

Judicial Profile

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Hon. Helen Ginger Berrigan Chief U.S. District Judge, Eastern District of Louisiana

“THE LAW IS A tool; a means to an end to build a better society.” This statement defines the approach taken by Chief Judge Helen Ginger Berrigan of the U.S. District Court for the Eastern District of Louisiana. A practical problem solver and self-described “social worker at heart,” Chief Judge Berrigan does not consider herself a legal scholar or a teacher in the traditional sense.



The youngest of five children, Chief Judge Berrigan was born to an upper-middle-class family in Larchmont, N.Y., in Westchester County. Despite a privileged upbringing, she has worked as a secretary at Boston College, as a waitress in a small Southern restaurant in Mississippi, and as a city sanitation worker for several days. She attributes her social justice conscience to her mother, who was born into a poor and hardworking family and infused the judge with a kinship for those who were less fortunate. Chief Judge Berrigan remembers attending grade school with special needs children who suffered from cerebral palsy, deafness, and schizophrenia. She grew up in a household where tolerance and character were taught by example and describes her father, a banker, as “an incredibly honest, fair person.”

As a young woman, Chief Judge Berrigan wanted to be a journalist. She followed in her older sister’s

footsteps and attended the University of Wisconsin, obtaining a B.A. in psychology. After graduation, she moved to Washington, D.C., to pursue a master’s degree in journalism at American University, which she earned in 1971. From 1971 to 1972, she worked on Capitol Hill as a volunteer legislative aide for Sen. Harold E. Hughes (D-Iowa) and then for Sen. Joseph E. Biden (D-Del.). She answered mail from the senators’ constituents and researched legislative issues. She admits that she probably never would have left Washington had it not been for Charles Evers, the brother of civil rights leader Medgar Evers.

In 1971, a friend told her about a volunteer opportunity to work on Charles Evers’ political campaign for governor of Mississippi. She had never been to the South and longed to visit the area. Evers, the mayor of Fayette, Miss., was the first African-American to run for governor of that state. She traveled to Mississippi and volunteered to work for his campaign for a few weeks. Even though his eventual loss came as no surprise, Evers and his campaigners achieved their goal: That year they inspired African-American citizens to follow his lead, and hundreds ran for local political positions and won. The campaign motivated the masses and gave African-Americans in Mississippi a voice in the state’s political governance.

Chief Judge Berrigan liked the “natural honesty and unpretentiousness of Southern people.” She returned to Washington after the campaign, then later moved to Mississippi after Mayor Evers received a grant from the Department of Labor. The grant allotted Ginger Berrigan \$6,000 a year to teach adult literacy to a group of 10 sanitation workers employed by the city of Fayette. She was fascinated with Southern life and took a personal interest in her students. She remembers riding on garbage trucks with them and helping them fix sewer lines, thereby gaining a perspective on their daily lives.

During this time, she also worked as an assistant and press secretary to Charles Evers, and on Saturdays she was an on-air radio personality, interviewing civil rights leaders and public officials on a local program in Natchez, Miss. At night, she worked as a waitress in a restaurant owned by Evers on Highway 61. It was one of two restaurants in the town of 20,000 people. The restaurant’s clientele was predominantly African-American, and the hope was that her presence

would encourage white residents to patronize the establishment as well.

Charles Evers encouraged Ginger Berrigan to attend law school. He explained that journalists had played an important role in the 1960s, and new civil rights laws were on the books as a result. Evers believed that lawyers would be the next profession to provide a catalyst to bring about change. And change she did. Shortly thereafter, Chief Judge Berrigan applied for law school and began her first year of study at Louisiana State University, which was two hours away from her home in Baton Rouge.

Chief Judge Berrigan describes herself as a “restless law student” — more interested in the application of law than its theory. Outside the classroom, she tried to occupy her time with practical diversions, and she and a classmate started a school newspaper. She also helped to start a program that arranged for law students to visit the Louisiana Training Institute, a facility for delinquent children. Eventually, she organized visits by groups of law students to the Louisiana State Penitentiary in Angola, one of the most infamous prisons in Louisiana. The students would work with prison “write writers,” self-taught prisoners who drafted appeals for the other prisoners. She recalls the experience of entering the cell blocks and being led through a series of heavy doors that would click and lock behind her. “You lose track of whether you’re being locked in or out. It’s a weird feeling.”

As a law student, Ginger Berrigan knew that her “sole interest in law was for the purpose of justice” and that she would practice criminal defense law. Criminals, she reasoned, were at the farthest reach of society. “How would you like to be known for the worst thing you ever did?” she explained. While in law school, she worked as a law clerk at the Louisiana Department of Corrections. After graduating from law school in 1977, she went to work as a staff attorney for the governor’s Pardon, Parole, and Rehabilitation Commission, where she was responsible for examining laws and suggesting legislative reforms that included rehabilitation options.

In 1978, she met and went to work for Camille Gravel, a civil rights activist and a well-respected criminal defense attorney in Alexandria, La. There she developed a specialty in defending death penalty cases and handled cases pro bono. Over the next 16 years she worked on 12 capital cases. She admired Camille Gravel’s “Victorian, dignified” demeanor and his “staunch commitment to social and legal justice.” The two not only worked well together but also developed a friendship. When she married in 1984, her father could not make the trip from New York, and Camille Gravel walked her down the aisle. Thereafter, she moved to New Orleans with her husband, an attorney, who brought five children to the marriage.

In 1986, Chief Judge Berrigan was named the president of the board of the Louisiana American Civil Liberties Union. She worked on developing policies, fund



Chief Judge Helen Ginger Berrigan with fellow Eastern District of Louisiana judges (l to r): Senior Judge Adrian G. Duplantier, Senior Judge A. J. McNamara, Chief Judge Berrigan, and Judge Eldon E. Fallon.

raising, and approving or rejecting litigation. At the time, the ACLU’s focus in Louisiana was on gay rights, free speech, abortion, the teaching of creationism in public schools, and civil rights.

Many people find the calm dignity that Chief Judge Berrigan so admired in Camille Gravel ingrained in the judge as well. William Quigley, the former head legal counsel for the Louisiana chapter of the ACLU and professor and director of the law clinic and Gillis Long Poverty Law Center at Loyola University School of Law in New Orleans, notes that,

Prior to becoming a federal judge, Ginger Berrigan was a nationally recognized lawyer, an expert in civil rights, civil liberties, and criminal defense law. She was particularly well known for her advocacy against the death penalty and for equal rights for people in the gay and lesbian community. She was both a well-respected practicing lawyer as well as a community leader, serving in leadership roles in many justice organizations. Judge Berrigan has always been a progressive lawyer, but is remarkable because she has made and kept so many, many friends across the political spectrum.

When President Bill Clinton was elected, friends and colleagues began suggesting that Ginger Berrigan seek an appointment to the federal bench. Louisiana had two Democratic senators in office at the time, J. Bennett Johnston Jr. and John Breaux, both of whom backed her nomination. Chief Judge Berrigan’s nomination was confirmed by the Senate in 1993, and she was appointed to the federal bench by President Clinton in 1994.

Chief Judge Berrigan admits that she was challenged by the docket she faced as a new judge — 85 percent of the docket consisted of civil cases. “The lawyers were incredibly patient. I was a complete blank page, learning from scratch, which was good for the litigants.” She

came to the bench with no preconceived ideas, and attorneys that appear before her regard her as fair and pleasant. She strives for a “user-friendly legal system.” She is stricken by how specialized the bar has become over the years and has observed that, when attorneys know their area of practice and can articulate complex legal concepts well, it can work to their advantage in front of a jury. Though now a seasoned judge, her down-to-earth style still compels seasoned litigators to present their arguments in a way that the jury can readily understand.

“Even after assuming the bench, Chief Judge Berrigan has continued to advocate for improving human and civil rights in her teaching, speaking, and presence at community events,” notes Professor Quigley. Chief Judge Berrigan is a lifetime member of a support group known as the Parents, Families, and Friends of Lesbians and Gays and has helped establish a scholarship program for gay youth. She also remains active in Habitat for Humanity, a nonprofit organization that works to eliminate homelessness through volunteer labor and donations.

Her office is peppered with subtle reminders of her practice in criminal defense law and her current causes. Litigants are immediately impressed by her unabashed confidence and relaxed demeanor. Holiday lights and decorations hang from the bookshelves that line the walls of her office. Stuffed toys fill the floor space in front of a fireplace, and blankets are strewn over sofas and overstuffed chairs. The shelves overflow with novels, new and old, probably the result of the three book clubs whose benefits occupy her spare time. Photographs, drawings, and paintings fill the walls. Leather visors, hats, bags, and wallets — all handcrafted by prisoners — line the credenza. She keeps these items as a reminder of the beauty in people.

Recently, Chief Judge Berrigan has expanded her focus to include at-risk children. She teaches civics at a New Orleans alternative public school attended by teenagers who have been expelled and are no longer

permitted to attend a regular high school. She takes the teens on trips to the prison at Angola and teaches them about the alternatives. She conducts mock trials and brings the teens to court to observe hearings. “The kids are positive and bright. They are full of energy and ideas. I see real leaders in these kids.”

The judge also teaches a seminar on punishment and wrongful conviction at her alma mater, the Paul M. Herbert Law Center at Louisiana State University. Locally, she speaks to practitioners on reform topics in the area of criminal defense, including eyewitness identification evidence, which is “the number one cause of wrongful convictions.” The author of *Louisiana Criminal Trial Practice*, Chief Judge Berrigan’s other publications include “Speaking Out About Hate Speech,” published in *Loyola Law Review* 48, (2002); “Transsexual Marriage: A Trans-Atlantic Judicial Dialogue” in *Law and Sexuality* 12, (2003); and “Legal Ethics and Religion: An Oxymoron?” in *St. Thomas Law Review* 13, (2001).

Chief Judge Berrigan has spoken on international human rights in China, Turkey, and the Republic of Georgia. She traveled to China in the late 1990s and again in September 2004 to speak with attorneys involved in criminal defense law. “We have the greatest legal system in the world on paper,” she notes, leaving room for the inevitable flaws inherent in any judicial system. “I would love to help put together a legal system in Iraq,” she says. In addition to Iraq, she would like to travel to India and also return to China.

Professor Quigley has noted, quite articulately, “There is no doubt in my mind that our profession, the judiciary, and indeed the world is a better place because of the work of Ginger Berrigan.” **TFL**

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