

# SUPREME COURT OF LOUISIANA

---

## ORDER

---

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

**Part I.** Louisiana Supreme Court Rule XXXV, Section 5 be and is hereby repealed and reenacted to read as follows:

### **RULE XXXV. JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE**

\* \* \*

**Section 5. Disclosure of Complaints.** Complaints shall be confidential until such time as the Committee decides to issue a public statement, the Committee or its Chair decides to dismiss the complaint, or the respondent waives confidentiality, whichever occurs sooner. Complaint forms and campaign conduct pledges used by the Committee shall include language which notifies complainants and candidates of this restriction.

The respondent candidate may, at any time after a complaint is filed, and through written notice directed to the complainant and the Committee, waive the confidentiality provisions of these rules. In that event, the complaint, response, and Oversight Committee disposition (if any) shall become matters of public record. Committee investigatory and deliberation materials shall remain confidential.

**Part II.** The commentary following Louisiana Supreme Court Rule XXXV, Section 5 be and is hereby repealed.

**Part III.** Section IV, third paragraph, Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee, be and is hereby amended to read in its entirety as follows:

IV. Response from Respondent Candidate

\* \* \*

If the Oversight Committee decides not to issue a public statement, the Oversight Committee shall dismiss the complaint and so advise the complainant.

**Part IV.** Section VIII, first paragraph, Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee, be and is hereby amended to read as follows:

VIII. Confidentiality

Until such time as the Oversight Committee decides to issue a public statement, the Committee or its Chair decides to dismiss the complaint, or the respondent waives confidentiality, whichever occurs sooner, the complaint and response, if any, are confidential. After a decision is made to dismiss a complaint or issue a public statement, or the respondent waives confidentiality, the complaint, response, and Committee decision (if any) shall be matters of public record. Committee investigatory and deliberation materials shall remain confidential.

\* \* \*

**Part V.** Section X of the Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee be and is hereby repealed and reenacted to read as follows:

**X. Informal Resolution**

The Committee shall make reasonable attempts to informally resolve disputes involving campaign conduct in lieu of issuing a public statement. Such informal action and resolution may include, but is not limited to, procuring an agreement from the respondent candidate to withdraw an advertisement, to retract or clarify a campaign statement, or such other informal disposition as may be deemed appropriate.

When a respondent candidate expresses a willingness to consider an informal resolution, the Chair, with the approval of a majority of the Committee members, may negotiate and finalize a written informal resolution to the complaint.

Any written informal resolution which is agreed to by the parties, as well as the underlying complaint and response, shall be matters of public record, unless the parties agree in writing to maintain the confidentiality of the complaint, response and informal resolution.

**Part VI.** The “Confidentiality Statement” on the Judicial Campaign Oversight Committee complaint form be and is hereby amended to read as follows:

**Confidentiality Statement**

I hereby acknowledge that complaints are confidential until such time as the Oversight Committee or its Chair decides to dismiss the complaint, the Committee decides to issue a public statement, or the respondent waives confidentiality, whichever occurs sooner. My signature below evidences my agreement to maintain the confidentiality of the complaint in accordance with

La. S. Ct. Rule XXXV, Section 5, and the Campaign Oversight Committee Rules and Operating Procedures.

**Part VII.** Paragraph three of the “Acknowledgment Regarding Canon 7 of the Louisiana Code of Judicial Conduct” be and is hereby amended to read as follows:

Louisiana Supreme Court Rule XXXV, Section 5 provides that “[c]omplaints [to the Oversight Committee] shall be confidential until such time as the Committee decides to issue a public statement, the Committee or its Chair decides to dismiss the complaint, or the respondent waives confidentiality, whichever occurs sooner.”

\*\*\*\*\*

These rule changes shall become effective upon signing and shall remain in full force and effect thereafter until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 2006.

FOR THE COURT:

---

Pascal F. Calogero, Jr., Chief Justice