

**INVITATION TO COMMENT ON PROPOSED CHANGES  
TO THE CODE OF JUDICIAL CONDUCT RECOMMENDED  
BY THE ADVISORY COMMITTEE TO THE SUPREME COURT  
FOR REVISION OF THE CODE OF JUDICIAL CONDUCT**

The Advisory Committee to the Supreme Court for Revision of the Code of Judicial Conduct reviewed Louisiana's restrictions on campaign and related speech, in light of the decision of the United States Supreme Court in *Republican Party of Minnesota v. White*, 536 U.S. 765 (2002), in order to ascertain if any changes to the Code may be in order.

The Advisory Committee has studied this issue and has recommended changes to the Code of Judicial Conduct with regard to campaign and related speech. The Committee's recommendations follow. Some of the recommendations are based upon changes the American Bar Association made to its Model Code of Judicial Conduct. Among the significant recommendations are the following:

- A definition of impartiality has been added.
- The public comment prohibitions of present Canons 3A(8) and 7B(1)(d)(iv) would be narrowed to apply only to proceedings which are pending in any Louisiana state court or administrative agency.
- The "pledges or promises" and "commit" provisions of present Canons 7B(1)(d)(i) and (ii) would be combined into one canon; the "appear to commit" language of Canon 7B(1)(d)(ii) would be eliminated; and the language would be narrowed to apply to the adjudicative duties of the office.
- The combined pledges or promises and commit canon would also be added as a new provision in Canon 3.
- The dignity provision of Canon 7B(1)(a) would be eliminated, and the word impartiality would be added to that canon.
- The "knowing misrepresentation" provision of present Canon 7B(1)(d)(iii) would be amended to prohibit judges and candidates from knowingly making, or causing to be made, a false statement

concerning the identity, qualifications, present position or other fact concerning the candidate or an opponent.<sup>1</sup>

The Court has decided to place the proposed rule changes on its website in order to allow interested persons to comment. Please note that these changes have not yet been approved by the Supreme Court of Louisiana. Persons interested in commenting on the Advisory Committee's recommendations may forward comments to:

Timothy F. Averill  
Deputy Judicial Administrator/General Counsel  
Supreme Court of Louisiana  
Office of the Judicial Administrator  
400 Royal Street, Suite 1190  
New Orleans, LA 70130-8101

or via e-mail to: [tfa@lajao.org](mailto:tfa@lajao.org)

Comments should be forwarded no later than Friday, July 9<sup>th</sup>.

**Please be advised that any comments which are forwarded constitute matters of public record and are subject to public inspection.**

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<sup>1</sup> To view the present language of the Louisiana Code of Judicial Conduct, visit the Louisiana Supreme Court's website located at [www.lasc.org](http://www.lasc.org). Scroll over the Court Rules tab on the top navigation bar and select "Supreme Court Rules." The Code of Judicial Conduct is located at the bottom of the page.

**RECOMMENDATIONS OF THE ADVISORY COMMITTEE TO  
THE SUPREME COURT FOR REVISION OF THE  
CODE OF JUDICIAL CONDUCT CONCERNING  
CAMPAIGN AND RELATED SPEECH**

**PART I.** The following commentary be and is hereby added to the Code of Judicial Conduct following Canon 2:

COMMENTARY

**As used in these rules, “impartiality” or “impartial” denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.**

**PART II.** Canon 3A(8) be and is hereby amended to read as follows:

**CANON 3**

**A Judge Shall Perform the Duties of Office Impartially and Diligently**

\* \* \*

**A. Adjudicative Responsibilities.**

\* \* \*

(8) A judge shall not, while a proceeding is pending or impending in any **Louisiana state court or administrative agency**, make any public comment that might reasonably

be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

**PART III.** Canon 3A(10) be and is hereby enacted to read as follows:

- (10) **A judge shall not, with respect to cases, controversies or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office.**

**PART IV.** Canon 7B(1)(a) and (d) be and are hereby amended to read as follows:

**B. Campaign Conduct.**

- (1) A judge or judicial candidate:
- (a) shall ~~maintain the dignity appropriate to judicial office and~~ act in a manner consistent with the

**impartiality**, integrity and independence of the judiciary, and should encourage members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

\* \* \*

- (d) shall not:
  - (i) **with respect to cases, controversies, or issues that are likely to come before the court, make pledges, promises or commitments that are inconsistent with the impartial performance of the adjudicative duties of the office;**
  - (ii) knowingly **make, or cause to be made, a false statement** concerning the identity, qualifications, present position or other fact concerning the candidate or an opponent; or
  - (iii) while a proceeding is pending ~~or impending~~ in any **Louisiana state court or administrative**

**agency**, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.