

SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, the inherent power of this Court, and considering the need to amend Louisiana Supreme Court Rule XXXV, the Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee, and the Judicial Campaign Oversight Committee Complaint Form,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Part 1. Louisiana Supreme Court Rule XXXV, Section 3, third paragraph, be and is amended to read as follows:

* * *

At the conclusion of its investigation, the Committee may issue a public statement concerning the campaign conduct, including disclosure of the fact that a complaint has been made, provided at least eight members determine clear and convincing evidence exists that a violation has occurred, and after the respondent has been given notice and an opportunity to respond.

* * *

Part 2. Louisiana Supreme Court Rule XXXV, Section 4, be and is hereby amended to read as follows:

Section 4. *Sua Sponte Action.* The Committee may only review and investigate campaign conduct which falls within its oversight jurisdiction, as defined in Section 3, in the absence of the filing of a campaign conduct complaint, provided two-thirds of the Committee members vote in favor of conducting such an investigation. The Committee may issue a public statement relative to campaign conduct which is not the subject of a written complaint, provided at least eight members determine clear and convincing evidence exists that a violation has occurred, and the respondent candidate has been given notice and an opportunity to respond.

Part 3. Louisiana Supreme Court Rule XXXV Appendices, Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee, Section I, third paragraph, be and is hereby amended to read as follows:

* * *

When a complaint requires the Committee to review an audio or video recording or a photograph, a CD, DVD, or link to the audio or video recording or photograph posted on the internet, shall be forwarded with the complaint. When a complaint requires the Committee to review a print advertisement, either the original advertisement or a legible photocopy thereof shall be forwarded with the complaint.

Part 4. Louisiana Supreme Court Rule XXXV Appendices, Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee, Section IV, second paragraph, be and is hereby amended to read as follows:

* * *

Following receipt of a response from the candidate, or the expiration of the time period for responding, whichever occurs first, the Committee shall then determine whether or not a public statement should be issued. Complaints which are received within the last two weeks before the primary or general election at issue shall be reviewed and voted upon in as expeditious a fashion as the exigencies of the situation require. An affirmative vote of at least eight members of the Committee shall be required before a public statement may be issued.

* * *

Part 5. Louisiana Supreme Court Rule XXXV Appendices, Rules and Operating Procedures of the Louisiana Judicial Campaign Oversight Committee, Section X, third paragraph, be and is hereby amended to read as follows:

* * *

Any written informal resolution which is agreed to by the respondent candidate and the Chair, as well as the underlying complaint and response, shall be matters of public record.

Part 6. The introductory paragraph of the Complaint Form of the Louisiana Judicial Campaign Oversight Committee, which is found in the Louisiana Supreme Court Rule XXXV Appendices, be and is hereby amended to read as follows:

Given the time constraints for reviewing complaints which allege campaign conduct violations, it is of the utmost importance that complainants provide evidentiary support for the allegations made in the complaint. Such evidentiary support may include DVD or CD recordings of, or internet links to,

television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials which support your claim. Complaints which lack sufficient evidentiary support to allow the Committee to adequately assess whether clear and convincing evidence exists of a violation of one of the canons which falls within the Committee's oversight jurisdiction may be dismissed by the Chair, without further review by the Oversight Committee. (See, Section II, Rules and Operating Procedures, Louisiana Judicial Campaign Oversight Committee).

Part 7. The second paragraph of Part C of the Complaint Form of the Louisiana Judicial Campaign Oversight Committee, which is found in the Louisiana Supreme Court Rule XXXV Appendices, be and is hereby amended to read as follows:

Please explain in detail why you think the respondent judicial candidate violated the Canons you have checked off, above. Provide any relevant evidentiary support, including DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials that pertain to your complaint. Attach additional sheets of paper if you need more space for your explanation.

Part 8. The third paragraph of Part C of the Complaint Form of the Louisiana Judicial Campaign Oversight Committee, which is found in the Louisiana Supreme Court Rule XXXV Appendices, be and is hereby amended to read as follows:

Please list all evidentiary support, including DVD or CD recordings of, or internet links to, television or radio

commercials, newspaper clippings, copies of print advertisements, or any other materials, attached to the complaint:

Part 9. The amended version of the Complaint Form to be used for filing complaints with the Louisiana Judicial Campaign Oversight Committee, including new language that has been approved in Parts 6, 7 and 8 of this Order, be and is hereby appended to this Order.

These rule changes shall become effective on July 1, 2008, 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 June, 2008.

FOR THE COURT:

Pascal F. Calogero, Jr., Chief Justice

COMPLAINT FORM
JUDICIAL CAMPAIGN OVERSIGHT COMMITTEE

Given the time constraints for reviewing complaints which allege campaign conduct violations, it is of the utmost importance that complainants provide evidentiary support for the allegations made in the complaint. Such evidentiary support may include DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials which support your claim. Complaints which lack sufficient evidentiary support to allow the Committee to adequately assess whether clear and convincing evidence exists of a violation of one of the canons which falls within the Committee’s oversight jurisdiction may be dismissed by the Chair, without further review by the Oversight Committee. (See, Section II, Rules and Operating Procedures, Louisiana 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: _____

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: _____

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))
- ☐ 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, with respect to cases, controversies, or issues that are likely to come before the court, made commitments that are inconsistent with the impartial performance of the adjudicative duties of the office. (Canon 7B(1)(d)(i))
- ☐ The judge or judicial candidate knowingly made, or caused to be made, a false statement concerning the identity, qualifications, present position or other fact concerning the candidate or an opponent. (Canon 7B(1)(d)(ii))
- ☐ The judge or judicial candidate personally solicited or accepted campaign contributions in violation of Canon 7D(1) of the Louisiana Code of Judicial Conduct
- ☐ The judge or judicial candidate, while a proceeding is pending in any Louisiana state 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)(iii))
- ☐ 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. Provide any relevant evidentiary support, including DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials that pertain to your complaint. Attach additional sheets of paper if you need more space for your explanation.

Please list all evidentiary support, including DVD or CD recordings of, or internet links to, television or radio commercials, newspaper clippings, copies of print advertisements, or any other materials, attached to the complaint:_____

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.

Date of signing

Complainant signature

Complainant (printed name)

Return this form to: Louisiana Judicial Campaign Oversight Committee
400 Royal Street, Suite 1190
New Orleans, LA 70130-8101