



Everything New Orleans

The Times-Picayune

Judge unseals records in court scandal

TP fought secrecy in Bodenheimer case

Thursday, April 10, 2003

Susan Finch

Staff writer

A federal judge who sealed 37 documents and held two closed-door hearings in the criminal case against former Jefferson Parish judge Ronald Bodenheimer agreed Wednesday to unseal some of the records and issue orders justifying her decision to keep the others secret.

U.S. District Judge Ginger Berrigan agreed to unseal all or part of 22 documents, but kept another 15 under wraps. Some of the 22 documents were released late Wednesday.

Berrigan also agreed to consider releasing transcripts of the two hearings, which she closed without making findings to back up the secrecy.

Among the details included in the unsealed documents:

-- On March 7, Berrigan denied a request by Bodenheimer's attorney to call a sample jury to test whether extensive pretrial media coverage of the case would make it impossible to seat a fair jury. She also rejected a motion to transfer the case to another jurisdiction, calling it premature.

-- Three days later, Berrigan refused to allow Louis and Lori Marcotte to intervene in the drug conspiracy case, or to file their own motion to suppress wiretapped evidence. The siblings, who own Bail Bonds Unlimited, are subjects of the investigation but have not been charged with a crime.

The titles of several documents that remained sealed were also revealed Wednesday, leaving clues as to what transpired out of the public's view. Those documents include several motions referring to an unnamed prison informant in the courthouse investigation, and a government motion requesting a conference to discuss leaks to the media.

The moves by Berrigan, a Clinton appointee, came after The Times-Picayune intervened in the case, saying her secrecy orders were improper because she failed to give the public a chance to object beforehand and because she failed to issue written reasons for her action afterward.

The newspaper stepped into the case March 28. Three days later, Bodenheimer pleaded guilty, confessing that he conspired to plant drugs on a critic of his Venetian Isles marina, schemed to fix restaurateur Al Copeland's child custody case with the hopes of gaining a lucrative seafood contract, and plotted to reduce and split bonds for bail bonds mogul Louis Marcotte in exchange for dinners, trips and other things of value.

Bodenheimer's plea was the biggest break yet for prosecutors in the three-year federal probe of corruption at the Jefferson Parish courthouse, an investigation that included extensive wiretapping of Bodenheimer, Judge Alan Green and Marcotte. Green and Marcotte have not

been charged. The plea also strengthened the newspaper's hand in its motion to release documents because Bodenheimer's rights to a fair trial are no longer an argument for secrecy, newspaper attorney Jim Swanson said.

At the hearing, Swanson told Berrigan that if she leaves some of the documents sealed, the law requires her to enter a description of the pleadings on the public record and give the newspaper a chance to argue why they should be unsealed.

Assistant U.S. Attorney Williams Gibbens said that especially as to information about the wiretaps, "The government's ongoing investigation is a compelling interest that outweighs public access."

In paperwork they filed before Wednesday, federal prosecutors told Berrigan they are concerned that disclosure of sealed documents in the Bodenheimer case could adversely affect the fair trial rights of Jefferson Parish Juvenile Court officer Phil Demma, accused of conspiring with Bodenheimer and Copeland corporate attorney Bryan White to fix a custody dispute between Copeland and his ex-wife, Luan Hunter, over their 4-year-old son, Alex.

But Berrigan said Wednesday she isn't especially concerned about Demma's situation because there isn't much information about him in the sealed materials.

On the matter of the closed-door hearings, Berrigan admitted Wednesday that there had been two of them: a March hearing on Bodenheimer's motion to suppress the wiretap evidence and another hearing on an unknown date about Marcotte's motion to intervene in the case. The newspaper had known only of the first hearing at the time it filed its motion.

Berrigan said she would be willing to review transcripts of the hearings to see whether all or portions should be made public.

.....

Reporter Martha Carr contributed to this story.

Susan Finch can be reached at sfinch@timespicayune.com or (504) 826-3340.