

mirrors that, but he's evenhanded with cases that get to court." "He is middle of the road in civil matters."

Most criminal defense lawyers said Sear is fair. "In criminal matters he's not inordinately pro-government." "He is better than some regarding being too pro-government." "He's pro-government, but not terribly so." "He often takes sides, and sometimes he takes sides depending on the lawyers and sometimes depending on the issues, but he's better than some about not being too pro-government."

Criminal defense lawyers said Sear sentences in the middle of the guidelines and is not likely to grant a down departure from the guidelines. "In sentencing, he's not the heaviest hand. He's middle of the road in sentencing." "He's down the middle in sentencing." "You wouldn't expect a downward departure from him." "He might depart if the government urges departure because of cooperation, but he won't otherwise."

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## Helen Ginger Berrigan

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District Judge; Louisiana, Eastern  
500 Camp Street  
Room 556  
New Orleans, LA 70130  
(504) 589-7410  
Fax: (504) 589-2643  
Born 1948; appointed in 1994 by President Clinton

**Education** Univ. of Wisconsin, B.A., 1969; American Univ., M.A., 1971; Louisiana State Univ., J.D. 1977

**Private Practice** Gravel Brady & Berrigan, New Orleans, 1978-94

**Clerkships** Law Clerk, Louisiana Department of Corrections, 1975-77

**Government Positions** Staff Attorney, Governor's Pardon, Parole and Rehabilitation Commission, 1977-78; Legislative Aide Senator Joseph E. Biden, 1972-73; Staff Researcher, Senator Harold E. Hughes, 1971-72; Member, Louisiana Sentencing Commission, 1987-1994

**Other Employment** Assistant to Charles Evers, Mayor of Fayette, Miss., 1973-74; Graduate Assistant, Department of Communications, American Univ., 1971; Administrative Secretary, Boston College; Staff Assistant, Univ. of Wisconsin

**Professional Associations** Louisiana State Bar Assn., 1977-present; Bar Assn., Federal Fifth Circuit, 1986-present; Louisiana Assn. of Criminal Defense Lawyers, 1985-1994; New Orleans Assn. for Women Attorneys, 1987-1994; Louisiana Capital Defense Project, 1986-88

**Other Activities** Committee of 21, 1989-1993; American Civil Liberties Union of Louisiana, 1989-1993; Forum For Equality, 1990-1994; Amistad Research Center, Tulane Univ., 1990-present

**Media Coverage** 1996: Berrigan was assigned to oversee a class-action lawsuit against the nation's largest tobacco companies. Berrigan replaced Okla. B. Jones 2d, who died in January of leukemia. Berrigan's appointment to the case had no immediate effect because the class-action status was before a Federal appeals court in New Orleans at

the time of Jones' death. Berrigan said of her assignment, "This is certainly a challenge, and I expect to work very hard." New York Times, January 18, 1996

**Lawyers' Evaluation** Lawyers with a limited number of appearances before Berrigan since her 1994 appointment are very impressed with her ability and willingness to work hard. "She is always well-prepared." "She is very bright and very thorough." "In terms of ability, she's the best." "She's very bright and very hard-working." "Her legal ability is excellent." "She has a brilliant legal mind." "She is very involved in the legal aspects of the case. She reads the briefs and the cases—the authorities, and is very prepared." "She's very good."

Litigators familiar with Berrigan said she is extremely cordial to lawyers. "She is the nicest judge to members of the bar. She has juice and coffee and donuts." "She's very cordial." "She is very courteous." "She talks to defendants—she is very cordial, she will greet them and wish them good luck." "She is the most pleasant judge. She is very lawyer-friendly." "She's extremely friendly to members of the bar. She makes you feel at home in her courtroom and chambers."

Berrigan keeps control of her courtroom, but lets attorneys present their cases, according to those familiar with her. "She takes her time to listen to everyone and doesn't interrupt like some of the other judges." "She really wants to hear your argument." "She is very involved in the courtroom." "She conducts her courtroom fairly. She knows how to rein in lawyers and when to do it." "She is very good. She lets the lawyers do some voir dire and that is rare anymore." "She lets you try your case." "She lets you do your thing, so being in her courtroom is really easy, in that you get to present your case." "She's very informal. She's not a prima donna and she isn't taking herself too seriously."

Most lawyers said it is too early to see any leanings in either civil or criminal cases, but indicated that she is more likely to listen to a good criminal defense argument and more likely to grant downward departures in sentencing than most judges.

Civil litigators said Berrigan referred their cases to magistrates for settlement.

**Miscellany** Berrigan's private practice focused almost entirely on criminal defense work, mostly in state court. She served as co-counsel to Louisiana Governor Edwin Edwards in the mid-1980's after he was indicted along with several others for alleged fraud in connection with the awarding of so-called "certificates of need" for construction of privately owned, for-profit medical facilities. Governor Edwards was eventually acquitted of all charges. Berrigan also writes and annually updates *Louisiana Criminal Trial Practice*, a 600-page compilation of the statutory and jurisprudential law of criminal procedure in Louisiana, upon which criminal practitioners in the state rely. *Inside Litigation*, Feb./March, 1994.

## Exhibit 8

Carl Bernofsky