

# Judge hears monks' suit over right to build caskets

by [Ramon Antonio Vargas](#)

June 7, 2011

NEW ORLEANS (RNS) Wearing a monk's robe, Abbot Justin Brown climbed into the witness box on Monday (June 6) and said the only people who ever opposed his abbey's bid to sell handmade caskets were funeral insiders who stood to lose their statewide monopoly.

"To my knowledge, no one objected besides (them)," he told U.S. District Judge Stanwood Duval.

Brown and the monks at St. Joseph's Abbey near Covington, La., have tried and failed to convince Louisiana legislators to amend a state statute that prohibits casket sales by nonlicensed funeral directors.

Monday's federal trial served as a challenge to that law, which imposes thousands of dollars in fines, and up to 180 days in prison, for anyone who sells coffins without first paying fees and obtaining a license from the Louisiana Board of Embalmers and Funeral Directors. The proceedings concluded after about three hours of arguments. The Benedictine monks' legal team, from the Virginia-based Institute for Justice, argued that the statute amounted to unconstitutional economic protectionism.

Duval has asked both sides to file briefs by June 24, with a response from both sides by July 1. Some time after that, the judge will either strike down or uphold the law, according to Jeff Rowes, the justice institute's senior attorney.

St. Joseph Abbey opened a woodshop in 2007 to sell handcrafted cypress caskets for \$1,500 to \$2,000, which is cheaper than some caskets from a typical funeral home. They hoped the sales would finance medical

and educational needs for more than 30 monks.

The state Board of Embalmers and Funeral Directors issued a cease-and-desist letter before the abbey could sell a single casket. The abbey, led by Brown and woodshop director Deacon Mark Coudrain, defied those demands and began selling the caskets anyway.

Last August, the abbey filed suit. On Monday, Brown and Coudrain testified that they do not aspire to function as a funeral home by offering funeral services or embalming remains.

"You simply want to sell caskets, is that correct?" the monks' attorney Scott Bullock asked Coudrain at one point. "That is correct," Coudrain replied.

Attorney Preston L. Hayes, who represents the regulators, said licensed funeral directors are in the best position to help customers select appropriate caskets because they are trained to consider issues no one else is, such as the deceased's body size and burial site.

Dawn Scardino, the director of the state funeral board, testified that granting the monks' request would complicate a separate law that makes it illegal for third parties to sell caskets to people who don't need one immediately.

Billy Henry, the general manager of Tharp-Sontheimer funeral home in Metairie, La., said grieving customers who deal with licensed professionals don't have to face the possibility of a casket that's too small or doesn't contain the odors or fluids produced by decomposition.

Each of those "sensitive" scenarios can delay funeral services, and "I think (that's) pretty traumatic," Henry said.