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Copeland divorce records should be open, court says

Sealing case details 'overbroad,' justices rule

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The Louisiana Supreme Court said Tuesday that a trial judge went too far when he sealed records of restaurateur Al Copeland's divorce from his fourth wife, Jennifer Devall Copeland.

The justices sent the case back to the 22nd District Court in Covington with an order that only the school name and family address of the couple's three children be blacked out. The rest must be opened to the public, the Supreme Court said, without setting a release date.

The high court's ruling, its second decision in the case, was unanimous.

"Considering the strong constitutional bias in favor of open access by the public to court proceedings, we find the trial court's blanket order sealing the entire record in this case to be overbroad," said the main opinion, written by Justice Jeffrey Victory. Judge Bernette Johnson wrote a concurring opinion.

The ruling marks a victory for The Times-Picayune, which sought access to court records after the couple split in February 2006 and Judge Reginald Badeaux sealed the case.

Badeaux agreed with the Copelands that releasing information about custody and financial arrangements could harm the couple's children. But the Supreme Court said sealing the documents wholesale grates against Louisiana's open courts system and the public's constitutional right to view court documents.

While it opened up the Copeland case for public scrutiny, the ruling also bolstered arguments for future cases to be unsealed by stating that "a party's claim of mere 'annoyance, embarrassment, oppression, or undue burden or expense' is not enough to overcome the public's right of access to public records."

"It sets a really good precedent," said Lori Mince, The Times-Picayune's attorney.

Phil Wittman, Al Copeland's attorney, called the decision "straightforward" and said he was pleased the high court recognized some aspects of the case should remain private.

"It's pretty clear that the court believes that the proper method of dealing with the confidentiality that we were dealing with was to redact certain portions of the record rather than sealing the record," he said.

Wittman said his team in the next few days would weigh its options, which include requesting a new hearing before the Supreme Court or letting the case be sent back to the trial court.

"It's a question of whether there should have been more redaction than the court ordered," he said. "Unless we apply for a rehearing, it would go to the trial court, who would have to follow the mandate of the Supreme Court."

Wittman has two weeks to appeal for another hearing.

The Copelands' divorce became final in April 2006. After the newspaper challenged the sealed documents, the 1st Circuit Court of Appeal in Baton Rouge upheld Badeaux's decision. The 1st Circuit judges on the case were Burrell Carter, Robert Downing and Jimmy Gaidry.

The Supreme Court overturned the appellate court in June 2006, forcing Badeaux to hold a public hearing to determine which records should remain under seal. Badeaux released some records after the hearing but kept most under wraps. The paper appealed again, bouncing the case back to the high court for its latest decision.

Tuesday's ruling is the latest chapter in more than four years of legal fighting between The Times-Picayune and Copeland over the restaurateur's quests for secrecy in the divorces from Jennifer Devall Copeland and his third wife, Luan Hunter.

The Copeland-Hunter divorce became the focus of one of Jefferson Parish's most spectacular political scandals when the judge, Ronald Bodenheimer, admitted he tilted his rulings in favor of Al Copeland in the hope that Copeland's restaurant empire would buy shrimp from a seafood dock he owned. Bodenheimer was recently released from prison after serving more than three years.

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