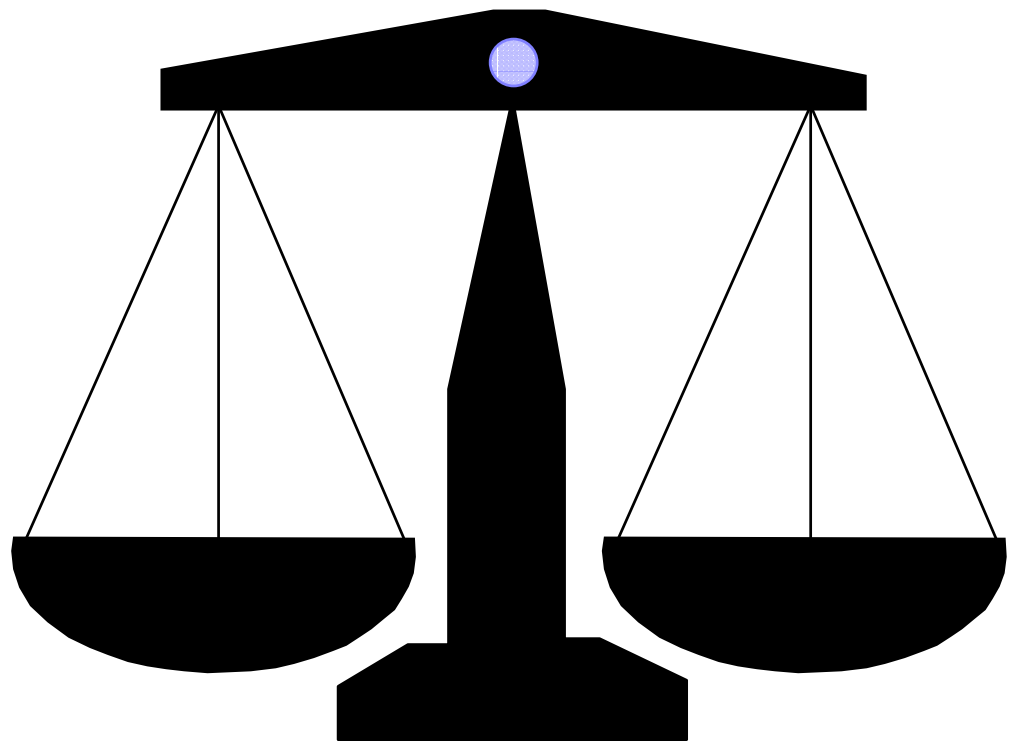


# JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE



# RESOLUTION



**THE LOUISIANA SUPREME COURT  
ESTABLISHED THE LOUISIANA  
JUDICIAL CAMPAIGN OVERSIGHT  
COMMITTEE**

**RULE XXXV OF THE SUPREME  
COURT RULES BECAME EFFECTIVE  
APRIL 15, 2002**

# COMPOSITION OF COMMITTEE

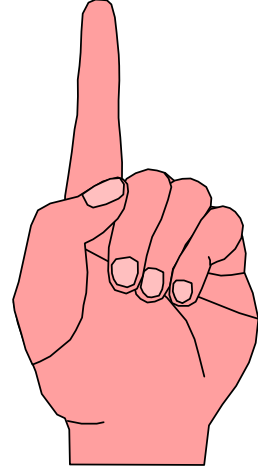
- **THE LOUISIANA CAMPAIGN OVERSIGHT COMMITTEE CONSISTS OF 15 MEMBERS APPOINTED BY THE COURT**
- **IT INCLUDES RETIRED JUDGES, LAWYERS, AND CITIZENS**



# COMMITTEE MEMBERS

- **Mr. Harry S. Hardin, III, Committee Chair**
- **Retired Judge George Bradford Ware**
- **Mr. Herbert A. Cade**
- **Mr. Barry Erwin**
- **Father M. Jeffery Bayhi**
- **Christopher E. Cenac, M.D.**
- **Dr. Norman C. Francis**
- **Ms. Margaret A. “Peggy” LeBlanc**
- **Retired Justice Harry T. Lemmon**
- **Dr. Romell J. Madison, D.D.S.,R.Ph.**
- **Retired Judge Fred C. Sexton**
- **Christel C. Slaughter**
- **Ms. Lynn M. Luker**
- **Mr. John B. Scofield**
- **Retired Judge Melvin A. Shortess**
- **Staff: Timothy F. Averill**

# PURPOSE OF COMMITTEE



- **SERVES AS A RESOURCE FOR JUDGES AND JUDICIAL CANDIDATES**
- **EDUCATES JUDGES AND JUDICIAL CANDIDATES ON ETHICAL CAMPAIGN CONDUCT**
- **HELPS DETER UNETHICAL JUDICIAL CAMPAIGN CONDUCT**

# OVERSIGHT JURISDICTION



- **APPLIES TO SUPREME COURT, APPELLATE COURT, DISTRICT COURT, JUVENILE COURT, FAMILY COURT, PARISH COURT, CITY AND MUNICIPAL COURT, AND TRAFFIC COURT ELECTIONS**
- **COVERS COMPLAINTS CONCERNING SELECT PROVISIONS OF CANON 7, LOUISIANA CODE OF JUDICIAL CONDUCT**

# **10 MOST IMPORTANT FUNCTIONS OF OVERSIGHT COMMITTEE**

- **1. SERVES AS AN INFORMATIONAL RESOURCE FOR JUDICIAL CANDIDATES**
- **2. OFFERS INFORMAL, NON-BINDING ADVICE AND CONSULTATION TO JUDGES AND CANDIDATES CONCERNING ANY CANON OF THE CODE OF JUDICIAL CONDUCT OR JUDICIAL CAMPAIGN CONDUCT, AT EDUCATIONAL SEMINARS**

- **3. ACCEPTS PUBLIC COMPLAINTS CONCERNING JUDICIAL CAMPAIGN CONDUCT**
- **4. REVIEWS AND INVESTIGATES CERTAIN CAMPAIGN CONDUCT COMPLAINTS**
- **5. MAY ISSUE PUBLIC STATEMENTS CONCERNING CERTAIN CAMPAIGN CONDUCT**



- **6. IMPROVES JUSTICE BY HELPING DETER CAMPAIGN CONDUCT VIOLATIVE OF CANON 7**
- **7. ENCOURAGES ETHICAL CAMPAIGN CONDUCT BY REQUESTING JUDICIAL CANDIDATES TO SIGN CAMPAIGN CONDUCT ACKNOWLEDGMENT**

# **ACKNOWLEDGMENT REGARDING** **CANON 7 OF THE LOUISIANA CODE** **OF JUDICIAL CONDUCT**

- **Every candidate for judicial office must campaign in accordance with the precepts contained in the Louisiana Code of Judicial Conduct and, if elected, must carry out the duties of judicial office consistent with the United States and Louisiana Constitutions, the Louisiana Code of Judicial Conduct, the laws of the United States and Louisiana, in a manner which best serves the interests of the people of Louisiana.**
- **I acknowledge that I have read and understand the Louisiana Code of Judicial Conduct, including Canon 7 (attached), and I understand that I am bound by the provisions of Canon 7 during my campaign for judicial office.**

## ACKNOWLEDGMENT (CONT.)

- **Louisiana Supreme Court Rule XXXV, Section 5 provides that “[c]omplaints [to the Oversight Committee] shall be confidential until such time as the Committee, by a vote of at least two-thirds of its members, has determined clear and convincing evidence exists that a violation has occurred, and the respondent candidate has been given notice of the complaint and an opportunity to respond.”**

- \_\_\_\_\_  
**Signature of Candidate for Judicial Office**                      **Date**

\_\_\_\_\_  
**Please type or print name**

- \_\_\_\_\_  
**Judicial office for which you are a candidate**

## ACKNOWLEDGMENT (CONT.)

– **Campaign Office Address:**

**Business Address:**

–

–

–

– **Fax number of campaign office:**

**Fax number of business:**

–

- **Please return signed acknowledgment to:**
  - **Louisiana Judicial Campaign Oversight Committee**
    - **1555 Poydras Street, Suite 1540**
    - **New Orleans, LA 70112-3701**

- **8. HANDLES COMPLAINTS IN EXPEDITIOUS AND CONFIDENTIAL MANNER**
- **9. PREVIEWS CAMPAIGN ADVERTISEMENTS AT REQUEST OF CANDIDATE**
- **10. ATTEMPTS TO INFORMALLY RESOLVE DISPUTES**

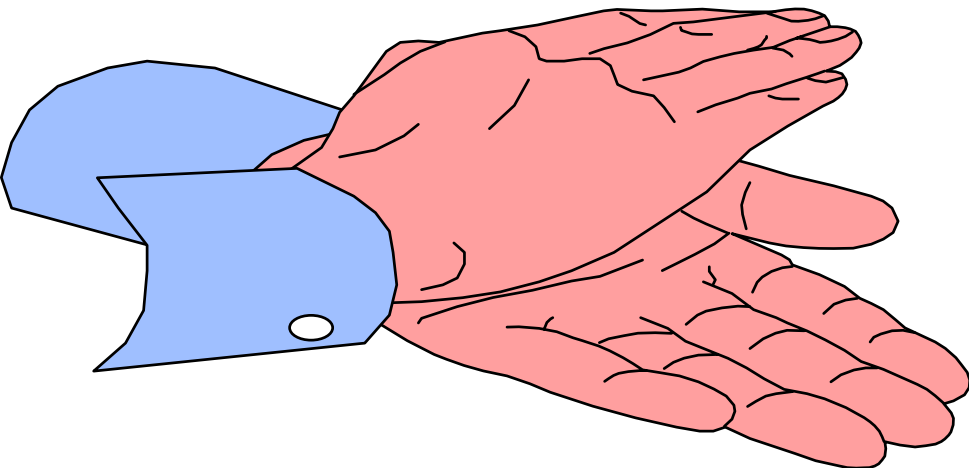
# **CANON 7 OF THE LOUISIANA CODE OF JUDICIAL CONDUCT**

- **THE OVERSIGHT COMMITTEE  
REVIEWS COMPLAINTS  
ALLEGING FACTS THAT, IF  
TRUE, WOULD CONSTITUTE  
A VIOLATION OF THE  
FOLLOWING PROVISIONS OF  
CANON 7:**



- **1. THE JUDGE OR JUDICIAL CANDIDATE ACTED AS A LEADER OR HELD ANY OFFICE IN A POLITICAL ORGANIZATION**
- **(CANON 7A(1)(a))**

- **2. THE JUDGE OR JUDICIAL CANDIDATE PUBLICLY ENDORSED OR PUBLICLY OPPOSED ANOTHER CANDIDATE FOR PUBLIC OFFICE**
- **(CANON 7A(1)(b))**







- **3. THE JUDGE OR JUDICIAL CANDIDATE MADE SPEECHES ON BEHALF OF A POLITICAL ORGANIZATION OR A CANDIDATE FOR PUBLIC OFFICE**
- **(CANON 7A(1) (c))**

- **4. THE JUDGE OR JUDICIAL CANDIDATE SOLICITED FUNDS FOR, PAID AN ASSESSMENT TO, OR MADE A CONTRIBUTION TO ANOTHER CANDIDATE**
- **(CANON 7A(1)(d))**



- **5. THE JUDGE OR JUDICIAL CANDIDATE SOLICITED FUNDS FOR A POLITICAL ORGANIZATION**
- **(CANON 7A(1)(d))**



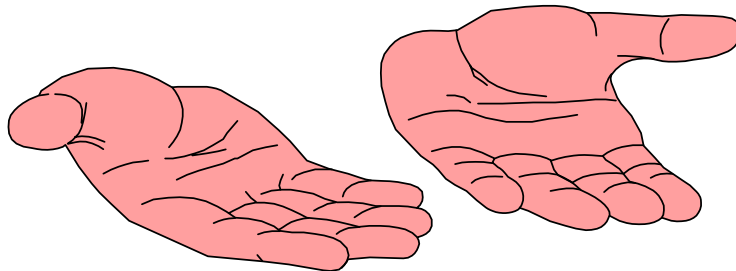
- **6. THE JUDGE OR JUDICIAL CANDIDATE MADE STATEMENTS THAT COMMIT THE CANDIDATE WITH RESPECT TO CASES, CONTROVERSIES, OR ISSUES THAT ARE LIKELY TO COME BEFORE THE COURT**
- **(CANON 7B(1)(d)(ii))**

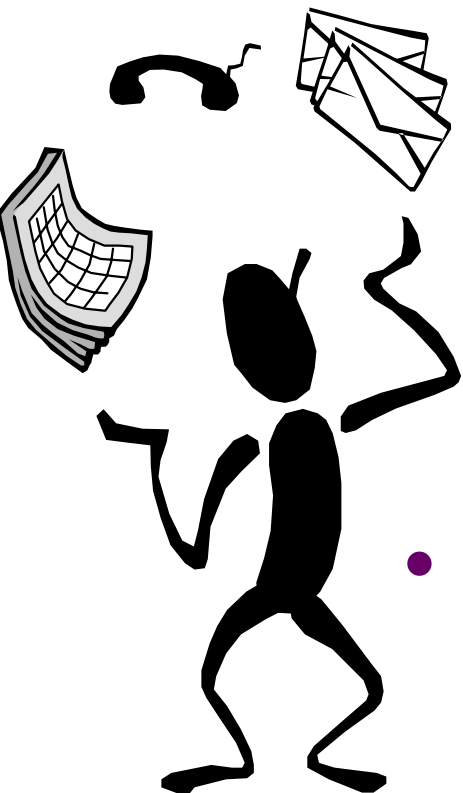




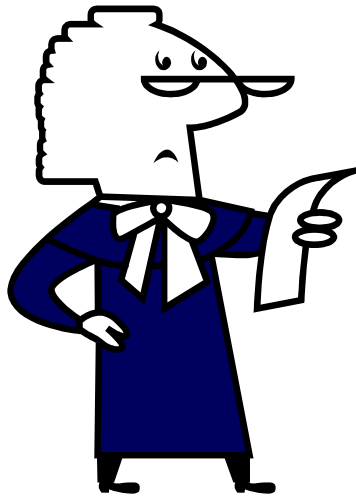
- **7. THE JUDGE OR JUDICIAL CANDIDATE KNOWINGLY MISREPRESENTED THE IDENTITY, QUALIFICATIONS, PRESENT POSITION OR OTHER FACT CONCERNING THE CANDIDATE OR AN OPPONENT**
- **(CANON 7B(1)(d)(iii))**

- **8. THE JUDGE OR JUDICIAL CANDIDATE PERSONALLY SOLICITED OR ACCEPTED CAMPAIGN CONTRIBUTIONS**
- **(CANON 7D(1))**





- **9. THE JUDGE OR JUDICIAL CANDIDATE AUTHORIZED OR KNOWINGLY PERMITTED ANY PERSON TO DO FOR THE CANDIDATE WHAT THE CANDIDATE IS PROHIBITED FROM DOING CONCERNING THE CANONS WHICH FALL WITHIN THE COMMITTEE'S OVERSIGHT JURISDICTION**
- **(CANON 7B(1)(c))**



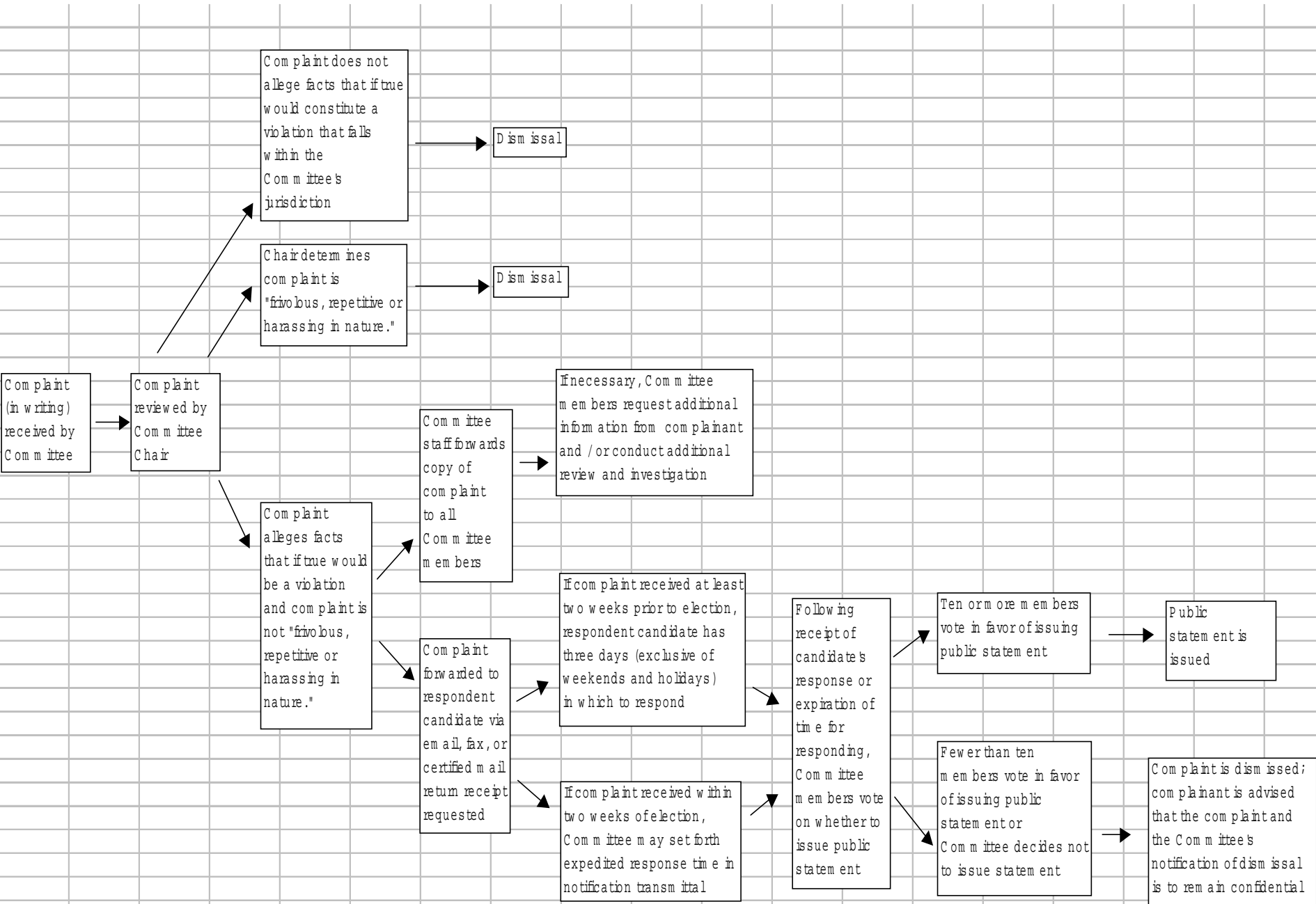
- **10. THE JUDGE OR JUDICIAL CANDIDATE, WHILE A PROCEEDING IS PENDING OR IMPENDING IN ANY COURT, MADE A PUBLIC COMMENT THAT MIGHT REASONABLY BE EXPECTED TO AFFECT THE OUTCOME OF THE PROCEEDING OR IMPAIR ITS FAIRNESS**
- **(CANON 7B(1)(d)(iv))**



# **RULE CHANGE**

- **CANON 7B(1)(d) AMENDED TO MAKE PUBLIC COMMENT PROHIBITIONS ABOUT PENDING OR IMPENDING PROCEEDINGS APPLICABLE TO BOTH JUDGES AND JUDICIAL CANDIDATES**

# COMPLAINT PROCESS OF THE JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE



# COMPLAINT PROCESS

- **COMPLAINT**
  - **MUST BE IN WRITING**
  - **MAY SUBMIT FORM**
  - **MUST SPECIFY MISCONDUCT**
  - **SEND COMPLAINT TO:  
LOUISIANA JUDICIAL  
CAMPAIGN OVERSIGHT  
COMMITTEE, 1555 POYDRAS  
STREET, SUITE 1540, NEW  
ORLEANS, LOUISIANA 70112**

• **COMPLAINT FORM**  
• **JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE**

• **PART A. INFORMATION ABOUT YOU - PLEASE KEEP CURRENT**

- 1. Full Name: \_\_\_\_\_
- Telephone: area code (\_\_\_\_\_) \_\_\_\_\_
  
- 2. Home Address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
  
- 3. Employer: \_\_\_\_\_
- Work Address: \_\_\_\_\_
- City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_
- Telephone: area code (\_\_\_\_\_) \_\_\_\_\_
  
- 4. Name of person who can always reach you: \_\_\_\_\_
- Address & Telephone: \_\_\_\_\_

# COMPLAINT FORM (CONT.)

- **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:
  - \_\_\_\_\_
  - \_\_\_\_\_
  - \_\_\_\_\_

# COMPLAINT FORM (CONT.)

- **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)(a))
  - \_\_\_ The judge or judicial candidate publicly endorsed or publicly opposed another candidate for public office (Canon 7A(1)(b))
  - \_\_\_ The judge or judicial candidate made speeches on behalf of a political organization or a candidate for public office (Canon 7A(1)(c))

# COMPLAINT FORM (CONT.)

- \_\_\_ The judge or judicial candidate solicited funds for, paid an assessment to, or made a contribution to another candidate (Canon 7A(1)(d))
- \_\_\_ The judge or judicial candidate solicited funds for a political organization (Canon 7A(1)(d))
- \_\_\_ The judge or judicial candidate made statements that commit the candidate with respect to cases, controversies, or issues that are likely to come before the court (Canon 7B(1)(d)(ii))
- \_\_\_ The judge or judicial candidate knowingly misrepresented the identity, qualifications, present position or other fact concerning the candidate or an opponent (Canon 7B(1)(d)(iii))

# COMPLAINT FORM (CONT.)

- \_\_\_ The judge or judicial candidate personally solicited or accepted campaign contributions in violation of Canon 7D(1) of the Louisiana Code of Judicial Conduct
- \_\_\_ While a proceeding is pending or impending in any court, the judge or judicial candidate made a public comment that might reasonably be expected to affect the outcome of the proceeding or impair its fairness. (Canon 7B(1)(d)(iv))
- \_\_\_ The judge or judicial candidate authorized or knowingly permitted any person to do for the candidate what the candidate is prohibited from doing concerning the Canons which fall within the Committee's oversight jurisdiction, as listed above (Canon 7B(1)(c))
- Please explain in detail why you think the respondent judicial candidate violated the Canons you have checked off, above. Attach copies of any relevant documents that pertain to your complaint. Attach additional 8½" x 11" sheets of paper if you need more space for your explanation.



# COMPLAINT FORM (CONT.)

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

• Please list all documents attached to the complaint:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

- Confidentiality Statement

• I hereby acknowledge that complaints are confidential until such time as the respondent candidate is given notice and an opportunity to respond, and the Committee has determined clear and convincing evidence exists that a violation has occurred. My signature below evidences my agreement to maintain the confidentiality of this complaint unless and until such time as a public statement is issued by the Committee.

• \_\_\_\_\_

• Date of signing

• \_\_\_\_\_

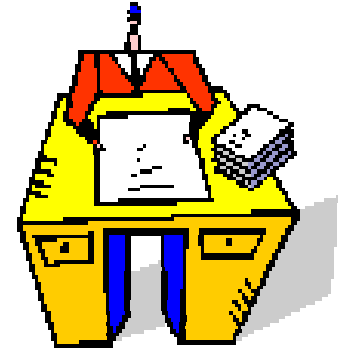
• Complainant signature Complainant (printed name)

• Return this form to: Louisiana Judicial Campaign Oversight Committee

• 1555 Poydras Street, Suite 1540

• New Orleans, LA 70112- 3701

# COMPLAINT REVIEWED BY COMMITTEE CHAIR



- **CHAIR MAY DISMISS COMPLAINT IF NO CANON VIOLATED**
- **CHAIR MAY DISMISS A COMPLAINT IF FRIVOLOUS, REPETITIVE, OR HARASSING**

# **Sua Sponte Action or Anonymous Complaints**

- **The Committee may review and investigate campaign conduct falling within its oversight jurisdiction, in the absence of a complaint, or when an anonymous complaint is filed, provided two-thirds of the members vote in favor of conducting an investigation**

# COMPLAINT REVIEWED BY COMMITTEE

- **IF COMPLAINT NOT DISMISSED BY CHAIR, COMPLAINT FORWARDED TO OVERSIGHT COMMITTEE MEMBERS AND RESPONDENT**
- **CANDIDATE INVITED TO RESPOND**





- **COMMITTEE MEMBERS MAY REQUEST ADDITIONAL INFORMATION**
- **COMMITTEE MEMBERS MAY CONDUCT ADDITIONAL REVIEW AND INVESTIGATION**



# RESPONSE

- IF COMPLAINT RECEIVED AT LEAST TWO WEEKS PRIOR TO ELECTION, RESPONDENT HAS THREE DAYS (EXCLUSIVE OF WEEKENDS AND HOLIDAYS) IN WHICH TO RESPOND**
- IF COMPLAINT RECEIVED WITHIN TWO WEEKS OF ELECTION, THEN COMMITTEE MAY REQUEST EXPEDITED RESPONSE**

# VOTING

- **FOLLOWING RESPONSE OR EXPIRATION OF TIME TO RESPOND, COMMITTEE VOTES WHETHER TO ISSUE PUBLIC STATEMENT**
- **IF TEN OR MORE MEMBERS VOTE IN FAVOR OF ISSUING A PUBLIC STATEMENT, A PUBLIC STATEMENT IS ISSUED**
- **CLEAR AND CONVINCING STANDARD**

- **IF LESS THAN TEN MEMBERS VOTE IN FAVOR OF ISSUING A PUBLIC STATEMENT, NO STATEMENT IS ISSUED AND THE COMPLAINT IS DISMISSED**
- **COMPLAINANT ADVISED THAT COMPLAINT AND NOTIFICATION OF DISMISSAL IS CONFIDENTIAL**



# confidentiality



- **Rule XXXV Section 5**

- Complaints are confidential until respondent given notice and opportunity to respond, and
- At least 10 members find clear and convincing evidence of a violation

- **Rules and operating procedures**

- Until the Oversight Committee decides to issue a public statement, the complaint and response are confidential
- After the issuance of a public statement, the complaint and response are of public record
- Committee investigatory and deliberation materials remain confidential



# **exceptions to confidentiality provisions**

- **if complainant, respondent, or anyone subject to the direction and control of either has publicly stated that a complaint has been or will be filed**
- **if the fact that a complaint has been filed, or will be filed, or that an investigation is ongoing, becomes generally known to the public; or**
- **if a source other than complainant or respondent causes notoriety, and the committee decides it is in the best interests of either complainant or respondent if disclosure were made of the status and/or disposition of a complaint or investigation**

# informal nature of proceedings



- The oversight committee must make reasonable attempts to informally resolve disputes involving campaign conduct in lieu of issuing a public statement.
- The committee may:
  - procure an agreement from respondent candidate to withdraw an advertisement
  - procure an agreement from respondent candidate to retract or clarify a campaign statement, or
  - take such other informal disposition as appropriate

# RELATED BODIES

- **THE OVERSIGHT COMMITTEE IS NOT AFFILIATED WITH EITHER THE JUDICIARY COMMISSION OR THE COMMITTEE ON JUDICIAL ETHICS**

# **COMMITTEE ON JUDICIAL ETHICS**

- ACCEPTS INQUIRIES FROM JUDGES RELATED TO THE PROPER INTERPRETATION OF THE CANONS OF THE CODE OF JUDICIAL CONDUCT**
- ISSUES ADVISORY ETHICS OPINIONS**

# **JUDICIARY COMMISSION**

- INVESTIGATES COMPLAINTS CONCERNING MISCONDUCT OR DISABILITY OF A JUDGE**
- COMMISSION MAY SUBPOENA WITNESSES, COMPEL ATTENDANCE, EXAMINE UNDER OATH, AND REQUIRE PRODUCTION OF RELEVANT EVIDENCE**

**– JUDICIARY COMMISSION  
VOTES WHETHER TO  
RECOMMEND DISCIPLINE TO  
THE LOUISIANA SUPREME  
COURT**

# **COMPARISON BETWEEN OVERSIGHT COMMITTEE, COMMITTEE ON JUDICIAL ETHICS, AND JUDICIARY COMMISSION**

- OVERSIGHT COMMITTEE DOES NOT ISSUE FORMAL WRITTEN ADVISORY OPINIONS**
- OVERSIGHT COMMITTEE HAS NO SUBPOENA POWER**
- OVERSIGHT COMMITTEE HAS NO DISCIPLINARY OR ENFORCEMENT POWER**
- OVERSIGHT JURISDICTION DOES NOT EXTEND TO THE ENTIRETY OF CANON 7**



# COMPARISON OF MISSISSIPPI AND LOUISIANA RULES

- **Mississippi's Special Committee on Judicial Election Campaign Intervention is responsible for dealing with alleged violations of all of Canon 5 (similar to Louisiana's Canon 7)**
- **Louisiana's Oversight Committee is only responsible for some provisions of Canon 7**
- **Mississippi requires each candidate to sign a form acknowledgment certifying that the candidate has read, understands, and agrees to be bound by Canon 5, as well as Committee and Supreme Court of Mississippi opinions**
- **Louisiana requests that each candidate sign an acknowledgment**
- **Failure to sign an acknowledgment in Mississippi constitutes a per se violation, and the failure may be immediately publicized**
- **Failure to sign an acknowledgment in Louisiana does not constitute a violation**

## COMPARISON (CONT.)

- **The Special Committee is composed of 3-5 members**
- **The Oversight Committee is composed of 15 members**
  
- **Action by the Special Committee requires only a majority vote**
- **Action by the Oversight Committee requires a vote of at least two-thirds of its members**
  
- **The Special Committee may issue a cease-and-desist request to a candidate believed to be engaging in unfair campaign practices**
- **The Oversight Committee may not issue a cease-and-desist request**
  
- **Candidates in Mississippi must complete a two-hour course on campaign practices, and certify completion**
- **Candidates in Louisiana are encouraged to attend educational seminars**