

SUPREME COURT OF LOUISIANA

No. 98-O-1735

IN RE JUDGE GARY A. BOWERS

ON RECOMMENDATION FOR DISCIPLINE FROM
THE JUDICIARY COMMISSION OF LOUISIANA

Kimball, Justice, dissenting

I dissent from the majority's disposition regarding the discipline imposed in this case. In my view, the conduct at issue warrants the Judiciary Commission's recommended punishment of a ten-day suspension without pay.

I find particularly egregious Judge Bowers' conduct in issuing an arrest warrant for Mr. Norris. Not only was this warrant based merely on an unsubstantiated belief, it was also issued by the judge who was the victim of the crime for which the warrant was issued. Unlike the majority, I do not find that this conduct was less sanctionable because of either Judge Bowers' fear or the subsequent recall of the warrant. While there is no doubt as to the genuineness of Judge Bowers' fear for his personal safety, this fear does not relieve him of his obligation to act in an impartial and judicial manner. Thus, I find that the Judiciary Commission's recommended penalty of a ten-day suspension without pay is appropriate in this case.