

Coffin Fit

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Seeing as today is Halloween, I thought we needed an appropriately spooky legal topic. While many people feel anything about the law is spooky, today I thought we'd discuss coffins.

Coffins come in many shapes and sizes. I hope I won't need one for a really, really long time, but when I do, I've got my coffin all picked out. A company called Eternal Image, Inc., has manufactured officially licensed Star Trek caskets and urns. One of the designs they considered was inspired by the popular "photon torpedo" design seen in 'STAR TREK II: The Wrath of Kahn.' These Star Trek caskets are hard to come by and typically sell for several thousand dollars.

No matter what your hobbies or interests, you can find a casket to suit your tastes. Accordingly, the manufacture of caskets has been a business a lot of people are dying to get into.

Take the monks at St. Joseph Abbey located outside Covington, Louisiana. After Hurricane Katrina destroyed the abbey's timberland, the source of the monks' revenue, the monks thought outside-the-box for other ways to raise money. They decided to sell hand-crafted caskets.

After vaulting into the casket business, the monks were told by the Louisiana State Board of Embalmers and Funeral Directors that they could not make coffins. The board claimed that only licensed funeral directors had the right to manufacture caskets. The board was particularly irked because the monks' caskets were priced "significantly lower" than those sold by funeral homes.

The monks challenged the board's regulation in federal court. The U.S. Court of Appeals for the Fifth Circuit, located in New Orleans, condemned the regulation, claiming its sole purpose is to restrict casket sales to funeral directors, without any concerns for quality, construction or use.

The Fifth Circuit ordered that the Louisiana Supreme Court must ultimately decide the case to determine whether the State Board of Embalmers and Funeral Directors has the actual authority to regulate casket sales other than those sold by funeral homes.

While the Fifth Circuit couldn't overturn the regulation, it certainly let the Louisiana Supreme Court know its thoughts. Judge Patrick Higginbotham held that the deference given to states' regulations does not require courts "to accept nonsensical explanations for naked transfers of wealth." He went on to advise the Supreme Court that, "We insist that Louisiana's rules not be irrational."

In an earlier ruling in the case, U.S. District Judge Stanwood Duval Jr. determined that the State Board exceeded its statutory authority with restricting casket sales to funeral directors. Duval held that the state's restrictions were unconstitutional and only existed to protect the funeral industry economically. He pointed out that consumers could buy caskets from Wal-Mart or even get a Star Trek coffin over the Internet, but not from the monks.

It seems the Louisiana Supreme Court is about to be buried in paperwork. Happy Halloween!