

SUPREME COURT OF LOUISIANA

NO. 02-B-0257

IN RE: BARRY W. BOLTON

KNOLL, Justice, dissenting.

After reviewing the parties' contentions in this matter, I cannot agree that Barry Bolton's comments were either innocently or negligently made. To the contrary, I find Judge Garcia's assessment of his conversation with Bolton was accurate: Bolton attempted to offer him a "gift" or "campaign contribution" in exchange for favorable consideration of the personal injury case pending in Judge Garcia's division.

Although the testimony of Judge Garcia and Bolton differed in part, I find the circumstances which surrounded the conversation belie Bolton's contentions. From the outset, I find it telling Bolton asked Judge Garcia's law clerk to leave them alone in the parking lot. Thereafter, Bolton further asked Judge Garcia to "keep the matter between them." If Bolton believed his actions were above board, the need for secrecy was unnecessary.

Bolton's contention that he simply wanted to find out how to make a contribution to Judge Garcia's political campaign is not worthy of belief. I find it significant Bolton was a former assistant district attorney and an elected city councilman. As an elected official, he would have been fully aware of this state's campaign finance laws. As a trained lawyer, Bolton was certainly capable of researching the campaign finance laws to determine the proper method of making a campaign contribution. I further find Bolton recognized his unfortunate and improper

conduct when he paid \$1,500 to a fellow attorney, his co-counsel in the personal injury litigation pending before Judge Garcia, to write a letter of apology to the judge.

The majority characterizes the evidence as simply an inappropriate ex parte communication with the judge. I disagree and find the evidence supports that Bolton's conduct was an attempt to affect the outcome of his pending case with the judge. This conduct falls within Standard 6.31 of the ABA's *Standards for Imposing Lawyer Sanctions*, which provides: "[d]isbarment is generally appropriate when a lawyer . . . (b) makes an ex parte communication with a judge or juror with intent to affect the outcome of the proceeding, and causes serious or potentially serious injury to a party, or causes significant or potentially significant interference with the outcome of the legal proceeding." Accordingly, I would impose disbarment as the baseline sanction. For these reasons, I respectfully dissent.