

**SUPREME COURT OF LOUISIANA**

**No. 2024-O-00931**

**IN RE: JUDGE EBONI JOHNSON ROSE**

Judiciary Commission of Louisiana

**McCALLUM, J., concurs and assigns reasons.**

I agree with the majority that Respondent presents a substantial threat of serious harm to the public and I therefore concur in the decision to immediately disqualify Respondent from exercising any further judicial function, as recommended by the Judiciary Commission of Louisiana. In this judicial disciplinary proceeding, probable cause for the allegations of misconduct against Respondent was established by official transcripts prepared by a certified court reporter of the on-record proceedings. However, because our constitution and Supreme Court rules do not allow us to do otherwise, the taxpayers of this state are forced to bear the double burden of paying Respondent's salary during her suspension and the cost of a pro tempore judge to serve in her stead.

I concur because, were it in our power to do so, I would have made the suspension without pay and the expense of the pro tempore judge her responsibility.

However, Louisiana Constitution, Article 5, V, § 25 (C) provides:

*On recommendation of the judiciary commission, the supreme court may censure, suspend with or without salary, remove from office, or retire involuntarily a judge for willful misconduct relating to his official duty, willful and persistent failure to perform his duty, persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, conduct while in office which would constitute a felony, or conviction of a felony. On recommendation of the judiciary commission, the supreme court may disqualify a judge from exercising any judicial function, without loss of salary, during pendency of proceedings in the supreme court. On recommendation of the judiciary commission, the supreme court may retire involuntarily a judge for*

disability that seriously interferes with the performance of his duties and that is or is likely to become permanent. The supreme court shall make rules implementing this Section and providing for confidentiality and privilege of commission proceedings.

(Emphasis added). While Respondent's conduct as a member of the judiciary certainly warrants a suspension of her pay, there is no lawful means by which to impose this condition. The people of this state should amend the constitution to allow us that option. Furthermore, this Court should amend its rules to require the suspended judge to bear the expense of any pro tempore judge who is required to preside in the suspended judge's stead.