

SUPREME COURT OF LOUISIANA  
LOUISIANA BOARD OF DISCIPLINARY COUNSEL  
OFFICE OF THE DISCIPLINARY COUNSEL

IN RE: ASHTON R. O'DWYER, JR.  
DOCKET NO. 10-DB-006

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HEARING ON MOTION TO DISQUALIFY AND/OR  
RECUSE THE LOUISIANA DISCIPLINARY SYSTEM  
IN ITS ENTIRETY

---

Taken in the above-entitled and numbered  
cause at the 24th Judicial District Court for the Parish  
of Jefferson, Section "A", 200 Derbigny Street, Gretna,  
Louisiana, on the 5th day of June, 2012.

THE COMMITTEE:

KATHLEEN SIMON, ESQ., Chair  
MATTHEW FRIEDMAN, ESQ., Attorney Member  
DESIRE' DUPRE, Public Member

REPORTED BY:

HEIDI SCHWAB, CCR, CVR, OCR

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APPEARANCES:

LOUISIANA ATTORNEY DISCIPLINARY BOARD  
OFFICE OF THE DISCIPLINARY COUNSEL  
BY: MARK DUMAINE, Deputy Disciplinary Counsel Ad Hoc  
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ASHTON R. O'DWYER, Pro Se

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Exhibits

(None marked at this Proceeding)

1 P R O C E E D I N G

2 CHAIR SIMON:

3 Is everyone ready to proceed?

4 MR. DUMAINE:

5 Yes, Your Honors.

6 RESPONDENT:

7 Ashton O'Dwyer is ready.

8 CHAIR SIMON:

9 All right, that's wonderful. Gentlemen,  
10 you may sit while we get some perfunctory matters  
11 taken care of.

12 Good morning, everyone, my name is  
13 Kathleen Simon. I'm an attorney, and I'm a Chair of  
14 the Louisiana Attorney Disciplinary Board Hearing  
15 Committee No. 23. I'm here today with our Lawyer  
16 Member, Mr. Friedman, and our Public Member,  
17 Ms. Dupre, for a hearing that is set before this  
18 Committee.

19 This is matter No. 10-DB-006, Ashton R.  
20 O'Dwyer, Jr., ODC File No. 24572, LADB docket  
21 number as given.

22 It is my understanding that, Mr. O'Dwyer,  
23 you are proceeding pro se, correct? and you are the  
24 Respondent?

25 RESPONDENT:

1                   Yes to both of those, Ms. Simon.

2       CHAIR SIMON:

3                   All right.

4                   And Counsel, if you'd make your  
5       appearance, please.

6       MR. DUMAINE:

7                   Mark Dumaine, Disciplinary Counsel  
8       Ad Hoc, appointed December 8th, 2008, in this  
9       matter.

10      CHAIR SIMON:

11                  Thank you very much.

12                  Now, it's my privilege to introduce, this  
13      morning, Heidi Schwab with Associated Reporters,  
14      who's going to be our court-reporter, over here  
15      (indicating). I've asked that she please let us know  
16      if she has any difficulty hearing any of us in this  
17      courtroom, although it seems that all of us don't  
18      have any personal volume problem, so I think it will  
19      be fine.

20                  (Addressing Court-Reporter) But I'm going  
21      to ask you, Miss Heidi, just give us a wave if you  
22      have any difficulties, at all, or if the microphone  
23      system is too loud, all right?

24                  Thank you.

25                  Now, we're here this morning on

1 Mr. O'Dwyer's Motion to Disqualify and/or Recuse  
2 the LA Disciplinary System In Its Entirety, correct?

3 RESPONDENT:

4 Yes, ma'am.

5 CHAIR SIMON:

6 And that's what's before us here this  
7 morning. We have, we, the Committee, have all of  
8 the documents that have been filed in this matter,  
9 as to this motion and everything else, as well as  
10 the voluminous exhibits. I believe there have also  
11 been some supplemental filings with your replies.

12 We have all of that and the three of us  
13 have had an opportunity to review all of it, so this  
14 morning I would like to go ahead and get started,  
15 then, Mr. O'Dwyer, on your motion.

16 RESPONDENT:

17 Ms. Simon?

18 CHAIR SIMON:

19 Yes.

20 RESPONDENT:

21 Before I begin my argument, may I ask  
22 who the gentleman is to Mr. Friedman's left, sitting  
23 in the corner?

24 CHAIR SIMON:

25 That's Mr. Jordan Huck.

1       RESPONDENT:  
2                   How do you spell the last name?  
3       CHAIR SIMON:  
4                   H-u-c-k.  
5       RESPONDENT:  
6                   Okay.  
7       CHAIR SIMON:  
8                   Like "Huck Finn".  
9       RESPONDENT:  
10                  Okay, and what is his position?  
11       CHAIR SIMON:  
12                  Your official position is what, Mr. Huck?  
13       MR. HUCK:  
14                  Staff Attorney for the Disciplinary Board.  
15       CHAIR SIMON:  
16                  He's Staff Attorney for the Disciplinary  
17       Board. He's the one who made sure that we had all  
18       of these arrangements this morning--  
19       RESPONDENT:  
20                  Okay.  
21       CHAIR SIMON:  
22                  --and was the care and custodian of the  
23       record to make sure that the entire record was  
24       presented here and traveled here safely from the  
25       ODC office, so you could have it here in court as

1 you requested.

2 RESPONDENT:

3 So if I understand correctly, Mr. Huck is  
4 a colleague and works shoulder-to-shoulder with  
5 Charles Plattsmier and Gregory Tweed.

6 Is that right, Mr. Huck?

7 CHAIR SIMON:

8 Well, Mr. Huck is here for the Board to  
9 provide me with documents. He's not here to  
10 testify or provide anything as far as how this  
11 hearing is to be handled this morning; that's for the  
12 Committee.

13 RESPONDENT:

14 All right, but Ms. Simon, as a point of  
15 order, you said he's Staff Attorney with the  
16 Disciplinary Board. I asked a simple question.  
17 Does that mean he works with Plattsmier and Tweed?  
18 Yes or no; very simple.

19 CHAIR SIMON:

20 This gentleman is the one who told you  
21 he was a Staff Attorney, not me. I wasn't sure of  
22 his exact title, Mr. O'Dwyer.

23 RESPONDENT:

24 All right, well, can we ask him?

25 Do you work with Plattsmier and Tweed,



1 or not?

2 MR. HUCK:

3 I don't.

4 RESPONDENT:

5 Oh? Then what does the Staff Attorney  
6 do that Plattsmier or Tweed don't do?

7 MR. HUCK:

8 I support the Hearings.

9 CHAIR SIMON:

10 Mr. Huck is available for the Hearing  
11 Committee if we have any questions.

12 As you know, Mr. O'Dwyer, the three of  
13 us are volunteers, and so Mr. Huck is available to  
14 provide us with information on points of law, or  
15 procedure, and the way that that is to be handled.

16 RESPONDENT:

17 Okay, well, we may have to revisit this  
18 later, but I'll not let this retard my presentation.

19 CHAIR SIMON:

20 Well, then, please go ahead.

21 RESPONDENT:

22 All right.

23 The first thing I want to state is some  
24 of you may have noticed that I walked in with a  
25 cane today. I have been fighting Catherine D,

1 Kimball and Charles D. Plattsmier for almost seven  
2 years.

3 When the criminal, gangland-style hit that  
4 was executed against me at five minutes after  
5 midnight on September 20, 2005 occurred, and the  
6 "Goon Squad" that Kimball and Plattsmier had  
7 organized came to get me at my house, I was  
8 injured in the process.

9 Not only was I pepper-sprayed 30 to 40  
10 times at "Camp Amtrak", and shot in both thighs  
11 with a 12-gauge shotgun loaded with bean bag  
12 rounds at point-blank range--And, you know, I have  
13 the photographs of my wounds that are part of the  
14 exhibits in this case.

15 CHAIR SIMON:

16 Yes; we have them.

17 RESPONDENT:

18 They don't lie, okay? They don't lie.  
19 Exhibit No. 1 to my first filing on February the  
20 13th, 2012.

21 CHAIR SIMON:

22 And we have all of those exhibits here.

23 RESPONDENT:

24 All right. I also injured my right knee.  
25 Or, rather, they hurt my right knee. Well, in the

1 last week to 10 days the right knee has gotten  
2 worse and I'm not only limping, but I've got to use  
3 a cane, and here it is (indicating). I got it in a  
4 hurry.

5 Now--

6 CHAIR SIMON:

7 I can tell that you did.

8 Mr. O'Dwyer, that having been said, if  
9 you would be more comfortable sitting, that would be  
10 perfectly fine.

11 RESPONDENT:

12 No, I want to stand. Thank you very  
13 much.

14 Now, I don't now why it is, but I look  
15 around the courtroom and I see a total of four  
16 armed, uniformed law enforcement or court security  
17 officers here. I've never seen this before in my  
18 life!

19 CHAIR SIMON:

20 Have you not?

21 RESPONDENT:

22 No, ma'am, not in one courtroom at one  
23 time, with as few people as there are in this  
24 particular courtroom at this time.

25 CHAIR SIMON:

1                   Mr. O'Dwyer, I'm going to ask that you  
2 watch your tone and demeanor, as we've discussed  
3 before.

4           RESPONDENT:

5                   I'm very sorry, Ms. Simon, I get very,  
6 very angry, and I am full of hatred towards Kimball  
7 and Plattsmier. It is very, very difficult for me to  
8 restrain myself when I use the names of those two  
9 criminals.

10                   Now--

11           MR. DUMAINE:

12                   Your Honor, at this time I'd like to  
13 object to any further characterization of a Justice of  
14 the Supreme Court as "criminal", and any other  
15 Attorney Member of the Bar as "criminal", as these  
16 are false and baseless allegations and improper in  
17 any judicial forum.

18           CHAIR SIMON:

19                   Mr. O'Dwyer, as you know, we need to  
20 maintain the decorum of this room and of these  
21 proceedings. You have made these allegations and  
22 used these references throughout all of your  
23 pleadings, all of which we've had an opportunity to  
24 read. As the kids would say, we know where you're  
25 coming from, okay?

1       RESPONDENT:

2                   All right.

3       CHAIR SIMON:

4                   So, again, you and I--I just want to  
5       remind you that you, and I, and Mr. Dumaine had a  
6       lengthy hearing--it wasn't a hearing, it was a  
7       telephone status conference, at which time we did  
8       have a transcript made for all of us; we have that  
9       in the record. And some of these same issues were  
10      addressed at that time and, as I recall and the  
11      record will reflect, you mentioned that it's very  
12      difficult for you to keep your emotions in check,  
13      and you apologized for some of your word usage.

14                  I'd ask that you please continue to bear  
15      that in mind as we proceed forward.

16      RESPONDENT:

17                  I'll do my best.

18      CHAIR SIMON:

19                  I'd ask that you would.

20      RESPONDENT:

21                  But I would repeat that I've never seen  
22      four armed law enforcement or court security  
23      officers present in a courtroom like this, at a  
24      proceeding like this, in my life.

25                  And I've been practicing law - or I did

1 practice law before Plattsmier yanked my ticket -  
2 since 1971.

3 CHAIR SIMON:

4 Well, the people in the room or the  
5 bailiffs in the room are the bailiffs in the room.

6 RESPONDENT:

7 There's also a gentleman here, who I've  
8 meet before. And he knows where we met, and I  
9 know where we met; he works for Plattsmier's  
10 office, too. It's the gentleman sitting to Mr.  
11 Dumaine's right, in the tan coat and trousers.

12 MR. DUMAINE:

13 If I could object to the characterization,  
14 Mr. Russell Hebert works for the East Baton Rouge  
15 District Attorney's Office. He's here at my request.

16 RESPONDENT:

17 Oh. Then this just goes to show that  
18 Plattsmier plays the East Baton Rouge District's  
19 Attorney's Office like a bunch of puppets, because  
20 that gentleman has served papers on me on more  
21 than one occasion, and I aver that he may, also,  
22 have been a member of the "Goon Squad" that came  
23 to my house at five minutes after midnight on  
24 September 20th, 2005. He can deny it, if he wants  
25 to.

1                   Now, one last point--

2       MR. DUMAINE:

3                   I'll deny it on his behalf, Your Honor.

4       CHAIR SIMON:

5                   Thank you.

6       RESPONDENT:

7                   One last point that I would go back to  
8       about, quote, "Your allegations, O'Dwyer", close  
9       quote, my allegations. They are unrefuted  
10      allegations. And you know the Rules of Evidence,  
11      Ms. Simon. When there is affirmative testimony that  
12      A, B and C happened, and there is no countervailing  
13      evidence to the contrary, then A, B and C is  
14      deemed as true, and that's what I maintain is the  
15      situation here.

16                  My allegations against Kimball and  
17      Plattsmier are unrefuted, period. End of Story.  
18      They are criminals! And I maintain that if  
19      Mr. Dumaine was doing his job, along with his  
20      colleague sitting to his right, then they would have  
21      begun prosecuting the crimes that were committed  
22      within their jurisdiction instead of coming after me--

23      CHAIR SIMON:

24                  Mr. O'Dwyer?

25      RESPONDENT:





1 to proceed.

2 RESPONDENT:

3 I wish to begin my presentation, which  
4 urges disqualification and recusal of the entire  
5 Louisiana Attorney Disciplinary System, by reminding  
6 the Committee that I have alleged unrefuted,  
7 egregious, criminal conduct by the two individuals  
8 who are, quote, "The head of the snake", close  
9 quote, and control the entire System; namely, Chief  
10 Justice Kimball and Plattsmier.

11 More particularly, I aver that the criminal  
12 conduct towards me, which includes a debt since  
13 2005, as well as obstruction of justice and cover-up  
14 ever since, has irreparably corrupted, polluted, and  
15 tainted the entire Louisiana Attorney Disciplinary  
16 System.

17 If my allegations are true, and I  
18 repeat that they are unrefuted by Kimball and  
19 Plattsmier and by their spear carrier - Pardon me,  
20 Mr. Dumaine - Disciplinary Counsel Ad Hoc--

21 MR. DUMAINE:

22 I object to the term "spear carrier" and  
23 ask that it be stricken.

24 CHAIR SIMON:

25 And Mr. O'Dwyer, we have addressed the

1 use of that type of language in our telephone  
2 conference, and I, again, admonish you that it is  
3 necessary that we maintain the decorum and avoid  
4 ad hominem attacks.

5 RESPONDENT:

6 All right, then why isn't he prosecuting  
7 Kimball and Plattsmier?

8 CHAIR SIMON:

9 The matter before this Committee, sir, is  
10 the recusal motion that you have filed, if you'd like  
11 to proceed as to that.

12 RESPONDENT:

13 But the rhetorical question that followed  
14 that thought was why hasn't my motion for  
15 disqualification and recusal already been granted, and  
16 a special prosecutor from out of state appointed to  
17 investigate and prosecute Kimball and Plattsmier?  
18 That's my rhetorical question to everybody in the  
19 room.

20 These proceedings have demonstrated the  
21 power and control which Kimball and Plattsmier wield  
22 over the entire process, starting with the Louisiana  
23 Supreme Court, and if you all don't think that the  
24 Chief Justice wields more power than any other  
25 Justice on that particular bench, then you'd better

1 take another look.

2           The Louisiana Disciplinary Board, which  
3 appoints this volunteer body, i.e., the Hearing  
4 Committee, if Plattsmier and Kimball don't like what  
5 you do, then there's an appeal to the Louisiana  
6 Attorney Disciplinary Board, appointed by the  
7 Louisiana Supreme Court, and, lastly, Disciplinary  
8 Counsel Ad Hoc, who I aver is an accomplice with  
9 and co-conspirator of Plattsmier, if not Kimball, as  
10 well. I see the Dumaine/Plattsmier link more plainly  
11 than I see the Dumaine/Kimball link, although I aver  
12 it's there.

13           I also want you to bear in mind that  
14 these entire proceedings are retaliatory in nature  
15 and are designed to deflect attention from the  
16 criminal conduct which I have presented to you all  
17 by Kimball and Plattsmier towards me. You know,  
18 Oh, O'Dwyer's the problem here, we're not the  
19 problem. Oh, he's making more unsupported  
20 allegations. Well, we're going to talk about that in  
21 a minute, and these proceedings, I repeat, are  
22 designed to deflect attention from them and focus it  
23 on me.

24           I'm not a criminal! I've been arrested  
25 three times since Katrina, the only arrests that I

1 ever were subjected to in my entire life. But there  
2 are no convictions against me.

3 Now, Ms. Simon, I know that you said  
4 that you had all the printed documentation, but I  
5 want to make sure that we have a record identifying  
6 it. The Committee should have the following  
7 unrefuted evidence:

8 CHAIR SIMON:

9 Just one moment, if I may--

10 RESPONDENT:

11 Yes, ma'am.

12 CHAIR SIMON:

13 --so I can go through the list with you.

14 RESPONDENT:

15 Okay.

16 CHAIR SIMON:

17 All right.

18 RESPONDENT:

19 Number one is my Motion for  
20 Disqualification and Recusal, with Exhibits, filed on  
21 February 13, 2012. And I don't have an extra with  
22 me, but if you or the court-reporter, Ms. Simon,  
23 would like me to get you an extra copy, I can do  
24 that.

25 CHAIR SIMON:

1                   It's not necessary, it's all in the record.

2       RESPONDENT:

3                   All right.

4       CHAIR SIMON:

5                   We've checked. I've been through that,  
6       line-by-line--

7       RESPONDENT:

8                   All right.

9       CHAIR SIMON:

10                   --with the office yesterday, Mr. O'Dwyer.

11       RESPONDENT:

12                   It's more important or it is also  
13       important, I should add, that Mr. Friedman and Ms.  
14       Dupre have also been through those items, word-by-  
15       word, line-by-line.

16       CHAIR SIMON:

17                   And I will tell you that I have confirmed  
18       with both of them that they have.

19       RESPONDENT:

20                   Okay.

21       CHAIR SIMON:

22                   All of those documents were available for  
23       their review online--

24       RESPONDENT:

25                   All right.

1 CHAIR SIMON:

2 --and all three of us have seen  
3 everything.

4 RESPONDENT:

5 All right. Let me just identify the other  
6 ones for the record.

7 My reply to Mr. Dumaine's answers to my  
8 motion, filed on March the 9th, 2012, with Exhibits.

9 CHAIR SIMON:

10 Yes, sir.

11 RESPONDENT:

12 And then my Second Supplemental  
13 Memorandum, with Exhibits, filed on May 24, 2012.

14 CHAIR SIMON:

15 All of those appear within the record;  
16 both the written record and the electronic record,  
17 Mr. O'Dwyer.

18 RESPONDENT:

19 All right. Now, another very, very  
20 important piece of evidence is referenced in the  
21 motion that's the very first document, and that is  
22 the Part II(B) video, which is about a 40-minute  
23 video production which identifies most, if not all, of  
24 the conspirators who orchestrated and executed the  
25 criminal, gangland-style hit on me on September 20,

1 2005.

2 CHAIR SIMON:

3 Mr. O'Dwyer, there are a number of  
4 YouTube posts that you have referenced in the  
5 course of all of your many filings.

6 RESPONDENT:

7 Yes, ma'am.

8 CHAIR SIMON:

9 Which one, specifically, is that? Because  
10 I can certainly say that the Chair, and I believe the  
11 Committees Members, as well, have had an  
12 opportunity to review all of those.

13 RESPONDENT:

14 All right.

15 CHAIR SIMON:

16 So when you say II(B), which one is that?

17 RESPONDENT:

18 Well, it's Roman Numeral II--

19 CHAIR SIMON:

20 Yes, sir.

21 RESPONDENT:

22 --open parentheses, capital B, close  
23 parentheses.

24 CHAIR SIMON:

25 Okay.

1       RESPONDENT:

2                   It would be the third video in the  
3       “Ashton O’Dwyer Series of Video Productions”--

4       CHAIR SIMON:

5                   Which one is it?

6       RESPONDENT:

7                   --produced by Professor Carl and Shirley  
8       Bernofsky. It’s the longest one, so it may be the  
9       most difficult one for you all to review; however, it  
10      is an extremely important piece of evidence, and  
11      like all of my evidence, remains unrefuted.

12      CHAIR SIMON:

13                  Okay.

14      RESPONDENT:

15                  All right.

16                  I just want to refer to a couple of  
17      things. Ms. Simon, you indicated that you saw the  
18      wounds to my lower extremities.

19      CHAIR SIMON:

20                  The photographs, yes, sir.

21      RESPONDENT:

22                  There were 12 of them, as a result of  
23      being shot with a 12-gauge shotgun loaded with bean  
24      bag rounds at point-blank range, at “Camp Amtrak”.

25                  I still have holes in my legs that I see,



1 every day, when I get out of the shower and am  
2 toweling myself off. I can assure you that those  
3 wounds did not occur as a result of my falling off a  
4 streetcar, or tripping on the sidewalk, and falling  
5 down the stairs.

6 If I had been a convicted murderer, or  
7 robber, or rapist, I wouldn't have deserved that kind  
8 of treatment at the hand of law enforcement at  
9 "Camp Amtrak" on September 20, 2005. And I might  
10 add that I was never prosecuted for any crime as a  
11 result of whatever the heck it was that brought me  
12 to "Camp Amtrak" and being taken away from my  
13 house, in the first instance.

14 They said, after the fact, it was public  
15 intoxication, which is ridiculous. Ashton O'Dwyer  
16 does not get intoxicated. The worst thing you can  
17 say of a Southern man is he can't hold his liquor.  
18 Before I let myself get intoxicated, I retire. This  
19 is absurd, and I've never been prosecuted for  
20 anything, much less arraigned.

21 And, don't forget, they also pepper-  
22 sprayed me 30 to 40 times in the face, okay?

23 CHAIR SIMON:

24 You've said that already.

25 RESPONDENT:

1                   It wasn't fun. Thank God, I was an  
2 officer in the United States Army, and I knew that  
3 pepper spray was an irritant only, and would not  
4 hurt me permanently, and so I sucked it up and spit  
5 in their eye. Figuratively, not literally.

6                   Now, you also have to realize that I have  
7 identified through my recitation of what I learned  
8 from the then Bar Association President, Frank  
9 Neuner and from an attorney who still practices here  
10 with Kean Miller, his name is James Roussel, that  
11 my troubles began when Kimball said in a meeting in  
12 Baton Rouge, which I later learned to have taken  
13 place in Foti's office on Sunday, September 11th,  
14 2005, "Somebody's got to shut that guy up, he's  
15 giving us all a bad name."

16                   Now, what happened was the people who  
17 were present in that meeting took Kimball's  
18 statement as an order to do something about  
19 O'Dwyer and to shut him up, and that's exactly what  
20 they did, okay?

21                   Now, I haven't seen a refutation of what  
22 Neuner said Kimball said, from this side. I haven't  
23 seen a refutation of what Roussel said Neuner said  
24 Kimball said, from this side. And what we have  
25 from Kimball is a brief filed in the Fifth Circuit

1 in...I believe it's March of '08, let me verify that,  
2 please.

3 CHAIR SIMON:

4 If you would. And make it clear, for the  
5 record, whether you're speaking of the Federal Fifth  
6 Circuit Court of Appeal, or the--

7 RESPONDENT:

8 Oh, it's--

9 CHAIR SIMON:

10 --State Fifth Circuit.

11 RESPONDENT:

12 --definitely the Federal Fifth Circuit.

13 CHAIR SIMON:

14 Mr. O'Dwyer, we can only speak one at a  
15 time--

16 RESPONDENT:

17 I'm sorry.

18 CHAIR SIMON:

19 --or the court-reporter's going to throw  
20 her hands up.

21 RESPONDENT:

22 It is definitely the Federal Fifth Circuit.

23 CHAIR SIMON:

24 I just want the record to be clear.

25 RESPONDENT:

1                   It's a brief filed by Kimball's lawyers.  
2           Shelly Dick, who happens to be her sister-in-law,  
3           and who is now a nominee by Obama to the Middle  
4           District of Louisiana Federal Bench. I'll be filing  
5           my objection to her nomination when this is all  
6           over.

7           CHAIR SIMON:

8                   I understand. And, of course, that's not  
9           before us.

10          RESPONDENT:

11                   No, that's not before us, but you should  
12          know that Kimball is not only corrupt, herself, she  
13          corrupted her sister-in-law.

14          CHAIR SIMON:

15                   Mr. O'Dwyer, I'm going to remind you,  
16          again, that under the Code of Civil Procedure,  
17          Arl. 371, quote, "An Attorney-at-Law is an Officer  
18          of the Court. He shall conduct himself at all times  
19          with decorum and in a manner consistent with the  
20          dignity and authority of the Court and the role  
21          which he, himself, should play in the administration  
22          of justice".

23                   I'd ask that you please, sir, again, refrain  
24          from the repetitive use of those adjectives.

25          RESPONDENT:

1                   All right, but let me respond to you by  
2                   saying this, Ms. Simon. I stand here before you  
3                   ready to attempt to conform with that standard of  
4                   conduct. But I'm not an attorney-at-law right now!  
5                   I've been stripped of that privilege by Kimball and  
6                   Plattsmier, and now they're going after it  
7                   permanently. But right now, I'm not a lawyer,  
8                   Okay? Touche!

9                   I do not have the date of filing of that  
10                  brief, but it's Exhibit 4 to the first filing, February  
11                  13, 2012. In it, Ms. Dick, on behalf of her  
12                  sister-in-law, writes that "As a sitting Justice of  
13                  the Louisiana Supreme Court" - because she wasn't  
14                  Chief Justice then - "Justice Kimball had a duty to  
15                  order investigation of Ashton O'Dwyer, a member of  
16                  the Bar".

17                  Well, guess what? I had given an  
18                  interview to CNN at my house on St. Charles  
19                  Avenue, post-Katrina. I wasn't acting as a Member  
20                  of the Bar, I didn't have any cases in front of  
21                  Kimball. This woman abused her power and ordered  
22                  an investigation into my mental competency, which  
23                  included sending not only Neuner, but two goons -  
24                  excuse me, Ms. Simon - from the Louisiana  
25                  Department of "Injustice". Burton Guidry, who was

1 Foti's hatchet man and Chief of the Criminal Division  
2 at the time, and an investigator named Ricky Murphy,  
3 to my house the Saturday before the hit.

4 And during that visit, I was told, in no  
5 uncertain terms by Guidry, Complaints have been  
6 made about you at the highest levels of government,  
7 and if you do not cease and desist, and quit giving  
8 interviews, and lay down your weapons, and vacate  
9 your home, something bad is going to happen to you!

10 Well, I told him what he could do with  
11 that message, and right before he left, he came up  
12 to me, and he says, "Either you are the bravest man  
13 I've ever known, or you're the dumbest" - blankety-  
14 blank - "that ever graced the face of the earth.  
15 God Bless You, brother." And he gave me a  
16 blessing, and approximately 24 to 48 hours later, I  
17 was hit, okay? Now, I don't know how you guys  
18 interpret that but this is unrefuted evidence, and  
19 I've never been given the opportunity to depose  
20 Kimball or Plattsmier. Or anybody else, for that  
21 matter.

22 CHAIR SIMON:

23 Mr. O'Dwyer, if I may, you've had every  
24 opportunity to conduct discovery as you saw fit  
25 under the Rules, and I have received no request and

1 no notice from you, at any time, about the  
2 scheduling of any depositions.

3 RESPONDENT:

4 I've been waiting for countervailing  
5 evidence from the other side, which I have yet to  
6 see, Ms. Simon, okay? So maybe when we get to  
7 the merits, if we get to the merits - if we get to  
8 the merits - maybe some of that will happen,  
9 although my feeling is that they will resist that  
10 very, very strenuously.

11 CHAIR SIMON:

12 What we're here about today is your  
13 motion to recuse the entire system, Mr. O'Dwyer.

14 RESPONDENT:

15 All right.

16 CHAIR SIMON:

17 Do you have anything else on that?

18 RESPONDENT:

19 Yeah, I do have a few more things.

20 CHAIR SIMON:

21 All right.

22 RESPONDENT:

23 When I learned what Kimball had said on  
24 September 11, 2005, in Baton Rouge - and this was  
25 in late September or early October of 2005 - I tried

1 calling her at her office, several times, to determine  
2 why she had invoked my name at that meeting. She  
3 never would return any of my phone calls.

4 I have expanded my allegations against  
5 Plattsmier in my March 9, 2012 reply to Dumaine  
6 and in my Second Supplemental Memo of May 24th,  
7 2012. And you're going to get angry at me for  
8 saying this, but--

9 CHAIR SIMON:

10 Well, then don't say it, Mr. O'Dwyer.

11 RESPONDENT:

12 I'm going to say it. If Plattsmier's lips  
13 are moving, he's lying.

14 CHAIR SIMON:

15 Well, I understand your personal opinion.

16 RESPONDENT:

17 All right.

18 CHAIR SIMON:

19 Do you have something that goes to the  
20 merits, or not, Mr. O'Dwyer?

21 RESPONDENT:

22 Well, Ms. Simon, what goes to the merits  
23 is the fact the Louisiana Attorney Disciplinary Board  
24 is appointed by the Louisiana Supreme Court, who I  
25 have attempted to demonstrate to this body is a



1 corrupt institution because of the presence of a  
2 criminal at the head: Catherine D. Kimball.

3 CHAIR SIMON:

4 You've made that point.

5 RESPONDENT:

6 Okay, all right. Well, you know, then  
7 why ask me to keep making the point?

8 CHAIR SIMON:

9 I've not, sir.

10 RESPONDENT:

11 All right.

12 CHAIR SIMON:

13 If you're finished it, there's no need for  
14 you to continue.

15 RESPONDENT:

16 Ms. Simon, I also maintain that this body,  
17 although not directly appointed by the Supreme  
18 Court, is indirectly appointed by the Supreme Court  
19 because you all are appointed by the Disciplinary  
20 Board.

21 CHAIR SIMON:

22 Meaning, the three of us sitting on the  
23 Committee?

24 RESPONDENT:

25 That is correct.

1 CHAIR SIMON:

2 Okay.

3 RESPONDENT:

4 All right. And then the Board, I believe,  
5 also appoints the Chief Disciplinary Counsel, but that  
6 appointment is done subject to approval by the  
7 Supreme Court.

8 So what I'm saying is there is a  
9 irresistible - an irresistible - link or tie between  
10 the entire disciplinary system here in the State of  
11 Louisiana and Kimball and Plattsmier. I mean, we've  
12 already demonstrated that these two individuals do  
13 not walk away from the opportunity to abuse their  
14 power.

15 Look what Kimball did to me. She  
16 said--If we look at the evidence most favorable to  
17 her, she ordered an investigation into my mental  
18 competence based upon a CNN interview that aired  
19 on September the 8th, 2005, which had nothing to do  
20 with my being a lawyer, had nothing to do with the  
21 handling of any legal case, and which did not  
22 involve a matter in which I was representing a  
23 client in front of her.

24 CHAIR SIMON:

25 And that was a matter handled in federal

1 court, was it not, sir?

2 RESPONDENT:

3 That was what?

4 CHAIR SIMON:

5 I'm sorry, did I say something--

6 RESPONDENT:

7 Well, she admitted, her lawyer--

8 CHAIR SIMON:

9 All right.

10 RESPONDENT:

11 --Shelly Dick, her sister-in-law, admitted  
12 to the things that I have just related as having  
13 occurred in September of 2005 in a brief which  
14 Shelly Dick filed on Kimball's behalf in federal  
15 court--

16 CHAIR SIMON:

17 Federal court.

18 RESPONDENT:

19 --in Case No. 08-30052, I believe, in  
20 March of '08. It could have been March of '09, all  
21 right? I can't find the date--

22 CHAIR SIMON:

23 All right.

24 RESPONDENT:

25 --on my exhibit.

1 CHAIR SIMON:

2 That's fine.

3 RESPONDENT:

4 Now, Plattsmier, Plattsmier, during the  
5 week proceeding the criminal gangland-style hit on  
6 me, was in the background. He is very, very  
7 shrewd in that he puts other people between him  
8 and the action, and the people that he put between  
9 him and me in September of 2005 were my law  
10 partners; several of whom were members of the  
11 Attorney Disciplinary Board. One, in particular,  
12 Larry Joseph Shae, and another, Ernest L. Edwards,  
13 who was a past member of the Board, all right?

14 He had, that is, Plattsmier, had my law  
15 firm contact me, and say, "O'Dwyer, you're subject  
16 to being dismissed from the partnership"--

17 CHAIR SIMON:

18 And that would be Lemle Kelleher,  
19 wouldn't it, sir?

20 RESPONDENT:

21 Yeah.

22 CHAIR SIMON:

23 Okay.

24 RESPONDENT:

25 --"unless you lay down your weapons,

1 quit giving interviews, and vacate your house.” And  
2 then they write me a letter to that effect, and they  
3 open-copy Plattsmier on it.

4 CHAIR SIMON:

5 And I believe you’ve offered that as an  
6 exhibit, correct?

7 RESPONDENT:

8 Yes, ma’am. And in the meantime, they  
9 are telling me that they were ordered by Plattsmier  
10 to send me this message. Now--Oh, and, excuse  
11 me, that I had already been suspended from the  
12 practice of law by Plattsmier.

13 Well, after everything happens, I find out  
14 from Plattsmier’s office that I hadn’t been suspended,  
15 at all. But the guy starts telling a series of lies  
16 which do not become apparent for over a year later.  
17 We’re talking about, now, September/October 2005. I  
18 don’t learn that he’s lying to me until December of  
19 ‘06.

20 CHAIR SIMON:

21 More than a year later.

22 RESPONDENT:

23 Yes, ma’am.

24 CHAIR SIMON:

25 All right.

1       RESPONDENT:

2                   And what he was telling me in September  
3 and October of '05 is, "No, you've never been  
4 suspended from the practice of law. The only thing  
5 I know about you is what I saw in a 'Wall Street  
6 Journal' article," that, I think, hit the newsstand on  
7 September 10, 2005. And, "No, I would have no  
8 idea where Leme & Kelleher would have gotten the  
9 impression that they had the authority to use my  
10 name and the power of my office in their  
11 communications with you." And, "No, I don't know  
12 anything about a meeting in Baton Rouge," at which  
13 Justice Kimball said, "Somebody's got to shut that  
14 guy up, he's giving us all a bad name."

15                   Well, and in the meantime, Plattsmier has  
16 me charged with misconduct as a lawyer in August  
17 of '06, and tries to go after my ticket then! I beat  
18 him! I mean, I hadn't done anything wrong. I  
19 never did anything wrong in my entire professional  
20 life! All right?

21                   Now, Neuner is the guy who let the cat  
22 out the bag in August of '06, and he tells me, much  
23 to my surprise, Plattsmier was an attendee at the  
24 September 11th, 2005 meeting. So when Plattsmier  
25 told me he knew nothing about that meeting, he was

1 lying. When Plattsmier told me he knew nothing  
2 about Kimball saying, "Somebody's got to shut that  
3 guy up, he's giving us a bad name," he was lying.

4 I don't know what else he's lying about.  
5 As I said, I never got to take his deposition.

6 CHAIR SIMON:

7 All right, and for the record, you've  
8 never noticed it, either, correct?

9 RESPONDENT:

10 No. For the record, I haven't noticed it,  
11 here.

12 CHAIR SIMON:

13 Okay.

14 RESPONDENT:

15 And I'm still torn about whether I should,  
16 or not. I'm hoping that you all see the light and  
17 that you dismiss the charges against me, disqualify  
18 or recuse the Disciplinary System, appoint another  
19 system out of state as an alternative if you don't  
20 want to dismiss the charges against me, and that you  
21 appoint a special prosecutor to investigate and  
22 prosecute Kimball and Plattsmier, if that's warranted.  
23 Not anybody connected to Louisiana, I might add.

24 Now, if all that happens, I don't have to  
25 depose them; I'm getting justice, okay?

1                   Let me go through my notes for one  
2 second, because--

3 CHAIR SIMON:

4                   Oh, please. Take your time.

5 RESPONDENT:

6                   All right. Well, let me just make these  
7 points for the record.

8                   I aver that the power and control of  
9 Kimball and Plattsmier so permeate the entire  
10 Louisiana Attorney Disciplinary System, that the  
11 System, itself, should be disqualified, in my case,  
12 because their very existence renders it impossible  
13 for me to get a fair hearing on the merits.  
14 However, there is, also, evidence that they have  
15 already improvidently injected themselves into this  
16 case notwithstanding their protestations to the  
17 contrary.

18                   Point 1: Kimball was not recused when  
19 Plattsmier wrote Calogero, on November 12, 2008,  
20 requesting appointment of a special prosecutor, and  
21 telling Calogero, There is some sense of "urgency",  
22 close-quote, since O'Dwyer appears to present a,  
23 quote, "threat of harm", close-quote. See Exhibit  
24 No. 1 to my reply filed on March 9, 2012.

25 CHAIR SIMON:



1                   And we have that.

2       RESPONDENT:

3                   All right. And he's supposed to be fair  
4       and impartial? He's supposed to have distanced  
5       himself from my proceedings, and he's telling the  
6       then Chief Justice of the Louisiana Supreme Court,  
7       there's a sense of urgency! O'Dwyer appears to  
8       present a threat of harm! Maybe when I'm carrying  
9       my stick (indicating), but not in the presence of four  
10      armed court security or law enforcement officers.

11     CHAIR SIMON:

12                  Thank you for putting it down, sir.

13     RESPONDENT:

14                  The only "threat of harm" that I have  
15      ever been in my life goes back to school yard fights  
16      at Jesuit High School. That's it. I'm a threat of  
17      harm?

18                  (Addressing Counsel) What do you call  
19      Kimball and Plattsmier--

20     CHAIR SIMON:

21                  If you will--

22     RESPONDENT:

23                  --Mr. Dumaine?

24     CHAIR SIMON:

25                  Mr. O'Dwyer, you'll address this

1 Committee.

2 You're going on over 50 minutes, sir--

3 RESPONDENT:

4 All right.

5 CHAIR SIMON:

6 --let's see if we can't get through this.

7 RESPONDENT:

8 Well, you know, I appreciate your  
9 indulgence, but I have been seeking some kind of  
10 a forum for almost seven years. We're going to  
11 come up on the seventh anniversary of Katrina in  
12 a couple of months. I don't get the opportunity to  
13 address a body in front of a court-reporter that  
14 often, particularly, now, and we're dealing with my  
15 livelihood.

16 I have no livelihood right now. I'm in  
17 bankruptcy and I've been broken financially. And,  
18 professionally, I've been stripped of my privilege to  
19 practice law. And I've even been prosecuted  
20 criminally, but I beat them at every turn.

21 So give me a few more minutes, Ms.

22 Simon.

23 CHAIR SIMON:

24 I didn't cut you off, Mr. O'Dwyer.

25 RESPONDENT:

1                   I realize that.

2   CHAIR SIMON:

3                   I just want the record to be clear, sir.

4   RESPONDENT:

5                   It is. Did I tell you I'm a buddy of

6   Ralph Alexis?

7   CHAIR SIMON:

8                   Yes.

9   RESPONDENT:

10                  Okay.

11   CHAIR SIMON:

12                  You have previously mentioned that you

13   know some of my law partners.

14   RESPONDENT:

15                  Okay.

16   CHAIR SIMON:

17                  But that has absolutely nothing to do with

18   this--

19   RESPONDENT:

20                  All right.

21   CHAIR SIMON:

22                  --does it?

23   RESPONDENT:

24                  All right. Point 2: Kimball didn't recuse

25   herself until I was suspended, summarily, on March

1 30th of '09. Yeah, she kept her finger in this pie  
2 until she was sure that my genitals had been cut off  
3 and shoved down my throat. Then she stepped  
4 aside.

5 Point 3: Not withstanding the fact that I  
6 had sued him, Plattsmier trashed me in that  
7 referenced letter to Calogero on November 12, 2008,  
8 and he was open-copied on a Supreme Court letter  
9 to Dumaine on December 8th, 2008.

10 Everybody's making sure that everybody's  
11 doing what they've got to do to get O'Dwyer. The  
12 letters are all being written. Everybody's being  
13 copied, oh, man! But Oh! We recused ourselves!  
14 They didn't recuse anything until they knew that I  
15 was a dead man walking.

16 CHAIR SIMON:

17 Do you have a fifth point, sir?

18 RESPONDENT:

19 Plattsmier was still actively working  
20 against me when he sent correspondence to  
21 Mr. Dumaine on March 10, 2009 - That's Exhibit  
22 No. 4 to my March 9th, 2012 reply filing - not  
23 withstanding Plattsmier's simultaneous claim that he  
24 was recused because I had sued him. Another lie.

25 Now, Mr. Dumaine is not on trial here.

1 CHAIR SIMON:

2 That's correct.

3 RESPONDENT:

4 And, yes, I have said some pretty strident  
5 things about him. Uh, I'll try to restrain myself.

6 CHAIR SIMON:

7 We'd ask that you would.

8 RESPONDENT:

9 But I'm still, I'm still extremely angry at  
10 him, and disappointed in him as a district attorney  
11 from the Parish of East Baton Rouge. I would have  
12 expected more from a prosecutor than what has been  
13 demonstrated in my case.

14 CHAIR SIMON:

15 Before you continue, Mr. O'Dwyer, does  
16 this have anything to do with your Motion to Recuse  
17 that's before the Committee?

18 RESPONDENT:

19 Yes.

20 CHAIR SIMON:

21 Okay, thank you.

22 RESPONDENT:

23 Yes, because what the Committee has to  
24 realize is that Mr. Dumaine's appointment by  
25 Plattsmier and the Supreme Court is intertwined with

1 my argument that the whole System has been  
2 corrupted by Kimball and Plattsmier.

3 CHAIR SIMON:

4 From the top to the bottom?

5 RESPONDENT:

6 From the top to the bottom. The barrel  
7 of apples is rotten from the top to the bottom.

8 CHAIR SIMON:

9 All the way to this Committee?

10 RESPONDENT:

11 Yes, ma'am.

12 CHAIR SIMON:

13 Okay.

14 RESPONDENT:

15 I'm sorry, but that's--

16 CHAIR SIMON:

17 No--

18 RESPONDENT:

19 That's a fact.

20 CHAIR SIMON:

21 --I just want to make sure we  
22 understand. Okay.

23 RESPONDENT:

24 All right. I aver that Mr. Dumaine is  
25 Plattsmier's and Kimball's alterego; that's what I

1 maintain. I refer the Committee to my interpretation  
2 of Rule XIX-18(J) of the Supreme Court Rules, and I  
3 challenge whether or not the Rules authorized the  
4 appointment of any Disciplinary Counsel Ad Hoc, but,  
5 particularly, Mr. Dumaine, although that's not a direct  
6 reflection on him.

7 I say that the referenced Rule  
8 contemplates a disciplinary complaint; not the type of  
9 criminal conduct alleged against the Chief  
10 Disciplinary Counsel and the Chief Justice of the  
11 Louisiana Supreme Court, who the Disciplinary  
12 Counsel works for.

13 And I also made the point that there was  
14 no Disciplinary Counsel Ad Hoc appointed in my  
15 cousin's case, that was Billy Heckler's case, which  
16 was also in retaliation for his being associated with  
17 me. That was Case No. 08-DB-0004. There was no  
18 Disciplinary Counsel (sic) in that case.

19 So what gives?

20 CHAIR SIMON:

21 If I may ask you, Mr. O'Dwyer, in case I  
22 wrote this down incorrectly, you're referring to Rule  
23 XIX?

24 RESPONDENT:

25 Rule XIX, X-I-X--

1 CHAIR SIMON:

2 Yes, I have that part.

3 RESPONDENT:

4 -- dash 18, parenthesis, capital J, close  
5 parenthesis, of the Louisiana Supreme Court Rules.  
6 The Rule is cited--

7 CHAIR SIMON:

8 It's cited in your brief.

9 RESPONDENT:

10 It's cited in the reply brief.

11 CHAIR SIMON:

12 Yes. I just wanted to make sure I had it  
13 correct.

14 RESPONDENT:

15 Page 31, okay?

16 The last point I wanted to make about  
17 Mr. Dumaine is I aver that the proof of the pudding  
18 is in the eating. He and his office will not  
19 prosecute the crimes committed, within his  
20 jurisdiction, by Kimball and Plattsmier in Charlie  
21 Foti's office on September the 11th, 2005 and  
22 thereafter, because the conspiracy started rolling  
23 downhill like a big snowball; crimes which continue  
24 through obstruction of justice and abuse of power  
25 through this day.



1                   Why? Why are those crimes being  
2 ignored? And they're continuing crimes. Under the  
3 Doctrine of Continuing Offenses, prescription has not  
4 yet run. Why are they coming after me and ignoring  
5 what I have alleged happened within his own  
6 jurisdiction?

7 CHAIR SIMON:

8                   And you understand there's nothing this  
9 Committee can do about--

10 RESPONDENT:

11                   Well--

12 CHAIR SIMON:

13                   --criminal charges?

14 RESPONDENT:

15                   Well, he (indicating) can certainly do  
16 something about it, and you could put in a written  
17 opinion what your recommendation might be. I'm  
18 sure...What is his name? Uhm...I don't know the  
19 name of the D.A. for East Baton Rouge Parish.

20                   I submit that my Motion for  
21 Disqualification or Recusal should be granted, and  
22 that all charges against me should be dismissed as  
23 retaliatory and criminatory in nature.

24                   Alternatively, the matter should be  
25 referred to an out-of-state body having nothing to

1 do with Louisiana or the United States Court of  
2 Appeals for the Fifth Circuit, and an out-of-state  
3 special prosecutor should be appointed to deal with  
4 Kimball's and Plattsmier's criminal conduct.

5 And I don't think I have a Chinaman's  
6 chance in this matter so I'm going to say what I'm  
7 going to say now, so you can think about it. You  
8 might get angry but I don't care.

9 If this Committee chooses to ignore my  
10 unrefuted evidence, then that fact, alone, could  
11 constitute evidence of this Committee's actual bias  
12 and prejudice towards me, and that they are  
13 following what they are being led to do. Maybe not  
14 told to do, but led to do by Kimball and Plattsmier.

15 Thank you.

16 CHAIR SIMON:

17 Mr. Dumaine, before you start, is there  
18 anything else as far as specifics, Mr. O'Dwyer? I  
19 believe everything has already been documented  
20 that's in the record, and already received, is that  
21 correct?

22 RESPONDENT:

23 It looks that way, Ms. Simon.

24 CHAIR SIMON:

25 All right. And Mr. O'Dwyer, you've made

1 reference to notes. I wanted to give you an  
2 opportunity, those notes, if you wanted to offer  
3 them, we'd be glad to accept them and put those in  
4 the record, as well.

5 If those were simply for your use, that's  
6 fine, too.

7 RESPONDENT:

8 They were simply for my use.

9 CHAIR SIMON:

10 All right. Thank you very much.

11 Mr. Dumaine, would you make your  
12 appearance, et cetera, for the record?

13 MR. DUMAINE:

14 Good morning, Members of the Disciplinary  
15 Chair, my name is Mark Dumaine. I'm Disciplinary  
16 Counsel Ad Hoc, appointed December 8, 2008 in this  
17 matter by the Supreme Court of Louisiana. My full-  
18 time profession is that of a prosecutor for the 19th  
19 Judicial District Attorney in the Parish of East Baton  
20 Rouge.

21 I do this and I've accepted this  
22 appointment, voluntarily, and as a Member of the  
23 Bar, because I believe it was my obligation, when  
24 asked if I had the skills to do it, to serve.

25 My response, which you all have read,

1 notes that there are legal provisions for recusal;  
2 specifically, that this body and any other body  
3 sought to be recused must recuse itself or be found  
4 to need recusal when it is either biased or impartial,  
5 or in any way interested in the matter before it.

6 Mr. O'Dwyer has listed and he's provided  
7 voluminous documentation of matters that he avers.  
8 The law does not recognize averments or allegations  
9 in a matter in a Motion to Recuse. The law  
10 requires something substantial of a factual basis. It  
11 cannot be based merely on conclusory allegations.

12 And so the only evidence, I submit to  
13 you, today that the Movant has put before this court  
14 are his attachments, and then he cites his opponent  
15 - myself - as somewhat deficient because we have  
16 not been able to respond and refute his conspiracy  
17 theories. If I could do that, I could also dispute  
18 the conspiracy theory concerning the death of John  
19 Fitzgerald Kennedy. But I can't, and I cannot refute  
20 a conspiracy theory that does not exist.

21 But I can, however, point to his own  
22 documentation of this conspiracy. And he references  
23 to his exhibit to his first motion an attachment that  
24 he labeled No. 3, from a James Roussel, and he  
25 cites that as unequivocal proof that there was, A, a

1 meeting in Baton Rouge, B, the members in that  
2 meeting were Justice Kimball, Charles Foti, and Frank  
3 Neuner, and that at that meeting some statement was  
4 made concerning his conduct and the need to get his  
5 conduct. And yet when you read it closely, Mr.  
6 James Roussel's note, it is self-refuting.

7           Specifically, in the last paragraph on the  
8 second page, he writes, "As I listened to the  
9 interview" - an interview on WWL involving Charles  
10 Foti - I recalled your asking me who could have  
11 sent the State Police to arrest you. And it occurred  
12 to me that if Justice Kimball - that if Justice  
13 Kimball - had made a similar comment to General  
14 Foti, then he could well have been the one who  
15 dispatched the police."

16           I work in the criminal law where proof is  
17 beyond a reasonable doubt. We're at a lower  
18 standard, here, of clear and convincing, but we're  
19 not at a standard of mere imagination.

20           His second--And I was trying to listen,  
21 very detailed, to his purported evidence. The  
22 second evidence comes in the submission of the  
23 matter involving his suit against parties, including  
24 Justice Kimball. And it's attached to his second  
25 filing in this recusal motion and I believe he gave

1       you the number; I want to say it was No. 4.

2                       But if you read that closely where he  
3       purports to you that the attorney for Justice Kimball  
4       has acknowledged this, you will see prefacing that  
5       statement that she refers and appellees his  
6       allegations he asserts that this meeting took place.

7                       There may be proof of such a meeting.  
8       He has not provided it to you. I do not have any  
9       such proof. And for that reason and for lack of any  
10      evidentiary foundation for his motion, I'd request it  
11      be denied. However, I would be remiss for, at  
12      least, not trying to attempt to answer some of his  
13      assertations concerning all of the varied bodies that  
14      he seeks to recuse, and so I start, first, with the  
15      one concerning recusal of the Louisiana Attorney  
16      Disciplinary System.

17                      Mr. O'Dwyer, today, seeks to play both  
18      sides of the coin. First, he says he can come in  
19      here and act in an outrageous, outlandish, unethical  
20      manner because he's not an attorney today, while, at  
21      the same point, he's seeking to hold onto his Bar  
22      license which makes him an attorney today. He has  
23      been suspended, he has not been disbarred. That's  
24      a very important distinction. And he has only been  
25      interimly suspended on the basis of threat of harm,

1 and he suggests that the basis for harm was physical  
2 harm?

3 As attorneys, we are paid to advocate; to  
4 use our skills and our voices on behalf of those who  
5 don't have those skills and those voices. You have  
6 seen demonstrated here today why his practice as an  
7 attorney would be harmful to the Bar, harmful to the  
8 Judiciary, and harmful to paying members of the  
9 public who would seek his services: He cannot  
10 advocate for anyone - not even himself - in an  
11 effective, judicial manner.

12 But he remains an attorney, and as an  
13 attorney he joined--And he used the word correctly,  
14 "privilege". The privilege of joining a bar of  
15 attorneys as a profession that has a Code of  
16 Conduct; that has rules that he denigrates and that  
17 he breaks. And that is why he stands before you.

18 To suggest that the way out of this box  
19 is simply to remove the box and go to another  
20 state, I'm sure that works for him. It does not  
21 work very well for the other 20,000 or so members  
22 of the Louisiana Bar; we have a system. That  
23 request is frivolous on its face, and he asks for  
24 relief that simply cannot be granted as long as we  
25 stand within the system that we all participate in.

1                   In his briefing he suggested recusal of  
2 the Louisiana Supreme Court. I did not hear that  
3 today, and so I presume he's dropped that point,  
4 although he did spend quite a bit of time on Justice  
5 Kimball. And there he takes the route that because  
6 of her supposed involvement, that somehow her  
7 actions have tainted all of these processes and,  
8 therefore, all of these processes must fall. If that  
9 were the case, we would not have in both the Civil  
10 Codes and Criminal Codes the procedure of recusal,  
11 and as the record does detail before you, in this  
12 matter, Justice Kimball has recused herself.

13                   I presume and the law presumes that  
14 Justices are impartial, just as your body is, unless  
15 there's proof otherwise, and the law presumes that,  
16 if they recuse themselves, they do recuse themselves  
17 absent evidence otherwise. And there is no  
18 evidence. I can assure you, you will not find any  
19 evidence of her participation in this matter.

20                   I do not know Kitty Kimball. I have not  
21 met her socially. I was trying to think back if I've  
22 even met her professionally. I have not. I have  
23 argued cases before her in the Supreme Court, I  
24 have attended bench bar conferences that she's been  
25 present at, but I honestly do not believe I've ever



1 shaken the Justice's hands, or said two words to  
2 her. One of the, I think, Mr. O'Dwyer's self-  
3 characterizations about me is self-evident; that I'm  
4 virtually an unknown - (Addressing Respondent) and,  
5 no, I'm not African-American although I wouldn't  
6 purport to say that. That may be in my background  
7 somewhere - but that is why the Supreme Court  
8 reached out to an alternate prosecutor; because, as I  
9 appreciate it, I've not talked to either of these  
10 people about that. Justice Kimball and Disciplinary  
11 Counsel Plattsmier were sued, and so they did not  
12 feel, I would presume, it appropriate for them to  
13 preside over a matter involving over a man that sued  
14 them. That's not uncommon. That occurs every day  
15 in the courts of this state and other states.

16 So, and I think Mr. O'Dwyer, himself,  
17 retracted that in saying that he could not find a link  
18 between Justice Kimball and myself, and I affirm that  
19 like he avers it, okay?

20 Uh, we get to the Louisiana Disciplinary  
21 Board. I state for the record, and I think I'm  
22 correct about that, I haven't met any one of these  
23 members before. I did make the occasion to  
24 introduce myself upon coming in at 10am this  
25 morning, but Mr. O'Dwyer should rest assured there's

1 no "snake-motion" influence here. I stand before  
2 you as an advocate for my position.

3                   Going to Charles Plattsmier, I could  
4 almost say the same thing about Charles Plattsmier.  
5 I have not met him socially. We have not discussed  
6 this case apart from one time period, and that was  
7 to pick up the files from him.

8                   And, at this point, I'd like to call Russ  
9 Hebert.

10 CHAIR SIMON:

11                   Mr. Hebert, as you can see, if you'd take  
12 that spot right there (indicating).

13 MR. DUMAINE:

14                   Mr. Hebert, please be sworn by the  
15 Reporter.

16                   RUSSELL HEBERT,  
17                   who, having been first duly sworn to tell  
18 the truth, the whole truth, and nothing but the truth,  
19 was examined and testified on his oath as follows:

20                   DIRECT EXAMINATION

21 BY MR. DUMAINE:

22                   Q     Please state your name for the record.

23                   A     Russell--

24 CHAIR SIMON:

25                   One second.

1       RESPONDENT:

2                   Excuse me, Ms. Simon, I may have an  
3       objection, here. I don't know of the nature and  
4       substance of Mr. Hebert's purported testimony. I  
5       had not been apprised that he was going to be  
6       called as a witness, and had I been so apprised I  
7       may not have allowed him to remain in the  
8       courtroom during argument.

9                   I don't know what's going on, here, can  
10      somebody please enlighten me?

11     MR. DUMAINE:

12                   If the Chair would allow me to, I would  
13      be happy to.

14     CHAIR SIMON:

15                   I would ask that you please.

16     MR. DUMAINE:

17                   Mr. O'Dwyer, I was not--

18     CHAIR SIMON:

19                   If you could address--

20     MR. DUMAINE:

21                   Oh, the Chair?

22     CHAIR SIMON:

23                   To the Chair.

24     MR. DUMAINE:

25                   To the Chair and to the Committee

1 Members, I was not apprised that Mr. O'Dwyer would  
2 be making allegations that Mr. Hebert was somehow  
3 involved in this "snake" that he is chasing.

4 I'd like to refute those allegations since  
5 he's purported them as evidence.

6 CHAIR SIMON:

7 Mr. O'Dwyer, anything to that?

8 RESPONDENT:

9 Uh, no, let Mr. Hebert testify.

10 CHAIR SIMON:

11 All right. Thank you very much, Mr.  
12 O'Dwyer.

13 BY MR. DUMAINE:

14 Q Please state your name.

15 A Russell Hebert.

16 Q How are you employed?

17 A Yes, I am.

18 Q How are you employed?

19 A Oh, how? By the 19th Judicial District,  
20 District Attorney's Office.

21 Q And when did you first become involved  
22 in the matter of assisting me in my Disciplinary  
23 Counsel appointment?

24 A I believe it was in December of '08,  
25 about the same time you were.

1           Q     Prior to that, had you ever seen Mr.  
2 O'Dwyer in person?

3           A     No.

4           Q     Had you ever participated in any State  
5 Trooper operation at his home?

6           A     No.

7           Q     Can you list for the Committee what times  
8 and places you may have run into Mr. Hebert (sic)  
9 in the course of this?

10 CHAIR SIMON:

11                   When you said--You mean Mr. O'Dwyer?

12 MR. DUMAINE:

13                   Yes, Mr. O'Dwyer. Thank you.

14 THE WITNESS:

15                   The first time I met Mr. O'Dwyer was in  
16 the lobby of his law office here in New Orleans,  
17 downtown. I forget the street, but it's downtown.  
18 We served him--Or I served him with some papers,  
19 you were with me, the first time I met him.

20                   The only other time I've met him was  
21 when he was incarcerated, I believe in St. Bernard  
22 Parish Prison, and I served him there with an  
23 investigator from the ODC. I can't remember his  
24 last name, but his nickname's Taco; a retired FBI  
25 agent. We served him there at the parish prison

1 with more papers, and that's been it until today.

2 Q Have those meetings been associated with  
3 anything other than this disciplinary proceeding?

4 A No.

5 MR. DUMAINE:

6 I tender.

7 RESPONDENT:

8 And I'll concede the testimony, Ms. Simon.

9 CHAIR SIMON:

10 Thank you very much.

11 MR. DUMAINE:

12 No further questions.

13 CHAIR SIMON:

14 All right. You may step down, sir, thank  
15 you.

16 Oh, wait, one second. Are there any  
17 questions from Ms. Dupre?

18 MS. DUPRE:

19 None.

20 CHAIR SIMON:

21 Mr. Friedman?

22 MR. FRIEDMAN:

23 (No response).

24 CHAIR SIMON:

25 And I have none. Thank you very much,

1       sir.

2                       Anything else, Mr. Dumaine?

3       MR. DUMAINE:

4                       If I may check my notes one second?

5       CHAIR SIMON:

6                       Oh, please. Take a moment.

7       MR. DUMAINE:

8                       The last point, which I believe I've  
9 covered in the brief but I want to be sure is clear,  
10 is Mr. O'Dwyer alleges that I must be recused  
11 because of some imagined conflict between his  
12 alleged criminal actions in the Parish of East Baton  
13 Rouge and my association with the East Baton Rouge  
14 District Attorney's Office.

15                      And in my response and I note here, as  
16 well, is that prior to accepting this appointment I  
17 ran a conflicts check. He is not in our data base.  
18 When he raised this allegation again, I ran a  
19 conflicts check. He is not in our data base. And  
20 as I would state to you - and we do a pretty good  
21 job of this at our office - is if that matter were to  
22 come in, it would not go to me because the D.A.,  
23 Hillar Moore, is aware of this appointment and he  
24 would have to secure other ADAs to conduct that  
25 business.

1                   And, oddly enough, and you can verify  
2 this in "The Advocate", is Hillar Moore has  
3 experience as a 20-year criminal defense attorney.  
4 So we're very familiar with the concept of the  
5 conflicts, and we often do have to recuse ourselves  
6 when we get a case in involving the prosecution of  
7 somebody he represented as a defense attorney, now  
8 that he's a prosecutor.

9                   And I would do the same thing in this  
10 case. I would notify my office that they had a  
11 matter of Mr. O'Dwyer for a criminal matter and that  
12 I should not be included in that prosecution, and I'm  
13 certain that that would occur.

14                   I will state, however, I did do another  
15 conflicts check, and we have no criminal complaints  
16 from any law enforcement agency concerning any  
17 matter involving Mr. O'Dwyer in the Parish of East  
18 Baton Rouge. So I remain, as far as I can tell,  
19 unconflicted.

20                   I do caution, however, the Members of  
21 this Committee and all the participants here that  
22 there is a pattern. Mr. O'Dwyer suffered a tragedy,  
23 as did many people in the City of New Orleans with  
24 the arrival of Hurricane Katrina. He did file suit  
25 concerning that matter as one of many in that suit



1       entitled: The Katrina Litigation.

2                       He actually made a filing, as I appreciate  
3       it, in the Parish of East Baton Rouge in the Middle  
4       District Court of Louisiana, and alleged a conspiracy  
5       in that suit because that matter somehow got a  
6       different civil docket number, and the end result of  
7       The Katrina Litigation matter was he ended up suing  
8       all the judges because he couldn't get a fair trial  
9       there, okay?

10                      So now he has filed suit against Charles  
11       Foti, and Justice Kimball, and the Louisiana State  
12       Police, and Heaven--and Charles Plattsmier, and  
13       Heaven knows who else. And he's been heard on  
14       that matter. That matter went before the Eastern  
15       District, if I'm mistaken. I have the cite somewhere  
16       in my brief. They dismissed all the players except  
17       for Justice Kimball and Mr. Plattsmier, and a couple  
18       of the Troopers, and those dismissals were then  
19       taken to the Fifth Circuit and they were dismissed  
20       by the Fifth Circuit. He then took writs to the  
21       Supreme Court.

22                      Much like any attorney, including  
23       prosecutors, we go to court every day and sometimes  
24       we win, and sometimes we lose. And we have the  
25       right to appeal, we have the right to take writs, but

1 we don't have the right to go out and be offensive  
2 to members of the public, to members of the Bar, to  
3 members of the Judiciary, and we don't have the  
4 right to damn, if you will, the entire system that  
5 we're a participant in. You've taken your pleadings,  
6 you've done your business, you've done your job as  
7 best you could. That doesn't give you a right to  
8 impugn the integrity of everybody in the system, and  
9 that is what this matter, once we get past recusal,  
10 will be about.

11                   Again, to summarize, I've not seen the  
12 evidence that rises to any substantial factual basis  
13 of a need to recuse any of these parties.

14                   Thank you.

15 CHAIR SIMON:

16                   Mr. Dumaine, do you have anything to  
17 offer in addition as far as exhibits are concerned, or  
18 is everything already contained in--

19 MR. DUMAINE:

20                   Everything is, and I do move in all the  
21 exhibits and my responses.

22 CHAIR SIMON:

23                   And I noted, Mr. O'Dwyer, you moved that  
24 we accept all those exhibits that you've already  
25 previously filed, right?

1       RESPONDENT:

2                   Some of them.

3       CHAIR SIMON:

4                   All right.

5       RESPONDENT:

6                   Brief rebuttal?

7       CHAIR SIMON:

8                   Brief, yes.

9       RESPONDENT:

10                   Point 1: I neglected to mention during my  
11       presentation-in-chief that all of my statements on  
12       the record and made in my pleadings were given  
13       under penalty of perjury pursuant to 28 U.S. Code,  
14       Section 1746.

15       CHAIR SIMON:

16                   1746?

17       RESPONDENT:

18                   Yes.

19       CHAIR SIMON:

20                   Okay.

21       RESPONDENT:

22                   That means that if anything that I said is  
23       untrue, I'm liable for perjury, or perjury prosecution.

24                   Next point: The concept of res judicata -  
25       and maybe Ms. Simon and Mr. Friedman will have to

1 talk briefly with Ms. Dupre about that - in a civil  
2 case, is really not applicable here, because what I  
3 have alleged and I don't want you all to lose sight  
4 of is ongoing criminal conduct which is totally  
5 separate from what may have happened in a civil  
6 case, in which Kimball, or Plattsmier, or anybody  
7 else got dismissed with prejudice.

8           Along those lines, this case does not  
9 involve a conflict from Mr. Dumaine's office, it  
10 involves unprosecuted, egregious, criminal conduct,  
11 and, therefore, misconduct on the part of Hillar  
12 Moore and Mr. Dumaine. Why haven't they done  
13 anything about Plattsmier and Kimball? It's not  
14 conflict of interests, it's something worse, and it's  
15 all tied in to the corruption of the entire System.

16           Then I have to chuckle about Mr.  
17 Dumaine's characterization of my advocacy. I, at  
18 one time - I guess I still do - represented about  
19 2,000 totally innocent victims of Katrina, and those  
20 were people from St. Bernard, the Lower Ninth Ward,  
21 New Orleans East, the area to the west of the  
22 Industrial Canal which was the Upper Ninth Ward,  
23 and New Orleans Proper; downtown, Canal Street,  
24 St. Charles Avenue, uptown, Carrollton. All the way  
25 in Metairie, and then I also represented people who

1 were flooded by Aaron Broussard.

2 And let me tell you something. With the  
3 exception of the dismissal of the criminal charges  
4 against me for which I spent, wrongfully, 34 days  
5 in solitary confinement in that hell hole, the  
6 St. Bernard Jail - I got all those charges dismissed  
7 after almost two years of fighting the federal  
8 government - but with the exception of winning that  
9 case, you're looking at a lawyer who represented  
10 almost 2,000 people. I haven't won a motion in  
11 almost seven years! Yeah, it's made me a little  
12 cynical about the system. And I've been fighting  
13 Kimball and Plattsmier for almost seven years, too,  
14 and not getting anywhere.

15 Now, let me just clear up something that  
16 Mr. Dumaine didn't get right, and that's because, you  
17 know, the pleadings are all over the place, and there  
18 are many suits, and that sort of thing. I sued the  
19 judges in the Eastern District, but it had nothing to  
20 do with Katrina cases.

21 CHAIR SIMON:

22 The Eastern District or the Middle  
23 District?

24 RESPONDENT:

25 Yes, the Eastern District.

1 CHAIR SIMON:

2 Eastern.

3 RESPONDENT:

4 Yes.

5 CHAIR SIMON:

6 Okay.

7 RESPONDENT:

8 They--'they', Berrigan filed a disciplinary  
9 or misconduct complaint against me, and somebody  
10 said, Okay, we know the rules say that when a  
11 lawyer hasn't been charged with a serious crime we  
12 have to order an investigation, and then the  
13 investigator writes a report which the lawyer gets to  
14 traverse, and then there'll be discovery, and then  
15 there'll be a trial.

16 CHAIR SIMON:

17 Let me stop you right there.

18 RESPONDENT:

19 Yeah.

20 CHAIR SIMON:

21 Is that not the cause of action that  
22 resulted in the stay of these proceedings for all  
23 these years while all that was going on in federal  
24 court?

25 RESPONDENT:

1                   Honest to goodness, Ms. Simon--

2       CHAIR SIMON:

3                   Okay.

4       RESPONDENT:

5                   --I don't remember...Yes! Some of them.

6       CHAIR SIMON:

7                   Wasn't some of it?

8       RESPONDENT:

9                   Yes!

10      CHAIR SIMON:

11                  Okay.

12      RESPONDENT:

13                  That is correct. Because I sued them,  
14      stay orders were issued in some cases.

15      CHAIR SIMON:

16                  That's what I thought. I just wanted to  
17      make sure I had the right one.

18      RESPONDENT:

19                  But this is the point: In my case, they  
20      said, Well, we know what the Rule says when a  
21      lawyer hasn't been found guilty of a serious crime.  
22      We're just not going to follow the Rule in O'Dwyer's  
23      case, we're going to do it on a summary basis. Set  
24      this thing for argument before them now, and let's  
25      yank his ticket on a summary basis. And that's

1       what they did.

2                       So I sued them, and I said, hey, 'this'  
3       is what your Rule says. 'This' is what you're  
4       doing to me. It doesn't conform with the Rules,  
5       so, therefore, I'm suing you.

6       CHAIR SIMON:

7                       Okay.

8       RESPONDENT:

9                       Okay?

10      CHAIR SIMON:

11                      So we got that part.

12      RESPONDENT:

13                      All right. And the lawsuit filed up in  
14      Baton Rouge was the first Katrina case. Actually,  
15      on that particular day, September 19, 2005, twelve  
16      and a half hours before the "Goon Squad" came to  
17      get me, the Eastern District was sitting in Baton  
18      Rouge so I had to drive to Baton Rouge, file a  
19      lawsuit there, and then drive home before curfew.

20      CHAIR SIMON:

21                      So that the record is clear and so that I  
22      understand, it was filed in Baton Rouge, but with the  
23      Eastern District--

24      RESPONDENT:

25                      That is correct.



1 CHAIR SIMON:  
2 --because they had been--  
3 RESPONDENT:  
4 Temporarily--  
5 CHAIR SIMON:  
6 --refugees--  
7 RESPONDENT:  
8 That's right.  
9 CHAIR SIMON:  
10 --to Baton Rouge.  
11 RESPONDENT:  
12 That's right.  
13 Okay, just two other points.  
14 CHAIR SIMON:  
15 Yes, sir.  
16 RESPONDENT:  
17 Three other points.  
18 Yes, I'm suspended, but I can't practice  
19 law. So what does "suspension" mean? I'm sorry, I  
20 don't consider myself a lawyer because I can't be a  
21 lawyer; I can't practice law.  
22 Yes, I am seeking recusal of the Supreme  
23 Court, because a fish rots from the head, and she  
24 has polluted, tainted, and corrupted the entire  
25 Supreme Court Bench.

1 CHAIR SIMON:

2 And, again, so the record's clear, you're  
3 referring--As far as female members of the Louisiana  
4 Supreme Court, you're referring, specifically, to--

5 RESPONDENT:

6 To Justice Kimball.

7 CHAIR SIMON:

8 --Justice Kimball, all right.

9 RESPONDENT:

10 Because she is, along with Plattsmier, the  
11 Louisiana Attorney Disciplinary System. They are the  
12 head of the snake.

13 Out-of-state is the only avenue available,  
14 in my humble opinion, that could render a fair and  
15 impartial decision. You've got to send it to  
16 somebody that has no ties to Louisiana, or the  
17 United States Court of Appeals for the Fifth Circuit,  
18 in any way, shape or form.

19 And last point: Oh, boy, Plattsmier's such  
20 a great guy! He recused himself in my case. After  
21 all the damage had been done. Well, he didn't  
22 recuse himself in my first disciplinary case, the one  
23 filed against me while he was lying to you, on  
24 August 17, 2006, Case No. 0021534. He didn't  
25 recuse himself there, did he?

1                   And he only recused himself here after I  
2 had been handed my head on a platter. He made  
3 sure of that.

4 CHAIR SIMON:

5                   Are you finished with those points?

6 RESPONDENT:

7                   Yes.

8 CHAIR SIMON:

9                   Because I do have a question for you, sir.

10 RESPONDENT:

11                   Yes, ma'am.

12 CHAIR SIMON:

13                   You speak about the possibility or your  
14 request that this be deferred to another state for  
15 handling. Are you able to provide this Committee  
16 with any instances where that has ever occurred;  
17 where a case from the Disciplinary System in  
18 Louisiana has been referred to an out-of-state body?

19 RESPONDENT:

20                   Okay--

21 CHAIR SIMON:

22                   I'll tell you, I was not able to locate one.

23 RESPONDENT:

24                   No.

25 CHAIR SIMON:

1 I was hoping, maybe, your research--

2 RESPONDENT:

3 No, we're not going to find one.

4 CHAIR SIMON:

5 All right.

6 RESPONDENT:

7 And you're not going to find one where a  
8 sitting Chief Justice of the Louisiana Supreme Court  
9 is alleged to have committed the type of crimes that  
10 I've alleged against her and Plattsmier.

11 CHAIR SIMON:

12 Now, my question continues and, in full  
13 disclosure, I've looked and cannot seem to find. But  
14 I'm not the best on legal searches - I certainly have  
15 people in my office who are better than that - but  
16 in my searches I have not been able to locate and  
17 would like you to let me know if--or the Committee  
18 know if you have any instances where Disciplinary  
19 Systems in other states throughout the United States  
20 have gone outside of their state system, such that  
21 you're asking us to consider here.

22 RESPONDENT:

23 I'll make inquiry, but, you know, shooting  
24 from the hip I would say we're not going to find  
25 anything. It's very, very unusual.

1 CHAIR SIMON:

2                   And I can tell you, I have--you know, I  
3 can't speak for other members of the Committee, but  
4 I have looked and I couldn't find any. I was hoping  
5 there was something you could point us to to take a  
6 look at, procedurally.

7                   Is there anything else, Mr. O'Dwyer?

8 RESPONDENT:

9                   Yeah, the last point.

10 CHAIR SIMON:

11                   Yes, sir.

12 RESPONDENT:

13                   One other point that Mr. Dumaine made,  
14 and that deals with the Roussel statement.

15                   The Roussel statement was not attached  
16 for the truth of all of his speculation contained  
17 therein. It's perfectly obvious when he's speculating  
18 and when he's saying what Neuner told him at the  
19 Houston Marine Insurance Seminar.

20                   It was only offered to corroborate what  
21 Neuner told me as related to Roussel by Neuner at  
22 the Houston Marine Insurance Seminar; namely, yeah,  
23 Kitty Kimball was at that meeting on September the  
24 11th, 2005, and she said, "Somebody's got to shut  
25 that guy up" - referring to Ashton O'Dwyer - "he's

1 giving us all a bad name.”

2 CHAIR SIMON:

3 Anything else, Mr. O’Dwyer?

4 RESPONDENT:

5 No, ma’am. Thank you for all the time  
6 you’ve given me.

7 CHAIR SIMON:

8 The Committee was glad to be here this  
9 morning to consider this motion. As all of you  
10 know--

11 First of all, any questions, Ms. Dupre?

12 MS. DUPRE:

13 None.

14 CHAIR SIMON:

15 Because we always go to our Public  
16 Member first; our Public Member being the most  
17 important part of this system.

18 Mr. Friedman, any questions from you?

19 MR. FRIEDMAN:

20 (No response).

21 CHAIR SIMON:

22 Okay. Mr. O’Dwyer, Mr. Dumaine, the  
23 Committee will meet and discuss this further. We’ll  
24 review all of the exhibits, all of the documents, and,  
25 of course, as we previously mentioned, the YouTube

1 posting of Mr. O'Dwyer. We have the testimony here  
2 today of Mr. Hebert. We thank you for being here  
3 and participating, sir.

4 And I'd also, on behalf of the Committee  
5 and the system, like to thank the 24th Judicial  
6 District Court for being so kind as to host us here  
7 on what we felt would be a more appropriate neutral  
8 site, and not at one of the ODC offices, and we  
9 thank you for all of your kindnesses.

10 Madam Court-Reporter, there will be no  
11 exhibits to be added to the record at this time, and  
12 we'd ask that you please make a transcript and make  
13 it available to the Committee for our consideration  
14 while we deliberate.

15 Mr. O'Dwyer, you're still standing. Is  
16 there something else you wanted to add?

17 RESPONDENT:

18 No, ma'am.

19 CHAIR SIMON:

20 Okay. There being nothing further, then,  
21 we'll consider this matter closed and we'll take it  
22 under advisement.

23 I thank everyone for their participation.  
24 Have a good day, and drive safely to your various  
25 destinations.

1 MR. DUMAINE:

2 Thank you.

3 CHAIR SIMON:

4 We're off the record.

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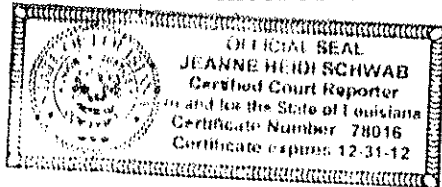
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C E R T I F I C A T E

I, HEIDI SCHWAB, CCR, CVR, OCR, do hereby certify that the Hearing transcript taken in the above-captioned matter, and on the aforementioned date, was both reported and transcribed by me via StenoMask Reporting, to the best of my ability and understanding;

That I am not of counsel, not related to counsel or the parties hereto, and am in no-wise interested in the result of said cause.



*Heidi Schwab*

HEIDI SCHWAB, CCR, CVR, OCR

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