

A Visit With Judge Darrell White of Baton Rouge City Court

By Ann T. Franques

ATB: Judge White, please tell us a little bit about your background?

JDW: My father, Gordon White, is a retired attorney who actively practiced law in Baton Rouge for about 40 years and still associates in some personal injury litigation. He and my mother still live in the same home in south Baton Rouge in which I was raised. Many of your readers will know my brother, Mike White, who is a longtime employee of Doug Welborn's Office. I also have a sister Ginny Hornsby, who is a Baton Rouge homemaker and LSU student. While in law school I met and married Fran Boudreaux from Jennings, and we have 7 children, the oldest of whom, Dr. Ehren Bolleter, is a veterinarian and the others live at home with us. Following graduation from LSU Law School in 1971 and after 2 years Army active duty, I joined my father in general law practice with the firm of White and May and stayed there for about 5 years. Then I served for about a year as an Assistant U.S. Attorney before running in 1978 for the City Court vacancy to which I was elected. As an attorney, and due in large measure to encouragement from my friend and fraternity brother, Frank Fertitta, I became active in the Baton Rouge Bar Association, serving as chairman of the Law Day Committee and upon the initial BRLRS

Board of Directors and I was a member of the Bar's Board of Directors when first elected to the City Court. In fact, I regard my active involvement with the BRBA as having been a significant factor in my election.

ATB: How long have you been on the bench?

JDW: I was elected in the fall of 1978 to replace Judge Bill Brown as Judge of Division C of the Baton Rouge City Court. My term began January 1, 1979.

ATB: Please tell us about your "average" day?

JDW: Baton Rouge City Court is a busy activity. One recent body count showed over 3000 individuals passing through the doors in a single day. City Court's dockets are set in advance to begin each morning. Like my colleagues, I try to dispose of the Court's business early in the day, so we often press on through the lunch hour in order to conclude. After court is over, I take care of phone calls, correspondence, research, and other issues, and generally then turn attention to family-related concerns. Fran and I have 6 children still at home, with ages of 17 years, 13 years, 9 years, 7 years, 5 years, and 16 months. Our 5 oldest swim year-round in addition to scouts, clubs, and other activi-

ties, and they currently attend 4 different public schools and a mothers'-day-out program. To describe our routine as challenging would be an understatement. Fortunately, my colleagues on the Baton Rouge City Court have been very understanding of the demands on my time.

ATB: How does your day compare to an average day for other city court judges?

JDW: On the bench I suspect that there is little difference between our average days as we rotate the City Court's dockets weekly and the workload remains fairly uniform. Off the bench there would undoubtedly be differences as the Baton Rouge City Judges have a wide range of interests, and all are active in our community. Still, we consider the City Court to be a "family", and we do a number of things together. For example, recently the city judges jointly attended a 40 hour handgun course, becoming among the first Louisiana judges to qualify under a recent state law authorizing the carrying of concealed weapons. And parenthetically, having spent some time on the firing line beside Judges Yvette Alexander and Suzan Ponder, I would caution anyone against making unwelcome or aggressive moves in

their directions. On a personal level, I remain active in the Louisiana Army National Guard, serving as a lieutenant colonel in the Office of the State Judge Advocate and presiding over courtsmartial.

ATB: What are your views on the work load of the City Court?

JDW: Statistical analysis shows that filings are on the increase, both criminal and civil. 1995 civil filings totaled 10,540, and there were 12,585 criminal ordinance charges and 1,622 DWI charges filed in the Baton Rouge City Court. Additionally, there were 82,739 traffic cases and 25,351 parking violations processed. Several years back, retired Justice Joe Sanders took a week's appointment as judge ad hoc, and left in amazement remarking about the "virtual sea of humanity" he encountered. And it was retired Justice Fred Blanche's similar impressions that led to his invaluable assistance in our obtaining the 5th judgeship a few years ago.

ATB: Is the structure of the court sufficient to properly handle the workload?

JDW: We are most fortunate to have five judges among whom to spread the Court's workload, and I understand that at this time all our dockets are current. The new City Court facility was designed to ultimately accommodate six City Judges, and only time will tell when another judgeship will be warranted. The Judges meet weekly, and often consult with representatives of the BRBA to resolve issues of mutual interest.

ATB: Do you see the need for any changes in the City Court system? If so, what changes would you make?

JDW: On whole I would report that the City Court is on the right track. The two most common complaints with the American judicial system are that "it takes too long," and "it costs too much." The Baton Rouge City Court offers a refreshing contrast to these charges. As I mentioned, our dockets are current, and our civil cost structure seems to be a bargain by comparison to many other trial courts. Innovations such as electronic house arrest, video linkup between the court and parish prison, in-court drug testing, literacy, job, substance abuse, and behavioral training programs, an active probation department, community work service program and Volunteer-in-Court program have

given the Baton Rouge City Court an enviable reputation as a leader among trial courts both in Louisiana and nationally. Much credit is due to Mickey Skyring, the Clerk/Judicial Administrator, and Robbie Harelson, Information Manager, (and their staff) for keeping Baton Rouge City Court up to speed technologically. Regarding specific changes, we send offenders to a variety of workshops during the handling of their criminal charges, and I am interested in identifying and implementing programs that actually show measurable results in reducing repeat crime. For example, we recently began making referrals to a computer-assisted job training program that has marvelous potential, and we are looking at the prospect of offering character development training as a possible supplement to existing programs.

ATB: Do you feel your views of the judicial system have changed since you have been on the bench? How so?

JDW: Change is inevitable. It's been said that "where you stand depends on where you sit." Why, I can even remember when Jim Boren was a prosecutor, and used his legal talents to seek the conviction of many of my clients! Certainly some of my views have changed over the years. I was 31 years old when I was first elected. As a side note, some Around the Bar readers may be interested to know that Mike Ponder and I were both 31 when simultaneously elected to the then 3 judge City Court, and only months thereafter, our colleague Doug Moreau was el-

evated to District Court, leaving to be resolved the issue of which one of us must assume the position of "Senior/Administrative Judge" under the Plan of Government. State law provided that in such circumstances the older of the two should assume such duties. So amid some good-natured joking, I became "Senior Judge" as I was several months older than Mike! Regarding specific views that have changed, another saying that comes to mind is that "a conservative is a liberal with a mortgage and a teenage daughter." Regarding specific views about the judicial system, some of my concerns result less from changes in my opinions than from recent judicial activist decisions. For example, there have been at least 4 recent court decisions - 3 in 1996 - which unilaterally reverse the outcome of direct elections by the people, the most recent of which is Romer vs. Evans, in which the U. S. Supreme Court overturned a constitutional amendment approved by Colorado citizens to forbid awarding of special, rather than just equal, rights to homosexuals. These are interesting developments, especially in light of the judiciary's dependence upon a voluntary grant of authority by the public as opposed to the power of the purse or the sword. **Speaking of our Supreme Court, it strikes me as especially ironic as we face massive disciplinary problems in our schools that not long ago, that tribunal, while sitting beneath a sculpture of Moses with the tablets of law, and after opening its session with a prayer for God's guidance and protection, issued a per curiam opinion in 1980 striking down a Kentucky legislative enactment (ap-**

proved by the Kentucky Supreme Court) that mandated the posting of the Ten Commandments (purchased through private sources) in Kentucky public schools, with this statement, "If the posted copies of the Ten Commandments are to have any effect at all, it will be to induce the schoolchildren to read, meditate upon, perhaps to venerate and obey, the Commandments." The Court then went on to say that such "is not a permissible state objective..." This was in the case of *Stone v. Graham*, 101 S.Ct. 192, 194. Someone recently offered the thought that we are currently operating off the vapors of our Judeo-Christian heritage.

ATB: What do you expect from the attorneys who practice in your court?

JDW: The prayer associated with St. Thomas More sounds aspirational: "humor and humility, cheerfulness and charity, wisdom and wit, counsel and consolation." Sounds like good advice for judges, too.

ATB: What disturbs you most about the

attorneys who practice in your court?

JDW: I object to the question as assuming a fact not yet established. Who says I'm "disturbed?" The lawyers who appear before my court conduct themselves in a highly professional manner.

ATB: Please let me rephrase my question, what do you feel is the quality most lacking in lawyers today?

JDW: The Bar is a reflection of society in general, and at the risk of offending some, I point out the general observation from many quarters is that we are in a state of moral decline. William Bennett charts it in his "index of leading cultural indicators," and Daniel Patrick Moynihan calls it "defining deviancy downward." Ironically, one recent Gallup study showed that "religion is gaining ground, but morality is losing ground." The quality most needed generally is that of virtue, otherwise known as good character. We lawyers and judges call it "ethics," and the fact that we are both

required to attend such training annually illustrates its perceived need today. In the larger sense and apart from the specific rules of ethical conduct, the thought may be expressed as "how we behave when no one else is watching." Qualities such as patience, respectfulness, initiative, obedience, diligence, enthusiasm, gratefulness, endurance are universally needed. Character affects our decisions, words, attitudes, goals, relationships, and actions. Lawyers, as society's "wordsmiths," should lead the call for positive character development training in our community, and I sense that there exists renewed interest this area. Judge Bob Downing makes an interesting observation that the old "golden rule" foot rulers that many of us grew up using are no longer being distributed. I expect to see a re-awakening to the adage that "character counts."

ATB: What do you feel the role of the judiciary and the bar association should be?

JDW: Mutually supportive. For example,

as City Court's representative upon the BRBA's Pro Bono Committee, I am excited about that program's positive contributions to the disadvantaged in our community. I have the greatest admiration for those attorneys who give selflessly of their time to support this undertaking. As many readers already know, the City Court Judges voted to dedicate a special civil court cost assessment to support the work of the Pro Bono Project, and I would hope that state legislation will be introduced this session to authorize the 19th Judicial District Court to do likewise. I would like to interest more attorneys to become members of the Volunteer in the Court Program, primarily to assist some of the less educated motorists in surmounting legal hurdles associated with obtaining a drivers' license. Often they encounter issues associated with needing a birth certificate name change or having an old judgment or other impediment to relicensure. Evelyn Dumas, VIC Director, is doing a wonderful job in coordinating this valuable program, and would welcome inquiry by members of the Bar.

ATB: What do you enjoy most about being on the bench? In the alternative, what do you enjoy least about being on the bench?

JDW: On the plus side, playing a part in any process whereby criminal offenders make positive life decisions is very rewarding and probably more than anything else has kept me very satisfied at this level of the judiciary. Conversely, watching some of those same people caught up in cycles of self-destruction is disappointing. Also, issuance of eviction orders can be distinctly unpleasant, especially during holiday periods.

ATB: Do you enjoy any particular type of case more than others? If so, what type?

JDW: One of the features I appreciate most about Baton Rouge City Court is the weekly rotation of dockets between civil, criminal, arraignments, traffic, and duty. The variety helps judges avoid a tendency to "burnout" from hearing just one type of case in never-ending succession. Now that our civil jurisdiction is up to \$15,000, we see some interesting fact patterns in those cases. And the City Court has a very capable cadre of prosecutors and public defenders that keeps the criminal caseload interesting.

ATB: Is there a particular case that comes

to mind when you look back over your career as a judge? Why?

JDW: One that comes to mind was a motorist who declared in defense of his obstruction of traffic charge that his bus most certainly was not protruding into the roadway, and if it had been, he could have singlehandedly pushed it out of the way. He offhandedly remarked during his testimony that he was strong enough that he could do 10 pushups on one thumb. I immediately called his hand, announcing that his performance of that feat might well affect the outcome of the case, whereupon he climbed down from the witness chair and ripped off 10 pushups on one thumb. I found him not guilty. And I remember that the whole courtroom got a chuckle out of the defendant who, when asked how he pleaded to the charge of "disturbing the peace by simple drunk," remarked after scratching his head in contemplation, "Well, Judge, I was drunk, but there wasn't anything simple about it!" Another case that captured attention involved a medical doctor who, to lend emphasis to his contention that he had not battered his ladyfriend as charged, put his fist through the courtroom's sheetrock to illustrate his point that if he had really wanted to hurt her he certainly could have done so. He served 10 days for contempt of court. Then we've had some interesting eviction hearings involving python snakes in the leased premises, and one recently where the tenant brought a dead rat to court to show me the condition of the premises. I'm still not sure how he got that past the magnetometer.

ATB: Never a dull moment it appears. Judge White, do you have a law clerk?

JDW: Each of the Baton Rouge City Judges are authorized a law clerk. My clerk is Kathy Ragusa, and she is extremely helpful, especially with the Court's civil docket.

ATB: Do you have any idea what the reversal rate is and does it concern you?

JDW: I understand that Westlaw reports 7 reversals over the past 18 years, and certainly there are a few additional nonreported cases. In fairness, that should be considered in the light of the Court's caseload which, proportionally, reflects an average of about 20,000 filings per judge per year. As far as concerning me, no judge enjoys being reversed, but I think the late Judge John Covington expressed it best when he remarked, "that's what they pay court of appeal judges for."

ATB: If you were not a judge or a lawyer, what would you be?

JDW: Quite possibly a teacher or something in the journalism field.

ATB: Have you thought about going back into private practice?

JDW: I have no immediate plans to do that, and honestly don't know what the future holds in that regard.

ATB: If you could change an area of the Louisiana Code of Civil Procedure or the Louisiana Code of Evidence, what would you change and why?

JDW: Enhanced public awareness probably accounts for City Court's increase in the number of domestic abuse-related requests for injunctive relief, and the general provisions of La. C.C.P. articles 3601 et. seq. are our only statutory basis for entertaining such motions. We receive the cases where there has been no marriage relationship or children from the relationship, and thus no jurisdiction under the Domestic Abuse Assistance Act (La. R.S. 46:2131 et. seq.) I've overheard remarks that City Court has become a "common law divorce court." Many of these cases involve serious threats of bodily injury, and it strikes me that there are other courts - most notably Quincy, Massachusetts - that have aggressively dealt with this area with special procedures and seem to have significant results. When the Quincy Court staff were in Baton Rouge presenting a seminar several years ago, they reported having no domestic abuse-related homicides in 5 years, and that sounds pretty impressive for a community of about 50,000.

ATB: What activities or hobbies do you enjoy when you are not working?

JDW: I enjoy playing tennis, and recently completed a tennis teachers' workshop sponsored by the U.S. Professional Tennis Registry. I am assisting in coaching the Baton Rouge Magnet High School Tennis Team, and may do more of that if time permits. Otherwise, I enjoy woodworking and all family-related activities. ■

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Judge White's photograph was taken by O'Halloran's.

