



Louisiana Judicial Campaign Oversight Committee

400 ROYAL STREET
SUITE 1190

New Orleans, Louisiana

70130-8101

DATE: SEPTEMBER 17, 2008
CONTACT: VALERIE WILLARD
504.310.2590

PUBLIC STATEMENT

Every candidate for judicial office in Louisiana must campaign in accordance with the precepts contained in Canon 7 of the Louisiana Code of Judicial Conduct. The Louisiana Judicial Campaign Oversight Committee is authorized by the Louisiana Supreme Court to review and investigate complaints which allege violations of certain provisions of Canon 7 of the Code of Judicial Conduct.

The Judicial Campaign Oversight Committee has received a complaint which alleges that Lionel "Lon" Burns, a candidate for a judgeship in Orleans Criminal District Court, violated Canon 7B(1)(d)(iii) of the Code of Judicial Conduct. Canon 7B(1)(d)(iii) provides that judges and judicial candidates shall not "while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness." The complaint concerned a speech Mr. Burns made on July 8, 2008 in which he announced his candidacy. Among other things, the speech contained the following statements regarding two cases that are currently pending in the division of Orleans Criminal District Court to which Mr. Burns is attempting to be elected:

... I have chosen to return here, to the TLC [sic] Carwash, where one of the most brazen displays of criminal disregard for life took place. I decided to return here to this place to make my announcement. Our memory provides a crystal clear picture of three men captured on video firing assault rifles, with the detail being so clear it captured one of the perpetrators biting his bottom lip as he fired away with the

assault rifle. This video was not only shown here in New Orleans on our local news, it was rebroadcast over and over and over again on various media outlets throughout the region. Especially when, after seeing the video, Judge Hunter ruled that there was insufficient probable cause to hold these three gunmen over for trial and he ordered their release. And upon their release just two days later a man was killed and a teenage girl was wounded. But ladies and gentlemen, I didn't have to hold my press conference here at the TLC [sic] Carwash, I could have invited you all to join me over in front of the Vasquez Restaurant where Mr. Jose Vasquez was brutally murdered and his family still sits and waits today for their case to come before Judge Arthur Hunter in Section [K] Criminal District Court. And if we were standing in front of Vasquez, imagine the pain I would talk about, the suffering I would talk about, that his family has had to endure without closure coming to that case . . .

Both cases discussed in Mr. Burns' speech are still pending, and, if elected, Mr. Burns would be presiding over these cases. One of the reasons Canon 7B(1)(d)(iii) prohibits comment on pending cases is to assure that there is no appearance that the guilt or innocence of a defendant is pre-determined by the judge presiding over the case. The Committee believes that the excerpted portion of Mr. Burns' speech is in violation of Canon 7B(1)(d)(iii).

Harry S Hardin 

Judicial Campaign Oversight Committee
Harry S. Hardin, III, Chair