

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, the inherent power of this Court, and considering the need to amend Supreme Court Rule XL,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Section 1 is hereby amended as follows:

A. Any person who becomes a candidate for any elective office of judge, other than justice of the peace, shall file a financial disclosure statement as required by Rule XXXIX, Section 2 of the Rules of this Court. 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. Notwithstanding the provisions of Rule XXXIX, Section 2C, candidates for judicial elections with a qualifying period occurring prior to May 15 shall report the information required by Rule XXXIX for the most recent calendar year in which such candidate has filed his or her federal and state tax return.

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

B. If an incumbent judge 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 candidate shall not be required to file a financial disclosure statement pursuant to this Rule.

2. Section 2 is hereby deleted in its entirety.

3. Section 3 is hereby deleted in its entirety.

4. Section 4 is hereby deleted in its entirety and amended to read as follows:

Section 2. 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 3.

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 3, 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 3F(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 3F(4). The Board shall then act upon the matter in accordance with La. S. Ct. Rule XXXIX, Section 3F(5) and (6).

In the event the Board files a recommendation with the Supreme Court of Louisiana in accordance with Section 3F(6), the Court shall then decide the matter in accordance with La. S. Ct. Rule XXXIX, Section 3F(7).

5. Section 5 is hereby renumbered as Section 3, and is further amended as follows:

A. The Office of the Judicial Administrator, Supreme Court of Louisiana, shall promulgate the form 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 3F(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.

6. Section 6 is hereby renumbered as Section 4, and is further amended as follows:

Financial disclosure statements, pleadings, documents and hearings shall be matters of public record in accordance with La. S. Ct. Rule XXXIX, Section 4.

7. Section 7 and the transitional rules regarding effective dates are hereby deleted in their entirety.

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 February, 2014.

FOR THE COURT:

Bernette Joshua Johnson, Chief Justice