



Louisiana Judicial Campaign Oversight Committee

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PUBLIC STATEMENT

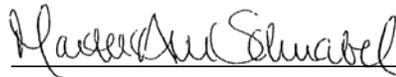
Every candidate for judicial office in Louisiana must campaign in accordance with the precepts contained in Canon 7 of the Louisiana Code of Judicial Conduct. The Louisiana Judicial Campaign Oversight Committee is authorized by the Louisiana Supreme Court to review and investigate complaints which allege violations of certain provisions of Canon 7. Although Committee deliberations are and remain confidential, once a public statement has been issued or a complaint has been dismissed, the complaint and response are matters of public record and may be requested through the Court's Community Relations division.

The Committee has received two complaints against Nanine McCool, a candidate for Division L of the 22nd Judicial District Court. One complaint was filed by a party to a pending domestic matter; the other was filed by McCool's opponent, the incumbent Judge Dawn Amacker. The Committee finds that the conduct complained of in both violates Canon 7A(10) of the Code of Judicial Conduct, which prohibits a judge or judicial candidate from making "any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any Louisiana state court."

The first complaint concerns postings made by McCool on the "Elect Nanine McCool for Family Court Judge" Facebook page. A party to a domestic matter pending in the 22nd Judicial District Court posted on McCool's page regarding a recommendation of attorney discipline against McCool. While McCool is permitted to defend herself under Canon 7C(3)(d), the Committee believes her response to the litigant's posting went beyond a mere defense. McCool posted on Facebook that the litigant "would prefer to see Amacker remain on the bench since Amacker would allow him to have unsupervised visits with his own daughter, in spite of the evidence . . ." The Committee concludes such a direct comment on pending litigation should reasonably be expected to impair the fairness of the case by inflaming public opinion against a party in a pending matter and possibly influencing

parties or witnesses involved in the case in violation of Canon 7A(10).

The second complaint, which was filed by Judge Amacker, concerns postings made by McCool on McCool's personal Facebook page. The postings address a custody case currently pending in the 22nd Judicial District Court. Although the parties to the case are not named, McCool gives enough detail about the case that those in the community, and certainly anyone involved with the case, is likely to identify it. In her posts, McCool specifically and extensively discusses the merits of the case. In a May 19 posting, McCool writes that she "thank[s] everyone for their posts" and encourages readers to "keep speaking out, sharing this, and getting people involved in the discussion." Although McCool claims in her response to the complaint that she is not "attempting to influence the outcome of the proceedings through public pressure," these posts specifically encourage readers to comment on pending litigation. The Committee therefore believes that these Facebook comments "would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any Louisiana state court" as prohibited by Canon 7A(10) of the Code of Judicial Conduct.



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Marta-Ann Schnabel, Chair