

First Extraordinary Session, 2008

SENATE RESOLUTION NO. 6

BY SENATOR CHAISSON

COURTS. Urges and requests the Louisiana Supreme Court to adopt the same financial disclosure standards for judges applicable to elected officials in the Code of Governmental Ethics.

A RESOLUTION

To urge and request the Louisiana Supreme Court to adopt the same financial disclosure standards for judges that are applicable to other elected officials in the Code of Governmental Ethics.

WHEREAS, Article V of the Louisiana Constitution of 1974 sets forth the powers and duties of the judicial branch of government; and

WHEREAS, in such Article the state supreme court is vested with general supervisory jurisdiction over all other courts; and

WHEREAS, the supreme court is further vested with exclusive original jurisdiction in judicial disciplinary proceedings; and

WHEREAS, the judiciary commission is created to provide recommendations to the supreme court concerning discipline of judges; and

WHEREAS, the supreme court, pursuant to its supervisory authority over all lower courts, has adopted the Code of Judicial Conduct; and

WHEREAS, such Code of Judicial Conduct is binding on all judges, and violations of its Canons can serve as the basis for disciplinary action; and

WHEREAS, the supreme court has stated that the primary purpose of the Code of Judicial Conduct is to protect the public rather than to discipline judges (*In re Shea*, 815

1 So.2d 813, 815 (La. 2002)), and that the duty of the supreme court pursuant to its
2 constitutional responsibility is to preserve the integrity of the bench for the benefit of the
3 public "by ensuring that all who don the black robe and serve as ministers of justice do not
4 engage in public conduct which brings the judicial office into disrepute" (*In re Huckaby*, 656
5 So.2d 292, 298 (La. 1995)); and

6 WHEREAS, judges are not presently included within the statutory requirements of
7 the code of governmental ethics and La. R.S. 42:1167 presently states, "All judges, as
8 defined by the Code of Judicial Conduct, shall be governed exclusively by the provisions of
9 the Code of Judicial Conduct, which shall be administered by the Judiciary Commission
10 provided for in Article V, Section 25 of the Constitution of Louisiana."; and

11 WHEREAS, Canon 6 of the Code of Judicial Conduct requires judges to file with the
12 supreme court certain annual reports and disclosure statements concerning compensation and
13 expenses received in connection with any quasi-judicial activity; and

14 WHEREAS, Canon 7 of the Code of Judicial Conduct provides generally that a judge
15 or judicial candidate shall refrain from inappropriate political activity, and further sets forth
16 certain duties and prohibitions for judges as to political conduct and activity, campaign
17 conduct, campaign committees, and retention of campaign contributions; and

18 WHEREAS, it would greatly benefit the public interest for the Code of Judicial
19 Conduct to include financial disclosure standards and requirements for judges that are
20 consistent with requirements for other elected officials set forth in the Code of Governmental
21 Ethics; and

22 WHEREAS, such consistency would strengthen the Code of Judicial Conduct and
23 result in significant requirements to ensure the protection of the public and integrity of the
24 judiciary in Louisiana.

25 THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana
26 does hereby urge and request the Louisiana Supreme Court to adopt the same financial
27 disclosure standards for judges that are applicable to other elected officials in the Code of
28 Governmental Ethics.

29 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
30 chief justice of the Louisiana Supreme Court.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Chaisson

SR No.

Urges and requests the Louisiana Supreme Court to adopt the same financial disclosure standards for judges that are applicable to other elected officials in the Code of Governmental Ethics.