

Storm Leaves Legal System a Shambles

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This story by Peter Applebome and Jonathan D. Slater first appeared in [The New York Times](#).

At Rapides Parish Detention Center 3 in Alexandria, which normally holds convicted felons, there are now 200 new inmates who arrived hot, hungry and exhausted on buses this week after being evacuated from flooded jails in New Orleans.

They have no paperwork indicating whether they are charged with having too much to drink or attempted murder. There is no judge to hear their cases, no courthouse designated to hear them in and no lawyer to represent them. If lawyers can be found, there is no mechanism for paying them. The prisoners have had no contact with their families for days and do not know whether they are alive or dead, if their homes do or do not exist.

"It's like taking a jail and shaking it up in a fruit-basket turnover, so no one has any idea who these people are or why they're here," said Phyllis Mann, one of several local lawyers who were at the detention center until 11 p.m. Wednesday, trying to collect basic information on the inmates. "There is no system of any kind for taking care of these people at this point."

Along with the destruction of homes, neighborhoods and lives, Hurricane Katrina decimated the legal system of the New Orleans region.

More than a third of the state's lawyers have lost their offices, some for good. Most computer records will be saved. Many other records will be lost forever. Some local courthouses have been flooded, imperiling a vast universe of files, records and documents. Court proceedings from divorces to murder trials, to corporate litigation, to custody cases will be indefinitely halted and when proceedings resume lawyers will face prodigious—if not insurmountable—obstacles in finding witnesses and principals and in recovering evidence.

It is an implosion of the legal network not seen since disasters like the Chicago fire of 1871 or the San Francisco earthquake of 1906, events in times so much simpler as to be useless in making much sense of this one.

"There aren't too many catastrophes that have just wiped out entire cities," said Robert Gordon, a professor at Yale Law School who teaches legal history.

The effects on individual lawyers vary, from large firms that have already been able to find space, contact clients and resume working on cases, to individual lawyers who fear they may never be able to put their practices back together. But the storm has left even prominent lawyers wondering whether they will have anything to go back to.

William Rittenberg, former president of the Louisiana Association of Criminal Defense Lawyers and a lawyer for 35 years in New Orleans, said he had spent the time since the storm living like a gypsy with his wife and two dogs, moving from Columbus, Miss., to Houston to San Antonio. Mr. Rittenberg said that his firm's main client had been the teachers union for the New Orleans schools, but that there is no way to know when or if school will resume this year.

"I really don't know if I have a law practice anymore," he said.

Some logistical issues are being addressed as the courts scramble to find new places to set up shop. The Louisiana Supreme Court is moving its operations from New Orleans to a circuit court in Baton Rouge. The United States Court of Appeals for the Fifth Circuit is moving to Houston, and electronic technology has allowed lawyers and courts to save files and documents in a way that would have been impossible in the past.

But the biggest immediate problem is with criminal courts in southern Louisiana, with thousands of detainees awaiting hearings and trials who have been thrust into a legal limbo without courts, trials, or lawyers.

So in Alexandria, a city in central Louisiana, in a scene repeated at prisons and jails throughout the state, Ms. Mann said she and other lawyers had interviewed all 200 inmates, and the criminal defense lawyers' organization was painstakingly trying to compile a registry of prisoners and lawyers. The goal is to put them together, though many of the prisoners do not yet have lawyers and many of the lawyers are scattered across the country.

Ms. Mann said that some prisoners, no doubt, were accused of serious crimes, but that most had been arrested on misdemeanor charges like drunkenness that typically fill local lockups. Most were either awaiting hearings or had not been able to make bond and were awaiting trial, which, for many, had been set for the day the hurricane hit.

"I talked to one guy who was arrested for reading a tarot card without a permit," she said. "These are mostly poor people. They haven't been in contact with their family. They have no word at all. A lot of them are pretty devastated. You had a lot of grown men breaking down and boo-hooing when you talked to them. The warden said they hadn't had food or water for two or three days. So a lot of them were just grateful to be out of the sun, in an air-conditioned place where they could find food and a shower and a mattress."

In addition to the logistical problems of setting up courts, finding a place to meet, and getting judges, lawyers and evidence, a major question looms about how to pay for the defense of indigent detainees. Louisiana has been in a low-grade crisis for years over the issue, and currently two-thirds of the money to defend those too poor to afford lawyers comes from court costs for traffic and parking offenses.

But with the evacuation of New Orleans and its environs, none of that money will be available.

Legal officials say that without a quick resolution of the problem the state may be forced to apportion cases to public defenders on a level that makes adequate representation impossible or to free prisoners rather than violate their constitutional right to a speedy trial.

More than a week after the storm, not all the news is bad. Some law firms, particularly larger ones with offices outside New Orleans, have reorganized with remarkable speed, saving records electronically, finding new space and housing for lawyers in Baton Rouge Lafayette, Houston, or other areas.

Lawyers at McGlinchey Stafford, a firm of about 200 lawyers based in New Orleans and with offices in Baton Rouge and other cities, were among the lucky ones. The lawyers, support staff and their families left New Orleans in advance of the storm as partners in its Baton Rouge office worked to find them housing and office space, said Rudy Aguilar, managing partner of the firm.

After the storm, Mr. Aguilar said, the firm put two college students whose parents worked for the firm on a plane to Chicago to buy computers for the new office space. The students rented a truck and drove the computers back to Baton Rouge for the new office, which by Labor Day was up and running, he said.

Within days, Rick Stanley of Stanley, Flanagan & Reuter, an 11-lawyer litigation firm had people working in borrowed space in offices in Baton Rouge and Lafayette and at homes in Jackson, Miss., and Amarillo, Tex. On Labor Day, Mr. Stanley signed a lease for new space in Baton Rouge on the hood of his car in a Home Depot parking lot.

"The Monday of the storm," he said, "I was in a state of shock, realizing the whole way of life we knew had passed away, and Tuesday I just said we need to get back up and running, and we did."

And some say, with the perverse logic of the law, Hurricane Katrina—months from now, when people return home—will spawn an unimaginable flood of legal issues. **Beth Abramson who is organizing pro bono efforts for the state bar anticipates a torrent of legal issues having to do with ruined property, insurance, environmental issues and countless other concerns.**

Michelle Ghatti, a law professor at the Southern University Law Center in Baton Rouge said some courts and lawyers moved faster than she could have imagined to shift operations and resume business. On the other hand, the legal issues posed by the storm multiply almost daily.

"Someone just mentioned child molesters," Ms. Ghatti said. "There's a registry in which people are supposed to be notified where they are. But for all we know, they're in shelters or being taken into people's homes."

"New things come up every day. I think this storm is going to produce more legal issues and complications than anyone has ever imagined."

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Rudy Aguilar