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Lexi Holinga Writes Article on Preston Castille for Bar Newsletter

Lexi T. Holinga, an associate at Taylor Porter, sat down for an interview with **Preston J. Castille, Jr.**, a partner at Taylor Porter who served as a Baton Rouge City Court Judge earlier this year.

The article currently appears in "Around the Bar", the Baton Rouge Bar Association's monthly newsletter.

Lexi T. Holinga practices in the area of general and commercial litigation with an emphasis on toxic tort litigation, class action defense, and products liability litigation. She obtained her Juris Doctorate and a Bachelor of Civil Law from the Paul M. Hebert Law Center at Louisiana State University in 2005. Ms. Holinga graduated magna cum laude from Louisiana State University in 2002 where she received a Bachelor of Science degree in Marketing.

Preston J. Castille, Jr. is engaged primarily in business transactions and litigation. Mr. Castille is also an adjunct Professor of Law at the Paul M. Hebert Law Center at Louisiana State University and the Southern University Law Center where he teaches Pretrial Litigation and Louisiana Civil Procedure I and II. He was appointed by the Louisiana Supreme Court as Judge Pro Tempore in 2009 and continues to periodically serve as an ad hoc judge. In addition to being an experienced transactional lawyer and litigator in both state and federal court, Mr. Castille assists clients with matters involving the Louisiana Legislature and other state and local governmental entities.

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Off the Bench — Preston J. Castille Jr. talks about his time on the bench

BY LEXI HOLINGA

VITAL STATISTICS

Age: 43

Position: Partner, Taylor Porter; Teaches Pretrial Litigation at the LSU Paul M. Hebert Law Center and Louisiana Civil Procedure I and II at the Southern University Law Center; Served as a Baton Rouge City Court Judge (Jan. 1-May 4, 2009)

Born & Raised: in Opelousas, La.**Education:** Southern University; Tulane Law School**Married to:** Marian Caillier Castille**Children:** Three

ATB: You served as a Baton Rouge City Court Judge Pro Tempe from Jan. 1 to May 4, 2009. How were you selected to fill this seat?

Castille: Chief Justice Kimball called and asked if I was interested. I, of course, needed to discuss the opportunity with my family and firm before agreeing. After getting the green light, I then let Justice Kimball know I would accept the appointment if offered. She was then kind enough to present my name to the Supreme Court and my appointment was approved.

ATB: Were you able to continue practicing while you served on the bench?

Castille: Full-time City Court judges cannot practice. But, because I was temporary, I was able to practice law. My intent was to take a leave of absence from my firm and practice. But a couple of dormant cases started to heat up once I took the bench, so I ended up juggling both at the same time

ATB: How did you juggle both your private practice and being on the bench?

Castille: Although I could still practice, I could not make court appearances in cases pending in courts that had appellate jurisdiction over Baton Rouge City Court. I could, however, practice without limitation in other jurisdictions and I managed to stay quite busy with other cases and the transactional portion of my practice. I ultimately had to step down about a week earlier than planned because I had an oral argument before the Louisiana Supreme Court on May 5th. I have to admit I felt much more confident during my oral argument knowing that I had been a judge just the day before.

Frankly, in the beginning, it was also a little challenging remembering when I was the judge or the lawyer. For

example, during a hearing on a motion in CDC a few weeks into my term, I began my argument to the judge by saying, "Good morning, counselor" Fortunately, she knew I had been serving as judge *pro tempore*, laughed and thought it was funny. Eventually, I managed to settle into the two roles.

ATB: Did you preside over both civil and criminal cases?

Castille: Yes. The five judges do a rotation among five courtrooms — (1) civil trials, (2) a criminal trials and multiple offenses, (3) criminal trials and DWI cases, (4) arraignments and traffic and (5) duty week.

ATB: How did the position you filled become open?

Castille: Judge Trudy White was elected to the state court bench. She ran against Judge Curtis Calloway and she took office in January 2009, which left her seat on Baton Rouge City Court vacant. Judge Kelli Terrell Temple has since been elected to this seat.

ATB: Did you ever have the occasion to bang your gavel?

Castille: Actually I never had a gavel. So I guess I never found that I needed one. I know that sounds strange, but I had a great courtroom deputy and set of legal secretaries. They did a fantastic job. Every morning before I took the bench they had already spoken to the audience and laid out all the rules. If I ever had a problem, it was taken care of immediately by the deputy or the staff.

Most people don't realize that City Court is such a well-oiled machine. The judges have two legal secretaries who go to court with the judge and do a great job of handling most issues before they get to the judge. It is truly like being a conductor of a symphony. If organized the way it

should be and everybody does their part well, the judge is able to give his or her undivided attention to major issues and litigants. In fact, I had really forgotten I didn't have a gavel until the last week.

I did find that people conformed to their environment. I would always address my audience every morning and communicate any delays. There is a large volume at city court. For many people it's their first opportunity to be involved with the justice system and most aren't represented. So it was important for me to share what was going on with them periodically, which was a tip the other city court judges gave me before I took the bench. The other judges were extraordinarily helpful and were always willing to offer good advice.

ATB: What percentage of those before you were unrepresented?

Castille: It was rare for those in traffic court or small claims to have a lawyer. Maybe half of the parties on the regular civil docket were represented. However, the large number of defendants who are unrepresented on the criminal docket was shocking. Even more shocking was the number of young people entering the criminal justice system through City Court. Unfortunately, I got to see up close just how troubled our society is becoming, particularly for a certain segment of our community. It was not unusual for an 18-year-old man or woman to come into court with a misdemeanor charge. All too often the young man or woman already had more than one child, was unmarried, not employed and not in school. My immediate thought was always what chance will their children have of success with so much stacked against them. City Court seemed like the last opportunity, however, to perhaps reach some of the young adults before they graduated to more serious offenses. On the other hand, I also got to see just how human we all are as I saw many of our own children, clients and colleagues in court for various different reasons. The experience was quite humbling.

DWI court was quite different from any of the other weeks. Although most defendants in DWI court were represented, I saw an overrepresentation of our city's college students and women in DWI court. I remember giving a talk at career day at LSU and commenting during my presentation about seeing too many of their schoolmates in DWI court. Some of the students simply chuckled. But, a young lady approached me after the talk crying. A high school friend had been killed by a drunk driver and she asked me to be as tough as possible with the DWI defendants who came before me. That conversation was a reminder of the incredible responsibility judges have and that, even at the City Court level, their decisions have life and death consequences.

ATB: What was your day like in the office?

Castille: Of course, mornings were dedicated to court. Duty week began at 8 a.m. with jail call out for inmates with matters pending before the court. The remainder of the day in court was the regular civil docket of evictions, J.D. exams, motions, exceptions, other rules and small trials. Court in every other courtroom, *i.e.*, civil, arraignments, and criminal, began at 9 a.m. Every day there was a new stack of files that didn't require court appearances to be read and ruled on. I would try to read as many of those as possible before taking the bench. If there were no trials scheduled for the afternoon, I generally spent my afternoons reviewing files and signing orders. After finishing at the courthouse, I would go to my law firm to get as much office work done there as much as possible. My clients were very understanding, but still wanted their files worked on as well.

ATB: Did a law clerk assist you?

Castille: Yes. The law clerks at city court are full-time law students and part-time employees. I had two clerks during my short stint who did a great job of reviewing files and making recommendations on rules for rule day. While we did not always agree on what the ruling should be, it was great knowing that, as the judge, I made the final decision. I have to admit I really miss that part of being on the bench.

ATB: Is there anything that you took from this experience that helped you in your practice of law?

Castille: I learned to be practical. Lawyers often write far more than they need to and assume that judges have time to read everything. Help the judge. The judge, and her law clerk, is trying to come up with an answer as quickly as possible so that she can move on to the next file. The quicker you can get to your point, whether in brief or oral argument, the judge will greatly appreciate it and likely understand it better. If there is anything you don't need to say, don't say it. I preferred reading memos and briefs with good headings. I know it is not the normal way to write a memo in city or state court, but if lawyers used a table of contents or clearly summarized their arguments in the beginning of the memo, it would be so helpful. I think it would force them to succinctly organize and present their arguments. My writing style has certainly changed because of my experience of reading so many memos of other lawyers and trying to come up with the "right" answer. Most judges make their decision before going onto the bench. On rule day, I would have my rule written out before I got to the bench. Occasionally, I was persuaded to rule differently – maybe in cases where there was testimony or there was some fact or law that was not discussed in the memos, but 90 percent of the time,

I made decisions on the briefs before walking into the courtroom.

ATB: How has this experience changed you as a person?

Castille: I certainly have learned to be a better listener and to consider all sides of every conflict very carefully and then be decisive. A judge is required to simply rule on the law and the evidence. Of course, applying the law to the facts does not always seem fair to the person who loses. As a judge, there are lots of cases and conflicts to be resolved so I quickly learned to be decisive, but be as compassionate as possible. I know that sounds a little like a cliché, but as an example, it was tough to evict a family from their home when they had not paid their rent. The landlord wanted her money because she probably had a mortgage to pay and the tenant wanted a place to stay. As the judge, you just learn to make tough decisions, give parties an opportunity to be heard and, when possible, attempt to explain the rationale behind your rulings. There is something cathartic about giving an aggrieved party an opportunity to be heard and sometimes that's half the battle. That's true in life as well.

ATB: Did your experience persuade you to seek a full-time judicial position?

Castille: Candidly, it has inspired me to be a better lawyer. I enjoy being in the courtroom and litigation. My career is great right now. I get to teach a little at the law schools, sit on the bench occasionally and have a great time being a trial lawyer. I'm not sure I want to mess up a good thing at this point in my life, but who knows what the future holds.

ATB: Which one was more stressful – private practice or serving on the Bench?

Castille: The judges won't like this answer, but being a lawyer is more stressful. One simple reason – you don't get in trouble for missing deadlines as a judge, or should I say as much trouble. The pressures of making deadlines and managing clients are intense. While I know I have a busy practice, I had lawyers in my courtroom who had 10 or more matters all set for the same day in different courtrooms in city court and state court. Managing a practice is an incredibly difficult job. I am fortunate to have a great firm to practice with and my experience on the bench has given me a much deeper appreciation for how challenging it is for our many solo practitioners who also have busy practices. Sorry, judges. ■



It's about me.

Name: Scott Wolfe
Firm: Wolfe Law Group
Age: 29
Products: Health Plan, 10-Year Term Life Insurance, and Lawyers Professional Liability Program

My Story:
I joined the LSBA members health plan and professional liability program in 2005, right after law school. I've continued to stay with Gilsbar year after year because of the great service I receive. Each year, I know my Gilsbar consultant will review my options and meet with me to decide together which choice works best for me and my business.

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