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Getting to Know Some of Baton Rouge's Young Public Defenders

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The defense of a criminal defendant by an advocate may place her or him in unexpected and morally complicated scenarios. Here is a situation: You are charged to represent someone accused of attempted second-degree murder and armed robbery. He has told you his explanation of the facts. One person was shot, no medicals were provided by the prosecutor (as she intends not to introduce them), and nothing was actually stolen, according to your client. Unfortunately, as you turn to the rear of the courtroom, the deputies begin wheeling in the victim, on a gurney; he's now a quadriplegic, and it is your responsibility to disprove your client's identity before the jury. Are you ready to tap out of this case? The young men and women of the Public Defender's Office (PDO) never tap out, never step out of the box; they swing the bat for liberty, because "the rights of every man are diminished when the rights of one man are threatened."

In Baton Rouge, as in every major city in our republic, the chief responsibility for defending those charged with crimes rests with local public defenders. The PDO in Baton Rouge has its staff in court, in every criminal section, every day of the court's docket in zealous representation of those who are the poorest in our community and whose liberty is most threatened with police action.

By interviewing some of the young members of our PDO, I had the opportunity to learn about them and the significant role they assume for us all, every day.

BEN LABRANCHE has been with the PDO since May 2007. He was initially drawn to work there for the tremendous experience it provides. "It is exciting with something new every day, with a fast pace in court every day," he said. Through this process, Labranche has obtained experience in representing a wide variety of individuals accused of the complete spectrum of criminal offenses. "I have learned the impact upon families who are compelled to persevere through the process when one of its members is charged with serious crimes." In addition, he has learned "the terrible lesson as to where the gross majority of crime is occurring in our parish, and unfortunately, it is in areas that have been written off by a lot of people. Before I was a PD, I never went to places impacted by crime, like North Acadian and Scotlandville, and now through my representation, I have visited our entire city, and embraced all of its citizens and only grown to understand there is hope we can restore by standing for those who most need an advocate."

He has taken a leadership role for the pre-eminent local criminal defense bar as president of Baton Rouge Bar for Criminal Justice (BRBCJ) and CLE chair for the Louisiana Association of Criminal Defense Lawyers (LACDL). LaBranche has been counsel in 14 jury trials and said he has "learned from every one especially after sitting down and discussing the cases with the juries who decided the cases." His dad, long-time litigator Max LaBranche, encouraged him to work for the PDO, and he is most grateful for this guidance. Under Chief Public Defender Mike Mitchell's leadership, he has been given "freedom of action" to make case decisions for his clients. This greatly accelerated his learning curve and provided better service to those whose situations are most dire.

SHEA SMITH, who has been with the PDO for five years, came there to get courtroom experience. "It has given me a lot of confidence in walking into any courtroom to represent anyone in either a civil or criminal case, and I know I can now handle any litigation no matter how complex, in large part, because of my experience at the PDO," Smith said. "I am so proud to work with the professionals at the PDO. Most people don't know the exceptional quality of the people we have. I know some perceive public defenders without high regard, but we work as a team, we are committed, and we all demand of each other the highest degree of excellence. Often, the facts may go against us, but we will never bend to oppressive authority without a zealous defense for those most vulnerable to the excesses of governmental exploitation," he said. An example was his participation in the defense in the face of overwhelming facts on behalf of an Iraq War veteran who had allegedly stabbed his wife in state of heightened anxiety. "When the verdict was read, several women on the jury openly wept. No one died in the case, but no one won when it was over. In talking to jurors afterward, they had deliberated for almost three hours trying to find a way to 'help' the defendant, but

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could not figure out how to do it," Smith said.

JASON CHATAGNIER joined the PDO more than five years ago, he said, because "it is the one place for a young attorney to try cases, especially ones no one else will try, whether too complex or involve clients with records requiring a ream of paper from Kinko's to copy." Chatagnier is from the small town of Schriever, La., which views nearby Houma as the "big city."

"I had taken for granted my background, and find myself now standing for, and beside, fellow human beings, who have no one else willing or able to support them," he explained. His tutelage as a litigator could not have been successful without the leadership provided by Michael Mitchell.

"I am so indebted to Mike," Chatagnier said. "He has allowed me to become a trial attorney with no handcuffs, and his standards of excellence mandate all of us to be of the highest professional caliber. He is my role model, not only as a defense attorney, but as a leader for the entire Bar and community."

FRANZ N. BORGHARDT joined the PDO in February 2009. Prior to this, he had been a law clerk for Judge Tony Marabella for 18 months. In law school, he never thought of becoming a defense attorney, but it has been the opportunity of a lifetime to work with the group of lawyers at the PDO.

"I like the opportunity to compete that trial-by-jury provides, and caring about the people we represent gives the process not only added meaning, but added motivation to succeed," he said. "We face an uphill battle in every conflict as the DA is playing with 'house money.' Our job is to not only keep the DA intellectually honest in the process, but many times people are over-charged and are not guilty of the formal charge set forth by them," he stated.

The PDO is like a giant think tank for Borghardt, and he feels blessed to work in an atmosphere that allows him to "do things you only see on T.V. I live 'Law & Order' every day, even though sometimes it is as difficult as ice skating uphill due to the complexities and the caseload."

Borghardt is a graduate of the Gerry Spence Trial Lawyers College and the National Criminal Defense
College. He has learned many invaluable litigation techniques from these experiences, but his most powerful asset is his fearless nature.

SARA ANDERSON became a member of the PDO staff of attorneys Jan. 15, 2010, because she always wanted to try cases. For Anderson, trying cases gives her an opportunity to provide the jury with a set of facts that unravel a puzzle to the truth. “Ones that may not be obvious at first blush,” she said. She believes she has been given a real opportunity at the PDO. “Even though I am just out of law school, I now see how the real world works, how judges respond, what victims are looking for and when they may be willing to actually work with defendants who may have wronged them.”

“This is the only job I’ve ever done that does not seem like ‘work.’ I help people ‘win’ not only when a not guilty verdict is read, but when I appear on their behalf, defend their right to confrontation, and allow them to have their day in court,” Anderson said. “My ultimate goal is to be one of the best trial attorneys in our city, and I’m now familiar with representing people experiencing great desperation. When I can help them, it gives me great satisfaction. If I can continue to learn while here, my ability to help other people through the difficulties of divorce and personal injury will only grow stronger.”