



# The Louisiana Supreme Court NEWS

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FOR IMMEDIATE RELEASE

## 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. Although Judicial Campaign Oversight Committee deliberations are confidential, once a public statement has been issued or a complaint has been dismissed, the complaint and response are matters of public record and may be requested through the Court's Community Relations division.

The Judicial Campaign Oversight Committee has received a complaint alleging that Judge Marcus Clark, a candidate for the Fourth District of the Louisiana Supreme Court, violated Canon 7B(1)(d)(ii) of the Louisiana Code of Judicial Conduct. Canon 7B(1)(d)(ii) provides that judges and judicial candidates shall not "knowingly make, or cause to be made, a false statement concerning the identity, qualifications, present position or other fact concerning the candidate or an opponent." The complaint concerns certain statements made in campaign advertisements published on behalf of Judge Clark by his campaign committee that the Committee believes misrepresent the Louisiana Supreme Court's decision in a judicial discipline case in which Judge Clark was sanctioned. (*In re Judge Marcus Clark*, 2003-O-2920, (La. 2/20/04)). The following

quote attributed to Judge Clark appeared in a campaign flyer: “Case overload can impact case disposition. As a first time judge, I fell behind on some cases and I was sanctioned.” An advertisement from the *Cenla Focus* entitled “Supreme Court testimony explains sanction” contained the following text: “A recent survey asked, ‘Does this information make you want to vote for or against that candidate?’ During his first term as a judge, Marcus Clark was sanctioned by the Courts when some of his cases fell behind schedule because of case overload.” Statements such as these also appear on Judge Clark’s campaign website.

The Committee believes that these and other similar statements from Judge Clark’s advertising materials are in violation of Canon 7B(1)(d)(ii) insofar as they appear to misrepresent the Supreme Court’s reasons for sanctioning Judge Clark, as evidenced by the following quote from *In re Clark*: “Judge Clark himself did not attribute his failure to decide these cases timely to an excessive administrative or judicial workload . . . it was clear that these cases simply fell through the cracks on account of Judge Clark’s own inefficiency, rather than that of the district court or excessive demands upon his time. Though Judge Clark argues that at least one additional judge should be assigned to the district court, we do not find that there was a structural inefficiency in that court that caused these decisional delays.”

Judicial Campaign Oversight Committee

A handwritten signature in black ink that reads "Harry S. Hardin" followed by a stylized flourish or symbol.

Harry S. Hardin, III, Chair