

**NOT DESIGNATED FOR PUBLICATION**

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2006 CA 1406

TOWER JACKSON, OLIVER JONES, ALLEN MARTIN,  
LILLY M. MCKEE, AND LEMAR PROCTOR

VERSUS

SHERIFF ELMER LITCHFIELD, IN HIS CAPACITY  
AS SHERIFF OF EAST BATON ROUGE PARISH

Judgment Rendered: May 4, 2007.

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On Appeal from the  
19th Judicial District Court,  
In and for the Parish of East Baton Rouge,  
State of Louisiana  
Trial Court No. 533,050

Honorable A. J. Kling, Judge Ad Hoc Presiding

\* \* \* \* \*

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Baton Rouge, LA

Counsel for Plaintiffs/Appellants,  
Tower Jackson, Oliver Jones,  
Allen Martin, Lilly McKee, and  
Lemar Proctor

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Counsel for Defendant/Appellee,  
Sheriff Elmer Litchfield, in his  
capacity as Sheriff of East Baton  
Rouge Parish

\* \* \* \* \*

BEFORE: CARTER, C.J., WHIPPLE AND MCDONALD, JJ.

CARTER, C. J.

Tower Jackson, Oliver Jones, Allen Martin and Lilly McKee are former bailiffs of the 19th Judicial District Court. Lemar Proctor is a former bailiff of the East Baton Rouge Parish Juvenile Court. (Collectively, Jackson, Jones, Martin, McKee, and Proctor will be referred to as “the bailiffs.”) The East Baton Rouge Parish Sheriff’s Office terminated all of the bailiffs’ employment by letter, stating that in the wake of the Atlanta court tragedy and recent events, only POST-certified deputies would be providing court security. The letter invited the bailiffs to contact the Human Resources department if they wished to complete the POST certification. The bailiffs did not do so, were terminated, and have since been replaced.

The bailiffs filed the instant suit for declaratory judgment and injunctive relief against East Baton Rouge Parish Sheriff Elmer Litchfield, seeking a declaration that their termination is null and void and an injunction against their termination. The premise of the bailiffs’ contentions is that their bailiff appointments were made by the judges for whom they served, pursuant to an agreement between the Sheriff and judges, and that the Sheriff had no authority to fire them. Additionally, bailiff Lemar Proctor argued that he worked as a bailiff of a parish court and LSA-R.S. 13:1457 reserves to the judge for whom he worked the authority to set the conditions of his employment.

The Sheriff moved for summary judgment on grounds that the bailiffs were “at-will” employees of the Sheriff’s Office, without a fixed term of employment, and were therefore subject to termination by him, with or

without cause, at any time. The trial court<sup>1</sup> granted the Sheriff's motion and dismissed the bailiffs' claims. The bailiffs now appeal.

After conducting *de novo* review, we find that summary judgment was appropriate. The evidence submitted by the Sheriff in support of his motion for summary judgment overwhelmingly shows that the bailiffs were "at-will" employees of the Sheriff's Office, subject to termination by the Sheriff. The bailiffs did not produce sufficient evidence to show that they would be able to establish their evidentiary burden of proving at trial that they were not subject to termination by the Sheriff. Absent any genuine issues of material fact, and being entitled to judgment as a matter of law, the Sheriff's motion for summary judgment was properly granted.

Considering the foregoing, the judgment appealed from is affirmed in accordance with URCA Rule 2-16.1B. Costs of appeal are assessed to Tower Jackson, Oliver Jones, Allen Martin, Lilly McKee, and Lemar Proctor.

**AFFIRMED.**

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<sup>1</sup> After the judges of the 19th Judicial District Court recused themselves, the Honorable A. J. Kling was appointed as Judge Ad Hoc to preside over the case.