

# Allegations unresolved

## Made against DA a year ago

BY HOLLY LELUX-THURROH  
THE DAILY IBERIAN

### ALLEGATIONS MADE

#### EDITOR'S NOTE:

Two years ago, a war between a state senator and the district attorney began over whether a landfill should be allowed to operate just beyond the runway at the Acadiana Regional Airport. What followed were battles that raged in Florida and in the Legislature as public allegations of wrongdoing, perjury and deceit were made. Unknown until a recent public records request, documents reveal that former Sen. Troy Hebert had taken his complaints against 16th Judicial District Attorney Phil Haney to the state Supreme Court Office of Disciplinary Counsel a year ago. Below are synopses of the complaints, Haney's response and Hebert's rebuttal. More are on page A4.

As former state Sen. Troy Hebert and 16th Judicial District Attorney Phil Haney were battling on the public stage of the state Legislature this time last year, it appears another, potentially more serious, scuffle was being waged behind the scenes. Possibly at stake is Haney's license to practice law.

Hebert filed an official complaint with the Louisiana Supreme Court Office of Disciplinary Counsel — the police, prosecutors, jury

and judge for lawyers in the state — against Haney just more than a year ago.

The Daily Iberian filed public records requests with Hebert, Haney and ODC seeking documentation involved in the ODC complaint. Haney responded through First Assistant District Attorney Bo Duhe

that the matter was confidential, though he never admitted a complaint was filed.

Hebert provided copies of correspondence between himself and ODC for the past year, which included the complaint and exhibits he filed, Haney's response to the complaint, compiled by the law firm Stanley, Reuter, Ross, Thornton and Alford, LLC of New Orleans, and Hebert's rebuttal to Haney's response.

None of the documents provided indicated ODC has made any ruling on the complaint. As the complainant, Hebert would have received notification of any outcome, according to the Supreme Court rules. The former senator said he has heard nothing of the status of the complaint as of Friday afternoon.

Charles Plattsmelt, chief counsel for ODC, refused to release any information about the investigation, including its status, even

SEE PROBE, PAGE A4



Haney



Hebert

#### Complaint: The Roberts Case

In May 2007 a boating accident at Cypremort Point left a woman in critical condition and the boat driver facing criminal charges. The driver, Shane Roberts, was issued a citation by the state Department of Wildlife and Fisheries for reckless operation of a watercraft. Since the accident occurred within the jurisdiction of the 16th Judicial District, Phil Haney's office would have been the entity to prosecute any charges filed against Roberts. However, according to the complaint, Haney petitioned the court on Aug. 8, 2007, to allow him to recuse his office from prosecution. Haney's request was granted by District Judge John Conery, according to the court minutes, which were provided as an exhibit with the complaint. According to the complaint, a letter dated Aug. 30, 2007, was sent by Haney to State Farm and said to contact Haney using the district attorney's office telephone number. The letter stated Haney would be representing the victim against Roberts' insurance company.

The state Attorney General was called in after the refusal to prosecute Roberts on additional charges filed against him, more serious than the DWV citation. Haney's client settled the claim against the insurance company for more than \$100,000 in December 2007. Roberts went to trial in March 2008.

#### Haney's Response

Haney said in his response to Hebert's complaint that he conducted a conflict check after assuming representation, avoided potential conflict by recusing the district attorney's office and did not "solicit" a client, despite allegations made to the contrary by former state Sen. Troy Hebert. Haney claimed he had no knowledge of charges filed against the boat driver before assuming representation of the accident victim in her claim with State Farm.

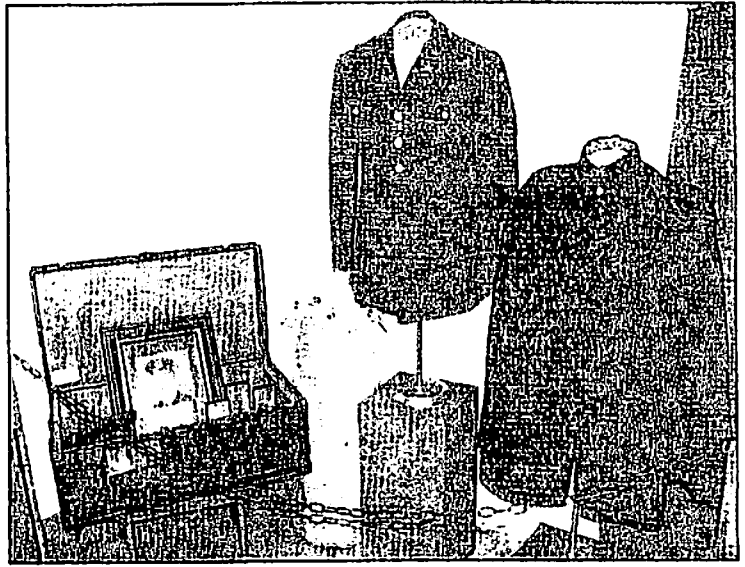
"Mr. Haney took the necessary steps to avoid any conflict between his representation ... and his role as District Attorney by recusing his office from participation in any criminal charges associated with the boating accident and not personally participating in the prosecution of these charges," Haney's reply reads.

#### Hebert's Rebuttal

Hebert said in a rebuttal to Haney's response that the district attorney "breached his public duty to prosecute a criminal defendant ... so that he could make money on (a) personal injury claim," and misused his "public office for private gain." Hebert said the conflict check should have been conducted before he assumed representation of the boating accident victim and Haney, once the conflict was identified or if even was later identified, Haney was obligated by Supreme Court Rules, case law and a state Bar Association opinion to withdraw from the civil matter.

"As a prosecutor, Mr. Haney is given great power and discretion and, as such, he is charged with a higher ethical standard," Hebert's rebuttal reads in addition to calling Haney's actions "unprofessional, unethical and deserving of aggressive prosecution."

"It is no wonder that the public believes that there is one set of rules for the powerful (or that lawyers are going to take care of other lawyers) and another set for everyone else," Hebert said.



JUSTIN HALL / THE DAILY IBERIAN

A locker full of memorabilia from Capt. Oswald Ransome, left, and two uniforms from World War II are part of the new

exhibit on veterans opening at the Bayou Teche Museum on Main Street in downtown New Iberia on Memorial Day.

## MEMORABILIA

### Veterans exhibit opens Memorial Day

BY JUSTIN HALL  
THE DAILY IBERIAN

Uniforms from World War I, a gas mask from World War II and even a bugle from the Spanish American War are some of the many items that will be on display as part of a veterans' exhibit opening at the Bayou Teche Museum on Memorial Day.

The exhibit, sponsored by the Iberia Veterans Commission and American Legion Post 4, will run until July 4 with artifacts and memorabilia displaying the history of soldiers from Iberia Parish over the years.

"This exhibit provides an opportunity for visitors to learn that these veterans knew there was the possibility of being wounded in battle but chose to serve anyway," Mark Boyance, the exhibit chairman, said. "Hopefully this exhibit will bring forth the reality of what happens in combat."

Museum director Tasha Dugas said that the items are being donated by people who want to display pieces they have in their family.

These items include a display of canteens from World War I, World War II

SEE MUSEUM, PAGE A4



PATRICK FLANAGAN / THE DAILY IBERIAN

As lifeguard Cameron Comeaux stands watch during Saturday's Splash Bash, Arthur Landry, 9, hurtles through one of the water slides at the City Park swimming pool, giving 7-year-old Ryan Corsey a bit of a dousing.

## SNAP makes annual 'splash' at City Park

BY PATRICK FLANAGAN  
THE DAILY IBERIAN

The sun was shining and water was splashing Saturday at the Safety Net For Abused Persons' annual Splash Bash in New Iberia City Park.

With youngsters jumping and splashing around in the

City Park swimming pool, Iberia Parish Sheriff's Office DARE officer Lt. Jo Ann Jacob was taking throws at a dunking booth bulls-eye in an attempt to douse Sheriff's Office candidate Darrel Gros.

SEE SPLASH, PAGE A16



### BUNK FEST

## Honoring famous musician

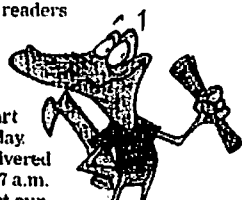
A jazz Mass will be held in honor of Bunk Johnson at 11 a.m. today at the St. Edward Catholic School cafeteria, located at 175 Porter St.

The Bunk Johnson Brass Band and Gospel Choirs will perform, followed by a second line march from St. Edward Catholic School to Bunk Johnson's gravesite.

The annual celebration, known as the Bunk Johnson Jazz, Arts & Heritage Festival, is a way to remember the jazz pioneer Bunk Johnson, who died in New Iberia in 1949.

### MORNING PAPER

For the convenience of our readers and advertisers, The Daily Iberian is publishing our Monday newspaper in the morning so that you can get your local news before the start of a busy Memorial Day holiday. All newspapers should be delivered to Teche Area households by 7 a.m. Monday. If you need to contact our



## Looking for area's best businesses

Put your thinking caps on and tell us your favorites, i.e., the best people, places and things of the Teche Area.

Ballots for The Daily Iberian's "Best of the Teche" contest will begin appearing in today's edition, starting with the "Best

submit their opinions on the very best businesses in the Teche Area.

Today's ballot appears on Page A5. Votes must be turned in no later than 5 p.m. June 15.

Only one entry per

per ballot.

Entries must be clearly printed and votes must be cast in at least half the categories on the ballot to be counted.

All entries become the property of The Daily Iberian, which

upcoming special section, "Best of the Teche."

Voters will be eligible for a drawing with the winner receiving a \$100 gift certificate from one of the "Best of the Teche" special section sponsors.

"Best of the Teche" winners will be announced in a



## DOCUMENTING THE PROBE

FROM PAGE A1

### Complaint: Perjury

Hebert alleges that Haney twice committed perjury during testimony before committees of the state Legislature once in 2009 and again last year. The first incident involves whether the district attorney's office had the approval of the Federal Aviation Administration to enter into a settlement agreement with landfill owner Gordon Doerle in 2008. Haney told legislators they did. Hebert said the agency has gone on record saying the district attorney's office did not have its approval.

In 2010 Haney testified he did not have a private practice during discussion of private practice habits of assistant district attorney's within the 16th Judicial District. Hebert alleged there is insurmountable evidence to prove that Haney lied.

### Haney's Response

Haney said in his reply he did not make any misrepresentations about FAA approval before the committee and that his "statement was supported by information he had received from (Airport Director) Mr. (Jason) Devillier that a person familiar within the FAA ... had considered the terms of the proposed agreement and believed it would likely meet those requirements."

Haney also said Hebert's perjury claim about his private practice is without merit.

Haney said his "statement was an accurate response to the question he believed he was being asked."

"While providing this testimony, which was not under oath, Mr. Haney stated: 'I don't have a private practice,' " Haney's reply reads. "Mr. Haney did not claim that he has not privately represented clients since becoming district attorney. Rather, his statement was meant to imply that he does not regularly seek to represent private clients and does not maintain a separate office for such pursuits. Mr. Haney does not have a regular and sustained private practice as most lawyers do, even though he may occasionally represent a private client."

### Hebert's Rebuttal

Hebert provided ODC with a letter from Devillier, which stated that the airport director never received approval from the FAA and that he never had discussions specific to the settlement agreement with any agency representative.

Hebert repeats in his rebuttal that days after testifying in Baton Rouge that he had no private practice, Haney reported in his annual financial disclosure form income of more than \$100,000 for the previous year from J. Phil Haney, Attorney at Law listed at his home address. Hebert also claimed Haney is listed as the attorney for Cajun Sugar Co-Op, also from his private practice.

"It is unquestionable that Mr. Haney's testimony when coupled with the documentary evidence indicates that the false statements said by Mr. Haney (were) made knowingly," Hebert's complaint reads. "Mr. Haney would have you believe that occasionally representing a private client does not constitute having a private practice. You can't be just a little bit pregnant."

Hebert contends in his rebuttal that Haney "knowingly and materially" made false statements to the legislative committees and suggests, at the minimum, suspension of Haney's license to practice law.

### Complaint: 'Double Dipping'

During the 2010 Legislative Session, Hebert attempted to limit with legislation an arrangement between assistant district attorneys within the 16th Judicial District and public bodies that he coined "double dipping."

Hebert provided examples in his complaint of cases handled by assistant district attorneys representing Iberia Parish Government through their private practice when the district attorney's office already serves as the legal advisor of the parish.

The parish's Home Rule Charter, Hebert said, provides that a written contract and council approval are necessary for ADAs to represent the parish, a criterion the district attorney's office does not follow, Hebert contends.

### Haney's Response

Haney responded that representation of parish government by assistant district attorneys through their private practice has been properly approved through resolutions of the Parish

## PROBE:

*Allegations generally known*

FROM PAGE A1

after he provided a written response that included mention of an exception to the Supreme Court rules that would allow him to do so.

Plattsmeir said complaints filed with ODC are confidential until the board reaches a conclusion. The results are officially made public if the lawyer in question is publicly reprimanded. The Supreme Court, however, provides an exception to the confidentiality of complaints. If the allegations are generally known to the public, ODC may release information about them. Doing so is at the discretion of Plattsmeir, he said.

Plattsmeir did say the length of time it takes to rule on a complaint varies widely, depending on the complexity of the accusations made.

ODC can choose to dismiss a complaint, issue a private reprimand to the lawyer, suspend a law license or, in the case of serious violations of the court's ethics rules for lawyers, disbar.

Plattsmeir was asked several times to provide the status of the investigation, which he declined.

Hebert's 10-page complaint is subdivided into five parts covering legal representation by Haney from his private practice, allegations of perjury before legislative committees, "double dipping" arrangements with assistant district attorneys and a potential violation of Revised Statute 16:2(f) for collecting more than the \$100,000 Iberia Parish is required to pay its legal advisor.

Hebert brought up many of the issues included in the complaint before the Legislature last year, in many cases seeking to file legislation that would change the way the 16th Judicial District Attorney's Office operates. Only one of Hebert's bills passed the House and Senate which now requires the district attorney's office to post its budget online.

*Thank You*

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wishes to extend its sincere thanks to those individuals and organizations whose contributions helped make the 2010-2011 year a tremendous

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**PACESETTER**

16th JDC District Attorney's Office

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### Haney's Response

Haney responded that representation of parish government by assistant district attorneys through their private practice has been properly approved through resolutions of the Parish Council.

"Mr. Haney does not possess any information that the actual representations were improper," Haney's reply reads. "It is his understanding that the ADA's private representations of Iberia Parish have been properly approved through a specific resolution of the Parish Council appointing the ADA as special counsel."

### Hebert's Rebuttal

"Mr. Haney, in an April 17, 2006 letter, clearly stated that it is illegal to provide legal services without a written contract and council approval," Hebert replied. "For Mr. Haney to now state ADAs only require a resolution is to allow him to create a double standard for his office and it is a slap in the face to all other lawyers who must conform to the Charter."

Hebert contends in his rebuttal that Haney as the district attorney and legal advisor of Iberia Parish Government should be the one to know, and make "certain that all contracts entered into by and between Iberia Parish Government meet the requirements of the Iberia Parish Home Rule Charter."

### POLICE REPORT

#### IBERIA PARISH SHERIFF'S OFFICE

The following were booked into the parish jail:

Joseph Taylor, 57, 715 Providence St. Illegal posses-

sion of stolen things, failure to appear (two counts), simple battery of the infirm.

Nicole M. Watkins, 27, 322 Deare St. Failure to appear, possession of drug parapher-

nalia, resisting an officer.

Ted M. Hebert, 58, 125 Taylor St. Theft, failure to appear.

Steven J. Graves, 43, 1012 Corinne St. Failure to appear.

a potential violation of Revised Statute 16:2(f) for collecting more than the \$100,000 Iberia Parish is required to pay its legal advisor.

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Alan Fabian

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Jon Graham

Phil & Renee Haney

Fran Henderson

Larry Hensgens

Michael Hester

Steve Horne

Rickey & Leona Huval

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16th JDC District Attorney's Office

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## Memorial Day Closing

Delaune's will close at noon on Monday, May 30th and will reopen at 8:00am on Tuesday, May 31st for all your pharmacy and home medical needs. Have a safe Memorial Day!

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