Volume 2, No. 1 Spring 1999

1999 State of the Judiciary Address

Chief Justice Pascal F. Calogero, Jr. presented the 1999 State of the Judiciary address to the joint session of the Louisiana House and Senate. Excerpts from the address follow:

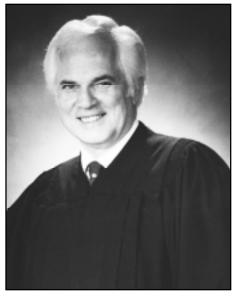
I thank you for inviting me to address you once again on the state of the judicial branch of our government. As I look around the chamber of this great assembly, I see many friends of long-standing who have given invaluable assistance to the judiciary and friendship to me personally during the times when my duties as Chief Justice have brought me to this building. I am now approaching my 10th year as your Chief Justice, and I thank each of you for your courtesy and your friendship.

One of my goals as Chief Justice is to improve communications between the judicial branch of government and the legislative branch. We have taken several steps in this direction, such as my State of the Judiciary addresses and including you on the mailing list for our new quarterly Court Column newsletter. And since 1997, we have invited each of you to spend a half-day or more with your local judges as they perform their duties as part of our Judicial Ride-Along Program. Your response to these invitations has exceeded our expectations with over 75 legislators participating. On behalf of the entire state judiciary, I would like to thank you publicly for your participation and for your passing HCR 125 commending the judiciary on this initiative.

The state of our judiciary in March 1999 presents, at best, a mixture picture. Nowhere is this more evident than in the results of the first-ever statewide comprehensive Consumer Research Study on Louisiana Courts administered by a diverse and impressive 31 member Advisory Committee chaired by Barry Erwin of Council for A Better Louisiana and Jackie Ducote of the Public Affairs Research Council. We now know directly from Louisiana citizens what they perceive as wrong and what they perceive as right in the judicial branch of government.

Public perceptions are difficult to distinguish from actual instances of deficient performance, particularly when dealing with citizens' attitudes toward justice, and each negative perception which can be corrected by appropriate measures must be addressed. For this reason, I asked the Advisory Committee to remain intact after receipt of the survey results to recommend changes to improve court performance and public perception. It is now incumbent upon our Court to consider the recommendations and take additional steps to improve the judiciary and its reputation among our citizens.

I am pleased to report today that the past two years since my last address have been years of



Chief Justice Pascal F. Calogero, Jr.

progress in improving public trust and confidence in the judicial branch of government. We have taken steps to bolster attorney discipline by more than doubling the Attorney Disciplinary Board's annual budget from \$1.1 million to \$2.7 million over a three-year period through an increase in the fees assessed to licensed attorneys. This system is operating efficiently and effectively. We also hosted a Preventing Lawyer Misconduct Conference which brought together for the first time all the players in the education and discipline of attorneys to discuss ways to prevent future ethical improprieties by attorneys through better ethics education for law students. We also recently amended our rules on bar admissions to require character and background investigations by the National Conference of Bar Examiners as a prerequisite for taking the bar exam.

A great deal of progress has been made with our Case Management Information System Project. 1998 legislation resulted in the establishment of our CMIS department in the Judicial Administrator's Office to develop a statewide computerized court information system which would link the courts with each other and with state and federal law enforcement agencies. 1997 legislation enabled CMIS to develop a database called LPOR — the Louisiana Protective Order Registry -- for the statewide collection of protective orders in an effort to respond effectively to domestic violence incidents in Louisiana. CMIS can now provide instant access to protective order information to the State Police, local law enforcement agencies, sheriffs' offices, judges and prosecutors.

Continued on page 2

CORNER

Wingh M. Collins. Ph.D.

Among the findings of our recent Consumer Research Study, we learned that Louisiana citizens feel that we are not providing enough information and education to help people understand our court system. In response, the Louisiana Supreme Court created CLASS — Courting Louisiana Students and Schools, an interactive, multi-media program that puts students in the shoes of the Supreme Court justices.

Each year, a pending case will be selected for its educational value and featured in the CLASS program. The first CLASS case is State v. Ferris which challenges the constitutionality of the underage driving while intoxicated law. Attorney briefs and a classroom lesson plan posted on the Internet used with videotaped oral arguments and an educational documentary available in the Louisiana State Law Library provide students with the opportunity to write their own decision which can be compared to the official decision of the Louisiana Supreme Court.

I hope that you will visit our website under the "Welcome to CLASS" option at www.lasc.org to learn more about the CLASS program and recommend it to educators in your community. Please contact our Community Relations Department at (504) 599-0319 for additional information.

Continued from page 1

Recognizing that public approval of the court system will result from good performance buttressed by educational programs and effective public communications, in 1997 we created a Community Relations Department to design community partnership and judicial education programs for our state judges and courts. An example of one of our newest judicial education programs is CLASS Courting Louisiana Students & Schools. Statewide television broadcasts of live Supreme Court oral argument sessions and an educational documentary can now be used with an Internet lesson plan to allow students to step into the shoes of Supreme Court justices and write their own opinions to compare to our Court's official decision. Our judicial outreach programs have not gone unnoticed. The Community Relations Department received a 1998 Excellence in Government Award from the Bureau of Governmental Research and a 1999 Partnership Program Award of Merit from the ABA.

Allow me to move now to a subject dear to my heart — children in the courts. Each year thousands of children enter our juvenile court system as innocent victims of child abuse and neglect. Many children must be removed from their homes for their safety and placed in foster homes where they must wait for the courts to decide their future. In response to this problem, we instituted a federally funded Court Improvement Program to improve the adjudication of child abuse and neglect cases in Louisiana. One component of the program, the "Campaign for Children," was created to increase public understanding, awareness and support for the needs of children and families in foster care through documentaries on foster care drift and a "Justice for Children" conference. At the request of the Court Improvement Program, we have recently adopted special rules to speed up the handling of cases involving the protection of children.

As I hope you can see from my remarks this afternoon, we are trying many things to improve not only the performance of the judiciary but also its image. We will continue to do so. However, I must say to you that many of the problems affecting the judiciary's performance and image cannot be improved by the Supreme Court or by the entire judiciary acting alone. Many of the problems impairing judicial performance are deeply rooted in the confusing way in which the judicial system is structured, governed, and financed. Indeed, it is reaching to call what we have today a "system." It certainly is not the product of thoughtful policy analysis or decisionmaking. Rather, it is merely a patchwork of all the pragmatic political arrangements made by different parties over time. The present set of fragmented arrangements impacts more than 363 elected judges, 390 elected justices of the peace, and 250 mayors presiding over mayors courts, all spread over seven layers of courts — supreme court, courts of appeal, district courts, parish and city courts, mayors courts and justices of the peace. The judicial branch also includes 41 elected district attorneys, 67 elected clerks of court, 65 sheriffs, and 64 coroners, and approximately 390 elected constables — all of whom are more or less autonomous elected officials, responsive primarily to their voting constituencies.

The current set of financial arrangements is equally problematic. As part of these arrangements, local governments are required to carry the heavy burden of funding a large part of the operations of the courts, the district attorneys, and the coroners — all of which are state constitutional functions. Citizens are also required to pay rather high fees, fines, court costs and assessments to also help pay for the cost of judicial functions. These arrangements create a condition of "rich" offices and "poor" offices, and force agencies that should work together to fight one another for limited resources. Furthermore, the present funding arrangements prevent uniformity and consistency in judicial services, [note, how juvenile courts are barely able to provide what is loosely defined as judicial services] and threaten judicial impartiality by making judicial functions too dependent on local governments and user-generated income. In addition, the current financing arrangements make it virtually impossible for citizens and the legislature to understand the total amount of financing being provided to each agency, thus making public accountability very difficult. Perhaps I will have an opportunity to discuss the subject in greater detail in the future.

Excellence in judicial management calls for vision, creativity and analysis in devising methods to manage the increasing complexity and volume of our caseload as well as our administrative responsibilities. My objective is to devote the remaining 8 years of my term of office to the continuing improvement of the administration of the Judicial Branch as well as its image, while maintaining the appropriate autonomy of our courts and improving the quality of our state judiciary. There is no doubt that we will need your continuing help to realize this objective.

Once again, I thank you for inviting me today, for your attention to my remarks, and for your unfailing devotion to the people of Louisiana.



Ethical Campaigning

At the request of Chief Judge Thomas R. Duplantier and Judge John D. Trahan, a special campaign ethics seminar was provided for candidates for two newly-created judgeships in the 15th Judicial District Court. Said Judge Duplantier, "We wanted to make certain that there would be few, if any, ethical conduct complaints during the campaigns."

Nearly 40 judicial candidates and campaign managers received instruction on how to comply with Code of Judicial Conduct provisions governing political and campaign conduct from Nancy Rix, Legal Counsel to the Louisiana Judiciary Commission. Rix's presentation was followed by a briefing by Maris McCrory, Deputy General Counsel for the Louisiana Board of Ethics, on Louisiana's campaign finance and disclosure laws. Judges Duplantier and Trahan joined Rix and McCrory in a lengthy question and answer session.

The seats at issue were ultimately won in run-off elections by Judge Marilyn Castle and Judge Phyllis Keaty who began their terms of office on January 1, 1999.

Appellate Practice Seminar

The Louisiana Fifth Circuit Judges Association recently sponsored an Appellate Practice Seminar for judges, clerks of court, and court reporters. The emphasis of the seminar was to provide tips for trial courts on such matters as records preparation for appeals, writs vs. appeals, and an explanation of the pipelines for civil and criminal appeals. Almost 100 judges, minute clerks, paralegals and court reporters attended this informative seminar.



Fifth Circuit Seminar presenters: Attorney Jerry Peterson, Judge Edward Dufresne, Jr., Clerk of Court Pete Fitzgerald, Chief Deputy Genny Verrette, Judge Tom Daley.

Louisiana Protective Order Registry 1999 Regional Seminar Schedule

Judges, clerks of court, court administrators, district attorneys, probation and parole officers, law enforcement personnel, victim/witness assistance program providers, victim advocates and attorneys can register for this no cost seminar to learn how to use the registry. For more information on the Louisiana Protective Order Registry 1999 Regional Seminar contact Patsy Taylor, Director at (504) 586-5747.

Friday, April 16	Lake Charles
Friday, April 30	Monroe
	Hammond
Friday, May 28	Lafayette

Friday, June 11 Shreveport Friday, June 25 Baton Rouge Friday, July 9 Alexandria Friday, July 23 New Orleans

Justice or Juror?

Chief Justice Pascal F. Calogero, Jr. spent a day in court — but not on the bench of the Louisiana Supreme Court as he usually does. On November 17th, the Chief Justice was called for jury duty at the Jefferson Parish Courthouse in Gretna.

The call to serve jury duty came to the Chief Justice four years after the Supreme Court eliminated the automatic exemptions for lawyers and certain other professionals. Before 1994, lawyers, doctors, elected officials, clergy, law officers, firefighters and members of the armed services could claim an automatic exemption from jury service.

Chief Justice Calogero spent the morning in the jury pool lounge. In the afternoon, he was summoned among others to Judge Walter Rothschild's courtroom where a robbery trial was scheduled.

"People should look upon jury service with a sense of pride. Each of us has a civic responsibility to serve and I was pleased I had the opportunity to do so," Chief Justice Calogero said.

After an hour and a half of voir dire he was sent home. According to Judge Rothschild, the Chief Justice was dismissed by the attorneys due to their concerns that, if he were seated on a jury, his opinions would unduly influence those of the other jurors.

CYBER COURTS

Loyola University School of Law www.loyno.edu/law/

LSU Paul M. Hebert Law Center http://its2ocs.lsu.edu/guests/lsulaw/

Tulane Law School www.law.tulane.edu

Southern University Law Center www.petersons.com/sites/gradinc/69303001.html

American Inns of Court www.innsofcourt.org/

Jurist -The Law Professor's Network http://juris.law.pitt.edu/



Drug Treatment Courts

A National Trend

Louisiana has joined the ranks of over 20 states across the nation who are attempting to control drug usage and the criminality of drug-using offenders with drug courts which allow non-violent drug offenders the option of undergoing intensive drug treatment in lieu of jail sentences. The first drug court began operations in Dade County, Florida in 1989. Today, there are over 300 drug courts in the United States.

A "drug court" is a special court given the responsibility to handle cases involving drug-using offenders through a supervision and treatment program. A typical drug court program includes:

- timely identification of offenders who qualify for drug treatment
- enrollment in a community-based drug treatment program
- frequent hearings before a judge to monitor progress
- mandatory periodic drug testing

Drug court programs use teams of judges, prosecutors, defense attorneys, probation officers, counselors and other specialists who work together to help offenders overcome their drug problems and resolve other issues relating to work, finances and family. The judge, however, is the central player who, in addition to presiding over the legal and procedural issues of an offender's case, reinforces positive behavior and imposes sanctions, including terms of incarceration and increased drug-testing and supervision, for noncompliance.

The connection between drug addiction and crime is statistically supported. 60-80% of all crimes are drug-related, committed by individuals that test positive for drug use at the time of arrest. The recidivism rate for criminal offenders who get no drug treatment is about 60% creating a "revolving door" criminal justice system. The recidivism rate for offenders who are placed in a drug court program has been reported as low as 4%. Moreover, the incarceration of drug-using offenders costs a minimum of \$20,000 per year. In contrast, the most comprehensive drug court systems cost less than \$1,500 annually for each offender.

There is a strong national interest in drug courts. Since 1995, the U.S. Department of Justice, through its Drug Courts Program Office, has provided over \$60 million in funding for the planning, implementation and enhancement of state drug courts. This strong support, along with the continuing recognition that substance abuse is a major contributor to crime and social problems and that traditional methods of punishing drug offenders have had little impact on the proliferation of substance abuse, suggest that drug courts will play an increasingly visible role in the nation's response to drug-related crime.



Governor Foster signs Louisiana drug court legislation.

National Recognition For Louisiana Drug Court

Louisiana's first drug treatment court was created in January of 1997 in the 16th Judicial District. The St. Mary Parish Adult Drug Treatment Center serves the parishes of Iberia, St. Martin and St. Mary, and has been named one of 13 mentor courts nationwide by the National Association (NADCP) of Drug Court Professionals to provide technical and expert assistance on a regional basis.

- Judge William D. Hunter, founder of the 16th JDC Drug Treatment Court as well as founder and president of the Louisiana Association of Drug Court Professionals (LADCP), received a National Leadership Award at the 1998 NADCP Conference for his tireless efforts on behalf of the drug court movement.
- Lars Levy, Administrator of the Fairview Treatment Center, Claire House for Women & Children and Fairview Outpatient Clinic in the 16th JDC and President of the Louisiana Association of Substance Abuse Counselors and Trainers, has been appointed as one of 11 new members of the NADCP Board of Directors.



Judge William D. Hunter, 16th JDC, receives the National Leadership Award.



The Louisiana Situation

In 1997, Judge William D. Hunter of the 16th JDC spear-headed the passage of Act 1376, La. R.S. 13:5301 et. seq., enabling the creation of alcohol and drug treatment divisions in Louisiana's district courts to:

- reduce alcoholism and drug abuse and dependency among offenders;
- reduce criminal recidivism;
- reduce the alcohol and drug-related workload of the courts;
- increase the personal, familial and societal accountability of offenders;
- promote effective interaction and use of resources among criminal justice personnel and community agencies; and
- reduce the overcrowding of prisons.

Non-violent offenders may be referred to a drug court program by the district attorney upon a recommendation that "it is in the best interest of the community and in the interest of justice to provide the

"Federal funding expires after two years;
a \$3.2 million
appropriation request is
pending in the state
legislature for the
continued operation
of Louisiana's drug
treatment courts."

- Judge William D. Hunter

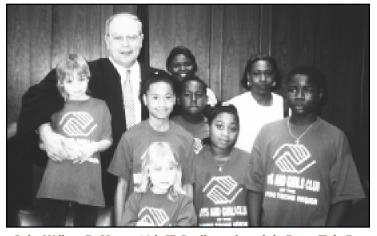
defendant with treatment as opposed to incarceration or other treatment." If accepted into the program, the defendant must waive the right to trial, plead guilty to the crime charged, and agree to be placed under the supervision of the drug court for a period of not less than 12 months. If the defendant successfully completes all requirements of the program, the conviction may be set aside and the prosecution dismissed. If a defendant fails to complete the drug court program, the judge may revoke the probation and impose sentence.

Pursuant to the 1997 enabling legislation, 19 drug treatment courts have been created in Louisiana; an additional 8 are in the planning stage. Federal funding, with 25% local matching funds, covers the cost of a one-year

planning phase and a two-year implementation phase for each of these drug courts. A \$3.2 million appropriation request to provide state funding for the continued operation of Louisiana's drug treatment courts through the Department of Health and Hospitals' Office of Drug and Alcohol Abuse is pending in the state legislature.

Louisiana's Drug Treatment Courts

- The New Orleans Drug Court Program Judges Leon Cannizzaro, Calvin Johnson & Gerard Hansen
- 19th Judicial District Court Judge William A. Morvant
- St. Mary Parish Adult Drug Treatment Center Judge William D. Hunter
- Lafourche Parish Adult Drug Court Treatment Center Judge John J. Erny, Jr.
- Acadiana Recovery Center/Drug Court Treatment Program Judges Patrick Michot & Jules Edwards
- New Iberia Drug Court Program Judge Gerard B. Wattigny
- Rapides Parish Drug Court Judge Thomas M. Yeager
- 4th District Drug Court Judge Milton Moore
- 5th District Drug Court, Inc. Judge Glen Strong
- 22nd JDC Drug Court Program (Div. "B") Judge Elaine Guillot
- 22nd JDC Drug Court Program (Div. "C") Judge Zorraine M. Waguespack
- 21st JDC Drug Court Program Judge Robert Morrison, III
- Jefferson Parish Intensive Probation Drug Court Judge Marion Edwards
- Baton Rouge Juvenile Drug Court Judge Pamela Johnson
- St. Mary Parish Family Focus Juvenile Drug Court Judge William D. Hunter
- Breaux Bridge Adolescent Drug Court Program Judge Randy Angelle
- Juvenile Court for Caddo Parish Judges David Matlock, Vernon Claville & Andrew Gallagher
- Jefferson Parish Juvenile Drug Treatment Center Judge Ann Murry Keller



Judge William D. Hunter, 16th JDC, tells members of the Bayou Teche Boys and Girls Club to "Say No to Drugs!"

Cyber Drug Courts

National Association of Drug Court Professionals www.drugcourt.org

Drug Court Program Office www.ojp.usdoj.gov/dcpo/

Florida Circuit Court Drug Division http://jud13.flcourts.org/drugdiv.html

Fairview Treatment Center www.drugcourt.com

PARTNERSHII



PILLAR OF THE COMMUNITY: Judge Steven R. Plotkin, Fourth Circuit Court of Appeal

When Fourth Circuit Court of Appeal Judge Steven R. Plotkin reaches out to build community partnerships through legal education, his reach extends half-way around the world!

Judge Plotkin recently returned from Russia where he and two other U.S. judges taught 200 Russian and Siberian judges about Western jurisprudence. According to Judge Plotkin, "Western concepts of justice remain pretty much a mystery in Russia where almost all judges were part of prior Communist hierarchy and generally received no judicial training since they were in law school." This was Judge Plotkin's second trip to Russia as part of a joint U.S. Agency for International Development and Russian-American Judicial Partnership project.

Closer to home, in the New Orleans Metropolitan area, Judge Plotkin is perhaps best known as the host of "It's the Law," an awardwinning weekly television program. In its eleventh year, "It's the Law" features judges and lawyers in a roundtable discussion format that covers a wide variety of law-related topics during the 26 shows produced each year.

An adjunct professor at Tulane



Justice Alexey P. Shurygin, Chief Justice, Judicial Court of the Russian Federation and Justice Steven R. Plotkin



Justice Plotkin teaching judges in Omsk, Siberia

and Harvard universities, Judge Plotkin is serving a second year as Chairman of the Louisiana State Bar Association Professionalism and Quality of Life Committee. Under his leadership, professionalism guidelines for lawyers and judges were adopted, a onehour professionalism class became a mandatory continuing legal education requirement for lawyers, and a pool of speakers was established to teach professionalism classes.

It won't be long, however, before Judge Plotkin finds himself in yet another community reaching out and teaching others about the American legal system. Honored to have been named a Fulbright Scholar, Judge Plotkin will be going to Sofia, Bulgaria to teach at the University of Sofia Law School in the fall semester.

Criminal Justice Address

Chief Judge Jo Ellen Grant, 24th JDC, was a keynote speaker for the Metropolitan Crime Commission's first-ever Jefferson Parish Criminal Justice luncheon. Judge Grant provided plenty of good news from the 24th JDC on the crime-fighting front and highlighted court improvements including: the court's improved pace in moving cases; the addition

of two full-time criminal commissioners to handle arraignments; and a new computer system that allows judges to take notes, look up cases, and access Sheriff's Department records from the bench. Judge Grant also said the court is continuing an "in-court probation" misdemeanor program to ensure that released offenders stay off drugs and otherwise abide by court orders.

Courthouse Tour



Den 3 of Cub Scout Pack 393 at St. Andrew the Apostle School toured the Algiers Courthouse and met with Second City Court Judge Mary "KK" Norman.



Judicial Ride-Along Program



Rep. Charles A. Riddle, III "takes the bench" with Judge Kerry Spruill, 12th JDC

For the third year, the Louisiana Supreme Court helped to bridge the gap between lawmakers and judges with the Judicial Ride-Along Program. The Judicial Ride-Along Program gives legislators a chance to "sit on the bench" to see first-hand the volume, complexity and variety of work performed by courts in their districts.



Judge Robert E. Burgess, 11th JDC and Sen. Mike Smith Ride-Along in DeSoto Parish

Three Bears v. Goldilocks

Third grade students from the Academy of the Sacred Heart School in Grand Coteau held a mock trial in the courtroom of Judge Byron Hebert, 15th JDC, to determine the fate of the defendant Goldilocks. With Judge Hebert's daughter sitting as the judge, classmates played the roles of the jurors and the attorneys. The jury for the mock trial was selected ahead of time and "sequestered" from any mention of the scripted trial.

During the trial, Judge Hebert noted, "the girls took notes and deliberated seriously." Ultimately the jury reached a unanimous verdict, finding Goldilocks guilty of bad manners.



Goldilocks with her attorneys in front of the bench. Judge Hebert and daughter Mary Grace sitting on the bench.

The mock trial jury.





Ipso Facto... Hammond City Court Wall of Honor

About 200 people recently packed the Hammond City Court for the unveiling of the Wall of Honor that almost wasn't. Several months ago, City Court Judge Grace Bennett Gasaway and Clerk of Court Guy Recotta Jr. were looking to hang judges' pictures in the hall when they realized they didn't have anv.

"Once we began looking into the history of the court, we realized that this court has enjoyed a rich heritage and the experience

of nine judges since

its inception in 1918," Judge Gasaway said. Clerk of Court Recotta added, "The Families were most gracious and appreciative. It was obviously something that was long overdue."

IT'S A FACT!:

Pictures of nine judges from Hammond to Manchac, representing a history of service from 1918 to 1996, now line the wall outside the city courtroom. They include: Henry G. Hungate (1918-1922), Robert M. McGehee (1922-1924), William S. Rownd (1924-1928), Joseph M. Blache, Jr., (1928-1935), Allen B. Pierson (1935-1966), Leon Ford, III, (1966-1974), Edward B. Dufreche (1974-1978), and John D. Kopfler (1979-1996), Grace B. Gasaway (1997 -



Louisiana Supreme Court Justice Harry T. Lemmon attended the Metropolitan Crime Commis-



Harry T. Lemmon

sion Annual Meeting to present the American Judicature Society Special Merit Citation to Dr. Robert E. Roberts for Project Return, a criminal justice initiative.

Louisiana Supreme Court Justice Chet D. Traylor received the Distinguished Jurist Award from Crimefighters, a



Chet D. Traylor

crime victims' rights organization in Orleans and Jefferson parishes.

Louisiana Supreme Court Judicial Administrator Hugh M. Collins, Ph.D. was presented the National Center for State Courts'



Hugh M. Collins, Ph D.

Justice Warren E. Burger Society Award by U.S. Supreme Court Chief Justice William H. Rehnquist in appreciation for distinguished service.

■ Judge Burrell Carter is the new chief judge for the First Circuit Court of Appeal.

■ The Louisiana Bar Foundation selected First Circuit Court of Appeal Chief Judge Mel-



Burrell Carter

vin A. Shortess as a member of the Class of 1998 Fellows in recognition of his demonstrated dedication to the improvement of the administration of justice.

Judge Sol Gothard, Fifth Circuit Court of Appeal, completed a paper on "The Evolving Law of Alleged Delayed Memories of Childhood Sexual Abuse" to be published by the American Professional Society on the Abuse of Children.

- Judge Salvadore T. Mulé, Senior Judge of Orleans Parish Juvenile Court, was presented the first Louisiana CASA Judge of the Year Award by the Louisiana CASA (Court Appointed Special Advocate).
- Jefferson Parish Juvenile Court Judge Nancy Amato Konrad received the 1999 Champions for Children Award, the highest honor bestowed by Prevent Child Abuse Louisiana (PCAL). In honor of her dedication to Louisiana families and children, PCAL also presented Judge Konrad the 1999 Judge Richard Ware Award.

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