

**UNITED STATES SENATE
COMMITTEE ON THE JUDICIARY**

QUESTIONNAIRE FOR JUDICIAL NOMINEES

PUBLIC

1. **Name:** State full name (include any former names used).

Jane Margaret Triche-Milazzo (formerly Jane Margaret Triche, Jane M. Triche Perque)

2. **Position:** State the position for which you have been nominated.

United States District Judge for the Eastern District of Louisiana

3. **Address:** List current office address. If city and state of residence differs from your place of employment, please list the city and state where you currently reside.

Twenty-third Judicial District Court, Division D
Post Office Drawer 268
110A Franklin Street
Napoleonville, Louisiana 70390

4. **Birthplace:** State year and place of birth.

1957; Napoleonville, Louisiana

5. **Education:** List in reverse chronological order each college, law school, or any other institution of higher education attended and indicate for each the dates of attendance, whether a degree was received, and the date each degree was received.

1989 – 1992, Louisiana State University Paul M. Hebert Law Center; J.D., 1992

1985 – 1986, Nicholls State University; no degree

1974 – 1977, Nicholls State University; B.A. (*magna cum laude*), 1977

6. **Employment Record:** List in reverse chronological order all governmental agencies, business or professional corporations, companies, firms, or other enterprises, partnerships, institutions or organizations, non-profit or otherwise, with which you have been affiliated as an officer, director, partner, proprietor, or employee since graduation from college, whether or not you received payment for your services. Include the name and address of the employer and job title or description.

2008 – Present
Twenty-third Judicial District Court, Division D
Post Office Drawer 268
110A Franklin Street
Napoleonville, Louisiana 70390
District Judge

1986 – 2008
Law Office of Risley Triche, LLC (and predecessor firm)
Post Office Drawer 339
Napoleonville, Louisiana 70390
Partner (1998 – 2008)
Associate (1992 – 1998)
Law Clerk (1989 – 1992)
Paralegal (1986 – 1989)

1983 – 1986
St. Elizabeth School
Post Office Drawer M
Paincourtville, Louisiana 70391
Elementary School Teacher

1979 – 1982
Perque Interiors
Business now dissolved
Paincourtville, Louisiana 70391
Assistant

1977 – 1978
State Farm Insurance Agency
Payless Shopping Center
Highway 1
Paincourtville, Louisiana 70391
Administrative Assistant

Other Affiliations (uncompensated except as noted):

2010 – Present
Louisiana Fifth Circuit Judges' Association
101 Derbigny Street
Gretna, Louisiana 70053
Secretary

2009 – Present

Louisiana District Judges' Association
Louisiana Supreme Court
Office of Judicial Administrator
400 Royal Street
New Orleans, Louisiana 70130
Member, Executive Committee

2007 – Present

Lake Verret Property Owner's Association
5184 Highway 308
Napoleonville, Louisiana 70390
Secretary & Treasurer

2000 – Present

Paul M. Hebert Law Center
Louisiana State University
Law Center Building
Baton Rouge, Louisiana 70803
Trustee

1998 – Present

MJ Holding Company
Post Office Drawer 339
Napoleonville, Louisiana 70390
Partner (compensated)

2006

JAAN, LLC
5184 Highway 308
Napoleonville, Louisiana 70390
Partner (no activity was ever initiated)

1998 – 1999; 2005 – 2007

Twenty-third Judicial Bar Association
1212 East Worthy Street, Suite B
Gonzales, Louisiana 70737
Vice President (1998 – 1999; 2006 – 2007)
President (2005 – 2006)

1997

Mid City Dance Project
Post Office Box 82628
Baton Rouge, Louisiana 70895
Director

1996 – 1997

Assumption Parish Bar Association
Post Office Box 100
Pierre Part, Louisiana 70339
President

1994 – 1995

St. Anne / Assumption Catholic Church
Post Office Drawer 99
Napoleonville, Louisiana 70390
Church council member

7. **Military Service and Draft Status:** Identify any service in the U.S. Military, including dates of service, branch of service, rank or rate, serial number (if different from social security number) and type of discharge received, and whether you have registered for selective service.

I have not served in the military, nor have I registered for selective service.

8. **Honors and Awards:** List any scholarships, fellowships, honorary degrees, academic or professional honors, honorary society memberships, military awards, and any other special recognition for outstanding service or achievement.

Mock Trial Appreciation, Twenty-third Judicial District Court (2003)
Mock Trial Appreciation, Assumption School Board (2002)
Ben Miller Scholarship, LSU Paul M. Hebert Law Center (1992 – 1993)
American Jurisprudence Award, Litigation Clinic (1992)
Who's Who in American Colleges and Universities (1975 – 1976)

9. **Bar Associations:** List all bar associations or legal or judicial-related committees, selection panels or conferences of which you are or have been a member, and give the titles and dates of any offices which you have held in such groups.

American Bar Association
Assumption Parish Bar Association
 President (1996 – 1997)
Baton Rouge Bar Association
Fourth and Fifth Circuit Judges' Association
Louisiana Association for Justice
Louisiana District Judges' Association
 Member, Executive committee (2010 – Present)
 DOC Liaison Committee (2008 – Present)
 Elderly Law Committee (2008 – Present)
 Family and Juvenile Law Committee (2008 – Present)
Louisiana Fifth Circuit Judges' Association
 Secretary (2010 – Present)

Louisiana State Bar Association
Chair, Legislative Committee (2007 – 2008)
Member, Legislative Committee (2006 – 2008)
Member, House of Delegates (2006 – 2008)
Louisiana State Bar Foundation
National Association of Women Judges
New Orleans Bar Association
St. Thomas More Association
Twenty-third Judicial District Bar Association
Vice President (2006 – 2007 & 1998 – 1999)
President (2005 – 2006)
Scholarship Committee (2006)
Mock Trial Coach (2002 – 2003)
Mock Trial Chairman (2003)

10. Bar and Court Admission:

- a. List the date(s) you were admitted to the bar of any state and any lapses in membership. Please explain the reason for any lapse in membership.

Louisiana, 1992

There has been no lapse in membership.

- b. List all courts in which you have been admitted to practice, including dates of admission and any lapses in membership. Please explain the reason for any lapse in membership. Give the same information for administrative bodies that require special admission to practice.

United State Court of Appeals for the Fifth Circuit, 1992

United States District Court for the Eastern District of Louisiana, 1992

United States District Court for the Middle District of Louisiana, 1992

United States District Court for the Western District of Louisiana, 1992

Louisiana Supreme Court, 1992

There have been no lapses in membership.

11. Memberships:

- a. List all professional, business, fraternal, scholarly, civic, charitable, or other organizations, other than those listed in response to Questions 9 or 10 to which you belong, or to which you have belonged, since graduation from law school. Provide dates of membership or participation, and indicate any office you held. Include clubs, working groups, advisory or editorial boards, panels, committees, conferences, or publications.

Lake Verret Property Owners' Association
 Secretary/Treasurer (2007 – Present)
 Louisiana State University Alumni Association (1997 – Present)
 Louisiana State University Presidential Search Committee (2006 – 2007)
 Mid City Dance Project (1997)
 Director (1997)
 Nicholls State University Alumni Association (1997 – Present)
 Paul M. Herbert Law Center (2000 – Present)
 Trustee (2000 – Present)
 St. Anne/Assumption Catholic Church
 Member, Church Council (1994 – 1995)

- b. The American Bar Association's Commentary to its Code of Judicial Conduct states that it is inappropriate for a judge to hold membership in any organization that invidiously discriminates on the basis of race, sex, or religion, or national origin. Indicate whether any of these organizations listed in response to 11a above currently discriminate or formerly discriminated on the basis of race, sex, religion or national origin either through formal membership requirements or the practical implementation of membership policies. If so, describe any action you have taken to change these policies and practices.

To the best of my knowledge, neither of the organizations listed above currently discriminates or formerly discriminated on the basis of race, sex, religion or national origin, either through formal membership requirements or the practical implementation of membership policies.

12. Published Writings and Public Statements:

- a. List the titles, publishers, and dates of books, articles, reports, letters to the editor, editorial pieces, or other published material you have written or edited, including material published only on the Internet. Supply four (4) copies of all published material to the Committee.

I have no recollection of having written or edited any published material.

- b. Supply four (4) copies of any reports, memoranda or policy statements you prepared or contributed in the preparation of on behalf of any bar association, committee, conference, or organization of which you were or are a member. If you do not have a copy of a report, memorandum or policy statement, give the name and address of the organization that issued it, the date of the document, and a summary of its subject matter.

From 2006 to January 2008, I served on the Legislative Committee of the Louisiana Bar Association. The mission of the Legislative Committee is to review and study proposed Louisiana state legislation affecting the practice of law and to make recommendations to the Board of Governors whether the State Bar

should support the legislation. The Legislative Committee did not prepare formal reports of its recommendations. Attached are summaries of the 2006 and 2007 positions taken by the Legislative Committee while I was a member.

As a member of the Louisiana State Bar Association, I am a signatory to its Statement of Diversity Principles. Copy supplied.

- c. Supply four (4) copies of any testimony, official statements or other communications relating, in whole or in part, to matters of public policy or legal interpretation, that you have issued or provided or that others presented on your behalf to public bodies or public officials.

I have no recollection of having issued or provided any testimony, official statements or other communication to public bodies or public officials.

- d. Supply four (4) copies, transcripts or recordings of all speeches or talks delivered by you, including commencement speeches, remarks, lectures, panel discussions, conferences, political speeches, and question-and-answer sessions. Include the date and place where they were delivered, and readily available press reports about the speech or talk. If you do not have a copy of the speech or a transcript or recording of your remarks, give the name and address of the group before whom the speech was given, the date of the speech, and a summary of its subject matter. If you did not speak from a prepared text, furnish a copy of any outline or notes from which you spoke.

This list represents the speeches and talks I have identified through searches of my files and Internet databases. I have tried my best to list all such events, although there may be some that I have not been able to identify or locate.

December 2, 2010: Twenty-third Judicial District Bar Association (Gonzales, Louisiana). I gave a speech entitled, "The Zealous Advocate: An Ethical Briar Patch?" Presentation slides supplied.

September 17, 2010: Louisiana State Bar Association. I gave a presentation on communities and citizenship to a fourth-grade class at Romeville Elementary School during a Constitution Day event. I have no notes, transcript or recording. The address of the school is 9156 Central School Street, Convent, Louisiana 70723.

March 18, 2010: LSU Paul M. Hebert Law Center, Louisiana State University (Baton Rouge, Louisiana). At the request of Professor Harry "Skip" Phillips, I spoke to his Professionalism Class regarding the importance of civility in the courtroom and preparedness. A question and answer session followed. I have no notes, transcripts or recordings. The address of the Law Center is 1 East Campus Drive, Baton Rouge, Louisiana 70808.

December 2, 2009: Lafourche Parish Bar Association (Thibodaux, Louisiana). I taught a Continuing Legal Education course entitled, "Professionalism, A View from the Bench," that discussed civility in the adversarial system, ex parte communication, candor to the court, and the importance of being prompt and prepared for court. I have no notes, transcripts or recordings. The address of the Association is 103 Maronge Street, Suite A, Thibodaux, Louisiana 70301.

October 30, 2009: Labadieville Middle School (Labadieville, Louisiana). I spoke to the entire middle school upon their graduation from "Life on Drugs is No Life." I have no notes, transcripts or recordings. The address of the middle school is 2741 Highway 1, Labadieville, Louisiana 70372.

September 17, 2009: New Orleans Association of Women Attorneys (New Orleans, Louisiana). I taught the Continuing Legal Education segment entitled, "Professionalism, A View from the Bench" at an Annual AWA Ethics and Professionalism CLE course. I have no notes, transcripts or recordings. The address of the Association is Post Office Box 52076, New Orleans, Louisiana 70152.

August 6, 2008: Twenty-third Judicial District Court (Napoleonville, Louisiana). I gave an investiture speech. Transcript supplied.

May 9, 2008: Assumption High School (Assumption, Louisiana). I spoke to the entire parish middle school gathering upon their graduation from a "Dare" drug awareness program sponsored by the Assumption Parish Sheriff's Office. I have no notes, transcripts or recordings. The address of the Assumption Parish Sheriff's Office is 112 Franklin Street, Napoleonville, Louisiana 70390.

Since becoming a judge in 2008, I have on multiple occasions sworn in volunteers for Child Advocacy Services. On one occasion, I also spoke to a group of volunteers. I do not recall the dates of these events, nor do I have any notes, transcripts or recordings. The address of Child Advocacy Services is Hammond Regional Office, 1504 West Church Street, Hammond, Louisiana 70401.

While campaigning for my current position from January 2008 to July 2008, I gave several speeches to groups at individual homes in my Judicial District. During such speeches, I generally discussed my experiences practicing law and made two promises: (1) that I would work hard; and (2) that I would be guided by the law and serve with integrity. I have no notes, transcripts or recordings.

December 8, 2006: Twenty-third Judicial District Bar Association (Donaldsonville, Louisiana). I taught a Continuing Legal Education course entitled, "Recent developments in Louisiana Civil Procedure," which dealt with recent statutory and jurisprudential changes in the law. I have no notes, transcripts or recordings. The address of the Association is 1212 East Worthy Street, Suite B, Gonzales, Louisiana 70737.

May 17, 2006: Assumption High School (Napoleonville, Louisiana). I presented the Twenty-third Judicial District Bar Association scholarship to the recipient at Assumption High School Seniors Award Night. I have no notes, transcripts or recordings. The address of the Association is 1212 East Worthy Street, Suite B, Gonzales, Louisiana 70737.

May 20, 1998: Assumption High School (Napoleonville, Louisiana). I presented the Assumption Parish Bar Association scholarship to the recipient at the Assumption High School Seniors Award Night. I have no notes, transcripts or recordings. The address of the Association is Post Office Box 100, Pierre Part, Louisiana 70339.

Mid-1990s: St. Philomena School, Labadieville, Louisiana. I spoke to this elementary school on the occasion of their graduation from the "Dare" drug awareness program sponsored by the Assumption Parish Sheriff's Office. St. Philomena School is no longer in operation and I have no notes, transcripts or recordings. The address of the Assumption Parish Sheriff's Office is 112 Franklin Street, Napoleonville, Louisiana 70390.

- e. List all interviews you have given to newspapers, magazines or other publications, or radio or television stations, providing the dates of these interviews and four (4) copies of the clips or transcripts of these interviews where they are available to you.

David Reynaud, *Jane Triche-Milazzo Takes Oath of Office*, Assumption Pioneer, August 14, 2008, at 1. Copy supplied.

John McMillan, *Triche-Milazzo Will Be Judge*, Baton Rouge Advocate, July 16, 2008, at B5. Copy supplied.

Running for Office, Baton Rouge Advocate, Jan. 14, 2008. Copy supplied.

Dennis Camire, *La. Delegates Back Kerry on Education and Health Insurance*, Gannett News Services, July 26, 2004. Copy supplied.

Chris Cillizza, *Mobilizing Begins in Louisiana 3rd: Both Parties to Run Top-Tier Contenders for Open-Seat Race*, Roll Call, Jan. 28, 2004. Copy supplied.

Randy McClain, *The Same-Sex Harassment Issue: Legal Opinions on Wisdom of Oncale Decision are Split*, Baton Rouge Advocate, Mar. 22, 1998. Copy supplied.

Vicki Ferstel, *Plea Bargain Ends Five-Year-Old Poisoning Case*, Baton Rouge Advocate, Aug. 31, 1994. Copy supplied.

Vicki Ferstel, *Body of Motorist Found Submerged in Overturned Car*, Baton Rouge Advocate, Apr. 21, 1994. Copy supplied.

In the early 1990s, I was interviewed by Channel 4, WWL, regarding a client of mine, Dr. Manolito Seludo, and the circumstances surrounding his poisoning. Copy supplied.

13. **Judicial Office:** State (chronologically) any judicial offices you have held, including positions as an administrative law judge, whether such position was elected or appointed, and a description of the jurisdiction of each such court.

On August 1, 2008, I was sworn in as a Louisiana State District Court Judge for Division D of the Twenty-third Judicial District Court. The Twenty-third Judicial District covers Assumption, Ascension, and St. James Parishes. I have jurisdiction over felony and civil matters in all three parishes. I additionally have jurisdiction over misdemeanor matters in Assumption and St. James Parishes only. Finally, as Division D judge, I also hear juvenile matters in Assumption Parish.

- a. Approximately how many cases have you presided over that have gone to verdict or judgment?

I have presided over approximately 80 trials.

- i. Of these, approximately what percent were:

jury trials:	25%
bench trials:	75%
civil proceedings:	65%
criminal proceedings:	35%

- b. Provide citations for all opinions you have written, including concurrences and dissents.

The opinions I have written as a District Court Judge are not published and cannot be found in any official reporter or any commercially available database.

The following is a list of my unpublished opinions:

ANPAC La. Ins. Co. v. Murphy, Docket No. 94,249 (La. 23rd Jud. Dist., Parish of Ascension 2011).

Williams v. Ring, Docket No. 92,296 (La. 23rd Jud. Dist., Parish of Ascension 2010).

Ogden v. Ware, Docket No. 91,517 (La. 23rd Jud. Dist., Parish of Ascension 2010).

Mack v. State of Louisiana, Docket No. 79,849 (La. 23rd Jud. Dist., Parish of Ascension 2010).

MIE Properties-LA, LLC v. Victory Physical Therapy, LLC, Docket No. 93,565 (La. 23rd Jud. Dist., Parish of Ascension 2010).

Carrier Constr. LLC v. Sugar Hill, LLC, Docket No. 31,729 (La. 23rd Jud. Dist., Parish of St. James 2010).

Martinez v. Gboloo, Docket No. 84,454 (La. 23rd Jud. Dist., Parish of Ascension 2010).

Bass v. Washington, Docket No. 89,913 (La. 23rd Jud. Dist., Parish of Ascension 2010).

Bradford v. Wong, Docket No. 96,009 (La. 23rd Jud. Dist., Parish of Ascension 2010).

Matassa v. Jasmine, Docket No. 34,051 (La. 23rd Jud. Dist., Parish of St. James); aff'd, 42 So. 3d 1157 (La. App. 1 Cir. 2010); writ denied 39 So. 3d 599 (La. 2010).

State v. James, Docket No. 402 (La. 23rd Jud. Dist., Parish of Ascension 2010), rev'd, Docket No. 2010 KW 0463 (La. App. 1 Cir. June 17, 2010).

Trouillet v. Frechou, Docket No. 31,288 (La. 23rd Jud. Dist., Parish of Assumption, 2010).

Hougas v. Am. Commercial Barge Line, LLC, Docket No. 27,541 (La. 23rd Jud. Dist., Parish of St. James, 2010).

State v. Smith, Docket No. 5629 (La. 23rd Jud. Dist., Parish of St. James, 2010).

Hill v. St. James Stevedoring, LLC, Docket No. 33,018 (La. 23rd Jud. Dist., Parish of St. James, 2010).

Lightell v. KC Boat Co., Docket No. 33,582 (La. 23rd Jud. Dist., Parish of St. James, 2010).

Lowery v. Ascension Catholic Primary Sch., Docket No. 80,313 (La. 23rd Jud. Dist., Parish of Ascension 2009).

Savoie v. Achord, Docket No. 30,646 (La. 23rd Jud. Dist., Parish of Assumption 2009).

Marchand v. Monceaux, Docket No. 31,769 (La. 23rd Jud. Dist., Parish of Assumption 2009).

Bassett v. United Commc'n Servs., Docket No. 89,997 (La. 23rd Jud. Dist., Parish of Ascension 2009).

Kinler v. Ill. Cent. R.R., Docket No. 30,041 (La. 23rd Jud. Dist., Parish of St. James 2009).

Cointment v. Canatella, Docket No. 92,785 (La. 23rd Jud. Dist., Parish of Ascension 2009).

Guyon v. Waguespack, Docket No. 29,980 c/w 30,070 (La. 23rd Jud. Dist., Parish of Assumption 2009).

Roddy v. Louisiana State Penitentiary, Docket No. 14,222 (La. 23rd Jud. Dist., Parish of Ascension, 2009).

Whitmore v. Carter, Docket No. 60,359 (La. 23rd Jud. Dist., Parish of Ascension, 2009).

Flowers v. Miller, Docket No. 87,405 (La. 23rd Jud. Dist., Parish of Ascension, 2009).

Ryan v. Foote, Docket No. 89,526 (La. 23rd Jud. Dist., Parish of Ascension 2009).

Joseph v. Joseph, Docket No. 28,325 (La. 23rd Jud. Dist., Parish of St. James 2008)

- c. For each of the 10 most significant cases over which you presided, provide: (1) a capsule summary of the nature the case; (2) the outcome of the case; (3) the name and contact information for counsel who had a significant role in the trial of the case; and (3) the citation of the case (if reported) or the docket number and a copy of the opinion or judgment (if not reported).

- 1) Matassa v. Jasmine, Docket No. 34,051 (La. 23rd Jud. Dist., Parish of St. James); aff'd, 42 So. 3d 1157 (La. App. 1 Cir. 2010); writ denied 39 So. 3d 599 (La. 2010). Opinion supplied.

Madeline Jasmine, a Louisiana District Court Judge, filed a notice of candidacy to be a judge on the Louisiana Fifth Circuit Court of Appeal for the Second District, Division A. The plaintiffs filed an objection to her candidacy. The parties stipulated that Jasmine's residence was not within the geographical confines of Division A (*i.e.*, she could not vote for herself) but that it was within the geographical confines of the Fifth Circuit Court of Appeal. I ruled that Jasmine was not qualified to be a candidate for the position she sought. After recusal by the entire Louisiana Fifth Circuit Court of Appeal, the First Circuit Court of Appeal affirmed the judgment.

Counsel for plaintiffs were Matthew Pryor and Barbara Irwin, Pujol and Pryor, 12320 Highway 44, Building 4, Suite C, Gonzales, Louisiana 70737; telephone (225) 644-0607. Counsel for Judge Jasmine was Ernest Jones, 4215 South Claiborne Avenue, New Orleans, Louisiana 70121; telephone (504) 251-1005. Counsel for Secretary of State was William Crawford, Post Office Box 94125, Baton Rouge, Louisiana 70821; telephone (225) 922-2880. Counsel for St. John Parish Registrar of Voters was William Paul Bryan, III, Post Office Box 94005, Baton Rouge, Louisiana 70804; telephone (225) 326-6000. Counsel for Intervenors were Daniel Becnel, Jr. and Salvadore Christina, Jr., 106 West Seventh Street, Post Office Drawer H, Reserve, Louisiana 70084; telephone (985) 651-6101.

- 2) State v. Nicholas, Docket No. 23,209 (La. 23rd Jud. Dist., Parish of Ascension 2009).

Arthur Nicholas was indicted in 2007 and charged with the first-degree murder of Mark Waddell. The indictment was amended on March 19, 2009 to second-degree murder. Nicholas waived his right to trial by jury and proceeded to trial before the bench. After a three-day trial, Nicholas was found guilty of second-degree murder. The case is currently pending before the Louisiana First Circuit Court of Appeal.

Counsel for the State was Charles “Chuck” Long, 316 Chetimaches Street, Post Office Box 312, Donaldsonville, Louisiana 70346; telephone (225) 473-9215. Counsel for defendant was Raymond Gautreau, 410 Houmas Street, Post Office Box 426, Donaldsonville, Louisiana 70346; telephone (225) 474-8100.

- 3) Octave v. Martin, Docket No. 28,752 (La. 23rd Jud. Dist., Parish of St. James 2009).

On January 25, 2002, plaintiff was seriously injured when he was shot during the execution of a “no knock” search warrant at his home. As a result of those injuries, he filed a petition for damages. Resolution of this case centered on whether the sheriff’s officers used “excessive force” in the execution of the warrant and whether the execution of a “no knock” warrant during the very early morning hours, i.e. 2 am, was reasonable. The plaintiff testified that he was asleep at the time that the officer’s entered the home and that he was shot while reaching for his gun. At the conclusion of the plaintiff’s presentation of evidence, I ruled against the plaintiff and dismissed his petition. No appeal was taken.

Counsel for plaintiff was Peter Q. John, 12011 Bricksome Avenue, Suite D, Baton Rouge, Louisiana 70816; telephone (225) 293-6234. Counsel for defendants was Fred Schroeder, 1615 Poydras Street, Suite 1250, New Orleans, Louisiana 70112; telephone (504) 592-4600.

- 4) State v. James, Docket No. 402 (La. 23rd Jud. Dist., Parish of Ascension 2010), rev’d, Docket No. 2010 KW 0463 (La. App. 1 Cir. June 17, 2010). Opinion supplied.

James was convicted of second-degree murder on July 12, 1983. On January 4, 2008, he filed an application for Post Conviction Relief based on newly discovered exculpatory evidence. At the evidentiary hearing, the State conceded that James’s claim rested on facts not previously disclosed to him. At the conclusion of the hearing, I found that the suppressed evidence was exculpatory and that the cumulative effect of the newly discovered evidence undermined the faith in the jury’s verdict and ordered a new trial. The Louisiana First Circuit Court of Appeal granted the state’s writ and reversed, holding that the claim was untimely, and the suppressed information was not material. Writs to the Louisiana Supreme Court were denied.

Counsel for Petitioner was Blaine Hebert, 1331 Barataria Boulevard, Marrero, Louisiana 70072; telephone (504) 348-3217. Counsel for the State was Kurt Wall and Terry Lacy, Louisiana Attorney General, Criminal Division, Post Office Box 94005, Baton Rouge, Louisiana 70804; telephone (225) 326-6200.

- 5) State v. Stephans, Docket No. 12,717 (La. 23rd Jud. Dist., Parish of Ascension, 2009).

The defendant was indicted for the aggravated rape of MJC, who was eight-years old at the time of the offense. Prior to trial, the State filed a preliminary motion to introduce evidence of other bad acts. I found that the prior acts showed a “lustful disposition toward children” pursuant to Louisiana Code of Evidence 412.2 and thus were admissible. Writs were taken to the First Circuit Court of Appeal and the Supreme Court; writs were denied in both courts. After trial, Stephans was found guilty of attempted aggravated rape. The case is currently pending before the Louisiana First Circuit Court of Appeal.

Counsel for the State was O’Neil Parenton, 313 Chetimaches Street, Post Office Drawer 750, Donaldsonville, Louisiana 70346; telephone (225) 473-3856. Counsel for the Defendant was Andre Belanger, 8075 Jefferson Highway, Baton Rouge, Louisiana 70809; telephone (225) 383-9703.

- 6) State v. Gaspard, Docket No. 08-199 (La. 23rd Jud. Dist., Parish of Assumption, 2010).

The defendant, age 34, was charged with the second-degree murder of his mother. Gaspard, who was a recluse, lived with his mother and had not left the home since he was 16 years old. On the week of his trial, his counsel requested a continuance, which I denied; writs were taken to the Louisiana First Circuit Court of Appeal, which were denied. On the day of his trial, this counsel again requested a continuance which I again denied; following the denial, the defendant filed a motion to recuse which I denied. The trial proceeded and the Defendant was found guilty of second degree murder. The matter is currently pending before the Louisiana First Circuit Court of Appeal.

Counsel for the State was Thomas Daigle, Post Office Box 277, Paincourtville, Louisiana 70391; telephone (985) 369-3560. Counsel for defendant was Susan Jones, 503 East Third Street, Franklin, Louisiana 70583; telephone (337) 828-3702.

- 7) Trouillet v. Frechou, Docket No. 31,288 (La. 23rd Jud. Dist., Parish of Assumption, 2010). Opinion supplied.

The biological parents of an 18-year-old man brought this wrongful death action after their son was killed in an automobile accident. During a bench trial, the defendant stipulated to liability and the sole issue before the Court was the extent of damages to be awarded. The case was unusual in that the deceased son had been raised by relatives and the biological parents had a limited relationship with him. No appeal was taken.

Counsel for plaintiffs were L. Blake Jones and Joshua Rubenstein, 909 Poydras Street, Suite 2556, New Orleans, Louisiana 70112; telephone (504) 525-4361, and Kevin Steele, Post Office Box 350, Harvey, Louisiana 70059; telephone (504) 931-8756. Counsel for defendant was Kevin Triay, 228 St. Charles Avenue, New Orleans, Louisiana 70130; telephone (504) 525-6696.

- 8) Davis v. Travelers Prop. Cas. Ins. Co., Docket No. 76,806 (La. 23rd Jud. Dist., Parish of Ascension), aff'd, Docket No. 2010 CA 1255 (La. App. 1 Cir. Jan. 5, 2011).

The plaintiff in this case was seriously injured when his delivery truck, parked in the travel lane of Highway 308, was struck from the rear. Prior to trial, the plaintiff settled all claims against the striking driver and trial proceeded solely against the state of Louisiana, through the Department of Transportation and Development (DOTD). The plaintiff alleged that DOTD provided no shoulder adjacent to the highway upon which he could have parked to make the delivery; therefore, he was required to park in the highway with flashers and lights to unload his truck, causing an unreasonable risk of harm. The plaintiff alleged that the highway in question had undergone “major reconstruction” and therefore at the time of the reconstruction, the highway should have been brought to standards applicable in 1948, which required a shoulder. DOTD alleged that the work previously performed on the highway did not constitute a major reconstruction and therefore the highway met the appropriate standards. After a three-day jury trial, the jury returned a verdict in favor of DOTD. The Louisiana First Circuit Court of Appeal affirmed and writs to the Louisiana Supreme Court have been denied.

Counsels for plaintiff were Andre Gauthier and Jody Amedee, 2111 South Burnside Avenue, Gonzales, Louisiana 70737; telephone (225) 647-1300. Counsel for defendant was John Ayres, III, Louisiana Attorney General’s Office, Post Office Box 94005, Baton Rouge, Louisiana 70804; telephone (225) 326-6308.

- 9) State v. Carter, Docket No. 25,210 (La. 23rd Jud. Dist., Parish of Ascension, 2010).

The defendant was charged with second-degree murder. On the evening of the murder, Carter and a second man went to the home of a known drug dealer, with the intent of committing an armed robbery. The second man entered the home and immediately began shooting. The victim, a teenager, was sleeping on the sofa and was killed. Pretrial evidentiary hearings called for me to determine the admissibility of certain statements made by the second man. The state argued that they were admissible as co-conspirator statements; Carter asserted that any statements made after arrest were not in furtherance of the conspiracy. I ruled that the statements made during the commission of the

offense were admissible; statements made after arrest were not. During trial, Carter pled guilty to manslaughter.

Counsel for the State was O'Neil Parenton, 313 Chetimaches Street, Post Office Drawer 750, Donaldsonville, Louisiana 70346; telephone (225) 473-3856. Counsel for defendant was Michael Fiser, 830 Main Street, Baton Rouge, Louisiana 70802; telephone (225) 343-5059.

- 10) Roddy v. Louisiana State Penitentiary, Docket No. 14,222 (La. 23rd Jud. Dist., Parish of Ascension, 2009). Opinion supplied.

The defendant was convicted of second-degree murder in 2002. Prior to my taking the bench, Roddy filed a Petition for Post Conviction Relief, which had been set for hearing by my predecessor. In his petition, Roddy requested DNA testing of clothing offered into evidence at his trial and further alleged that his trial counsel was ineffective. Prior to the hearing, I denied the request for DNA testing because the test would not serve to prove "actual innocence." After a two-day evidentiary hearing, I found that Roddy failed to show that any alleged deficiency by trial counsel prejudiced his defense. Roddy applied for writs to the Louisiana First Circuit Court of Appeal and the Louisiana Supreme Court, both of which were denied.

Counsel for Petitioner was Anthony Bertucci, 730 Napoleon Street, Baton Rouge, Louisiana 70802; telephone (225) 343-2611. Counsel for the State was Charles "Chuck" Long, 316 Chetimaches Street, Donaldsonville, Louisiana 70346; telephone (225) 473-9215.

- d. For each of the 10 most significant opinions you have written, provide: (1) citations for those decisions that were published; (2) a copy of those decisions that were not published; and (3) the names and contact information for the attorneys who played a significant role in the case.

- 1) Matassa v. Jasmine, Docket No. 34,051 (La. 23rd Jud. Dist., Parish of St. James). Opinion supplied in response to 13(c).

Counsel for plaintiffs were Matthew Pryor and Barbara Irwin, Pujol and Pryor, 12320 Highway 44, Building 4, Suite C, Gonzales, Louisiana 70737; telephone (225) 644-0607. Counsel for Judge Jasmine was Ernest Jones, 4215 South Claiborne Avenue, New Orleans, Louisiana 70121; telephone (504) 251-1005. Counsel for Secretary of State was William Crawford, Post Office Box 94125, Baton Rouge, Louisiana 70821; telephone (225) 922-2880. Counsel for St. John Parish Registrar of Voters was William Paul Bryan, III, Post Office Box 94005, Baton Rouge, Louisiana 70804; telephone (225) 326-6000. Counsel for Intervenors were Daniel Becnel, Jr. and Salvatore Christina, Jr., 106 West Seventh Street, Post Office Drawer H, Reserve, Louisiana 70084; telephone (985) 651-6101.

- 2) State v. James, Docket No. 402 (La. 23rd Jud. Dist., Parish of Ascension). Opinion supplied in response to 13(c).

Counsel for Petitioner was Blaine Hebert, 1331 Barataria Boulevard, Marrero, Louisiana 70072; telephone (504) 348-3217. Counsel for the State was Kurt Wall and Terry Lacy, Louisiana Attorney General, Criminal Division, Post Office Box 94005, Baton Rouge, Louisiana 70804; telephone (225) 326-6200.

- 3) Trouillet v. Frechou, Docket No. 31,288 (La. 23rd Jud. Dist., Parish of Assumption). Opinion supplied in response to 13(c).

Counsel for plaintiffs were L. Blake Jones and Joshua Rubenstein, 909 Poydras Street, Suite 2556, New Orleans, Louisiana 70112; telephone (504) 525-4361, and Kevin Steele, Post Office Box 350, Harvey, Louisiana 70059; telephone (504) 931-8756. Counsel for defendant was Kevin Triay, 228 St. Charles Avenue, New Orleans, Louisiana 70130; telephone (504) 525-6696.

- 4) Roddy v. Louisiana State Penitentiary, Docket No. 14,222 (La. 23rd Jud. Dist., Parish of Ascension). Opinion supplied in response to 13(c).

Counsel for Petitioner was Anthony Bertuccci, 730 Napoleon Street, Baton Rouge, Louisiana 70802; telephone (225) 343-2611. Counsel for the State was Charles "Chuck" Long, 316 Chetimaches Street, Donaldsonville, Louisiana 70346; telephone (225) 473-9215.

- 5) State v. Smith, Docket No. 5629 (La. 23rd Jud. Dist., Parish of St. James, 2010). Opinion supplied.

Counsel for the State was Bruce Mohon, 1959 Highway 3125, Suite 5, Litcher, Louisiana 70071; telephone (225) 869-3939. Counsel for the Defendant was John Wilson Reed, Glass and Reed, 530 Natchez Street, New Orleans, Louisiana 70130; telephone (504) 581-9083.

- 6) Hougas v. Am. Commercial Barge Line, LLC, Docket No. 27,541 (La. 23rd Jud. Dist., Parish of St. James, 2010). Opinion supplied.

Counsel for the plaintiff was Timothy Young, The Young Law Firm, 400 Poydras Street, Suite 2090, New Orleans, Louisiana 70130; telephone (504) 655-9330. Counsel for defendant, American Commercial Barge Line, LLC was William Joyce, Jones, Walker, 201 St. Charles Avenue, Suite 5100, New Orleans, Louisiana 70170; telephone (504) 582-8000. Counsel for defendant, Tako Towing, Inc was Paul Vance, Baldwin, Haspel, Burke and Mayer, 1100 Poydras Street, New Orleans, Louisiana 70163; telephone (504) 569-2900.

- 7) Whitmore v. Carter, Docket No. 60,359 (La. 23rd Jud. Dist., Parish of Ascension, 2009). Opinion supplied.

Counsel for plaintiff was Harry Ezim, Ezim Law Firm, 7142 Florida Boulevard, 2nd Floor, Baton Rouge, Louisiana 70806; telephone (225) 929-7785. Counsel for defendant was Harley M. Brown, 854 Main Street, Baton Rouge, Louisiana 70802; telephone (225) 336-0353.

- 8) Hill v. St. James Stevedoring, LLC, Docket No. 33,018 (La. 23rd Jud. Dist., Parish of St. James, 2010). Opinion supplied.

Counsel for plaintiff was Jason MacFetters, Baldwin, Haspel, Burke and Mayer, 1100 Poydras Street, New Orleans, Louisiana 70163; telephone (504) 569-2900. Counsel for defendant was Daniel Hoerner, Mouledoux, Bland, Legrand and Brackett, One Shell Square, 701 Poydras Street, Suite 4250, New Orleans, Louisiana 70139; telephone (504) 595-3000.

- 9) Lightell v. KC Boat Co., Docket No. 33,582 (La. 23rd Jud. Dist., Parish of St. James, 2010). Opinion supplied.

Counsel for plaintiff was W. Chad Stelly, Rome, Arata, Baxter and Stelly, 650 Poydras Street, New Orleans, Louisiana 70130; telephone (504) 522-9980. Counsel for defendants were Bert Cass, Jr., Deutsch, Kerrigan and Stiles, 755 Magazine Street, New Orleans, Louisiana 70130; telephone (504) 581-5141, and John Enochs, Baldwin, Haspel, Burke and Mayer, 1100 Poydras Street, New Orleans, Louisiana 70163; telephone (504) 569-2900.

- 10) Flowers v. Miller, Docket No. 87,405 (La. 23rd Jud. Dist., Parish of Ascension, 2009). Opinion supplied.

Counsel for plaintiffs was Karl Krousel, 4336 North Boulevard, Suite 101, Baton Rouge, Louisiana 70806; telephone (225) 334-9188. Counsel for defendants were Kevin Christensen, Pan American Life Center, 601 Poydras Street, Suite 2335, New Orleans, Louisiana 70130; telephone (504) 528-8878, Jack Riffle, Law Office of Harold Toscano, Acadian Centre, Suite 655, 2431 South Acadian Thruway, Baton Rouge, Louisiana 70808; telephone (225) 926-6050, and Stephen Laborde, 81 Granada Drive, Kenner, Louisiana 70065; telephone (504) 469-6000.

- e. Provide a list of all cases in which certiorari was requested or granted.

None.

- f. Provide a brief summary of and citations for all of your opinions where your decisions were reversed by a reviewing court or where your judgment was affirmed with significant criticism of your substantive or procedural rulings. If

any of the opinions listed were not officially reported, provide copies of the opinions.

In State v. James, Docket No. 402 (La. 23rd Jud. Dist., Parish of Ascension), my judgment ordering a new trial was reversed by the Louisiana First Circuit Court of Appeal. The Court of Appeal judgment is supplied.

- g. Provide a description of the number and percentage of your decisions in which you issued an unpublished opinion and the manner in which those unpublished opinions are filed and/or stored.

As a Louisiana District Judge, the overwhelming majority of my opinions are delivered orally in court. I estimate that during my time as a judge, I have issued roughly 28 written opinions, all of which are unpublished and all of which are on file in my office and with the Clerks of the corresponding parishes.

- h. Provide citations for significant opinions on federal or state constitutional issues, together with the citation to appellate court rulings on such opinions. If any of the opinions listed were not officially reported, provide copies of the opinions.

Matassa v. Jasmine, Docket No. 34,051 (La. 23rd Jud. Dist., Parish of St. James); aff'd, 42 So. 3d 1157 (La. App. 1 Cir 2010); writ denied 39 So. 3d 599 (La. 2010).

State v. James, Docket No. 402 (La. 23rd Jud. Dist., Parish of Ascension), rev'd, Docket No. 2010 KW 0463 (La. App. 1 Cir. June 17, 2010).

- i. Provide citations to all cases in which you sat by designation on a federal court of appeals, including a brief summary of any opinions you authored, whether majority, dissenting, or concurring, and any dissenting opinions you joined.

I have not sat by designation on a federal court of appeals.

14. **Recusal:** If you are or have been a judge, identify the basis by which you have assessed the necessity or propriety of recusal (If your court employs an "automatic" recusal system by which you may be recused without your knowledge, please include a general description of that system.) Provide a list of any cases, motions or matters that have come before you in which a litigant or party has requested that you recuse yourself due to an asserted conflict of interest or in which you have recused yourself sua sponte. Identify each such case, and for each provide the following information:

- a. whether your recusal was requested by a motion or other suggestion by a litigant or a party to the proceeding or by any other person or interested party; or if you recused yourself sua sponte;
- b. a brief description of the asserted conflict of interest or other ground for recusal;

- c. the procedure you followed in determining whether or not to recuse yourself;
- d. your reason for recusing or declining to recuse yourself, including any action taken to remove the real, apparent or asserted conflict of interest or to cure any other ground for recusal.

I have sua sponte recused myself from all cases in which my former law partner and brother, Martin Triche, my son, Richard Perque, or my daughter's employer have been involved. I have also recused myself from all cases where I had previously represented a party. I do not have a listing of those cases.

I recall two cases in which a party asked me to recuse. In State v. Gaspard, Docket No. 08-199 (La. 23rd Jud. Dist., Parish of Assumption), the defendant filed a Motion to Recuse on the morning of trial after I denied his request for a continuance of the trial date. The defendant argued that I was being guided by public opinion and that, as a result, I had a conflict of interest in the matter. I denied the motion and the matter was set for immediate hearing before another judge who denied the motion finding no conflict of interest.

In Matassa v. Jasmine, Docket No. 34,051 (La. 23rd Jud. Dist., Parish of St. James), the plaintiffs filed an objection to the candidacy of the defendant for a position on the Louisiana Fifth Circuit Court of Appeal, alleging that she did not meet the residency requirements for the office. The defendant filed a Motion to Recuse alleging that I, along with all of the judges of the Twenty-third Judicial District, had a conflict because the Parish of St. James, one of the parishes within the Twenty-third Judicial District, is located within the Fifth Circuit. I denied the motion. A hearing was held before another judge, appointed ad hoc by the Louisiana Supreme Court solely for the purpose of hearing the motion, who found no conflict and denied the motion.

15. Public Office, Political Activities and Affiliations:

- a. List chronologically any public offices you have held, other than judicial offices, including the terms of service and whether such positions were elected or appointed. If appointed, please include the name of the individual who appointed you. Also, state chronologically any unsuccessful candidacies you have had for elective office or unsuccessful nominations for appointed office.

I have not held any public offices. I have had no unsuccessful candidacies for elective office or unsuccessful nominations for appointed office.

- b. List all memberships and offices held in and services rendered, whether compensated or not, to any political party or election committee. If you have ever held a position or played a role in a political campaign, identify the particulars of the campaign, including the candidate, dates of the campaign, your title and responsibilities.

Louisiana Democratic Party State Central Committee, Member (2000 – 2007)
Louisiana Democratic Party Patron (2000 – 2007)
Assumption Parish Democratic Party Committee, Member (1999 – 2007)
Democratic National Convention, Delegate (2000 and 2004)

I also organized and managed get-out-the-vote efforts and raised funds for the following campaigns: Mary Landrieu for U.S. Senate (2008); Charlie Melancon for Congress (2006); Charlie Melancon for Congress (2004); Chris John for U.S. Senate (2004); Kathleen Blanco for Louisiana Governor (2004); Mary Landrieu for U.S. Senate (2002); Mary Landrieu for U.S. Senate (1996); Mary Landrieu for Governor (1995).

16. Legal Career: Answer each part separately.

- a. Describe chronologically your law practice and legal experience after graduation from law school including:

- i. whether you served as clerk to a judge, and if so, the name of the judge, the court and the dates of the period you were a clerk;

I have never served as a judicial law clerk.

- ii. whether you practiced alone, and if so, the addresses and dates;

I have never practiced law alone.

- iii. the dates, names and addresses of law firms or offices, companies or governmental agencies with which you have been affiliated, and the nature of your affiliation with each.

1986 – 2008

Law Office of Risley Triche, LLC (and predecessor firm)

Post Office Drawer 339

Napoleonville, Louisiana 70390

Paralegal (1986 – 1989)

Law Clerk (1989 – 1992)

Associate (1992 – 1998)

Partner (1998 – 2008)

- iv. whether you served as a mediator or arbitrator in alternative dispute resolution proceedings and, if so, a description of the 10 most significant matters with which you were involved in that capacity.

I have never served as a mediator.

b. Describe:

- i. the general character of your law practice and indicate by date when its character has changed over the years.

I have spent my entire legal career as an associate and later partner in a general civil law practice. Early in my career, my father, Risley Triche, was involved in a significant amount of criminal defense in both state and federal courts. During that time, I often assisted and sat as second chair. As he gradually decreased his time in the law office, I became more involved in civil litigation. I did a great deal of work in the area of medical malpractice, domestic relations, and other personal injury type cases.

- ii. your typical clients and the areas at each period of your legal career, if any, in which you have specialized.

My typical clients have been individuals. On one occasion, I represented a business entity.

- c. Describe the percentage of your practice that has been in litigation and whether you appeared in court frequently, occasionally, or not at all. If the frequency of your appearances in court varied, describe such variance, providing dates.

While in private practice, nearly my entire practice was litigation and I appeared in court frequently.

- i. Indicate the percentage of your practice in:

- | | |
|-----------------------------|------|
| 1. federal courts: | 5 % |
| 2. state courts of record: | 94 % |
| 3. other courts: | 0 % |
| 4. administrative agencies: | 1 % |

- ii. Indicate the percentage of your practice in:

- | | |
|--------------------------|------|
| 1. civil proceedings: | 90 % |
| 2. criminal proceedings: | 10 % |

- d. State the number of cases in courts of record, including cases before administrative law judges, you tried to verdict, judgment or final decision (rather than settled), indicating whether you were sole counsel, chief counsel, or associate counsel.

I estimate that I have tried 80 cases to verdict, judgment or final decision. I was chief counsel in the majority of those cases.

- i. What percentage of these trials were:
 - 1. jury: 20 %
 - 2. non-jury: 80 %

- e. Describe your practice, if any, before the Supreme Court of the United States. Supply four (4) copies of any briefs, amicus or otherwise, and, if applicable, any oral argument transcripts before the Supreme Court in connection with your practice.

I have not practiced before the Supreme Court of the United States.

17. **Litigation:** Describe the ten (10) most significant litigated matters which you personally handled, whether or not you were the attorney of record. Give the citations, if the cases were reported, and the docket number and date if unreported. Give a capsule summary of the substance of each case. Identify the party or parties whom you represented; describe in detail the nature of your participation in the litigation and the final disposition of the case. Also state as to each case:

- a. the date of representation;
- b. the name of the court and the name of the judge or judges before whom the case was litigated; and
- c. the individual name, addresses, and telephone numbers of co-counsel and of principal counsel for each of the other parties.

- 1) Oil Insurance, Ltd. v. Dow Chem. Co., 977 So. 2d 18 (La. App. 1 Cir. 2007), writ denied 976 So. 2d 1284 (La. 2008).

On December 24, 2003, a gas well owned by Dow Hydrocarbons and Resources, Inc. and leased and operated by Gulf South cracked, allowing natural gas to escape into underground area around the well. As a result of the gas release, this complex litigation ensued. I represented Dow Chemical. There were significant issues regarding the cause of the failure, as well as waiver of warranty, applicability of comparative fault, and subrogation. Gulf South filed a claim for business losses against its insurer, Oil Insurance, Ltd. Oil filed a claim for damages against Dow Chemical and Dow Hydrocarbons alleging the sole fault of the failure belonged to Dow. Dow filed a reconventional demand against Oil, as the Gulf South insurer, for damages sustained. Initially, Dow filed an exception of Prescription, which I argued before the Louisiana First Circuit Court of Appeal, where we prevailed. The suit was still pending when I took office in August 2008.

Judge Thomas Kleibert presided in the Twenty-third Judicial District Court. Counsel for plaintiff, Oil Insurance, Ltd. was Edward Francis Lebreton, III, Fowler, Rodriguez, Valdes and Fauli, LLP, 400 Poydras Street, 30th Floor, New Orleans, Louisiana 70130; telephone (504) 523-2600. Co-counsel for defendant, Dow Chemical Company; Dow

Hydrocarbons and Resources, Inc were Douglas Kurtenbach, Kirkland and Ellis, LLP, 300 North LaSalle, Chicago, Illinois 60654; telephone (312) 862-2000; F. Barry Marionneaux, and F. Charles Marionneaux, Marionneaux and Marionneaux, 23615 Railroad Avenue, Plaquemine, Louisiana 70764; Arthur Abercrombie, John Campbell, III and John Viator, Taylor Porter, 8th Floor Chase Tower South, 451 Florida Street, Baton Rouge, Louisiana 70801; telephone (225) 387-3221. Counsel for defendant, Gulf South Pipeline Co and Energy Corp. was Terrence Knister, Gordon, Arata, LLP, 201 St. Charles Avenue, #4000, New Orleans, Louisiana 70170; telephone (504) 582-1111. Counsel for Frank's Casing and Rental Tools was Richard Hymel, Preis and Roy, LLP, 102 Versailles Boulevard, Suite 400, Lafayette, Louisiana 70501; telephone (337) 237-6062.

- 2) Harrison v. Archer Daniels Midland Co., 904 So. 2d 971 (La. App. 1 Cir. 2005); writ granted 925 So. 2d 1216 (La. 2006).

Plaintiff Harrison, whom I represented, filed this action against Arthur Daniels Midland Co. (ADM) and Supreme Sugar Co. (Supreme) alleging that he had been wrongfully hired. Harrison accepted an offer of employment by Supreme, with an anticipated report to work date approximately four months after the offer was accepted. During the four month interim, Harrison divested himself of various business interests in anticipation of his new employment. Additionally, during the interim, Supreme was sold to ADM although the sale was kept confidential. Harrison began employment and was terminated within the first year as part of the ADM restructure. Harrison alleged that Supreme and ADM had an obligation to terminate the agreement to hire as the conditions had fundamentally changed. At the bench trial, judgment was rendered on behalf of Harrison. The Louisiana First Circuit Court of Appeal reversed. Writs were granted by the Louisiana Supreme Court and the case settled prior to Supreme Court argument.

Judge Thomas Kleibert presided in the Twenty-third Judicial District Court. Co-counsel for plaintiff was Randall Wells, 6541 Sheffield Avenue, Baton Rouge, Louisiana 70806; telephone (225) 927-3914. Counsel for defendant was Edward Koehl, Jr., Jones Walker Waechter, 701 St. Charles Avenue, New Orleans, Louisiana 70170; telephone (504) 582-8176.

- 3) State v. Thibodeaux, 811 So. 2d 875 (La. 2002).

My client, Shane Thibodeaux, was arrested and charged with distribution of various narcotics. Thibodeaux sought to suppress the evidence retrieved as a result of the search of his house, claiming that the search was without a warrant or exigent circumstances, and that his consent was invalid because the officers arrived and woke the occupants at 2 am. The trial court denied the motion to suppress. The Louisiana First Circuit Court of Appeal granted writs and reversed the trial court. The Louisiana Supreme Court then granted writs and reversed the First Circuit. After the ruling by the Supreme Court, the defendant entered into a plea agreement.

Judge Gerald Wattigny presided in the Sixteenth Judicial District Court. Counsel for the state was Walter James Sennette, Jr., Assistant District Attorney, Sixteenth Judicial

District Court, St. Mary Courthouse, Franklin, Louisiana 70538; telephone (337) 828-4100.

- 4) Boudreaux v. Louisiana Casing Cruises, Inc. d/b/a Casino Rouge, 762 So. 2d 1200 (La. App. 1 Cir. 2000), writ denied 772 So. 2d 651 (La. 2000).

Plaintiff Boudreaux, an openly gay man, was hired by Casino Rouge as a banker. He alleged that during the course of his employment he was subjected to repeated and unwanted sexual advances by his supervisor, John Causey. Boudreaux began reporting these advances to his friend and immediate supervisor almost immediately, but instructed her not to report the issue to Human Resources as he was afraid to lose his job. Boudreaux was discharged and this lawsuit followed, wherein I represented Boudreaux. The trial court granted summary judgment in favor of the employer, holding that Boudreaux's failure to follow company procedure and report his complaints precluded his recovery. The Louisiana First Circuit Court of Appeal reversed and the Louisiana Supreme Court denied writs. The matter subsequently settled prior to trial.

Judge Robert Downing presided in the Nineteenth Judicial District Court. Counsel for defendant was Murphy Foster, III, Breazeale, Sachse, and Wilson, LLP, One American Place, 301 Main Street, 23rd Floor, Post Office Box 3197, Baton Rouge, Louisiana 70821; telephone (225) 387-4000.

- 5) Wiley v. Cooper, Docket No. 74,159 (La. 23rd Jud. Dist.).

Wiley expired in 2001 during pancreatic fistula repair surgery. As a result of his death, a complaint was filed with the Patient's Compensation Fund and submitted to a medical review panel, which found no malpractice. This suit for damages followed, in which I represented Wiley. The suit alleged that Dr. Cooper, while performing a biopsy, lacerated the pancreas and, in an attempt to repair the damage, tied off the pancreatic duct. As a result of this injury, Wiley suffered from pancreatitis and was unable to receive appropriate treatment for underlying cancer. After a week-long jury trial in 2004, the jury found that Wiley lost a "chance of survival" as a result of the defendant's malpractice. No appeal was filed.

Judge Pegram Mire presided in the Twenty-third Judicial District Court. Counsel for defendant was Paul Meyer, 9100 Bluebonnet Center Boulevard, Baton Rouge, Louisiana 70809; telephone (225) 295-4910.

- 6) James v. Pharo, Docket No. 97,787 (La. 17th Jud. Dist.).

James brought this medical malpractice claim for the wrongful death of her husband. She alleged that Dr. Pharo abruptly discontinued the decedent's use of Atenolol, a cardiac medication, which resulted in his death. I represented the plaintiff. Following a bench-trial in 2003, judgment was rendered in favor of my client. No appeal was filed.

Judge Walter Lanier presided in the Seventeenth Judicial District Court, Counsel for the defendant was Peter Sperling, Frilot, LLC, 1100 Poydras Street, #3700, New Orleans, Louisiana 70163; telephone (504) 599-8015.

7) Seludo v. Kentwood Spring Water, Inc., Docket No. 20,093 (La. 23rd Jud. Dist.).

My client, Dr. Seludo, was poisoned and permanently disabled when he drank bottled water laced with cyanide. Suspicion immediately focused on his neighbor, a lab technician at Lakewood Hospital. Through extensive discovery, we were able to show that (1) the neighbor had access to cyanide at the hospital (that, in violation of policy, had not been destroyed); (2) the molecular nature of the cyanide found at Lakewood was consistent with the cyanide found in Seludo; (3) Seludo had recently refused to allow his neighbor to continue using his vehicle; and (4) the neighbor's background was fraudulent. This matter settled in 1994, prior to trial.

Judge John Peytavin presided in the Twenty-third Judicial District Court. Counsel for the defendant, Lakewood Hospital was Peter Dazzio, Watson, Blanche, Wilson and Posner, 505 North Boulevard, Post Office Drawer 2995, Baton Rouge, Louisiana 70821; telephone (225) 387-5511.

8) Gaudet v. Gaudet, 845 So. 2d 166 (La. App. 1 Cir. 2003).

Plaintiff and wife divorced in 1999, during which time they entered into a community property agreement. In November 2000, my client, the plaintiff, challenged the agreement as lesionary. His ex-wife argued that the partition agreement was part of transaction and compromise and that the agreement contained some "nontangible benefit" in that my client's actions had caused the divorce. After trial on the matter, the court found the agreement was indeed lesionary and set the partition aside. The Louisiana First Circuit Court of Appeal affirmed.

Judge Robert Klees (ad hoc) presided in the Seventeenth Judicial District Court. Counsel for defendant was Daniel Cavell, 402 West Fourth Street, Thibodaux, Louisiana 70301; telephone (985) 449-7500.

9) Champagne v. McDonald's Corp., No. 02-CV-1145 (E.D. La.).

Plaintiff visited McDonald's and ordered a chicken sandwich. While eating the meal, she discovered some foreign object in the meal. The foreign object was given to the store manager and later misplaced or lost. The plaintiff, whom I represented, filed against McDonald's, Tyson Foods, Inc. and the Martin Brower Company, LLC in 2003. McDonald's sought summary judgment, arguing that it was not a manufacturer within the meaning of the Louisiana Products Liability Act (LSA-R.S. 9:2800, et seq.). After summary judgment was denied, the matter settled in 2003.

Judge Lance Africk presided in the United States District Court for the Eastern District of Louisiana. Counsel for defendant, McDonald's was Max Cohen, Lowe, Stein, Allweis

and Hauver, LLP, 701 Poydras Street, #3600, New Orleans, Louisiana 70139; telephone (504) 581-2450. Counsel for defendant, Tyson Foods, was Scott Kaiser, Phelps Dunbar, LLP, Canal Place, 365 Canal Street, Suite 2000, New Orleans, Louisiana 70130; telephone (504) 566-1311.

10) Jackson v. Winn Dixie Louisiana Co., Docket No. 80,647 (La. 17th Jud. Dist.).

Plaintiff purchased various food products from Winn Dixie for her family, including a package of ground beef. She seasoned the meat products, cooked a portion and froze the remainder. Within the following week, her very young daughter became violently ill and was diagnosed with an E. coli bacterial infection that resulted in temporary kidney failure requiring dialysis. My client filed suit against Winn Dixie. After extensive discovery, the case settled in 1999.

Judge A. Bruce Simpson presided in the Seventeenth Judicial District Court. Counsel for the defendant, Winn Dixie was Rene Williams, Williams, Lazarus and Brown, 7931 Main Street, Houma, Louisiana 70360; telephone (985) 917-1111.

18. **Legal Activities:** Describe the most significant legal activities you have pursued, including significant litigation which did not progress to trial or legal matters that did not involve litigation. Describe fully the nature of your participation in these activities. List any client(s) or organization(s) for whom you performed lobbying activities and describe the lobbying activities you performed on behalf of such client(s) or organizations(s). (Note: As to any facts requested in this question, please omit any information protected by the attorney-client privilege.)

As a partner in my law firm, I engaged primarily in litigation. Occasionally, I drafted sales, leases, and wills and did minimal succession work.

Throughout my career, I was an active member of our local bar association and, during my tenure as president, the "23rd Judicial District Bar Association Scholarship Fund" was established. This fund awards a scholarship to an outstanding senior in each high school in the district. I have additionally volunteered, in conjunction with the bar association and local schools, to be available for student shadowing and career days. From 2005 through 2007, I was involved with the state bar association and was an active member of the House of Delegates.

I have never performed any lobbying activities on behalf of a client. I have, however, informally contacted legislators on issues related to judicial matters and requested their consideration on bills that had been designated as items supported or opposed by the state judiciary. Additionally, while on the legislative committee of the Louisiana Bar Association, I was involved in "reach out" functions hosted by the Bar Association to interact with legislators. I have never registered as a lobbyist.

19. **Teaching:** What courses have you taught? For each course, state the title, the institution at which you taught the course, the years in which you taught the course, and describe

briefly the subject matter of the course and the major topics taught. If you have a syllabus of each course, provide four (4) copies to the committee.

I have not taught any classes.

20. **Deferred Income/ Future Benefits:** List the sources, amounts and dates of all anticipated receipts from deferred income arrangements, stock, options, uncompleted contracts and other future benefits which you expect to derive from previous business relationships, professional services, firm memberships, former employers, clients or customers. Describe the arrangements you have made to be compensated in the future for any financial or business interest.

I have an interest in MJ Holding Company, which is a real estate holding company owned by my brother and me. I would anticipate proceeds from any real estate sales or rentals received. If confirmed, I would handle this interest in accordance with judicial ethical standards.

I have an interest in one outstanding personal injury claim. I would anticipate proceeds from this case upon trial or settlement. If confirmed, I would handle this interest in accordance with judicial ethical standards.

21. **Outside Commitments During Court Service:** Do you have any plans, commitments, or agreements to pursue outside employment, with or without compensation, during your service with the court? If so, explain.

I have no such plans, commitments, or agreements.

22. **Sources of Income:** List sources and amounts of all income received during the calendar year preceding your nomination and for the current calendar year, including all salaries, fees, dividends, interest, gifts, rents, royalties, licensing fees, honoraria, and other items exceeding \$500 or more (if you prefer to do so, copies of the financial disclosure report, required by the Ethics in Government Act of 1978, may be substituted here).

See attached Financial Disclosure Report.

23. **Statement of Net Worth:** Please complete the attached financial net worth statement in detail (add schedules as called for).

See attached Net Worth Statement.

24. **Potential Conflicts of Interest:**

- a. Identify the family members or other persons, parties, categories of litigation, and financial arrangements that are likely to present potential conflicts-of-interest when you first assume the position to which you have been nominated. Explain how you would address any such conflict if it were to arise.

My brother is a partner in the Law Office of Risley Triche, LLC in which I was once a partner as well. My son is a sole practitioner in New Orleans. My daughter is a law school graduate and anticipates practicing in the Thibodaux area. If confirmed, I would recuse myself from any case in which any of these family members appeared as an attorney as well as any case in which any member of the Law Office of Risley Triche, LLC appeared. While I would carefully review each case for conflict or appearance of conflict, I do not anticipate any other conflicts if I am confirmed as a district judge.

- b. Explain how you will resolve any potential conflict of interest, including the procedure you will follow in determining these areas of concern.

If confirmed, I will abide by the provisions of Canon 3 of the Code of Conduct for United States Judges and other applicable laws and standards. I will endeavor at the outset of each case to identify any potential conflict or appearance of conflict. I will treat any such conflict or appearance of conflict in accordance with the laws and rules, with the guidance of my colleagues, and with disclosure on the record and recusal where necessary.

25. **Pro Bono Work:** An ethical consideration under Canon 2 of the American Bar Association's Code of Professional Responsibility calls for "every lawyer, regardless of professional prominence or professional workload, to find some time to participate in serving the disadvantaged." Describe what you have done to fulfill these responsibilities, listing specific instances and the amount of time devoted to each.

I have been engaged in pro bono (or reduced fee) work throughout my career. I volunteered to provide services to Chez Hope, a local battered women's shelter, and was regularly referred clients by the counselors of the shelter who were unable to afford services. Additionally, I would regularly accept reduced fees in domestic matters based upon my client's ability to pay.

26. **Selection Process:**

- a. Please describe your experience in the entire judicial selection process, from beginning to end (including the circumstances which led to your nomination and the interviews in which you participated). Is there a selection commission in your jurisdiction to recommend candidates for nomination to the federal courts? If so, please include that process in your description, as well as whether the commission recommended your nomination. List the dates of all interviews or communications you had with the White House staff or the Justice Department regarding this nomination. Do not include any contacts with Federal Bureau of Investigation personnel concerning your nomination.

In February 2009, I wrote to Senator Mary Landrieu requesting her consideration for the vacancy in the United States District Court for the Eastern District of

Louisiana. Representatives of Senator Landrieu interviewed me in New Orleans in March 2009. I interviewed with Senator Landrieu on October 14, 2010. On November 2, 2010, I was contacted by Senator Landrieu and advised that my name, along with two others, was being submitted to the White House for consideration. Since December 23, 2010, I have been in contact with pre-nomination officials at the Department of Justice regarding my candidacy. On February 1, 2011, I interviewed with attorneys from the White House Counsel's Office and the Department of Justice in Washington, D.C. On March 16, 2011, the President submitted my nomination to the Senate.

- b. Has anyone involved in the process of selecting you as a judicial nominee discussed with you any currently pending or specific case, legal issue or question in a manner that could reasonably be interpreted as seeking any express or implied assurances concerning your position on such case, issue, or question? If so, explain fully.

No.

AFFIDAVIT

I, Jane Margaret Triche-Milazzo, do swear
that the information provided in this statement is, to the best
of my knowledge, true and accurate.

March 14, 2011

(DATE)

Shelley Milazzo

(NAME)

Timothy J Barbier

Timothy J BARBIER

3/14/11

(NOTARY) #811

BAR Roll 2743