

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the 1974 Louisiana Constitution, and the inherent power of this Court, and considering the need to amend the Rules of this Court concerning the Judicial Campaign Oversight Committee,

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:

Part I. Louisiana Supreme Court Rule XXXV, Section 3 be and is hereby amended to read in its entirety as follows:

Section 3. Oversight Jurisdiction; authority to issue public statements.

Complaints concerning judicial campaign conduct shall be forwarded in writing. The Committee may only review and investigate any complaint which alleges facts that, if true, would constitute a violation of the following Canons, or partial Canons, of the Louisiana Code of Judicial Conduct:

- (1) The judge or judicial candidate acted as a leader or held any office in a political organization (Canon 7A(1));
- (2) The judge or judicial candidate publicly endorsed or publicly opposed another candidate for public office (Canon 7A(2));
- (3) The judge or judicial candidate made speeches on behalf of a political organization or a candidate for public office (Canon 7A(3));
- (4) The judge or judicial candidate solicited funds for, paid an assessment to, or made a contribution to another candidate for public office (Canon 7A(4));
- (5) The judge or judicial candidate solicited funds for a political organization (Canon 7A(4));
- (6) The judge or judicial candidate, in connection with cases, controversies, or issues that are likely to come before the court, made commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office (Canon 7A(11));

- (7) The judge or judicial candidate knowingly made, or caused to be made, a false statement concerning the identity, qualifications, present position or other fact concerning the candidate or an opponent (Canon 7A(9));
- (8) The judge or judicial candidate personally solicited or personally accepted campaign contributions in violation of Canon 7A(6) of the Louisiana Code of Judicial Conduct;
- (9) The judge or judicial candidate authorized or knowingly permitted any person to do for the judge or judicial candidate what the judge or judicial candidate is prohibited from doing concerning the Canons which fall within the Committee's oversight jurisdiction (Canon 7B(4));
- (10) The judge or judicial candidate, while a matter is pending in any Louisiana state court, made any statement that would reasonably be expected to affect the outcome of the matter or impair its fairness (Canon 7A(10));
- (11) The judge or judicial candidate used court staff, facilities, or other court resources in a campaign for judicial office, except to the extent that such use was de minimis in nature (Canon 7A(8));
- (12) The judge or judicial candidate did not review and approve the content of all political advertisements produced by the judge or judicial candidate or his or her campaign committee, as authorized by Canon 7D, before their dissemination (Canon 7B(2)); or
- (13) The judge or judicial candidate did not take reasonable measures to ensure that other persons not undertake, on behalf of the judge or judicial candidate, any activities which are prohibited under the Canons which fall within the Committee's oversight jurisdiction (Canon 7B(3))

Any complaint which does not allege facts which, if true, would constitute a violation of these thirteen provisions shall be dismissed. If the information contained in the complaint alleges facts which, if true, would constitute unethical campaign conduct falling within the Committee's oversight jurisdiction, as defined above, the Committee shall review and investigate the matter and attempt to resolve

the complaint informally. During the course of its review, the Committee may solicit a response to the complaint from the respondent candidate.

At the conclusion of its investigation, the Committee may issue a public statement concerning the campaign conduct, including disclosure of the fact that a complaint has been made, provided at least eight members determine clear and convincing evidence exists that a violation has occurred, and after the respondent has been given notice and an opportunity to respond.

Committee deliberations regarding judicial campaign conduct are confidential.

The Committee may dismiss any complaint which is frivolous, repetitive, or harassing in nature. No appeal rights shall exist in favor of any complainant when the Committee exercises its discretion to dismiss a complaint.

In furtherance of its role as a resource for judges and judicial candidates, the Committee and its members may offer advice and consultation to judges and candidates concerning any canon of the Code of Judicial Conduct, or concerning judicial campaign conduct in general, at educational seminars or in response to a request or inquiry from a judge or candidate. However, the Committee may not issue a public statement concerning any complaint or campaign conduct which does not fall within its oversight jurisdiction, as defined above.

Court Commentary

The Judicial Campaign Oversight Committee has no enforcement power or disciplinary authority. The Committee may, however, issue public statements in accordance with these rules.

The fast moving nature of judicial campaigns militates against conferring authority upon the Oversight Committee to promulgate formal, written advisory opinions.

* * *

Part II. An amended complaint form is appended to this rule change and is hereby approved for use by the Louisiana Judicial Campaign Oversight Committee.

This rule change shall become effective upon signing and shall remain in full force and effect thereafter until amended or changed through future orders of this Court.

New Orleans, Louisiana, this _____ day of April, 2012.

FOR THE COURT:

Catherine D. Kimball, Chief Justice

Complaint # _____
(For Committee Use)

COMPLAINT FORM
JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE

Given the time constraints for reviewing complaints which allege campaign conduct violations, it is of the utmost importance that complainants provide evidentiary support for the allegations made in the complaint. Such evidentiary support may include DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials which support your claim. Complaints which lack sufficient evidentiary support to allow the Committee to adequately assess whether clear and convincing evidence exists of a violation of one of the canons which falls within the Committee's oversight jurisdiction may be dismissed by the Chair, without further review by the Oversight Committee. (See, Section II, Rules and Operating Procedures, Louisiana Judicial Campaign Oversight Committee).

PART A. INFORMATION ABOUT YOU - PLEASE KEEP CURRENT

1. Full Name: _____

Primary Telephone Number: (_____) _____

Alternate Telephone Number: (_____) _____

Fax Number: (_____) _____

E-mail Address: _____

What is the best way to reach you?:

Telephone Fax E-mail
 2. Home Address: _____

City: _____ State: _____ Zip: _____
 3. Employer: _____

Work Address: _____

City: _____ State: _____ Zip: _____

PART B. INFORMATION ABOUT THE RESPONDENT CANDIDATE

1. Name of candidate: _____

2. Judgeship race involved:

 - Supreme Court
 - Court of Appeal
 - District Court
 - City or Parish Court
 - Municipal
 - Family Court
 - Traffic Court
 - Unknown

3. Date, time and place where alleged conduct occurred: _____

PART C. EXPLANATION OF YOUR COMPLAINT

Please place a checkmark next to the Canon(s) that you believe the respondent judicial candidate has violated.

- The judge or judicial candidate acted as a leader or held any office in a political organization (Canon 7A(1))
- The judge or judicial candidate publicly endorsed or publicly opposed another candidate for public office (Canon 7A(2))
- The judge or judicial candidate made speeches on behalf of a political organization or a candidate for public office (Canon 7A(3))
- The judge or judicial candidate solicited funds for, paid an assessment to, or made a contribution to another candidate for public office (Canon 7A(4))
- The judge or judicial candidate solicited funds for a political organization (Canon 7A(4))
- The judge or judicial candidate, in connection with cases, controversies, or issues that are likely to come before the court, made commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office (Canon 7A(11))
- The judge or judicial candidate knowingly made, or caused to be made, a false statement concerning the identity, qualifications, present position or other fact concerning the candidate or an opponent (Canon 7A(9))
- The judge or judicial candidate personally solicited or personally accepted campaign contributions in violation of Canon 7A(6) of the Louisiana Code of Judicial Conduct
- The judge or judicial candidate, while a matter is pending in any Louisiana state court, made any statement that would reasonably be expected to affect the outcome of the matter or impair its fairness (Canon 7A(10))
- The judge or judicial candidate used court staff, facilities, or other court resources in a campaign for judicial office, except to the extent that such use was de minimis in nature (Canon 7A(8))
- The judge or judicial candidate did not review and approve the content of all political advertisements produced by the judge or judicial candidate or his or her campaign committee, as authorized by Canon 7D, before their dissemination (Canon 7B(2))
- The judge or judicial candidate did not take reasonable measures to ensure that other persons not undertake, on behalf of the judge or judicial candidate, any activities prohibited under the Canons which fall within the Committee's oversight jurisdiction, as listed above (Canon 7B(3))
- The judge or judicial candidate authorized or knowingly permitted any person to do for the judge or judicial candidate what the judge or judicial candidate is prohibited from doing concerning the Canons which fall within the Committee's oversight jurisdiction, as listed above (Canon 7B(4))

Please explain in detail why you think the respondent judicial candidate violated the Canons you have checked off, above. Provide any relevant evidentiary support, including DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings,

copies of print advertisements, or any other materials that pertain to your complaint. Attach additional sheets of paper if you need more space for your explanation.

Please list all evidentiary support, including DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials, attached to the complaint:

Confidentiality Statement

I hereby acknowledge that complaints are confidential until such time as the Oversight Committee or its Chair decides to dismiss the complaint, the Committee decides to issue a public statement, or the respondent waives confidentiality, whichever occurs sooner. My signature below evidences my agreement to maintain the confidentiality of the complaint in accordance with La. S. Ct. Rule XXXV, Section 5, and the Campaign Oversight Committee Rules and Operating Procedures.

Date of signing

Complainant signature

Complainant (printed name)

Return this form to: Louisiana Judicial Campaign Oversight Committee
 400 Royal Street, Suite 1190
 New Orleans, LA 70130-8101