

SUPREME COURT OF LOUISIANA

O R D E R

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to amend Canon 7 of the Code of Judicial Conduct,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Canon 7 of the Louisiana Code of Judicial Conduct be and is hereby amended to read in its entirety as follows:

CANON 7

**A Judge Or Judicial Candidate Shall Refrain From
Inappropriate Political and Campaign Activity**

**A. A Judge or Judicial Candidate Shall Not, Except to the Extent
Permitted By These Canons:**

- (1) act as a leader or hold any office in a political organization;
- (2) publicly endorse or publicly oppose another candidate for public office;
- (3) make speeches on behalf of a political organization or a candidate for public office;
- (4) solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate for public office;
- (5) purchase tickets for campaign functions;
- (6) personally solicit or personally accept campaign contributions;
- (7) use or permit the use of campaign contributions for the sole or exclusive benefit of the judge, the candidate, or others;

- (8) use court staff, facilities, or other court resources in a campaign for judicial office, except to the extent that such use is de minimis in nature;
- (9) knowingly make, or cause to be made, a false statement concerning the identity, qualifications, present position, or other fact concerning the candidate or an opponent;
- (10) make any statement that would reasonably be expected to affect the outcome or impair the fairness of a matter pending in any Louisiana state court; or
- (11) in connection with cases, controversies, or issues that are likely to come before the court, make pledges, promises, or commitments that are inconsistent with the impartial performance of the adjudicative duties of judicial office.

B. A Judge or Judicial Candidate Shall:

- (1) maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary;
- (2) review and approve the content of all political advertisements produced by the judge or judicial candidate or his or her campaign committee, as authorized by Canon 7D, before their dissemination;
- (3) take reasonable measures to ensure that other persons do not undertake, on behalf of the judge or judicial candidate, any activities prohibited under this Canon; and
- (4) except to the extent permitted by Canon 7D, not authorize or knowingly permit any person to do for the candidate what the judge or judicial candidate is prohibited from doing under this Canon.

C. A Judge or a Judicial Candidate May:

- (1) At any time:
 - (a) attend political gatherings;
 - (b) identify himself or herself as a member of a political party;and
 - (c) purchase tickets for dinners or other events sponsored by a political organization; provided, however that such events are not in support of a candidate for public office.
- (2) In preparation for or during his or her candidacy:
 - (a) personally solicit publicly stated support;
 - (b) establish a campaign committee pursuant to the provisions of Canon 7D.
- (3) During his or her candidacy:
 - (a) speak to gatherings on his or her own behalf;
 - (b) appear in newspaper, television or other media advertisements supporting his or her candidacy;
 - (c) distribute pamphlets or other promotional campaign literature supporting his or her candidacy;
 - (d) respond to personal attacks or attacks on the judge or judicial candidate's record as long as the response does not violate Canon 7A(9) and 7B(1); and
 - (e) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

- (1) Campaign committees may conduct campaigns for the judge or judicial candidate through media advertisements, brochures, mailings,

candidate forums and other means not prohibited by law or the provisions of this Code. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the judge or judicial candidate's campaign and obtain public statements of support for his or her candidacy. However, no undue pressure or coercion may be applied in such solicitation.

(2) A campaign committee may solicit and accept contributions for the judge or judicial candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the judge or judicial candidate participated only for the purpose of extinguishing the campaign debt resulting from a judicial election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

E. Retention of Campaign Contributions. Not later than one year after the beginning of the term of judicial office following an election in which a judge or judicial candidate participates as a contestant, the judge or judicial candidate shall divest himself or herself of any unused campaign funds, in excess of the amount listed below, by pro rata refund to the campaign contributors or by donation to a charitable organization. The judge or judicial candidate may retain campaign funds in the following amounts proportionate to the classification of the office to which the judge or judicial candidate seeks election:

<u>Class of Judicial Office</u>	<u>Amount of Campaign Funds that May Be Retained</u>
Major Office	\$300,000
District Office	\$200,000
Other Office	\$100,000

“Major Office” means the following offices: justice of the supreme court; court of appeal judge; or any district court, family court, or juvenile court judge in a judicial district comprised of a single parish with a population in excess of two hundred fifty thousand persons as determined by the most recently published decennial federal census.

“District Office” means the following offices, but shall not include any Major Office:

- (a) The offices of a district, juvenile, or family court judge (except in a judicial district comprised of a single parish with a population in excess of two hundred fifty thousand persons as determined by the most recently published decennial federal census), parish court judge, city court judge, municipal court judge and traffic court judge; or
- (b) A justice of the peace in a judicial district comprised of a single parish with a population in excess of two hundred fifty thousand persons as determined by the most recently published decennial federal census.

“Other Office” shall mean any judicial office that is not a Major Office or a District Office.

F. Other Partisan Political Activity. A judge shall not engage in any other partisan political activity except on behalf of measures to improve the law, the legal system or the administration of justice, or as expressly authorized by law or by this Code.

G. Applicability. Canon 7 generally applies to all incumbent judges and judicial candidates. A successful candidate, whether or not an

incumbent, is subject to judicial discipline for his or her campaign conduct; an unsuccessful candidate who is a lawyer is subject to lawyer discipline for his or her campaign conduct. A lawyer who is a candidate for judicial office is subject to Rule 8.2(a) and (b) of the Louisiana Rules of Professional Conduct.

H. Definition of Candidate. A candidate is a person seeking election or reelection to a judicial office. A person becomes a candidate for judicial office as soon as he or she makes a public announcement of candidacy, declares or files as a candidate with the election or appointment authority, or authorizes solicitation or acceptance of contributions or support, whichever occurs first. The term “candidate” has the same meaning when applied to a judge seeking election to judicial or non-judicial office.

I. Candidacy for Non-Judicial Office. A judge shall resign his or her office when the judge becomes a candidate either in a party primary or in a general election for a non-judicial office, except that a judge may continue to hold judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if the judge is otherwise permitted by law to do so.

Commentary To Canon 7

[1] With respect to 7B(3), the "reasonableness" of the measures taken will vary depending on whether the prohibited conduct was carried out by an employee serving at the pleasure of the candidate (whose conduct can be prohibited), others under the direction and control of the candidate (whose conduct can be discouraged), and family members

(whose conduct can be encouraged to assist the candidate in complying with the Canons).

[2] A judge or judicial candidate is prohibited from personally soliciting or personally accepting campaign contributions, but is not prohibited from knowing the identities of his or her campaign contributors. A judge or judicial candidate's campaign committee, but not the judge or judicial candidate, may send thank you notes to the judge or judicial candidate's campaign contributors.

[3] Canon 7A(8) prohibits a judge from using court staff in a campaign for judicial office. It does not preclude voluntary involvement of court staff in campaign activities away from the courthouse and during non-working hours. Canon 7A(8) does not prohibit the depiction of an incumbent judge inside his or her courtroom while court is not in session.

[4] Canon 7A(10) of the Code of Judicial Conduct, concerning public comments about pending proceedings, is not intended to apply to in-court comments by lawyer candidates, or comments regarding a case or proceeding that the lawyer candidate is participating in. Comments by a lawyer candidate regarding a proceeding that the lawyer candidate is participating in, or a proceeding in which an associate of the lawyer candidate is participating in, are governed by Rule 3.6 of the Louisiana Rules of Professional Conduct.

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 _____, 2012.

FOR THE COURT:

Catherine D. Kimball, Chief Justice