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# The Times-Picayune

## Copeland has no right to secrecy, TP argues

*Divorce case should be open, paper says*

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By Bruce Hamilton

Court records concerning Al Copeland's divorce from Jennifer Devall Copeland, his fourth wife, should be unsealed because the millionaire restaurateur has not offered a compelling reason why he should be able to litigate his case secretly when other citizens do not have that privilege, an attorney for The Times-Picayune told the state Supreme Court on Monday.

But an attorney for Copeland said parts of the record, such as custodial arrangements, are not of public interest and might subject the couple's three children to harm.

The Supreme Court heard an hour of arguments as it considered for the second time in a year whether St. Tammany Parish Judge Reginald Badeaux was too passive in granting Copeland's pleas that the case be conducted out of the public's view. The high court did not make a ruling.

In an unusual step, the court requested the disputed sealed records, raising the possibility that it will review them itself rather than give Badeaux a third chance to handle the case.

Several justices expressed concern for the children's privacy and safety. Justice Bernette Johnson asked whether the public has a right to details such as the children's "comings and goings."

Times-Picayune attorney Lori Mince said Copeland is not entitled to fight his case in secret merely because he is rich and therefore might fear for the safety of the children. If the court accepted that logic, she noted, secrecy would be requested by other wealthy divorcees and eventually Louisiana would have a different standard of justice for the rich and the poor.

Justice John Weimer wondered why concerns about the children would necessarily lead to sealing entire court documents.

He asked Copeland attorney Phil Wittmann why Badeaux didn't redact "those matters pertaining to the children" instead of prohibiting viewing of the papers altogether.

Wittmann said that information was so "pervasive" that sealing likely was the best option.

Tuesday's hearing before the high court is the latest battle in the newspaper's fight for public access to the Copelands' divorce case records.

The couple filed for divorce in the 22nd Judicial District on Feb. 17, 2006, and the court agreed to seal the case file. Badeaux granted the divorce April 4. The paper challenged the secrecy ruling, but Badeaux refused to unseal the case file. First Circuit Court of Appeal judges Burrell Carter, Robert Downing and Jimmy Gaidry upheld Badeaux's decision.

But the state Supreme Court overturned the four judges. On June 2, 2006, it cited the "strong constitutional bias" in favor of open court proceedings and found the judge's "blanket order sealing the entire record" too "overbroad."

The high court told Badeaux to conduct a public hearing to determine what, if any, records should remain sealed. It said any secrecy order he might grant should be "narrowly tailored to cause the least interference possible with the right of public access."

After that hearing July 5, 2006, Badeaux unsealed portions of the record but kept private the majority of the pleadings. He ruled that the three children of the Copeland marriage need to be protected from "embarrassment, ridicule and derision of their peers and from the unwanted scrutiny of unscrupulous strangers."

In doing so, he rejected Mince's suggestion that the proper way to protect privacy interests was to delete sensitive portions of the documents. The newspaper again appealed, which led to Tuesday's oral arguments at the high court.

One of the issues discussed at the hearing was whether the high court should consider the fact that an attorney for Copeland played a role in corrupting the divorce case stemming from the breakup of his third marriage.

Copeland's divorce from his third wife, Luan Hunter, became a central focus of the federal government's wide-ranging investigation of corruption at the Jefferson Parish Courthouse. Judge Ronald Bodenheimer pleaded guilty to conspiring to fix the divorce case in Copeland's favor. Bryan White, Copeland's corporate attorney, also pleaded guilty in connection with that case.

Weimer inquired about that case's relevance to the newspaper's appeal in Copeland's fourth divorce. He asked Wittmann whether it is in the public's interest to prevent another such instance in a different jurisdiction.

But Wittmann said the cases were not similar because Al and Jennifer Devall Copeland's divorce was not contentious while Copeland's separation from Hunter was.

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Bruce Hamilton can be reached at [bhamilton@timespicayune.com](mailto:bhamilton@timespicayune.com) or (985) 898-4827.