

SUPREME COURT OF LOUISIANA

NO. 00-O-0392

IN RE: JUDGE PAMELA TAYLOR JOHNSON

ON RECOMMENDATION FOR DISCIPLINE
FROM THE JUDICIARY COMMISSION OF LOUISIANA

PER CURIAM*

This matter comes before this court on the recommendation of the Judiciary Commission of Louisiana (“Commission”) that Judge Pamela Taylor Johnson, a judge of the East Baton Rouge Parish Juvenile Court, State of Louisiana, be publicly censured and ordered to reimburse the Commission for costs incurred in the investigation and prosecution of this case. After reviewing the record before us, we conclude the Commission’s recommendation of discipline should be rejected.

FACTS AND PROCEDURAL HISTORY

After receiving an anonymous complaint, the Commission commenced an investigation of Judge Johnson and ultimately filed two formal charges against her.¹ Charge I alleged that Judge Johnson prepared an application for a juvenile drug court planning grant and listed certain persons (such as another judge, the district attorney, and the sheriff) as stakeholders, without first obtaining their permission. Charge II alleged that Judge Johnson authorized certain court personnel to attend educational seminars that were either unrelated or marginally related to their job positions.

* Kimball, J., not on panel. Rule IV, Part II, § 3.

¹ Two other formal charges were filed against Judge Johnson. However, the Commission found insufficient evidence to support these formal charges, and they were later removed from the record.

After a formal hearing, the Commission found these charges were proven by clear and convincing evidence, and determined that Judge Johnson's conduct violated the Code of Judicial Conduct. The Commission recommended this court publicly censure Judge Johnson and order her to pay the costs associated with this proceeding in the amount of \$4,581.83.

DISCUSSION

This court has original jurisdiction in judicial disciplinary proceedings. La. Const. art. V, § 25(C). Therefore, this court has the power to make original determinations of fact based upon the evidence in the record and is not bound by, nor required to give any weight to, the findings and recommendations of the Commission. *In re: Thibodeaux*, 99-0014 (La. 7/7/99), 737 So. 2d 1284 (citing *In re: Quirk*, 97-1143 (La. 12/12/97), 705 So. 2d 172); *In re: Hunter*, 98-0446 (La. 7/8/98), 715 So. 2d 1188 (citing *In re: Decuir*, 95-0056 (La. 5/22/95), 654 So. 2d 687; *In re: Whitaker*, 463 So. 2d 1291 (La. 1985)).

With regard to Charge I, the record indicates the federal grant application was prepared on an expedited basis at the direction of Judge Johnson by an employee of the Department of Juvenile Services who had experience in such matters. The employee listed the names of persons on the grant application who had attended or were invited to previous juvenile task force meetings, although it later turned out that some of these persons did not give permission for their names to be used.

We conclude any mistakes made in connection with the grant application were made in good faith. While Judge Johnson may have been negligent in failing to contact the persons listed in the grant application to verify their agreement to participate, we

cannot say the Commission proved by clear and convincing evidence that her actions rise to the level of ethical misconduct.

Turning to Charge II, the record establishes that on three separate occasions in 1995 and 1996, Judge Johnson authorized court employees, including her minute clerk and the court's receptionist, to attend educational seminars which were not specifically related to the job functions performed by those employees.

Although Judge Johnson unquestionably exercised poor judgment in allowing court staff to attend these seminars, we find it is significant her actions occurred shortly after she first assumed the bench, suggesting her decisions were the product of inexperience.² She has acknowledged her error, and has taken steps to avoid similar problems in the future. Based on these findings, we conclude the Commission has failed to prove by clear and convincing evidence that Judge Johnson's actions rise to a level warranting official discipline by this court.

DECREE

For the foregoing reasons, the recommendation of the Judiciary Commission of Louisiana that Judge Pamela Taylor Johnson be publicly censured and ordered to pay the costs of these proceedings is rejected.

RECOMMENDATION REJECTED.

² Judge Johnson assumed the bench on January 1, 1995 to fill an unexpired term. In October 1996, she was reelected to a full six-year term.