



Hon. Wendy Vitter

U.S. District Judge for the Eastern District of Louisiana

by Larry Centola



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Judge Vitter May Be the Only Federal Judge Who Worked at McDonald's While Practicing Law

In advance of a recent presentation at the New Orleans Chapter of the FBA's Bench Bar Conference, Judge Wendy Vitter's law clerks were asked for a unique fact about the judge. The law clerks informed us that Judge Wendy Vitter is likely the only federal judge who worked at McDonald's while practicing law.

Judge Vitter earned her B.A. from Sam Houston State University and her J.D. from Tulane University Law School. Judge Vitter's father started practicing law as an assistant U.S. attorney and then practiced insurance defense. Judge Vitter was inspired by her father to become a lawyer. Also, a particular high school guest lecturer in New Orleans inspired a young Wendy Vitter to be an assistant district attorney. When the then-Orleans Parish District Attorney Harry Connick Sr. spoke to Judge Vitter's high school class, he encouraged all the students to become lawyers. During that visit, Judge Vitter matter-of-factly told the district attorney that she would one day work for him at the Orleans Parish District Attorney's office. Less than 10 years later, she would find herself seated next to him, prosecuting one of the most significant cases in her career.

As an undergraduate, Judge Vitter worked at the Texas Department of Corrections and helped inmates with habeas appeals. Upon graduating from law school and, after serving as a law clerk in the Orleans Parish District Attorney's office during her entire time in law school, Judge Vitter was hired as an assistant district attorney. Soon after being hired, the Orleans Parish District Attorney's office suffered budget cuts, a routine occurrence during that time. To comply with the budget cuts, some lawyers had to be let go. The rule was that the last one hired was the first one let go. Since Judge Vitter was a brand-new hire, she found herself without a paying attorney position. Instead of attempting to find another legal job, Judge Vitter decided to continue her passion and commitment to the Orleans Parish District Attorney's office by working without pay until the office's funding was restored. During the time, Judge



Vitter worked as an unpaid assistant district attorney each day and worked the nightshift at a McDonald's to make ends meet. Judge Vitter would spend her days in the historic neoclassical criminal court house completed in 1931 and her evenings next to the fryer at McDonalds.

Judge Vitter Prosecuted the First Louisiana Criminal Trial Using DNA Evidence

Eventually, the budget was restored, and Judge Vitter was again a paid assistant district attorney in New Orleans. She eventually rose to chief of the felony trials division at the district attorney's office. There, she prosecuted over 100 jury trials, primarily homicide cases, as well as trying the first capital case in Louisiana that used DNA evidence.

In that groundbreaking case, the victim was a developmentally challenged granddaughter of a couple who managed an apartment complex. The grandparents, who had custody of their granddaughter, left the granddaughter at their apartment alone, when the maintenance man of the complex knocked on the door. The granddaughter knew the maintenance man and allowed him into the apartment.

The grandparents returned home to find their granddaughter's strangled and assaulted body. Al-

though the maintenance man admitted to knocking on the door, he claimed that he never entered the apartment and that the victim was alive and well when he left the apartment. There were no witnesses and little direct evidence besides the DNA evidence. While prosecutions with DNA evidence are now commonplace, at the time, DNA evidence was not an established theory of science to link a victim to an assailant. Judge Vitter and her team had to educate themselves, learn from the scientists, and then educate the judge and jury. Judge Vitter and her team successfully used the DNA evidence and secured a conviction.

At the conclusion of that case, Judge Vitter was happy to see that justice was served. “We worked especially hard during that case, because of the newness of the scientific evidence, but our goal remained the same—justice for the victim and her family,” Judge Vitter stated. During her time as a prosecutor, that was always her goal: to make sure that justice was served. Regardless of the mechanics, whether justice was served through a conviction, a not-guilty verdict, a plea, or a *nolle prosequere* or dismissed case, her mission then (and now) was to ensure that justice was served.

Former New Orleans District Attorney Harry Connick Sr. described Judge Vitter as “honest, impartial and an outstanding legal scholar.” The Honorable Camille Buras, judge of Orleans Criminal District Court, had this to say about Judge Vitter:

“I had the pleasure of working with Wendy over thirty years ago when we were Orleans Parish Assistant District Attorneys working for Harry Connick. The terrific work ethic and enthusiasm for her profession she had then are just as evident today. Wendy is a tremendous asset to the federal bench and I really look forward to seeing her quick-thinking, logical mind and her personal skills put to use managing a large, complicated docket.”

Judge Vitter Was the First General Counsel of the Archdiocese of New Orleans

After leaving the district attorney’s office, Judge Vitter practiced admiralty defense at a prominent New Orleans law firm. Judge Vitter sought to work a flexible schedule when her oldest daughter turned one. At the time, that type of scheduling did not work for that firm. Judge Vitter made the decision to take a break from the formal practice of law and focus her attention on community activities, local politics, and raising a family. About two years later, the managing partner of her former firm contacted her and asked her to return to the law firm, offering to work out a flexible schedule. At the time, Judge Vitter was pregnant with twins and was enjoying the time spent raising her family. She declined to enter back into the formal practice of law and chose to concentrate on raising her family. She thinks about that decision often and strives to find creative ways to allow good people to work in the legal field. Judge Vitter has said “I don’t regret for one moment putting my family first. But I also want to be someone who can help a talented attorney

find a way to raise a family and be a successful attorney on terms that benefit everyone. That is important to me.”

In 2009, Archbishop Gregory M. Aymond became the 14th Archbishop of the Roman Catholic Archdiocese of New Orleans. Prior to being named archbishop in New Orleans, Archbishop Aymond was the Bishop of Austin. Once in New Orleans, Archbishop Aymond would often see Judge Vitter when she performed community service for various Catholic services and projects. While he was Bishop of Austin, Aymond had a person serving in the role of general counsel for that diocese. Although there was no general counsel position at the Archdiocese of New Orleans, given the archbishop’s experience in Austin and given Judge Vitter’s work, ethics, and commitment to Catholic causes and to the rule of law, Archbishop Aymond made her the first general counsel of the Archdiocese of New Orleans. Judge Vitter served as general counsel from 2012 to 2019, representing the body and its various entities in all legal matters involving Catholic charities, Catholic churches, and the Catholic school system. She handled matters ranging from employment-related issues (including Title VII) to property issues, and from individual student discipline issues to broad business issues facing one of the business entities. While working as the general counsel of the Archdiocese of New Orleans, Judge Vitter learned lessons that strengthened her commitment to service and helped her to see her job as a ministry.

Most Reverend Gregory M. Aymond, Archbishop of New Orleans, had the following to say about Judge Vitter:

It has been a privilege to work with Judge Wendy Vitter when she served as General Counsel for the Archdiocese of New Orleans for seven years. She not only performed her work in a very effective way but also showed pastoral concern for all those with whom she worked. She is truly a woman of deep faith and integrity. She brings those gifts with her as she enters into this new responsibility as a judge. Our government will be blessed by her dedication.

Judge Vitter Lives a Life of Service to Others

On Jan. 23, 2018, President Donald Trump nominated Judge Vitter to the seat on the U.S. District Court for the Eastern District of Louisiana. Judge Vitter was confirmed by the Senate on May 16, 2019.

Since taking the bench, Judge Vitter has been impressed with the level of preparedness and professionalism from the practitioners in the Eastern District of Louisiana. Although some of the general public like to make lawyers the butt of jokes, Judge Vitter has found quite the opposite. She has found that the practitioners in the Eastern District of Louisiana are great advocates for their clients, while treating each other and the law with the appropriate amount of respect. “I have always held my head up high when saying that I am an attorney.

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FBA-ILS New York Asylum Law Conference at New York Law School on a panel with poet and Wellesley College professor Marjorie Agosin, a noted scholar on the protest tapestry arpilleras of Chile.⁵

In addition, three Round Table members, all retired immigration judges of the New York Court, have acted along with stars of Broadway, TV, and film in Waterwell's wonderful play *The Courtroom*. While the play uses the actual transcript of an immigration court hearing and of circuit court oral arguments for its first and second acts, Betty Lamb, Terry Bain, and Jeff Chase wrote and delivered their own original remarks in conducting the final act's naturalization ceremony, in which the entire audience experiences being sworn in as U.S. citizens by an actual sitting of a former judge. The *New York Times* named this play to its "Best Theater of 2019" list!⁶ Finally, three members of the group—retired Assistant Chief Immigration Judge Robert Weisel, Betty Lamb, and Jeff Chase—recently joined actors, artists, politicians, lawyers, activists, and other public figures in recording videos reading affidavits taken from children detained at the border as part of the powerful video project *The Flores Exhibits*.⁷

With all the activity they have so far undertaken, it is hard to imagine that the Round Table is under three years old. It remains to be seen what further adventures this worthy, ever-growing band of knights will undertake in the future. ☺

Endnotes

¹Noting the group's founders, former BIA Chair and Immigration Judge Paul Schmidt wrote, "I'm proud to be a member of the Round Table and am deeply grateful for the efforts of Judges Jeffrey Chase, Lory

Rosenberg, John Gossart, Carol King, and others who got this group organized and 'up and running,' and who keep track of all the (almost daily) requests for our assistance." Paul Schmit, *Roundtable of Former Immigration Judges Continues to Help New Due Process Army Succeed* (Dec. 12, 2019), <https://tinyurl.com/wwqfmsj> (last visited Jan. 14, 2020).

²*Round Table of Former Immigration Judges Receive AILA Advocacy Award*, <https://www.jeffreyschase.com/blog/2019/7/2/round-table-of-former-immigration-judges-receive-aila-advocacy-award> (last visited Jan. 14, 2020).

³See *supra* note 1.

⁴<https://wp.me/p8eeJm-48d> (last visited Jan. 14, 2020).

⁵https://www.wellesley.edu/spanish/faculty/marjorie_agosin (last visited Jan. 14, 2020).

⁶NEW YORK TIMES, *Best Theatre of 2019*, <https://www.nytimes.com/2019/12/03/arts/best-broadway-theater-show.html?smid=nytcore-ios-share> (accessed Jan. 14, 2020). In Waterwell's "The Courtroom," the accused is an immigrant in danger of deportation, her unassuming American life at risk of being torn apart over a mistake she insists was innocent. The sneaky thing about this riveting re-enactment, though, is that in watching it, we citizens are on trial, too. What kind of a nation are we? How cruel have we permitted ourselves to be? That work, recently returned for monthly site-specific performances around New York, is part of 2019's thrillingly vital bumper crop of political theater—shows that implicate the audience with bracing artistry. ⁷*The Flores Exhibits*, <https://flores-exhibits.org> (last visited Jan. 14, 2020).

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I wish the general public would see the professionalism and hard work that I see every day from the members of the bar."

Judge Vitter's advice to young lawyers, and to all lawyers, is to make sure that you have something outside the law that keeps you grounded. For Judge Vitter, her faith keeps her grounded. For others, it may be family, exercise, volunteerism, or a host of other positive life influences.

Judge Vitter believes that this life is about how we help others. She saw Archbishop

Aymond's commitment to serve and to help others. Judge Vitter sees her time on the bench as a continuation of her own commitment to serve and to help others—a commitment that started in the district attorney's office, was furthered and confirmed by raising children, and continues today while ensuring that justice is served, no matter the specific form, for all that come before her court.

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