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[redacted]

December 8, 2025

Hon. Kathy Edmonston
State Representative, District 88
2115 S. Burnside, Suite C
Gonzales, LA 70737

Re: Senate Resolution 81

Dear Representative Edmonston,

In response to your request co-signed by Representatives Coates, Dickerson, Egan, Mack, McMakin, Owen, Zeringue, and Senators Hodges and Selders, for results of the study requested and recommendations made pursuant to SR 81, I offer the following.

A committee consisting of you, Senator Fields, and myself requested that the supreme court appoint a supernumerary judge as has been employed in Caddo and Orleans Parishes to study the East Baton Rouge Family Court. Retired James Kuhn was appointed for a six-month term which a majority of the court voted to allow to expire in March, 2025. Judge Kuhn's findings will be provided to the Legislature separately. I will include some of them in my study of the family court which continued after Judge Kuhn's termination, including observations of the ad hoc judges appointed to hear the six cases Judge Kuhn had chosen to preside over.

As I explained at the outset, the supreme court cannot intervene in litigation unless it reaches the court via a properly perfected writ or appeal.

However, the many complaints from varied sources and my study of the practice in the family court indicate serious problems.

The problems are both structural and cultural. The four judges hear all family cases. A small handful of lawyers who "specialize" in family law are in court with the same judges day after day, week after week. There are reports of judges and lawyers having breakfast together at the City Club and then appearing in the same courtroom together 30 minutes later. There are reports of judges and lawyers after a day in court drinking together at the City Club. This is nothing new. In 1990 after losing a case in family court, an attorney took his date to dinner and there sat his opposing counsel of the day, Al Fishbein, with the presiding judge, Tony Graphia.

While Judge Kuhn cites a public perception of favoritism, I believe the line has been crossed to actual favoritism. In one instance the judge *sua sponte* called a status conference at night at a restaurant where alcohol was consumed. Decisions were made about the case, for example whether a certain expert witness would be allowed to testify. The "non-favored" attorney withdrew, telling her client she could not compete with that attorney and that judge. This complaint has been almost universal. It is well known that when a certain lawyer appears before a certain judge, that lawyer never loses. Several litigants have been told this by attorneys, as reasons for not taking their case or for withdrawing after attempting to represent them. It has been suggested by more than one attorney that some sort of pay-off is involved, but there is no evidence of that other than the provision of a chauffeuring service for the judge to events where alcohol is served, such as CLE receptions and bar association social events.

Newer judges take their cue from the more experienced ones, as does the staff. Those in the "club" receive efficient service, while those not in the club, especially pro se litigants who have run out of options for representation,

are treated as pariahs. Staff smirk, roll their eyes, and call out "Security, Security!" when they approach.

The attorney, not the judge, controls the pace of litigation. Matters that are supposed to be heard by law within days are continued for months, until the parent who has not had any contact with their children caves and "stipulates."

If by chance an attorney puts up a good fight, specious grounds are urged to "disqualify" them. The judge accommodates, leaving the client lawyerless at a critical juncture.

"Status conferences" are used to intimidate and coerce. Clients are told they must agree with the judges' recommendation or the result will be worse, or, if they have been held previously to be in contempt of court, they will go to jail.

Contempt of court is used to beat the non-favored parent into submission. Its all about the money, not the best interests of the children. Attorneys fees in connection with contempt proceedings are routinely awarded in the $10,000 range. In one case an attorneys fee of $28,000 was awarded. Judgments are rendered where more must be paid in attorneys fees than the child support arrearage. In one case attorneys fees of nearly $80,000 have been awarded. It cannot be in the best interest of children to have one parent pay the attorney for the other parent $80,000.

Economic leverage is applied through counselors, therapists, and psychological evaluations. Like so many things in family court, these are in the judges' discretion whether to order or not, and are rarely reviewed. An example is worth mentioning. A certain lawyer requested and a certain judge ordered that a parent undergo a psychological evaluation before that parent could exercise visitation. The evaluator was picked by the judge. When the judge asked about the evaluation, the attorney for the parent being evaluated

responded, "You will be able to read it for yourself. She- She's not required to be on medication, she's not required –." He was interrupted by the judge: "All right. I don't want to know that. I just want to know if it's competed." Apparently the content of the report was not important, just that the hurdle had been crossed.

Furthermore, once a parent has been labeled an "abuser," they must by law bear all the costs for these add-ons, including the other side's attorneys fees if they happen to resist and attempt to litigate. While perhaps well-intentioned in conception, this law is likely unconstitutional and needs to be amended. The threat that a parent seeking visitation will end up paying for multiple experts and the other parent's attorneys fees is another form of coercion.

Another tactic is the formation of a narrative to smear the opposing litigant, not through evidence from the witness stand, but from letters and emails and in status conferences suggesting the other parent is troubled, needs counseling or therapy, or is even dangerous. As the case is continued month after month, without an actual hearing the narrative is built with no real evidence to support it.

Another tactic is the closing of the courtroom to isolate and intimidate. The non-favored litigant can be screamed at and threatened with jail when no one is there to witness. Family, friends, legislators, and journalists have all been ordered out of the court room. To this day observers are required to stand and identify themselves, as a matter of practice separate and apart from a valid motion to sequester.

Procedure is at the whim of the family court judge instead of the Code of Civil Procedure. One party files a motion for contempt because they are not receiving the visitation ordered by judgment. The response is a motion for contempt or some other motion from the other (favored) party. The first-

filed motion is never set for hearing, or both motions are set for the same day and heard "together," thus depriving the first party of the moral force of their presentation.

Family law has been turned on its head. The best interests of the children are supposed to be paramount. The parents, by law, are supposed to facilitate the relationship of the children with the other parent. Instead, we have endless litigation which makes review economically and practically difficult and seems only to enrich the attorney. In many cases there appears to be a wealthy family on one side willing to pay the bill. In more than one case there is valuable community property, including equity in the family home. This wealth can be attached by the attorney holding judgments for attorneys fees in connection with contempt findings.

Family court cases are supposed to be handled swiftly, in "summary" proceedings. This is best for the parents and the children, so that school, activities, health needs, and schedules can be set and adapted to. Instead, matters are litigated to the Nth degree. Simple requests that would normally just be a formality are met with discovery requests, expert witnesses, and stacks of (largely irrelevant and duplicative) exhibits because, as openly threatened, the "abuser" will have to pay for it all including the fees of the other attorney. Sacrificing children to make money is immoral.

Recommendations:

1. Actual favoritism where a quid pro quo can be shown would best be handled by criminal authorities.
2. Civil Code article 135 should be amended to provide that a custody hearing may be closed to the public only if all parties agree in writing.
3. All proceedings in the EBR Family Court, including status conferences, shall be live-streamed effective August 1, 2026.

4. Amend LSA-R.S. 46:2135 (E) to delete the language "unless good cause is shown for further continuance." 21 days plus 15 days is still too much for a parent to be separated from child without an opportunity to speak, but at least multiple abusive continuances will be prevented.
5. Amend LSA 46:2136.1 as follows: Add to subsection A, "After the initial hearing contemplated by 46: 2135, all costs will be assessed as in any other civil proceeding, and each party will be responsible for its own attorneys fees."

This will protect one who has truly been abused but will level the playing field for one wrongfully accused of abuse.

Worth noting:

1. The Family Court is illegally charging $6.50 per page for transcripts with the court collecting part of the money. By statute they may only charge $1.50 per page.
2. A judge may not be removed from office during his or her term. The term of all family court judges ends on December 31, 2026. By majority vote the Legislature could dissolve The Family Court.

Please let me know if I can assist in any way. Thank you for your interest, without which these matters would not have been addressed, although I believe inevitably these matters would have come to light because it's the worst thing I've seen in my 47-year legal career.

Very truly yours,

Jeff Hughes