

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1, 5 and 25 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to enact a Court Rule pertaining to financial disclosure by candidates for elective judicial office,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Part N, Rule XL of the Rules of the Supreme Court of Louisiana be and is hereby enacted to read as follows:

PART N. FINANCIAL DISCLOSURE BY JUDGES

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Rule XL. Financial Disclosure by Non-Incumbent Candidates for Elective Judicial Office

Section 1.

A. Any person who becomes a candidate for any elective office of judge or justice of the peace shall file a financial disclosure statement as required by Rule XXXIX of the Rules of this Court for the office for which he or she is a candidate. The financial disclosure statement required by this Rule shall be filed within ten days of the day the person files his or her notice of candidacy for the office.

For purposes of this Rule, the word “candidate” means any person who files a notice of candidacy for any elective judicial office.

B. If an incumbent judge or justice of the peace is required by Rule XXXIX of the Rules of this Court to file a financial disclosure statement for the office for which he is a candidate, such filing shall satisfy the requirements of this Rule, and the incumbent judge or justice of the peace candidate shall not be required to file a financial disclosure statement pursuant to this Rule.

Section 2.

A. Any person who becomes a candidate for any elective judicial office, other than a justice of the peace office, shall file a financial disclosure statement as provided in Louisiana Supreme Court Rule XXXIX, Section 2.

Section 3.

Any person who becomes a candidate for the office of justice of the peace shall file a financial disclosure statement as provided in Louisiana Supreme Court Rule XXXIX, Section 3.

Section 4. Enforcement and Penalties.

A. If a candidate fails to timely file a financial disclosure statement as required by this Rule, or a candidate omits any information required to be included in the financial disclosure statement, or the Office of the Judicial Administrator, Supreme Court of Louisiana, has reason to believe information included in a financial disclosure statement is inaccurate, the matter shall proceed in accordance with Louisiana Supreme Court Rule XXXIX, Section 4.

B. In the event any financial disclosure proceeding is pending before the Judicial Administrator and/or the Judiciary Commission as provided for in La. S. Ct. Rule XXXIX, Section 4, and the candidate is an attorney who (1) loses the election that he or she qualified for; or (2) withdraws his or her candidacy subsequent to qualifying, the proceeding shall be transferred to the Louisiana Attorney Disciplinary Board. In that event, any hearing that may be required shall be conducted by a hearing committee designated by the Board pursuant to Louisiana Supreme Court Rule XIX and the appendices to Rule XIX. Subsequent to transfer, the matter shall be prosecuted as necessary by the Office of Disciplinary Counsel. The procedures for convening and conducting the hearing before a hearing committee shall be in accordance with La. S. Ct. Rule XXIII, Section 29, and La. S. Ct. Rule XXXIX, Section 4F(2) and (3).

Following the hearing, the hearing committee shall submit a report to the Louisiana Attorney Disciplinary Board in accordance with La. S. Ct. Rule XXXIX, Section 4F(4). The Board shall then act upon the matter in accordance with La. S. Ct. Rule XXXIX, Section 4F(5) and (6).

In the event the Board files a recommendation with the Supreme Court of Louisiana in accordance with Section 4F(6), the Court shall then decide the matter in accordance with La. S. Ct. Rule XXXIX, Section 4F(7).

C. In the event any financial disclosure proceeding involving a non-lawyer candidate is pending before the Judicial Administrator and/or the Judiciary Commission as provided for in La. S. Ct. Rule XXXIX, Section 4, and the non-lawyer candidate (1) loses the election that he or she qualified for; or (2) withdraws his or her candidacy subsequent to qualifying, the Judicial Administrator shall so inform the Court. The Court shall then assign a retired judge to conduct a hearing and report to the Court. The proceeding shall continue to be prosecuted as necessary by the Office of Special Counsel. Any hearing that may be required shall be conducted in accordance with La. S. Ct. Rule XXIII, Section 29, and La. S. Ct. Rule XXXIX, Section 4F. However, the assigned, retired judge shall, upon conclusion of the hearing, make a written determination in accordance with La. S. Ct. Rule XXXIX, Section 4F(5), or make a recommendation to the Court in accordance with La. S. Ct. Rule XXXIX, Section 4F(6). In the event the assigned, retired judge files a recommendation with the Court in accordance with Section 4F(6), the Court shall then decide the matter in accordance with La. S. Ct. Rule XXXIX, Section 4F(7).

Section 5.

A. Prior to the effective date of this Rule, the Office of the Judicial Administrator, Supreme Court of Louisiana, shall promulgate the forms required by this Rule.

B. The Office of the Judicial Administrator, Supreme Court of Louisiana, shall post on its website on the Internet a list of all candidates who have failed to file, or failed to timely file, or failed to provide omitted information, or failed to provide accurate information as required by this Rule.

C. No candidate shall be included on the list unless he or she fails to file, to provide omitted information, or to provide accurate information by the deadline included in the notice of delinquency forwarded pursuant to La. S. Ct. Rule XXXIX, Section 4F(1), (2) and (3), nor shall he or she be included on the list if he or she has filed an answer or an answer contesting the allegations included in the notice of delinquency.

Section 6.

Financial disclosure statements, pleadings, documents and hearings shall be matters of public record in accordance with La. S. Ct. Rule XXXIX, Section 5.

Section 7.

The first reports due pursuant to Section 2 of this Rule shall be completed for calendar year 2008. The first reports due pursuant to Section 3 of this Rule shall be completed for calendar year 2009.

This Rule shall become effective on January 1, 2009. However, Section 3 of this Rule shall become effective on January 1, 2010. Any reference to Section 3 as enacted by this Rule shall have no effect until Section 3 becomes effective.

New Orleans, Louisiana, this _____ day of _____, 2008.

FOR THE COURT:

Pascal F. Calogero, Jr., Chief Justice