

SUPREME COURT OF LOUISIANA

No. 2023-CD-00584

DONNA KING MICHELLI & EUGENE J. MICHELLI, JR.

VS.

CLEVE DUNN, JR. & STACEY P. DUNN

On Supervisory Writ to the 19th Judicial District Court, Parish of East Baton Rouge

WEIMER, C.J., additionally concurring:

Continuances requested by attorney-legislators are authorized by law. See La. R.S. 13:4163. In our system of laws, the courts must apply the law as written by our colleagues in the legislature. La. C.C. art. 9. However, courts also have the obligation to resolve cases in a timely fashion.

Most parties to litigation are anxious for a resolution of their issue, regardless of the outcome. The request for a continuance by any party can interrupt the effort of a court to provide parties their day in court. Any last-minute continuance disrupts the ability of judges to move matters on their dockets and resolve cases. Likewise, attorneys who serve in the legislature have challenges imposed by their legislative responsibilities, which must be balanced with their obligations as officers of the court and their duties to their clients. Often the hours in a day are far too few during legislative sessions.

Every right can be waived, and no right should be abused. It has been said that just because one may have a right to do something does not mean it is the right thing to do.¹

¹ The Law And Potter Stewart: An Interview With Justice Potter Stewart (1983), American Heritage, Volume 35, Issue 1. (<https://www.americanheritage.com/law-and-potter-stewart-interview-justice-potter-stewart>).

All of these principles have to be balanced and weighed in each case, given the infinite variety of facts that may be relevant and applicable. Judges are trained and have experience balancing these often competing considerations.

The matter immediately before this court involves a contempt proceeding, peripherally related to the underlying case, which was set during the legislative session by the judge. On the particular facts presented, this court is obligated to follow the law as written by the legislature and allow the continuance of the contempt proceeding based on the request for a legislative continuance.