

SUPREME COURT OF LOUISIANA

NO. 96-O-2222

IN RE: JUDGE FRANK A. MARULLO

ON RECOMMENDATION FOR DISCIPLINE FROM THE
JUDICIARY COMMISSION OF LOUISIANA

Victory, J., dissenting.

The majority finds that although Respondent violated Canon 2B of the Code of Judicial Conduct, the violation did not rise to the level of sanctionable misconduct. Because I believe Respondent's conduct and the consequences which flowed therefrom warrant formal disciplinary action, I respectfully dissent from the majority's opinion and agree with the Judiciary Commission of Louisiana that Respondent should be publicly censured.

As the majority notes, Respondent has been a judge for over twenty-two years and has never previously been the subject of official disciplinary proceedings. Under other circumstances, censure may not have been warranted. However, Respondent's conduct resulted in wide-spread publicity calling into question the integrity of the judiciary and even became the subject of negative advertising in his re-election campaign.

Further, I cannot agree with the majority's characterization of Respondent's actions as only a "technical" violation of the Code of Judicial Conduct. In my view, Respondent's ethical conduct was serious, diminished the prestige of the judiciary, and will tend to undermine the public's confidence in the judicial process. Unfortunately, the Court's failure to discipline Respondent for his conduct will have the same effect.