chief Justice O'Neill [the great dissenter] has written more opinions during his 27 years on the Supreme Court bench. However, John served only 20 years on the Supreme Court.

Although you have learned about many of John's accomplishments, I choose today to dwell on but three, which to me are the most important.

John and Justice Al Tate undertook to create what later became the Central Staff, a staff of professional research attorneys, with only one newly-hired law clerk then. He and Al alone took on a massive effort to catch up on hundreds of *pro se* or prisoner habeas corpus writ applications. John also managed the Court's general docket of cases to where within a year or two the Court became fully current in its work, a condition which the Court maintains through today. John always said that it was a judge's job to decide cases. He did not excuse any inordinate delay in the disposition of a judge's work. As many of us remember, while serving as a Judge on this Court, John would decide cases from the bench immediately following the trial thereof.

From the earliest of times in Louisiana's history, two hundred years ago, until after John became Chief Justice, the Supreme Court of Louisiana was vested with exclusive appellate jurisdiction concerning criminal cases. Its civil appellate jurisdiction, however, advanced from One Hundred Dollars to Two Thousand Dollars. The unbearable burden upon the Court even caused the Court to hear cases with three-judge panels, resulting in a

disastrous effect on the then jurisprudence. This archaic appellate jurisdiction procedure survived one Congressional Act and the adoption of ten Louisiana Constitutions. Then along came Big John.

Chief Justice Dixon is to be credited with single-handedly taking on substantially all of the judges of our intermediate appellate courts regarding the restructure of Louisiana's criminal appellate jurisdiction, which shifted appeals to the Louisiana Courts of Appeal. With steadfast resolve he brought this about and made it a smooth, workable procedure. We now have a true three-tiered appellate procedure in Louisiana. Also, just before his retirement, John completed a four-year project. The antiquated, poorly drafted, ill-conceived discipline and disbarment provisions which were then monitoring the activities of lawyers, has now, through his wisdom and guidance, been replaced with modern up-to-date "rules of lawyer disciplinary enforcement." The public soon knew that the Bench and Bar were finally about their collective task of weeding out the unscrupulous lawyers while affording to the remainder concrete, procedural, due process protections.

John was a generation or so ahead of his time in many areas of the law. In 1979, John dissented from giving a "young retarded defendant" the death penalty. And again, several years later, in 1983, he commented in a dissent that "a constitutional death penalty is not available for 20 year old black retarded unemployable drug abusers like this defendant." These words foretold what was to come some 20 years later - a 2002 decision by the United States Supreme Court in Atkins v. Virginia in which the Court held that executions of mentally retarded criminals are "cruel and unusual punishment" prohibited by the Constitution's Eighth Amendment.

This was not the first time the United States Supreme Court saw things John's way. In 1984, the High Court reversed the Louisiana Supreme Court in a case which quoted John's dissent: "All it would take to make this search legal is a warrant."

It was chief Justice Dixon who always approached a worker's comp case from the point of view of a man who has been injured. He often said if a man works with his

hands and is injured, he goes hungry!

And when he authored Board of Commissioners v. Splendor in 1973, abolishing sovereign immunity in Louisiana, he said "but when an unfair doctrine does not function for the public good and only for the administrative convenience of a state agency, the Court should do whatever it can to infuse justice in the relationship between the state agency and the private person."

Chief Justice Calogero, who succeeded John, said the only advice John gave him was: "Always say No, then you have time to think about it."

Among the many honors that John received, he became an Eagle Scout and a Silver Beaver. In 1981 he was named to the Outstanding Alumnus Award of the Tulane School of Law. He was recognized by the ACLU in 1991 with the Benjamin E. Smith award for a lifetime of defending civil rights and civil liberties. He was active in the Shreveport Bar Association, the Louisiana State Bar Association, the American Bar Association, and the Conference of Chief Justices. He served as president of the Centenary College Alumni Association, and was a founding member of the Board of Directors of the Woolworth Foundation, which to date has donated over ten million dollars in support of retired Methodist ministers and their families.

John's hobbies and interests were photography, running, handball, golf and sailing. He also enjoyed camping, fishing and woodworking.

As you may know, our Supreme Court of Louisiana will soon move to new quarters, which it had previously occupied. It was John who initiated the renovation of the old building. John took his oath of office there. That oath, as then taken, was before four out of seven Justices who served in due course as Chief Justices of the Louisiana Supreme Court. As I think about John Allen Dixon, Jr., I am reminded that during his lifetime he best embodied the meaning of the Oath taken by lawyers upon admission to practice before the first court to sit in Caddo Parish:

I do solemnly swear, in the presence of the Searcher of all hearts, that I will demean myself honestly in the practice as counsellor or attorney, and will discharge my duty in every respect to the best of my knowledge and abilities, and I do further swear that I will support the Constitution of the United States and State of Louisiana, as I shall answer at the Great Day of Account.

John answered with his account on February 22, 2003. Would that all lawyers could account as well.

On behalf of the Shreveport Bar Association, this memorial is submitted to the memory of Chief Justice John Allen Dixon, Jr., and I move that it be inscribed in the permanent records of the First Judicial District Court, Caddo Parish, Louisiana, and that appropriate copies be presented to his three daughters.

All of the above and foregoing is thus respectfully submitted on this the 24th day of October, 2003, in Shreveport, Caddo Parish, Louisiana.



Robert G. Pugh