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Copeland loses fight for secrecy

Custody case won't be sealed

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A judge Tuesday rejected restaurateur Al Copeland's request to continue his child-custody battle in secret and seal the court record, ruling that the public has a right to know about the conduct of a case that became a central component in the Jefferson Parish Courthouse corruption scandal.

Judge Hans Liljeberg of the 24th District Court rejected Copeland's secrecy petition during an often-contentious hearing in which an attorney for Copeland's ex-wife and a court-appointed lawyer for the couple's 5-year-old son joined The Times-Picayune in opposing blanket secrecy.

"If this court grants this request, it would be creating an Al Copeland exception: that the wealthy and famous are excluded from the public nature of this kind of proceedings," said Bennett Wolff, attorney for Copeland's third wife, Luan Hunter.

Liljeberg instead decided to consider sealing court records on a case-by-case basis. He immediately ruled that documents detailing Copeland's finances and the child's psychological evaluations will be kept secret.

His ruling was one of several developments at a hearing Tuesday on various aspects of the case. The judge also:

-- Disclosed that Copeland invoked the U.S. Constitution's 5th Amendment guarantee against self-incrimination during a May 14 deposition in which he refused to answer 102 of 105 questions designed to show whether he knew about the conspiracy to fix the custody case while Judge Ronald Bodenheimer was presiding over it.

Attorneys said Copeland deflected 25 questions by saying they were irrelevant. Of the other 77 unanswered questions, it was not known how many times he invoked the 5th Amendment or cited some other reason.

-- Authorized Hunter to depose George Hesni II, a former Bodenheimer law partner whom the ex-judge had appointed as the first legal representative for Copeland's son in the case. Hunter has maintained that Bodenheimer appointed his friend as part of the ex-judge's conspiracy to fix the case in Copeland's favor.

-- Ruled that Copeland does not have to provide comprehensive financial records, including lists of his bank accounts, real estate holdings, stocks and monthly itemized expenses. Instead, Copeland must give Hunter only copies of his personal tax returns and financial statements from 1998 to 2002.

Hunter attended Tuesday's court hearing. Copeland did not.

Their attorneys debated most of the issues for five hours, and their exchanges grew so heated that a frustrated Liljeberg at one point threatened to impose a \$1,000 fine if one of them interrupted the other.

Arguments at the hearing showed that Copeland first asked unsuccessfully for secrecy in the case in January, more than three years after the dispute started and just weeks after the federal investigation of courthouse corruption publicly exposed a scheme to fix the child custody case.

Copeland revived his request last month, saying secrecy was needed to protect the interest and privacy of his son, Alex. Copeland's attorney, Robert Lowe, argued Tuesday that public interest in "the Bodenheimer scandal" did not give the news media a right to access proceedings involving the custody and support for Copeland's son.

"The public interest is being addressed in the federal case," Lowe said.

But The Times-Picayune's attorney, Lori Mince, said the child custody battle "has been tainted by the Bodenheimer affair" and that the only way to restore the public's confidence in the courts was to keep all proceedings in open court. Mince and Wolff also said Copeland was seeking secrecy only to suppress further revelations about the conspiracy.

Also opposing blanket secrecy was Michael Rocks, the current court-appointed lawyer for Alex Copeland.

Bodenheimer, Copeland corporate attorney Bryan White and Phil Demma, an acquaintance of both Copeland and Bodenheimer, have pleaded guilty to crimes related to the conspiracy to rig the custody case in Copeland's favor. At the time, Bodenheimer was seeking a contract to supply shrimp to Copeland's restaurants from a marina the judge owns in eastern New Orleans. Liljeberg replaced Bodenheimer on the bench Jan. 1.