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LOUISIANA RULES OF COURT 1985

STATE and FEDERAL

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PORT Exhibit 1001 (a)

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CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Canon

1. A Judge Should Uphold the Integrity and Independence of the Judiciary.
2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All his Activities.
3. A Judge Should Perform the Duties of his Office Impartially and Diligently.
4. A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. A Judge Should Regulate his Extra-Judicial Activities to Minimize the Risk of Conflict with his Judicial Duties.
6. A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only under Restricted Circumstances.
7. A Judge Should Refrain from Political Activity Inappropriate to his Judicial Office.

Compliance with the Code of Judicial Conduct.

Committee on Judicial Ethics.

CANON 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of his judicial independence.

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interest of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

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(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) A judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions, except that a judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording, or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

B. Administrative Responsibilities

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. He should avoid appointments which tend to create suspicion of impropriety. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Recusation

The recusation of judges is governed by law.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

CANON 5

A Judge Should Regulate His Extra-Judicial Activities to Minimize the Risk of Conflict with His Judicial Duties

A. Avocational Activities

A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities

A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer,

director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

C. Financial Activities

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration

A judge should not act as an arbitrator or mediator.

E. Extra-judicial Appointments

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6

A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only under Restricted Circumstances

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement

Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7

A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office

A. Political Conduct in General

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct

A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

Compliance with the Code of Judicial Conduct

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-time Judge

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore

A judge *pro tempore* is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge *pro tempore* is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge *pro tempore* should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. Retired Judge

A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge *pro tempore*.

Amended Oct. 29, 1982.

Committee on Judicial Ethics

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairman of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

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(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. He should avoid appointments which tend to create suspicion of impropriety. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Recusation

The recusation of judges is governed by law.

Amended April 23, 1985.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there

will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

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A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

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(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

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A judge should not act as an arbitrator or mediator.

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CANON 6

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A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement

Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7

A Judge Should Refrain from Political Activity Inappropriate to His Judicial Office

A. Political Conduct in General

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct

A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

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Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-time Judge

A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupa-

tion and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore

A judge *pro tempore* is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge *pro tempore* is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge *pro tempore* should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. Retired Judge

A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge *pro tempore*.

Amended Oct. 29, 1982.

Committee on Judicial Ethics

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairman of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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PORT Exhibit 1001 (c)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Canon

1. A Judge Should Uphold the Integrity and Independence of the Judiciary.
2. A Judge Should Avoid Impropriety and the Appearance of Impropriety in All his Activities.
3. A Judge Should Perform the Duties of his Office Impartially and Diligently.
4. A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. A Judge Should Regulate his Extra-Judicial Activities to Minimize the Risk of Conflict with his Judicial Duties.
6. A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only under Restricted Circumstances.
7. A Judge Should Refrain from Political Activity Inappropriate to his Judicial Office.

Compliance with the Code of Judicial Conduct.

Committee on Judicial Ethics.

CANON 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of his judicial independence.

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interest of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the

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part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. He should avoid appointments which tend to create suspicion of impropriety. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Recusation

The recusation of judges is governed by law.

Amended April 23, 1985.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of

proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

CANON 5

A Judge Should Regulate His Extra-Judicial Activities to Minimize the Risk of Conflict with His Judicial Duties

A. Avocational Activities

A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities

A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

C. Financial Activities

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration

A judge should not act as an arbitrator or mediator.

E. Extra-judicial Appointments

A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or

locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6

A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only under Restricted Circumstances

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation

Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement

Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

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(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

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The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1988

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(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. He should avoid appointments which tend to create suspicion of impropriety. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Recusation. The recusation of judges is governed by law.

Amended April 23, 1985.

APPENDIX TO CANON 3. GUIDELINES FOR EXTENDED MEDIA COVERAGE OF PROCEEDINGS IN APPELLATE COURTROOMS

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the

court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a

recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

CANON 4. A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

CANON 5. A JUDGE SHOULD REGULATE HIS EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS JUDICIAL DUTIES

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

C. Financial Activities

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in

financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6. A JUDGE SHOULD ACCEPT COMPENSATION FOR QUASI-JUDICIAL AND EXTRA-JUDICIAL ACTIVITIES ONLY UNDER RESTRICTED CIRCUMSTANCES

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7. A JUDGE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

A. Political Conduct in General

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other

profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore. A judge *pro tempore* is a person who is appointed to act temporarily as a sjudge.

(1) While acting as such, a judge *pro tempore* is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge *pro tempore* should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge *pro tempore.*

Amended Oct. 29, 1982.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairman of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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LOUISIANA RULES OF COURT 1989

STATE

With Amendments Received Through
January 15, 1989

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through January 15, 1989

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Committee on Judicial Ethics.

CANON 1. A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of his judicial independence.

CANON 2. A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interest of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

CANON 3. A JUDGE SHOULD PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILIGENTLY

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or

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language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administratiou of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. He should avoid appointments which tend to create suspicion of impropriety. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Recusation. The recusation of judges is governed by law.

Amended April 23, 1985.

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C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or

procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers

must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

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A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

CANON 5. A JUDGE SHOULD REGULATE HIS EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS JUDICIAL DUTIES

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

C. Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should

divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6. A JUDGE SHOULD ACCEPT COMPENSATION FOR QUASI-JUDICIAL AND EXTRA-JUDICIAL ACTIVITIES ONLY UNDER RESTRICTED CIRCUMSTANCES

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7. A JUDGE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial

functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

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B. Judge Pro Tempore. A judge *pro tempore* is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge *pro tempore* is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge *pro tempore* should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge *pro tempore*.

Amended Oct. 29, 1982.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

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The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

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(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

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The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

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CANON 1. A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of his judicial independence.

CANON 2. A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interest of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

CANON 3. A JUDGE SHOULD PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILIGENTLY

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. **Adjudicative Responsibilities.**

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned

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for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. He should avoid appointments which tend to create suspicion of impropriety. He should not approve compensation of appointees beyond the fair value of services rendered.

C. Recusation. The recusation of judges is governed by law.

Amended April 23, 1985.

Appendix to Canon 3. Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all

times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of tbe proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers

must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

CANON 4. A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

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Amended Oct. 31, 1975, effective Jan. 1, 1976.

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CODE OF JUDICIAL CONDUCT

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Compliance With the Code of Judicial Conduct.
Committee on Judicial Ethics.

CANON 1. A JUDGE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of his judicial independence.

CANON 2. A JUDGE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL HIS ACTIVITIES

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interest of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

CANON 3. A JUDGE SHOULD PERFORM THE DUTIES OF HIS OFFICE IMPARTIALLY AND DILIGENTLY

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants

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or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. A judge should avoid appointments which tend to create suspicion of impropriety. A judge should not approve the compensation of appointees beyond the fair value of services rendered. A judge should avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; and the spouses of a judge's children.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990, or any employee of a court who becomes a member of a judge's immediate family subsequent to employment; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. The recusation of judges is governed by law.

Amended April 23, 1985; Dec. 3, 1990.

Appendix to Canon 3.
Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge

of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places desig-

nated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

CANON 4. A JUDGE MAY ENGAGE IN ACTIVITIES TO IMPROVE THE LAW, THE LEGAL SYSTEM, AND THE ADMINISTRATION OF JUSTICE

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

CANON 5. A JUDGE SHOULD REGULATE HIS EXTRA-JUDICIAL ACTIVITIES TO MINIMIZE THE RISK OF CONFLICT WITH HIS JUDICIAL DUTIES

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

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C. Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6. A JUDGE SHOULD ACCEPT COMPENSATION FOR QUASI-JUDICIAL AND EXTRA-JUDICIAL ACTIVITIES ONLY UNDER RESTRICTED CIRCUMSTANCES

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7. A JUDGE SHOULD REFRAIN FROM POLITICAL ACTIVITY INAPPROPRIATE TO HIS JUDICIAL OFFICE

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his

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family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore. A judge *pro tempore* is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge *pro tempore* is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge *pro tempore* should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. **Retired Judge.** A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge *pro tempore*.

Amended Oct. 29, 1982.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairman of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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Supreme Court and Part II, being the Multistate Professional Responsibility Examination (MPRE). An applicant must be designated as having passed both Part I and Part II of the Louisiana Bar Examination prior to being eligible for admission. This designation and the right to re-examination will be as follows:

(A) As to Part I—An applicant who fails five (5) or more of the nine (9) examinations shall be considered as completely failing Part I of the examination as a whole. Such applicant shall be permitted to take a re-examination at the next regular examination of the Committee on Bar Admissions.

(B) As to Part I—An applicant who passes five (5) or more of the nine (9) examinations, but who fails either two (2) Code examinations or any three (3) of the nine (9) examinations shall be considered as conditionally failing Part I of the examination as a whole. Such applicant shall be placed on a special list and may make application for re-examination and shall be re-examined on only those separate examinations applicant did not pass in Part I. Should such applicants, upon re-examination, pass some of the separate examinations originally not passed in Part I, those shall be eliminated from future examinations. Such applicant shall be deemed to have passed Part I of the examination as a whole when applicant has cumulatively passed seven (7) of the nine (9) examinations provided that of the two examinations not passed, not more than one is on a required Code subject.

(C) As to Part II—The following provisions shall apply to the Multistate Professional Responsibility Examination (MPRE):

1. Applicant must receive a scaled score of 75 or better to be designated as having passed Part II of the examination.

2. All applicants must demonstrate compliance with the requirements of successful completion of the Multistate Professional Responsibility Examination (MPRE) by causing a certificate supplied by the agency administering such examination bearing the scaled score attained on the Multistate Professional Responsibility Examination (MPRE) to be forwarded directly to the Committee on Bar Admissions, Louisiana State Bar Association.

3. Successful completion of the Multistate Professional Responsibility Examination (MPRE) must have been within one year prior to the date of the original application for admission. Such successful completion and use of the MPRE score shall be valid for a total of three (3) years.

4. Applicants prior to August 1, 1984 who have, under the previous rules under Section 10 of Article XIV, passed the Ethics Examination and have been designated as conditionally failing the examination as a whole, under those rules, shall be considered as having fulfilled the requirement of passing the Multistate Professional Responsibility Examination (MPRE).

Amended effective July 27, 1982; May 3, 1985.

ARTICLE XV. DISCIPLINE AND DISBARMENT OF MEMBERS [VACATED AND REPEALED]

Vacated and repealed, effective April 1, 1990.

Pub. Note: See, now, Supreme Court Rule 19, supra.

ARTICLE XVI. RULES OF PROFESSIONAL CONDUCT

Adopted December 18, 1986

Effective January 1, 1987

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 15, 1992

Research Note

Use WESTLAW ® *to find cases citing or applying rules.* WESTLAW *may also be used to search for terms in court rules or to update court rules. See the LA-RULES and LA-ORDERS SCOPE screens for detailed descriptive information and search tips.*

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Compliance With the Code of Judicial Conduct.
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CANON 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

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CANON 3
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(4) Except as permitted by law, a judge should not permit private or *ex parte* interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

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(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties bave consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

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An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. A judge should avoid appointments which tend to create suspicion of impropriety. A judge should not approve the compensation of appointees beyond the fair value of services rendered. A judge should avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a

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judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; and the spouses of a judge's children.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990, or any employee of a court who becomes a member of a judge's immediate family subsequent to employment; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. **Recusation.** The recusation of judges is governed by law.

Amended April 23, 1985; Dec. 3, 1990.

Appendix to Canon 3. Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of

a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

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CANON 5
A Judge Should Regulate His Extra-Judicial Activities to Minimize the Risk of Conflict with His Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

C. Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6
A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7
A Judge Should Refrain From Political Activity Inappropriate to His Judicial Office

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

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(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore. A judge *pro tempore* is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge *pro tempore* is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge *pro tempore* should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge *pro tempore*.

Amended Oct. 29, 1982.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

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(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairman of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

*

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Effective January 1, 1976

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Research Note

Use WESTLAW ® *to find cases citing or applying rules.* WESTLAW *may also be used to search for terms in court rules or to update court rules. See the LA-RULES and LA-ORDERS SCOPE screens for detailed descriptive information and search tips.*

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Compliance With the Code of Judicial Conduct.
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CANON 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should himself observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of his judicial independence.

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All His Activities

A. A judge should respect and comply with the law and should conduct himself at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow his family, social, or other relationships to influence his judicial conduct or judgment. He should not lend the prestige of his office to advance the private interest of others; nor should he convey or permit others to convey the impression that they are in a special position to influence him. He should not testify voluntarily as a character witness.

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CANON 3

A Judge Should Perform the Duties of His Office Impartially and Diligently

The judicial duties of a judge take precedence over all his other activities. His judicial duties include all the duties of his office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. He should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in proceedings before him.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom he deals in his official capacity, and should require similar conduct of lawyers, and of his staff, court officials, and others subject to his direction and control.

(4) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(5) A judge should dispose promptly of the business of the court.

(6) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(7) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge his administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require his staff and court officials subject to his direction and control to observe the standards of fidelity and diligence that apply to him.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. A judge should avoid appointments which tend to create suspicion of impropriety. A judge should not approve the compensation of appointees beyond the fair value of services rendered. A judge should avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that

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judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; and the spouses of a judge's children.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990, or any employee of a court who becomes a member of a judge's immediate family subsequent to employment; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. The recusation of judges is governed by law.

Amended April 23, 1985; Dec. 3, 1990.

APPENDIX TO CANON 3
GUIDELINES FOR EXTENDED MEDIA COVERAGE OF PROCEEDINGS IN APPELLATE COURTROOMS

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of

a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall position himself in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Adopted April 23, 1985.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of his judicial duties, may engage in the following quasi-judicial activities, if in doing so he does not cast doubt on his capacity to decide impartially any issue that may come before him:

A. He may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. He may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and he may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. He may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. He may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. He may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

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CANON 5
A Judge Should Regulate His Extra-Judicial Activities to Minimize the Risk of Conflict With His Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of his office or interfere with the performance of his judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his impartiality or interfere with the performance of his judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before him or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civil organization, or use or permit the use of the prestige of his office for that purpose, but he may be listed as an officer, director, or trustee of such an organization. He should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but he may attend such events.

C. Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on his impartiality, interfere with the proper performance of his judicial duties, exploit his judicial position, or involve him in frequent transactions with lawyers or persons likely to come before the court on which he serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage his investments and other financial interests to minimize the number of cases in which he is disqualified. As soon as he can do so without serious financial detriment, he should divest himself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of his family residing in his household should not accept any gifts or favors which might reasonably appear as designed to affect his judgment or influence his official conduct.

(5) Information acquired by a judge in his judicial capacity should not be used or disclosed by him in financial dealings or for any other purpose not related to his judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

CANON 6
A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his spouse. Any payment in excess of such an amount is compensation.

CANON 7
A Judge Should Refrain From Political Activity Inappropriate to His Judicial Office

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

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(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his own behalf when he is a candidate for election or re-election, identify himself as a member of a political party, and contribute to a political party or organization.

(3) A judge should resign his office when he becomes a candidate either in a party primary or in a general election for a non-judicial office, except that he may continue to hold his judicial office while being a candidate for election to or serving as a delegate in a state constitutional convention, if he is otherwise permitted by law to do so.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his family to adhere to the same standards of political conduct that apply to him;

(b) should prohibit public officials or employees subject to his direction or control from doing for him what he is prohibited from doing under this Canon; and he should not allow any other person to do for him what he is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his views on disputed legal or political issues; or misrepresent his identity, qualifications, present position, or other fact.

Amended June 28, 1983.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he serves or in any court subject to the appellate jurisdiction of the court on which he serves, or act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore. A judge pro tempore is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge pro tempore is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge pro tempore should not act as a lawyer in a proceeding in which he has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when he is sitting by assignment and then he shall be subject to the rules applicable to a judge pro tempore.

Amended Oct. 29, 1982.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect him.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairman of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairman during his term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairman of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through March 1, 1994

Research Note

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5. A Judge Should Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
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7. A Judge Should Refrain From Political Activity Inappropriate to Judicial Office.

Compliance With the Code of Judicial Conduct.
Committee on Judicial Ethics.

CANON 1
A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993.

CANON 2
A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment. A judge should not lend the prestige of judicial office to advance the private interest of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.

Amended and effective June 3, 1993.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

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A. **Adjudicative Responsibilities.**

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in judicial proceedings.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3A(5) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.

(6) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge should dispose promptly of the business of the court.

(8) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. **Administrative Responsibilities.**

(1) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require staff and court officials subject to his or her direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. A judge should avoid appointments which tend to create suspicion of impro-

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priety. A judge should not approve the compensation of appointees beyond the fair value of services rendered. A judge should avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; and the spouses of a judge's children.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990, or any employee of a court who becomes a member of a judge's immediate family subsequent to employment; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. **Recusation.** The recusation of judges is governed by law.

Amended April 23, 1985; Dec. 3, 1990; amended and effective June 3, 1993.

Appendix to Canon 3
Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equip-

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ment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Adopted April 23, 1985; amended and effective June 3, 1993.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not cast doubt on his or her capacity to decide impartially any issue that may come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993.

CANON 5

A Judge Should Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. **Avocational Activities.** A judge may write, lecture, teach, and speak on non-legal subjects, and

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gage in the arts, sports, and other social and recreational activities, if such avocational activities do not ıtract from the dignity of judicial office or interfere th the performance of judicial duties.

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D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

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(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets

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for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his or her own behalf when he or she is a candidate for election or re-election, identify himself or herself as a member of a political party, and contribute to a political party or organization.

(3) A judge should 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.

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A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

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The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

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(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993.

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LOUISIANA RULES OF COURT

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1995

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CODE OF JUDICIAL CONDUCT

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CANON 1

A Judge Should Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and should personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993.

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment. A judge should not lend the prestige of judicial office to advance the private interest of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.

Amended and effective June 3, 1993.

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CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in judicial proceedings.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3A(5) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.

(6) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge should dispose promptly of the business of the court.

(8) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require staff and court officials subject to his or her direction and control to observe the standards of fidelity and diligence that apply to the judge.

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(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware.

(4) A judge should not make unnecessary appointments. All appointments should be made on an impartial basis, with a view of selecting competent persons of good moral character. A judge should avoid appointments which tend to create suspicion of impropriety. A judge should not approve the compensation of appointees beyond the fair value of services rendered. A judge should avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; and the spouses of a judge's children.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990, or any employee of a court who becomes a member of a judge's immediate family subsequent to employment; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. **Recusation.** The recusation of judges is governed by law.

Amended April 23, 1985; Dec. 3, 1990; amended and effective June 3, 1993.

Appendix to Canon 3
Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. *"Presiding Judge"* means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. *"Party"* means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. *"Media"* means legitimate news gathering and reporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media

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disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Adopted April 23, 1985; amended and effective June 3, 1993.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not cast doubt on his or her capacity to decide impartially any issue that may come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. A judge may make recommendations to the public and private fund-granting agencies on projects

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and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993.

CANON 5
A Judge Should Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge should not serve if it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge should not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

C. Financial Activities.

(1) A judge should refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but should not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she should divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) A judge or a member of the judge's family residing in the judge's household should not accept any gifts or favors which might reasonably appear as designed to affect his or her judgment or influence his or her official conduct.

(5) Information acquired by a judge in his or her judicial capacity should not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993.

CANON 6
A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and reimbursement of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not exceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reimbursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

Amended and effective June 3, 1993.

CANON 7
A Judge Should Refrain From Political Activity Inappropriate to Judicial Office

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

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(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his or her own behalf when he or she is a candidate for election or re-election, identify himself or herself as a member of a political party, and contribute to a political party or organization.

(3) A judge should 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.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his or her family to adhere to the same standards of political conduct that apply to the candidate;

(b) should prohibit public officials or employees subject to his or her direction or control from doing for him or her what the candidate is prohibited from doing under this Canon; and the candidate should not allow any other person to do for him or her what the candidate is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his or her views on disputed legal or political issues; or misrepresent his or her identity, qualifications, present position, or other fact.

Amended June 28, 1983; amended and effective June 3, 1993.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore. A judge pro tempore is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge pro tempore is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge pro tempore should not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to a judge pro tempore.

Amended Oct. 29, 1982; amended and effective June 3, 1993.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993.

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Amended and effective June 3, 1993.

CANON 2

A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge should not allow family, social, or other relationships to influence judicial conduct or judgment. A judge should not lend the prestige of judicial office to advance the private interest of others; nor should a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness.

Amended and effective June 3, 1993.

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CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge should be faithful to the law and maintain professional competence in it. A judge should be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge should maintain order and decorum in judicial proceedings.

(3) A judge should be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, including but not limited to bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice based upon race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, against parties, witnesses, counsel or others. This Section 3A(5) does not preclude legitimate advocacy when race, sex, religion, national origin, disability, age, sexual orientation or socioeconomic status, or other similar factors, are issues in the proceeding.

(6) Except as permitted by law, a judge should not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge should not accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts should also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge should dispose promptly of the business of the court.

(8) A judge should abstain from public comments about a pending or impending proceeding in any court, and should require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge should diligently discharge administrative responsibilities, maintain professional competence in judicial administration, and facilitate the performance of the administrative responsibilities of other judges and court officials.

(2) A judge should require staff and court officials subject to his or her direction and control to observe the standards of fidelity and diligence that apply to the judge.

(3) A judge should take or initiate appropriate disciinary measures against a judge or lawyer for unprossional conduct of which the judge may become ware.

(4) A judge should not make unnecessary appointents. All appointments should be made on an imrtial basis, with a view of selecting competent perns of good moral character. A judge should avoid ppointments which tend to create suspicion of impropiety. A judge should not approve the compensation appointees beyond the fair value of services renered. A judge should avoid nepotism. No spouse or ember of the immediate family of a judge shall be nployed in the court to which that judge was elected. mmediate family" means a judge's children, parents, rothers and sisters; the children and parents of a dge's spouse; and the spouses of a judge's children.

The provisions of this Subsection shall not prohibit ie continued employment of any employee of a court nployed by such court on or before December 31, 990, or any employee of a court who becomes a ember of a judge's immediate family subsequent to nployment; nor shall such provisions be construed hinder, alter, or in any way affect promotional lvancements for any such employee. The provisions this Subsection pertaining to nepotism shall not pply to mayors or justices of the peace.

C. Recusation. The recusation of judges is govned by law.

mended April 23, 1985; Dec. 3, 1990; amended and effeve June 3, 1993.

Appendix to Canon 3
Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. *"Extended coverage"* means any recording or roadcasting by the news media of court proceedings sing television, radio, photographic or recording quipment.

B. *"Presiding Judge"* means the Chief Justice of he Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of hich the Chief Justice or Chief Judge is not a ember.

C. *"Proceeding"* means any hearing, motion, argument on appeal or other matter held in open court hich the public is entitled to attend.

D. *"Party"* means a named litigant of record who as appeared in the case, and includes a party's ounsel of record.

E. *"Media"* means legitimate news gathering and eporting agencies and their representatives.

F. *"Court"* means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media

disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Adopted April 23, 1985; amended and effective June 3, 1993.

CANON 4

A Judge May Engage in Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not cast doubt on his or her capacity to decide impartially any issue that may come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge may assist such an organization in raising funds and may participate in their management and investment, but should not personally participate in public fund raising activities. A judge may make recommendations to the public and private fund-granting agencies on projects

nd programs concerning the law, the legal system, nd the administration of justice.

mended and effective June 3, 1993.

CANON 5
A Judge Should Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, ecture, teach, and speak on non-legal subjects, and ngage in the arts, sports, and other social and recre-tional activities, if such avocational activities do not etract from the dignity of judicial office or interfere ith the performance of judicial duties.

B. Civic and Charitable Activities. A judge may articipate in civic and charitable activities that do not eflect adversely upon his or her impartiality or inter-re with the performance of judicial duties. A judge ay serve as an officer, director, trustee, or non-legal ivisor of an educational, religious, charitable, frater-al, or civic organization not conducted for the eco-omic or political advantage of its members, subject to ie following limitations:

(1) A judge should not serve if it is likely that the ganization will be engaged in proceedings that ould ordinarily come before the judge or will be gularly engaged in adversary proceedings in any urt.

(2) A judge should not solicit funds for any edu-tional, religious, charitable, fraternal, or civic orga-zation, or use or permit the use of the prestige of dicial office for that purpose, but the judge may be ted as an officer, director, or trustee of such an ganization. A judge should not be a fund raising eaker or the guest of honor at an organization's nd raising events, but may attend such events.

C. Financial Activities.

(1) A judge should refrain from financial and busi-ss dealings that tend to reflect adversely on the dge's impartiality, interfere with the proper perfor-ance of judicial duties, exploit the judge's judicial sition, or involve the judge in frequent transactions th lawyers or persons likely to come before the urt on which he or she serves.

(2) Subject to the requirement of subsection (1), a dge may hold and manage investments, including al estate, and engage in other remunerative activity t should not serve as an officer, director, manager, employee of any bank, lending institution, home-ad or savings and loan association, insurance com-ny, public utility, and other businesses affected with ublic interest.

(3) A judge should manage investments and other ancial interests to minimize the number of cases in ich he or she is disqualified. As soon as a judge n do so without serious financial detriment, he or she should divest himself or herself of investments and other financial interests that might require fre-quent recusation.

(4) A judge or a member of the judge's family residing in the judge's household should not accept any gifts or favors which might reasonably appear as designed to affect his or her judgment or influence his or her official conduct.

(5) Information acquired by a judge in his or her judicial capacity should not be used or disclosed by the judge in financial dealings or for any other pur-pose not related to judicial duties.

D. Arbitration. A judge should not act as an arbitrator or mediator.

E. Extra-Judicial Appointments. A judge should not accept appointment to a governmental committee, commission, or other position that is con-cerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her country, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993.

CANON 6
A Judge Should Accept Compensation for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and reimburse-ment of expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation should not ex-ceed a reasonable amount nor should it exceed what a person who is not a judge would receive for the same activity.

B. Expense Reimbursement. Expense reim-bursement should be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

Amended and effective June 3, 1993.

CANON 7
A Judge Should Refrain From Political Activity Inappropriate to Judicial Office

A. Political Conduct in General.

(1) A judge or a candidate for election to judicial office should not:

(a) act as a leader or hold any office in a political organization;

(b) make speeches for a political organization or candidate or publicly endorse a candidate for public office;

(c) solicit funds for or pay an assessment or make a contribution to a political organization or candidate, attend political gatherings, or purchase tickets for political party dinners, or other functions, except as authorized in subsection A(2);

(2) A judge holding an office filled by public election between competing candidates, or a candidate for such office, may, only insofar as permitted by law, attend political gatherings, speak to such gatherings on his or her own behalf when he or she is a candidate for election or re-election, identify himself or herself as a member of a political party, and contribute to a political party or organization.

(3) A judge should 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.

(4) A judge should not engage in any other political activity except on behalf of measures to improve the law, the legal system, or the administration of justice.

B. Campaign Conduct. A candidate, including an incumbent judge, for a judicial office that is filled either by public election between competing candidates or on the basis of a merit system election:

(a) should maintain the dignity appropriate to judicial office, and should encourage members of his or her family to adhere to the same standards of political conduct that apply to the candidate;

(b) should prohibit public officials or employees subject to his or her direction or control from doing for him or her what the candidate is prohibited from doing under this Canon; and the candidate should not allow any other person to do for him or her what the candidate is prohibited from doing under this Canon;

(c) should not make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office; announce his or her views on disputed legal or political issues; or misrepresent his or her identity, qualifications, present position, or other fact.

Amended June 28, 1983; amended and effective June 3, 1993.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

Anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, referee, special master, court commissioner, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges should comply with this Code except as provided below.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is not required to comply with Canon 5C(2), 5D, and 5E;

(2) should not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Judge Pro Tempore. A judge pro tempore is a person who is appointed to act temporarily as a judge.

(1) While acting as such, a judge pro tempore is not required to comply with Canon 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge pro tempore should not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to a judge pro tempore.

Amended Oct. 29, 1982; amended and effective June 3, 1993.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

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(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993.

*

WEST'S LOUISIANA STATUTES ANNOTATED
LOUISIANA REVISED STATUTES
CODE OF JUDICIAL CONDUCT

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CANON 1
A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

CANON 2
A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose

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membership limitations would be entitled to constitutional protection.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

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(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or bring the judiciary into disrepute, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

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(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

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CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

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CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize

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the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

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CANON 6
A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

CANON 7
A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

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(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court; or

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) During his or her candidacy

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(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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election and no later than two years after the last election in which the candidate participates or until such time as the candidate's campaign debt is extinguished.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000-100,000	$ 50,000
100,001-200,000	$ 75,000
200,001-300,000	$100,000
300,001-400,000	$125,000
Over 400,000	$150,000

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F. Other Political Activity. A judge shall not engage in any other 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.

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.

COMPLIANCE WITH THE **CODE** OF **JUDICIAL CONDUCT**

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed

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to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

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COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

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The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

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CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Including Amendments Received Through May 1, 1998

Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon

CANON 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.

CANON 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.

CANON 3. A Judge Shall Perform the Duties of Office Impartially and Diligently.

Appendix to Canon 3. Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms.

CANON 4. Quasi-Judicial Activities. A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.

CANON 5. Extra-Judicial Activities. A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.

CANON 6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.

CANON 7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit

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others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. **Adjudicative Responsibilities.**

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or bring the judiciary into disrepute, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

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(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials

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will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985; amended and effective June 8, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

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B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

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CANON 7
A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court; or

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

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F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of nine members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and one other District Judge;

(d) The President of the City Judges Association;

(e) The Judicial Administrator; and

(f) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

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(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(d) The District Judges Association shall select one member to serve on the Committee for two years;

(e) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

Including Amendments Received Through May 1, 1998

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

ARTICLE I. NAME

Section
1. Name.

ARTICLE II. DOMICILE, PRINCIPAL OFFICE AND SERVICE OF PROCESS

1. Domicile and Principal Office.
2. Service of Process.

ARTICLE III. OBJECTS, PURPOSES, DURATION AND POWERS

1. Objects and Purposes.
2. Duration, Powers, Etc.

ARTICLE IV. MEMBERSHIP

1. Active Members.
2. Faculty Members.
3. Inactive Members.
4. Authority to Practice Law Restricted.

ARTICLE V. REGISTRATION AND DUES

1. Registration.
2. Dues.
3. Payment of Dues.
4. Suspension for Non-payment of Dues.
5. Reinstatement of Inactive Members.
6. Fiscal Year.

Section

ARTICLE VI. OFFICERS

1. Officers.
2. Vacancies.
3. Nominating Committee.
4. Duties of Nominating Committee and Nominations by Petition.
5. Election by Secret Mail Ballot.
6. Voting.
7. Counting the Ballots.
8. Election Contests.

ARTICLE VII. BOARD OF GOVERNORS

1. Administration—Composition of Board—Eligibility.
2. Method of Election.
3. Election and Distribution of Ballots.
4. Voting.
5. Terms.
6. Vacancies on Board.
7. Meetings of the Board.
8. Service Without Compensation.
9. Assistant Secretary-Treasurer.

ARTICLE VIII. HOUSE OF DELEGATES

1. Powers and Functions.
2. Composition—Terms.
3. Election.
4. Meetings.

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LOUISIANA
RULES OF COURT

STATE

1999

INCLUDING AMENDMENTS RECEIVED
THROUGH MAY 1, 1999

DEF00113
PORT Exhibit 1001 (o)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Including Amendments Received Through May 1, 1999

Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon
CANON 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
CANON 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
CANON 3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
CANON 4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
CANON 5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
CANON 6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
CANON 7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.
COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

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B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or bring the judiciary into disrepute, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

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(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

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V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 8, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and

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engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 8, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge

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shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court; or

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000

Population of Election District	Amount of Campaign Funds That May Be Retained
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

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(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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CODE OF JUDICIAL CONDUCT

Effective January 1, 1976

Including Amendments Received Through May 1, 2000

Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon

CANON 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
CANON 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
CANON 3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
CANON 4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
CANON 5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
CANON 6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
CANON 7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.
COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Al-

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though a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. **Adjudicative Responsibilities.**

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or bring the judiciary into disrepute, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

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(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with

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extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. . The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the eco-

omic or political advantage of its members, subject to ıe following limitations:

(1) A judge shall not serve if the judge knows, or ıould know, it is likely that the organization will be ıgaged in proceedings that would ordinarily come ɛfore the judge or will be regularly engaged in ıdversary proceedings in any court.

(2) A judge shall not solicit funds for any education-, religious, charitable, fraternal, or civic organization, · use or permit the use of the prestige of judicial ffice for that purpose, but the judge may be listed as ı officer, director, or trustee of such an organization. owever, it shall not be a violation of this Canon for a dge to privately solicit funds for the judge's local ıurch from a local church member. A judge should ɔt be a fund raising speaker or the guest of honor at ı organization's fund raising events, but may attend ıch events.

C. Financial Activities.

(1) A judge shall refrain from financial and business ɜalings that tend to reflect adversely on the judge's ıpartiality, interfere with the proper performance of dicial duties, exploit the judge's judicial position, or volve the judge in frequent transactions with law-ɜrs or persons likely to come before the court on ıich he or she serves.

(2) Subject to the requirement of subsection (1), a dge may hold and manage investments, including al estate, and engage in other remunerative activity ıt shall not serve as an officer, director, manager, or ıployee of any bank, lending institution, homestead savings and loan association, insurance company, ıblic utility, and other businesses affected with a ıblic interest.

(3) A judge should manage investments and other ıancial interests to minimize the number of cases in ıich he or she is disqualified. As soon as a judge n do so without serious financial detriment, he or e shall divest himself or herself of investments and ıer financial interests that might require frequent cusation.

(4) Information acquired by a judge in his or her ıdicial capacity shall not be used or disclosed by the ıdge in financial dealings or for any other purpose t related to judicial duties.

D. Service as Arbitrator or Mediator. A judge all not act as an arbitrator or mediator or otherwise rform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall t accept appointment to a governmental committee, ımmission, or other position that is concerned with ues of fact or policy on matters other than the provement of the law, the legal system, or the ministration of justice. A judge, however, may ɔresent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

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(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court; or

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not ngage in any other political activity except on behalf f measures to improve the law, the legal system or he administration of justice, or as expressly autho- ized by law.

G. Applicability. Canon 7 generally applies to all ıcumbent judges and judicial candidates. A success- ıl candidate, whether or not an incumbent, is subject) judicial discipline for his or her campaign conduct; n unsuccessful candidate who is a lawyer is subject to :wyer discipline for his or her campaign conduct. A :wyer who is a candidate for judicial office is subject) Rule 8.2(a) and (b) of the Louisiana Rules of rofessional Conduct.

H. Definition of Candidate. A candidate is a ɛrson seeking election or reelection to a judicial fice. A person becomes a candidate for judicial fice as soon as he or she makes a public announce- ent of candidacy, declares or files as a candidate th the election or appointment authority, or autho- ɛes solicitation or acceptance of contributions or pport, whichever occurs first. The term "candi- te" has the same meaning when applied to a judge eking election to judicial or non-judicial office.

I. Candidacy for Non-Judicial Office. A judge all resign his or her office when the judge becomes ɛandidate either in a party primary or in a general ɛction for a non-judicial office, except that a judge ıy continue to hold judicial office while being a ıdidate for election to or serving as a delegate in a te constitutional convention, if the judge is other- ɜe permitted by law to do so.

ıended June 28, 1983; amended and effective July 1, 1997; ɛnded May 28, 1998, effective July 1, 1998; amended and ɛctive June 3, 1993; amended July 3, 1996, effective July 996; amended and effective July 1, 1997; amended May 1998, effective July 1, 1998.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

ıll elected judges and anyone, whether or not a yer, who is an officer of a court of record perform- judicial functions, including an officer such as a ge ad hoc, judge pro tempore, referee, special ıster, court commissioner, judicially appointed hear- officer, or magistrate, and anyone who is a justice he peace, is a judge for the purpose of this Code. judges shall comply with this Code.

. **Part-Time Judge.** A part-time judge is a ge who serves on a continuing or periodic basis, is permitted by law to devote time to some other 'ession or occupation and whose compensation for reason is less than that of a full-time judge.

part-time judge:

) is exempt from Canons 5C(2), 5D, and 5E;

) shall not practice law in the court on which he he serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not gov- erned by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judi- cially appointed hearing officers are required to com- ply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Associa- tion and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Asso- ciation.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993, amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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LOUISIANA
RULES OF COURT

STATE

2001

INCLUDING AMENDMENTS RECEIVED
THROUGH MAY 1, 2001

DEF00131
PORT Exhibit 1001 (q)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Including Amendments Received Through May 1, 2001

Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon

1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 18, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall

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not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness or bring the judiciary into disrepute, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained

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from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared

V Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When

extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge

may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

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(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court; or

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

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F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; amended and effective July 1, 1997; amended May 28, 1998, effective July 1, 1998; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended May 28, 1998, effective July 1, 1998.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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LOUISIANA
RULES OF COURT

STATE

2002

INCLUDING AMENDMENTS RECEIVED
THROUGH MAY 1, 2002

INCLUDES NEW RULES FOR LOUISIANA DISTRICT COURTS,
AND NUMBERING SYSTEMS FOR LOUISIANA FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS,
EFFECTIVE APRIL 1, 2002

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PORT Exhibit 1001 (r)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Including Amendments Received Through May 1, 2002

Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon

CANON 1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
CANON 2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
CANON 3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
CANON 4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
CANON 5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
CANON 6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
CANON 7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.
COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the

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judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

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(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1992; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not

reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund raising speaker or the guest of honor at an organization's fund raising events, but may attend such events.

C. **Financial Activities.**

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. **Service as Arbitrator or Mediator.** A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. **Extra-Judicial Appointments.** A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. **Compensation.** Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. **Expenses.** Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. **Gifts.** A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. **Annual Reports.**

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. **Political Conduct in General.**

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(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court;

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent; or

(iv) while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

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F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended May 28, 1998, effective July 1, 1998; amended March 13, 2002, effective April 15, 2002.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

Including Amendments Received Through May 1, 2002

Research Note

Use WESTLAW to find cases citing a rule. WESTLAW may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

ARTICLE I. NAME

Section
1. Name.

ARTICLE II. DOMICILE, PRINCIPAL OFFICE AND SERVICE OF PROCESS

1. Domicile and Principal Office.
2. Service of Process.

ARTICLE III. OBJECTS, PURPOSES, DURATION AND POWERS

1. Objects and Purposes.
2. Duration, Powers, Etc.

ARTICLE IV. MEMBERSHIP

1. Active Members.
2. Faculty Members.
3. Inactive Members.
4. Authority to Practice Law Restricted.

ARTICLE V. REGISTRATION AND DUES

1. Registration.
2. Dues.
3. Payment of Dues.
4. Suspension for Non-payment of Dues.
5. Reinstatement of Inactive Members.
6. Fiscal Year

ARTICLE VI. OFFICERS

1. Officers.
2. Rotation of Officers.

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LOUISIANA
RULES OF COURT

STATE

2003

INCLUDING AMENDMENTS RECEIVED
THROUGH MAY 1, 2003

INCLUDES RULES FOR LOUISIANA DISTRICT COURTS,
AND NUMBERING SYSTEMS FOR LOUISIANA FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS

THOMSON
WEST

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DEF00149
PORT Exhibit 1001 (s)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975

Effective January 1, 1976

Including Amendments Received Through May 1, 2003

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon
1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 18, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of

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judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996

CANON 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

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(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials

will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed

XV. The confidentiality of the attorney/client relationship must be protected Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

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B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective February 12, 2003.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

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CANON 7
A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court;

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent; or

(iv) while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000

Population of Election District	Amount of Campaign Funds That May Be Retained
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

ARTICLES OF INCORPORATION OF THE LOUISIANA STATE BAR ASSOCIATION

Including Amendments Received Through May 1, 2003

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

ARTICLE I. NAME

Section

1. Name.

ARTICLE II. DOMICILE, PRINCIPAL OFFICE AND SERVICE OF PROCESS

1. Domicile and Principal Office.

Section

2. Service of Process.

ARTICLE III. OBJECTS, PURPOSES, DURATION AND POWERS

1. Objects and Purposes.
2. Duration, Powers, Etc.

Governors or officers of this Association which is provided by law.

Added Jan. 10, 1991.

(1) *Administrative Law.* The purposes of this Section are to provide a forum for study and discussion of administrative law issues arising under the laws of the State of Louisiana and of the United States; to contribute to the continuing education of the attorney who practices in this field; to disseminate information regarding recent administrative law decisions of the state and federal agencies and courts; to encourage publication of legal writings on administrative law questions among the members of the Association; to establish liaison with the Louisiana State Bar Association, the American Bar Association, and the legal academic community to achieve these purposes; and to take such actions in respect thereto as may be desirable and consistent with the Articles of Incorporation and Bylaws of this Association.

(22) *Public Utility.* The purposes of this Section shall be to encourage and foster discussions in the field of public utilities; to contribute to and provide opportunities for the continuing education of the attorney who practices in the public utility field; to promote interest in and study of the existing statutes and jurisprudence, which govern this field; and to cooperate and establish liaison with the Louisiana State Bar Association, American Bar Association, local bar associations and the legal academic community to achieve these purposes whenever possible in a manner not otherwise inconsistent with these Bylaws.

Amended June 8, 2001.

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CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975
Effective January 1, 1976

Including Amendments Received Through May 1, 2004

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon

1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 18, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall

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not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained

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from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When

extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge

may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. **Financial Activities.**

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective Feb. 12, 2003

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. **Gifts.** A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. ~~In the~~ report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

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(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not

(i) make pledges or promises of conduct in office other than the faithful and impartial performance of the duties of the office;

(ii) make statements that commit or appear to commit the candidate with respect to cases, controversies, or issues that are likely to come before the court;

(iii) knowingly misrepresent the identity, qualifications, present position or other fact concerning the candidate or an opponent; or

(iv) while a proceeding is pending or impending in any court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; Amended and effective June 3, 1993, amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

DEF00167

5418

LOUISIANA
RULES OF COURT

STATE

2005

INCLUDES RULES FOR LOUISIANA DISTRICT COURTS,
AND NUMBERING SYSTEMS FOR LOUISIANA FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS

THOMSON
WEST

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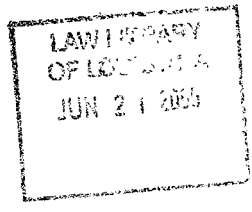

DEF00168
PORT Exhibit 1001 (u)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975
Effective January 1, 1976

Including Amendments Received Through May 1, 2005

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon
1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As used in this Code, "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

DEF00169

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Jan. 13, 2006, effective Feb. 1, 2005.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

(10) A judge shall not, with respect to 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 the office.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

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C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispnte as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective Feb. 12, 2003

CANON 6
A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $250 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not:

(i) with respect to 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 the office;

(ii) 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; or

(iii) while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court

Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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LOUISIANA RULES OF COURT

STATE

2006

INCLUDES RULES FOR LOUISIANA DISTRICT COURTS, AND NUMBERING SYSTEMS FOR LOUISIANA FAMILY AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS

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PORT Exhibit 1001 (v)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975
Effective January 1, 1976

Including Amendments Received Through May 1, 2006

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-ORDERS Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon
1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following new Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As used in this Code, "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

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B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Jan. 13, 2005, effective Feb. 1, 2005.

CANON 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. **Adjudicative Responsibilities.**

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

(10) A judge shall not, with respect to 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 the office.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

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C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

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CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize
the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective Feb. 12, 2003.

CANON 6
A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and
Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $500 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

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(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

(3) A judge shall file initial and annual disclosure statements with the Office of the Judicial Administrator of the Supreme Court of Louisiana if the judge derives directly, or through a legal entity of which he/she owns ten percent or more, anything of economic value, when that value exceeds $2,500, from a contract or subcontract which is related to a disaster or emergency declared by the governor, and when the judge knows or reasonably should know the contract or subcontract is or may be funded or reimbursed in whole or in part with federal funds.

Initial disclosure statements shall be due on or before March 1, 2006, or within 15 days after the judge or legal entity enters into such a contract or subcontract, whichever occurs later. Thereafter, annual disclosure statements are due on or before January 31st. Disclosure statements shall be subject to public inspection.

Disclosure statements shall contain the following information:

(a) The name, business address and office held by the judge;

(b) If through a legal entity,

(i) the name and business address of the legal entity;

(ii) the percentage of the judge's ownership interest in the legal entity;

(iii) the position, if any, held by the judge in the legal entity;

(c) The nature of the contract or subcontract, including:

(i) the amount of the contract or subcontract;

(ii) a description of the goods or services provided or to be provided pursuant to the contract or subcontract;

(d) The amount of income or value of anything of economic value to be derived or, if the actual amount is unknown at the time the statement is due, the amount reasonably expected to be derived by the judge from the contract or subcontract.

Any judge who is subject to the provisions of this subpart shall be required to file annual disclosure statements until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or until the judge vacates his/her judicial office, whichever occurs first. Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to the judge taking office; however, if a judge receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this subpart pursuant to the renewal of such a contract or subcontract occurring after the judge takes office, the judge shall file a disclosure statement no later than 15 days after such renewal.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996; amended Dec. 6, 2005, effective Jan. 1, 2006; amended Jan. 10, 2006, effective Feb. 1, 2006.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not:

(i) with respect to 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 the office;

(ii) 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; or

(iii) while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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 participat-

ing 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. **Retired Judge.** A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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(i) employing one or more members of the bar of this State;

(ii) being employed by one or more members of the bar of this State or by any partnership or professional law corporation which includes members of the bar of this State or which maintains an office in this State; and

(iii) being a partner in any partnership, shareholder in any professional law corporation, or member of a limited liability company which includes members of the bar of this State or which maintains an office in this State; and

(b) attorney-client privilege, work-product privilege and similar professional privileges.

B. Notwithstanding paragraph A(1) of this subsection, a person licensed as a legal consultant is not required to comply with the minimum requirements of continuing legal education as mandated by Rule 1.1(b) of Article XVI of these Articles of Incorporation.

8. **Revocation of License.**

In the event the Supreme Court determines that a person licensed as a legal consultant no longer meets the requirements for licensure, it shall revoke the license granted to such person.

Adopted May 9, 1996, effective July 1, 1996.

Historical Notes

A prior § 11 of Article 14 of the Articles of Incorporation of the Louisiana State Bar Association was deleted.

ARTICLE XV. DISCIPLINE AND DISBARMENT OF MEMBERS [REPEALED]

§§ 1 to 16. Vacated and repealed effective April 1, 1990

Publisher's Note: See now Supreme Court Rule XIX.

ARTICLE XVI. RULES OF PROFESSIONAL CONDUCT

Reenacted January 20, 2004, effective March 1, 2004

Including Amendments Received Through May 1, 2006

Rule

1.0. Terminology.

CLIENT-LAWYER RELATIONSHIP

1.1. Competence.
1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.
1.3. Diligence.
1.4. Communication.
1.5. Fees.
1.6. Confidentiality of Information.
1.7. Conflict of Interest: Current Clients.
1.8. Conflict of Interest: Current Clients: Specific Rules.
1.9. Duties to Former Clients.
1.10. Imputation of Conflicts of Interest: General Rule.
1.11. Special Conflicts of Interest for Former and Current Government Officers and Employees.
1.12. Former Judge, Arbitrator, Mediator or Other Third-Party Neutral.
1.13. Organization as Client.
1.14. Client with Diminished Capacity.
1.15. Safekeeping Property.
1.16. Declining or Terminating Representation.
1.18. Duties to Prospective Client.

COUNSELOR

2.1. Advisor.
2.2. [Deleted].
2.3. Evaluation for Use by Third Persons.
2.4. Lawyer Serving as Third-Party Neutral.

ADVOCATE

3.1. Meritorious Claims and Contentions.
3.2. Expediting Litigation.

Rule

ADVOCATE—Cont'd

3.3. Candor Toward the Tribunal.
3.4. Fairness to Opposing Party and Counsel.
3.5. Impartiality and Decorum of the Tribunal.
3.6. Trial Publicity.
3.7. Lawyer as Witness.
3.8. Special Responsibilities of a Prosecutor.
3.9. Advocate in Nonadjudicative Proceedings.

TRANSACTIONS WITH PERSONS OTHER THAN CLIENTS

4.1. Truthfulness in Statements to Others.
4.2. Communication with Person Represented by Counsel.
4.3. Dealing with Unrepresented Person.
4.4. Respect for Rights of Third Persons.

LAW FIRMS AND ASSOCIATIONS

5.1. Responsibilities of Partners, Managers, and Supervisory Lawyers.
5.2. Responsibilities of a Subordinate Lawyer.
5.3. Responsibilities Regarding Nonlawyer Assistants.
5.4. Professional Independence of a Lawyer.
5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law.
5.6. Restrictions on Right to Practice.

PUBLIC SERVICE

6.1. Voluntary Pro Bono Publico Service.
6.2. Accepting Appointments.
6.3. Membership in Legal Services Organization.
6.4. Law Reform Activities Affecting Client Interests.

ensure that the person's conduct is compatible with the professional obligations of the lawyer; and

(c) a lawyer shall be responsible for conduct of such a person that would be a violation of the Rules of Professional Conduct if engaged in by a lawyer if:

(1) the lawyer orders or, with the knowledge of the specific conduct, ratifies the conduct involved; or

(2) the lawyer is a partner or has comparable managerial authority in the law firm in which the person is employed, or has direct supervisory authority over the person, and knows of the conduct at a time when its consequences can be avoided or mitigated but fails to take reasonable remedial action.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 5.4. Professional Independence of a Lawyer

(a) A lawyer or law firm shall not share legal fees with a nonlawyer, except that:

(1) an agreement by a lawyer with the lawyer's firm, partner, or associate may provide for the payment of money, over a reasonable period of time after the lawyer's death, to the lawyer's estate or to one or more specified persons;

(2) a lawyer who undertakes to complete unfinished legal business of a deceased lawyer may pay to the estate of the deceased lawyer that proportion of the total compensation which fairly represents the services rendered by the deceased lawyer;

(3) a lawyer or law firm may include nonlawyer employees in a compensation or retirement plan, even though the plan is based in whole or in part on a profit-sharing arrangement; and

(4) [Reserved]

(5) a lawyer may share legal fees as otherwise provided in Rule 7.2(b).

(b) A lawyer shall not form a partnership with a nonlawyer if any of the activities of the partnership consist of the practice of law.

(c) A lawyer shall not permit a person who recommends, employs, or pays the lawyer to render legal services for another to direct or regulate the lawyer's professional judgment in rendering such legal services.

(d) A lawyer shall not practice with or in the form of a professional corporation or association authorized to practice law for profit, if:

(1) a nonlawyer owns any interest therein, except that a fiduciary representative of the estate of a lawyer may hold the stock or interest of the lawyer for a reasonable time during administration;

(2) a nonlawyer is a corporate director or officer thereof or occupies the position of similar responsibility in any form of association other than a corporation; or

(3) a nonlawyer has the right to direct or control the professional judgment of a lawyer.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 5.5. Unauthorized Practice of Law; Multijurisdictional Practice of Law

(a) A lawyer shall not practice law in violation of the regulation of the legal profession in that jurisdiction, or assist another in doing so.

(b) A lawyer who is not admitted to practice in this jurisdiction shall not:

(1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or

(2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

(c) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services on a temporary basis in this jurisdiction that:

(1) are undertaken in association with a lawyer who is admitted to practice in this jurisdiction and who actively participates in the matter;

(2) are in or reasonably related to a pending or potential proceeding before a tribunal in this or another jurisdiction, if the lawyer, or a person the lawyer is assisting, is authorized by law or order to appear in such proceeding or reasonably expects to be so authorized;

(3) are in or reasonably related to a pending or potential arbitration, mediation, or other alternative dispute resolution proceeding in this or another jurisdiction, if the services arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice and are not services for which the forum requires *pro hac vice* admission; or

(4) are not within paragraphs (c)(2) or (c)(3) and arise out of or are reasonably related to the lawyer's practice in a jurisdiction in which the lawyer is admitted to practice.

(d) A lawyer admitted in another United States jurisdiction, and not disbarred or suspended from practice in any jurisdiction, may provide legal services in this jurisdiction that:

(1) are provided to the lawyer's employer or its organizational affiliates and are not services for which the forum requires *pro hac vice* admission and that are provided by an attorney who has received a limited license to practice law pursuant to La. S. Ct. Rule XVII, § 14; or

(2) are services that the lawyer is authorized to provide by federal law or other law of this jurisdiction.

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(e)(1) A lawyer shall not:

(i) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a disbarred attorney, during the period of disbarment, or any person the attorney knows or reasonably should know is an attorney who has permanently resigned from the practice of law in lieu of discipline; or

(ii) employ, contract with as a consultant, engage as an independent contractor, or otherwise join in any other capacity, in connection with the practice of law, any person the attorney knows or reasonably should know is a suspended attorney, during the period of suspension, unless first preceded by the submission of a fully executed employment registration statement to the Office of Disciplinary Counsel, on a registration form provided by the Louisiana Attorney Disciplinary Board, and approved by the Louisiana Supreme Court.

(e)(2) The registration form provided for in Section (e)(1) shall include:

(i) the identity and bar roll number of the suspended attorney sought to be hired;

(ii) the identity and bar roll number of the attorney having direct supervisory responsibility over the suspended attorney throughout the duration of employment or association;

(iii) a list of all duties and activities to be assigned to the suspended attorney during the period of employment or association;

(iv) the terms of employment of the suspended attorney, including method of compensation;

(v) a statement by the employing attorney that includes a consent to random compliance audits, to be conducted by the Office of Disciplinary Counsel, at any time during the employment or association of the suspended attorney; and

(vi) a statement by the employing attorney certifying that the order giving rise to the suspension of the proposed employee has been provided for review and consideration in advance of employment by the suspended attorney.

(e)(3) For purposes of this Rule, the practice of law shall include the following activities:

(i) holding oneself out as an attorney or lawyer authorized to practice law;

(ii) rendering legal consultation or advice to a client;

(iii) appearing on behalf of a client in any hearing or proceeding, or before any judicial officer, arbitrator, mediator, court, public agency, referee, magistrate, commissioner, hearing officer, or governmental body operating in an adjudicative capacity, including submission of pleadings, except as may otherwise be permitted by law;

(iv) appearing as a representative of the client at a deposition or other discovery matter;

(v) negotiating or transacting any matter for or on behalf of a client with third parties;

(vi) otherwise engaging in activities defined by law or Supreme Court decision as constituting the practice of law.

(e)(4) In addition, a suspended lawyer shall not receive, disburse or otherwise handle client funds.

(e)(5) Upon termination of the suspended attorney, the employing attorney having direct supervisory authority shall promptly serve upon the Office of Disciplinary Counsel written notice of the termination.

Reenacted Jan. 20, 2004, effective March 1, 2004. Amended and effective March 24, 2004; amended March 8, 2005, effective April 1, 2005.

Historical Notes

Application of Order of March 24, 2004. Part 2 of the Order of Supreme Court, dated March 24, 2004, amending Rule 5.5(c) [see Rule 5.5(e)(1)(i) in Order of March 8, 2005], provides:

"This rule change shall be applicable to any lawyer who is allowed to permanently resign from the practice of law in lieu of discipline through any order, judgment, or decree of the Court which becomes final after the effective date."

Rule 5.6. Restrictions on Right to Practice

A lawyer shall not participate in offering or making:

(a) a partnership, shareholders, operating, employment, or other similar type of agreement that restricts the rights of a lawyer to practice after termination of the relationship, except an agreement concerning benefits upon retirement; or

(b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy.

Reenacted Jan. 20, 2004, effective March 1, 2004.

PUBLIC SERVICE

Rule 6.1. Voluntary Pro Bono Publico Service

Every lawyer should aspire to provide legal services to those unable to pay. A lawyer should aspire to render at least (50) hours of pro bono publico legal services per year. In fulfilling this aspirational goal, the lawyer should:

(a) provide a substantial majority of the (50) hours of legal services without fee or expectation of fee to:

(1) persons of limited means or

(2) charitable, religious, civic, community, governmental and educational organizations in matters that are designed primarily to address the needs of persons of limited means; and

(b) provide any additional services through:

(1) delivery of legal services at no fee or substantially reduced fee to individuals, groups or organizations seeking to secure or protect civil rights, civil

liberties or public rights, or charitable, religious, civic, community, governmental and educational organizations in matters in furtherance of their organizational purposes, where the payment of standard legal fees would significantly deplete the organization's economic resources or would be otherwise inappropriate;

(2) delivery of legal services at a substantially reduced fee to persons of limited means; or

(3) participation in activities for improving the law, legal system or the legal profession.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 6.2. Accepting Appointments

A lawyer shall not seek to avoid appointment by a tribunal to represent a person except for good cause, such as:

(a) representing the client is likely to result in violation of the Rules of Professional Conduct or other law;

(b) representing the client is likely to result in an unreasonable financial burden on the lawyer; or

(c) the client or the cause is so repugnant to the lawyer as to be likely to impair the client-lawyer relationship or the lawyer's ability to represent the client.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 6.3. Membership in Legal Services Organization

A lawyer may serve as a director, officer or member of a legal services organization, apart from the law firm in which the lawyer practices, notwithstanding that the organization serves persons having interests adverse to a client of the lawyer. The lawyer shall not knowingly participate in a decision or action of the organization:

(a) if participating in the decision or action would be incompatible with the lawyer's obligations to a client under Rule 1.7; or

(b) where the decision or action could have a material adverse effect on the representation of a client of the organization whose interests are adverse to a client of the lawyer.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 6.4. Law Reform Activities Affecting Client Interests

A lawyer may serve as a director, officer or member of an organization involved in reform of the law or its administration notwithstanding that the reform may affect the interests of a client of the lawyer. When the lawyer knows that the interests of a client may be materially benefitted by a decision in which the lawyer participates, the lawyer shall disclose that fact but need not identify the client.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 6.5. Nonprofit and Court-Annexed Limited Legal Services Programs

(a) A lawyer who, under the auspices of a program sponsored by a nonprofit organization or court, provides short-term limited legal services to a client without expectation by either the lawyer or the client that the lawyer will provide continuing representation in the matter:

(1) is subject to Rules 1.7 and 1.9(a) only if the lawyer knows that the representation of the client involves a conflict of interest; and

(2) is subject to Rule 1.10 only if the lawyer knows that another lawyer associated with the lawyer in a law firm is disqualified by Rule 1.7 or 1.9(a) with respect to the matter.

(b) Except as provided in paragraph (a)(2), Rule 1.10 is inapplicable to a representation governed by this Rule.

Reenacted Jan. 20, 2004, effective March 1, 2004.

INFORMATION ABOUT LEGAL SERVICES

Rule 7.1. Communications Concerning a Lawyer's Services

(a) A lawyer shall not make or permit to be made a false, misleading or deceptive communication about the lawyer, the lawyer's services or the services of the lawyer's firm. For example, a communication violates this rule if it:

(i) Contains a material misrepresentation of fact or omits a fact necessary to make the communication, considered as a whole, not misleading; or

(ii) Contains a statement or implication that the outcome of any particular legal matter was not or will not be related to its facts or merits; or

(iii) Contains a statement or implication that the lawyer can influence unlawfully any court, tribunal or other public body or official; or

(iv) In the case of a bankruptcy matter, fails to state clearly that the matter will involve a bankruptcy proceeding; or

(v) Compares the lawyer's or the law firm's services with any other lawyer's services, unless the comparison can be factually substantiated; or

(vi) Contains an endorsement by a celebrity or public figure without disclosing that (A) the endorser is not a client of the lawyer or the firm, if such is the case, and (B) the endorser is being paid or otherwise compensated for his or her endorsement, if such is the case; or

(vii) Contains a visual portrayal of a client by a nonclient or a lawyer by a nonlawyer without disclosure that the depiction is a dramatization; or

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(viii) Contains misleading fee information. Every communication that contains information about the lawyer's fee shall be subject to the following requirements:

(A) Communications that state or indicate that no fee will be charged in the absence of recovery shall disclose that the client will be liable for certain expenses in addition to the fee, if such is the case.

(B) A lawyer who advertises a specific fee, hourly rate or range of fees for a particular service shall honor the advertised fee for at least ninety (90) days from the date it was last advertised; provided that for advertisements in print media published annually, the advertised fee shall be honored for a period not less than one year following initial publication.

(b) In determining whether a communication violates this rule, the communication shall be considered in its entirety including any qualifying statements or disclaimers contained therein.

(c) A lawyer shall not accept a referral from any person, firm or entity whom the lawyer knows has engaged in any communication or solicitation relating to the referred matter that would violate these rules if the communication or solicitation were made by the lawyer.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 7.2. Advertising

A lawyer shall not give anything of value to a person for recommending the lawyer's services; provided, however, that

(a) a lawyer may pay the reasonable and customary costs of an advertisement or communication not in violation of these rules, and

(b) a lawyer may pay usual, reasonable and customary charges of a lawyer referral service operated by the Louisiana State Bar Association, any local bar association, or any other not-for-profit organization, provided the lawyer referral service:

(i) refers all persons who request legal services to a participating lawyer;

(ii) prohibits lawyers from increasing their fee to a client to compensate for the referral service charges; and

(iii) fairly and equitably distributes referral cases among the participating lawyers, within their area of practice, by random allotment or by rotation.

Reenacted Jan. 20, 2004, effective March 1, 2004.

See Rule 7.1 of the Rules of Professional Conduct for example of a misleading communication in a bankruptcy matter.

Rule 7.3. Direct Contact with Prospective Clients

(a) A lawyer shall not solicit professional employment in person, by person to person verbal telephone contact or through others acting at his request or on his behalf from a prospective client with whom the lawyer has no family or prior professional relationship when a significant motive for the lawyer's doing so is the lawyer's pecuniary gain.

(b) In instances where there is no family or prior professional relationship, a lawyer shall not initiate any form of targeted solicitation, whether a written or recorded communication, of a person or persons known to need legal services of a particular kind provided by the lawyer in a particular matter for the purpose of obtaining professional employment unless such communication complies with the requirements set forth below and is not otherwise in violation of these rules:

(i) A copy or recording of each such communication and a record of when and where it was used shall be kept by the lawyer using such communication for three (3) years after its last dissemination.

(ii) Such communication shall state clearly the name of at least one member in good standing of the Association responsible for its content.

(iii) In the case of a written communication:

(A) such communication shall not resemble a legal pleading, notice, contract or other legal document and shall not be delivered via registered mail, certified mail or other restricted form of delivery;

(B) the top of each page of such communication and the lower left corner of the face of the envelope in which the communication is enclosed shall be plainly marked "ADVERTISEMENT" in print size at least as large as the largest print used in the written communication, provided that if the written communication is in the form of a self-mailing brochure or pamphlet, the "ADVERTISEMENT" mark shall appear above the address panel of the brochure or pamphlet; or in the case of an electronic mail communication, the subject line of the communication states that "This is an advertisement for legal services"; and

(C) if the communication concerns an action for personal injury or wrongful death or otherwise relates to an accident or disaster involving the person to whom the communication is addressed or a relative of that person, such communication shall not be initiated by the lawyer unless the accident or disaster occurred more than 30 days prior to the mailing of the communication.

(iv) In the case of a recorded communication, such communication shall be identified specifically as an advertisement at the beginning of the recording, at the end of the recording and on any envelope in which it is transmitted in accordance with the requirements of subparagraph (iii)(B) above.

(v) If the communication is prompted by a specific occurrence involving or affecting the intended recipient of the communication or a family member of the intended recipient, such communication shall

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disclose how the lawyer obtained the information prompting the communication.

(c) Notwithstanding anything herein to the contrary, a lawyer shall not solicit professional employment from a prospective client through any means, even when not otherwise prohibited by these rules, if:

(i) the prospective client has made known to the lawyer a desire not to be solicited; or

(ii) the solicitation involves coercion, duress, harassment, fraud, overreaching, intimidation or undue influence.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 7.4. Communication of Fields of Practice

A lawyer shall not state or imply that the lawyer is certified, or is a specialist or an expert, in a particular area of law, unless such certification, specialization or expertise has been recognized or approved in accordance with the rules and procedures established by the Louisiana Board of Legal Specialization.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 7.5. Firm Names and Letterheads

(a) A lawyer shall not use a firm name, logo, letterhead, professional designation, trade name or trademark that violates the provisions of these rules. A lawyer or law firm shall not practice under a trade name that implies a connection with a government agency, public or charitable services organization or other professional association. A lawyer shall not use a trade or fictitious name unless the name is the law firm name that also appears on the lawyer's letterhead, business cards, office signs and fee contracts and appears with the lawyer's signature on pleadings and other legal documents.

(b) A law firm with offices in more than one jurisdiction may use the same name in each jurisdiction, but the identification of the lawyers in an office of the firm shall indicate the jurisdictional limitations on those not licensed to practice in any jurisdiction where an office is located.

(c) The name of a lawyer holding a public office or formerly associated with a firm shall not be used in the name of a law firm, on its letterhead, or in any communication on its behalf during any substantial period in which the lawyer is not actively and regularly practicing with the firm.

(d) Lawyers may state or imply that they practice in a partnership or other organization only when that is the fact.

(e) If otherwise lawful, a firm may use as, or continue to include in, its name, the name or names of one or more deceased or retired members of the firm, or of a predecessor firm in a continuing line of succession.

Reenacted Jan. 20, 2004, effective March 1, 2004.

MAINTAINING INTEGRITY OF THE PROFESSION

Rule 8.1. Bar Admission and Disciplinary Matters

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

(a) Knowingly make a false statement of material fact;

(b) Fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this rule does not require disclosure of information otherwise protected by Rule 1.6; or

(c) Fail to cooperate with the Office of Disciplinary Counsel in its investigation of any matter before it except for an openly expressed claim of a constitutional privilege.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 8.2. Judicial and Legal officials

(a) A lawyer shall not make a statement that the lawyer knows to be false or with reckless disregard as to its truth or falsity concerning the qualifications or integrity of a judge, adjudicatory officer or public legal officer, or of a candidate for election or appointment to judicial or legal office.

(b) A lawyer who is a candidate for judicial office shall comply with the applicable provisions of the Code of Judicial Conduct.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 8.3. Reporting Professional Misconduct

(a) A lawyer who knows that another lawyer has committed a violation of the Rules of Professional Conduct that raises a question as to the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects, shall inform the Office of Disciplinary Counsel.

(b) A lawyer who knows that a judge has committed a violation of the applicable rules of judicial conduct that raises a question as to the judge's honesty, trustworthiness or fitness for office shall inform the Judiciary Commission. Complaints concerning the conduct of federal judges shall be filed with the appropriate federal authorities in accordance with federal laws and rules governing federal judicial conduct and disability.

(c) This rule does not require the disclosure of information otherwise protected by Rule 1.6 or information gained by a lawyer or judge while participating in an approved lawyers assistance program or while

serving as a member of the Ethics Advisory Service Committee.

Reenacted Jan. 20, 2004, effective March 1, 2004. Amended May 12, 2004, effective May 29, 2004.

Rule 8.4. Misconduct

It is professional misconduct for a lawyer to:

(a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) Commit a criminal act especially one that reflects adversely on the lawyer's honesty, trustworthiness or fitness as a lawyer in other respects;

(c) Engage in conduct involving dishonesty, fraud, deceit or misrepresentation;

(d) Engage in conduct that is prejudicial to the administration of justice;

(e) State or imply an ability to influence improperly a judge, judicial officer, governmental agency or official or to achieve results by means that violate the Rules of Professional Conduct or other law;

(f) Knowingly assist a judge or judicial officer in conduct that is a violation of applicable Rules of Judicial Conduct or other law; or

(g) Threaten to present criminal or disciplinary charges solely to obtain an advantage in a civil matter.

Reenacted Jan. 20, 2004, effective March 1, 2004.

Rule 8.5. Disciplinary Authority; Choice of Law

(a) Disciplinary Authority. A lawyer admitted to practice in this jurisdiction is subject to the disciplinary authority of this jurisdiction, regardless of where the lawyer's conduct occurs. A lawyer not admitted in this jurisdiction is also subject to the disciplinary authority of this jurisdiction if the lawyer provides or offers to provide any legal services in this jurisdiction. A lawyer may be subject to the disciplinary authority of both this jurisdiction and another jurisdiction for the same conduct.

(b) Choice of Law. In any exercise of the disciplinary authority of this jurisdiction, the rules of professional conduct to be applied shall be as follows:

(1) for conduct in connection with a matter pending before a tribunal, the rules of the jurisdiction in which the tribunal sits, unless the rules of the tribunal provide otherwise; and

(2) for any other conduct, the rules of the jurisdiction in which the lawyer's conduct occurred, or, if the predominant effect of the conduct is in a different jurisdiction, the rules of that jurisdiction shall be applied to the conduct. A lawyer shall not be subject to discipline if the lawyer's conduct conforms to the rules of a jurisdiction in which the lawyer reasonably believes the predominant effect of the lawyer's conduct will occur.

Reenacted Jan. 20, 2004, effective March 1, 2004. Amended March 8, 2005, effective April 1, 2005.

ARTICLE XVII. AMENDMENTS

Section 1. Amendments

These Articles of Incorporation, except Articles XIV, XV, and XVI, may be amended by a majority vote, by a secret mail ballot, of the members of this Association who actually vote. Such Amendments may be proposed by a majority vote of the House of Delegates or by a majority vote of the members of the Association at the Annual Meeting or on a written petition signed by one hundred (100) members and filed with the Secretary-Treasurer. The details for the balloting, including the time for voting and the contents of the ballot, shall be provided by the Board of Governors.

Articles XIV, XV, and XVI can be amended only by a majority vote of the House of Delegates, approved by the Supreme Court of Louisiana.

Amended Jan. 11, 1977, effective Jan. 26, 1977.

ARTICLE XVIII. PERSONAL LIABILITY OF MEMBERS OF THE BOARD OF GOVERNORS OR OFFICERS

No member of the Board of Governors or officer of this Association shall be personally liable to the Association or its members for monetary damages for breach of fiduciary duty as a member of the Board of Governors or as an officer, except to the limited extent provided by Louisiana corporation statutes.

Nothing contained herein shall be deemed to abrogate or diminish any exemption from liability or limitation of liability of the members of the Board of Governors or officers of this Association which is provided by law.

Added Jan. 10, 1991.

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ARTICLE XVI. RULES OF PROFESSIONAL CONDUCT

Reenacted January 20, 2004, effective March 1, 2004

Including Amendments Received Through December 1, 2006

CLIENT-LAWYER RELATIONSHIP

Rule
1.8. Conflict of Interest: Current Clients: Specific Rules.

CLIENT-LAWYER RELATIONSHIP

Rule 1.8. Conflict of Interest: Current Clients: Specific Rules

(a) A lawyer shall not enter into a business transaction with a client or knowingly acquire an ownership, possessory, security or other pecuniary interest adverse to a client unless:

(1) the transaction and terms on which the lawyer acquires the interest are fair and reasonable to the client and are fully disclosed and transmitted in writing in a manner that can be reasonably understood by the client;

(2) the client is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel on the transaction; and

(3) the client gives informed consent, in a writing signed by the client, to the essential terms of the transaction and the lawyer's role in the transaction, including whether the lawyer is representing the client in the transaction.

(b) A lawyer shall not use information relating to representation of a client to the disadvantage of the client unless the client gives informed consent, except as permitted or required by these Rules.

(c) A lawyer shall not solicit any substantial gift from a client, including a testamentary gift, or prepare on behalf of a client an instrument giving the lawyer or a person related to the lawyer any substantial gift unless the lawyer or other recipient of the gift, is related to the client. For purposes of this paragraph, related persons include a spouse, child, grandchild, parent, or grandparent.

(d) Prior to the conclusion of representation of a client, a lawyer shall not make or negotiate an agreement giving the lawyer literary or media rights to a portrayal or account based in substantial part on information relating to the representation.

(e) A lawyer shall not provide financial assistance to a client in connection with pending or contemplated litigation, except as follows.

(1) A lawyer may advance court costs and expenses of litigation, the repayment of which may be contingent on the outcome of the matter, provided that the expenses were reasonably incurred. Court costs and expenses of litigation include, but are not necessarily limited to, filing fees; deposition costs; expert witness fees; transcript costs; witness fees; copy costs; photographic, electronic, or digital evidence production; investigation fees; related travel expenses; litigation related medical expenses; and any other case specific expenses directly related to the representation undertaken, including those set out in Rule 1.8(e)(3).

(2) A lawyer representing an indigent client may pay court costs and expenses of litigation on behalf of the client.

(3) Overhead costs of a lawyer's practice which are those not incurred by the lawyer solely for the purposes of a particular representation, shall not be passed on to a client. Overhead costs include, but are not necessarily limited to, office rent, utility costs, charges for local telephone service, office supplies, fixed asset expenses, and ordinary secretarial and staff services.

With the informed consent of the client, the lawyer may charge as recoverable costs such items as computer legal research charges, long distance telephone expenses, postage charges, copying charges, mileage and outside courier service charges, incurred solely for the purposes of the representation undertaken for that client, provided they are charged

at the lawyer's actual, invoiced costs for these expenses.

With client consent and where the lawyer's fee is based upon an hourly rate, a reasonable charge for paralegal services may be chargeable to the client. In all other instances, paralegal services shall be considered an overhead cost of the lawyer.

(4) In addition to costs of court and expenses of litigation, a lawyer may provide financial assistance to a client who is in necessitous circumstances, subject however to the following restrictions.

(i) Upon reasonable inquiry, the lawyer must determine that the client's necessitous circumstances, without minimal financial assistance, would adversely affect the client's ability to initiate and/or maintain the cause for which the lawyer's services were engaged.

(ii) The advance or loan guarantee, or the offer thereof, shall not be used as an inducement by the lawyer, or anyone acting on the lawyer's behalf, to secure employment.

(iii) Neither the lawyer nor anyone acting on the lawyer's behalf may offer to make advances or loan guarantees prior to being hired by a client, and the lawyer shall not publicize nor advertise a willingness to make advances or loan guarantees to clients.

(iv) Financial assistance under this rule may provide but shall not exceed that minimum sum necessary to meet the client's, the client's spouse's, and/or dependents' documented obligations for food, shelter, utilities, insurance, non-litigation related medical care and treatment, transportation expenses, education, or other documented expenses necessary for subsistence.

(5) Any financial assistance provided by a lawyer to a client, whether for court costs, expenses of litigation, or for necessitous circumstances, shall be subject to the following additional restrictions.

(i) Any financial assistance provided directly from the funds of the lawyer to a client shall not bear interest, fees or charges of any nature.

(ii) Financial assistance provided by a lawyer to a client may be made using a lawyer's line of credit or loans obtained from financial institutions in which the lawyer has no ownership, control and/or security interest; provided, however, that this prohibition shall not apply to any federally insured bank, savings and loan association, savings bank, or credit union where the lawyer's ownership, control and/or security interest is less than 15%. Where the lawyer uses such loans to provide financial assistance to a client, the lawyer should make reasonable, good faith efforts to procure a favorable interest rate for the client.

(iii) Where the lawyer uses a line of credit or loans obtained from financial institutions to provide financial assistance to a client, the lawyer shall not pass on to the client interest charges, including any fees or other charges attendant to such loans, in an amount exceeding the actual charge by the third party lender, or ten percentage points above the bank prime loan rate of interest as reported by the Federal Reserve Board on January 15th of each year in which the loan is outstanding, whichever is less.

(iv) A lawyer providing a guarantee or security on a loan made in favor of a client may do so only to the extent that the interest charges, including any fees or other charges attendant to such a loan, do not exceed ten percentage points (10%) above the bank prime loan rate of interest as reported by the Federal Reserve Board on January 15th of each year in which the loan is outstanding. Interest together with other charges attendant to such loans which exceeds this maximum may not be the subject of the lawyer's guarantee or security.

(v) The lawyer shall procure the client's written consent to the terms and conditions under which such financial assistance is made. Nothing in this rule shall require client consent in those matters in which a court has certified a class under applicable state or federal law; provided, however, that the court must have accepted and exercised responsibility for making the determination that interest and fees are owed, and that the amount of interest and fees chargeable to the client is fair and reasonable considering the facts and circumstances presented.

(vi) In every instance where the client has been provided financial assistance by the lawyer, the full text of this rule shall be provided to the client at

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the time of execution of any settlement documents, approval of any disbursement sheet as provided for in Rule 1.5, or upon submission of a bill for the lawyer's services.

(vii) For purposes of Rule 1.8(e), the term "financial institution" shall include a federally insured financial institution and any of its affiliates, bank, savings and loan, credit union, savings bank, loan or finance company, thrift, and any other business or person that, for a commercial purpose, loans or advances money to attorneys and/or the clients of attorneys for court costs, litigation expenses, or for necessitous circumstances.

(f) A lawyer shall not accept compensation for representing a client from one other than the client unless:

(1) the client gives informed consent, or the compensation is provided by contract with a third person such as an insurance contract or a prepaid legal service plan;

(2) there is no interference with the lawyer's independence or professional judgment or with the client-lawyer relationship; and

(3) information relating to representation of a client is protected as required by Rule 1.6.

(g) A lawyer who represents two or more clients shall not participate in making an aggregate settlement of the claims of or against the clients, or in a criminal case an aggregated agreement as to guilty or nolo contendere pleas, unless each client gives informed consent, in a writing signed by the client, or a court approves a settlement in a certified class action. The lawyer's disclosure shall include the existence and nature of all the claims or pleas involved and of the participation of each person in the settlement.

(h) A lawyer shall not:

(1) make an agreement prospectively limiting the lawyer's liability to a client for malpractice unless the client is independently represented in making the agreement; or

(2) settle a claim or potential claim for such liability with an unrepresented client or former client unless that person is advised in writing of the desirability of seeking and is given a reasonable opportunity to seek the advice of independent legal counsel in connection therewith.

(i) A lawyer shall not acquire a proprietary interest in the cause of action or subject matter of litigation the lawyer is conducting for a client, except that the lawyer may:

(1) acquire a lien authorized by law to secure the lawyer's fee or expenses; and

(2) contract with a client for a reasonable contingent fee in a civil case.

(j) [Reserved].

(k) A lawyer shall not solicit or obtain a power of attorney or mandate from a client which would authorize the attorney, without first obtaining the client's informed consent to settle, to enter into a binding settlement agreement on the client's behalf or to execute on behalf of the client any settlement or release documents. An attorney may obtain a client's authorization to endorse and negotiate an instrument given in settlement of the client's claim, but only after the client has approved the settlement.

(*l*) While lawyers are associated in a firm, a prohibition in the foregoing paragraphs (a) through (k) that applies to any one of them shall apply to all of them.

Reenacted Jan. 20, 2004, effective March 1, 2004. Amended Jan. 4, 2006, effective April 1, 2006; amended and effective May 19, 2006.

Historical Notes

Part IV of the Supreme Court order of January 4, 2006, repealing and reenacting par. (e) of this Rule, provides:

"PART IV. These rule changes shall become effective on April 1, 2006, and shall apply prospectively only."

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DEF00197
PORT Exhibit 1001 (w)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975
Effective January 1, 1976

Including Amendments Received Through May 1, 2007

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-RULESUPDATES Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 2d and Louisiana Cases advance sheets.

Canon

1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.

COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion hy the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As used in this Code, "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

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B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Jan. 13, 2005, effective Feb. 1, 2005.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

(10) A judge shall not, with respect to 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 the office.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

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CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective Feb. 12, 2003.

CANON 6
A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $500 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

(3) A judge shall file initial and annual disclosure statements with the Office of the Judicial Administrator of the Supreme Court of Louisiana if the judge derives directly, or through a legal entity of which he/she owns ten percent or more, anything of economic value, when that value exceeds $2,500, from a contract or subcontract which is related to a disaster or emergency declared by the governor, and when the judge knows or reasonably should know the contract or subcontract is or may be funded or reimbursed in whole or in part with federal funds.

Initial disclosure statements shall be due on or before March 1, 2006, or within 15 days after the judge or legal entity enters into such a contract or subcontract, whichever occurs later. Thereafter, annual disclosure statements are due on or before January 31st. Disclosure statements shall be subject to public inspection.

Disclosure statements shall contain the following information:

(a) The name, business address and office held by the judge;

(b) If through a legal entity,

(i) the name and business address of the legal entity;

(ii) the percentage of the judge's ownership interest in the legal entity;

(iii) the position, if any, held by the judge in the legal entity;

(c) The nature of the contract or subcontract, including:

(i) the amount of the contract or subcontract;

(ii) a description of the goods or services provided or to be provided pursuant to the contract or subcontract;

(d) The amount of income or value of anything of economic value to be derived or, if the actual amount is unknown at the time the statement is due, the amount reasonably expected to be derived by the judge from the contract or subcontract.

Any judge who is subject to the provisions of this subpart shall be required to file annual disclosure statements until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or until the judge vacates his/her judicial office, whichever occurs first. Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to the judge taking office; however, if a judge receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this subpart pursuant to the renewal of such a contract or subcontract occurring after the judge takes office, the judge shall file a disclosure statement no later than 15 days after such renewal.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996; amended Dec. 6, 2005, effective Jan. 1, 2006; amended Jan. 10, 2006, effective Feb. 1, 2006.

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not:

(i) with respect to 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 the office;

(ii) 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; or

(iii) while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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 participat-

ing 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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(ii) Failure to timely file the annual report or pay the annual fee will result in the suspension of the right to act as a legal consultant until such time as the report is filed and/or the fee is paid.

b. Such annual fee shall include annual dues as determined in accordance with Article V of the Articles of Incorporation of the Louisiana State Bar Association and the disciplinary assessment fee as determined in accordance with Supreme Court Rule XIX.

7. Affiliation with the Louisiana State Bar Association; Business Associations.

a. Subject to the limitations set forth in subsection 4, every person licensed to practice as a legal consultant shall be entitled and subject to:

(i) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a regular member of the bar of this state under the Rules of the Supreme Court of Louisiana; and,

(ii) the rights and obligations of a regular member of the bar of this state with respect to:

(aa) affiliation in the same law firm with one or more members of the bar of this state, including by:

1. employing one or more members of the bar of this state;

2. being employed by one or more members of the bar of this state or by any partnership or professional law corporation which includes members of the bar of this state or which maintains an office in this state; and

3. being a partner in any partnership, shareholder in any professional law corporation, or member of a limited liability company which includes members of the bar of this state or which maintains an office in this state; and

(bb) attorney-client privilege, work-product privilege and similar professional privileges.

b. Notwithstanding paragraph a(i) of this subsection, a person licensed as a legal consultant is not required to comply with the minimum requirements of continuing legal education as mandated by Rule 1.1(b) of Article XVI of these Articles of Incorporation.

8. Revocation of License.

In the event the Supreme Court determines that a person licensed as a legal consultant no longer meets the requirements for licensure, it shall revoke the license granted to such person.

Adopted May 9, 1996, effective July 1, 1996.

Historical Notes

A prior § 11 of Article 14 of the Articles of Incorporation of the Louisiana State Bar Association was deleted.

Section 11 Appendix. Licensing of Legal Consultants in Foreign Law

An applicant who wishes to become licensed as a consultant in foreign law, and who wishes to remain so licensed, shall be required to submit proof of malpractice insurance with a minimum coverage of $500,000 per claim, or other guarantee of financial responsibility in like amount and in a form acceptable to the Clerk of this Court.

Adopted May 9, 1996, effective July 1, 1996.

ARTICLE XV. DISCIPLINE AND DISBARMENT OF MEMBERS [REPEALED]

§§ 1 to 16. Vacated and repealed effective April 1, 1990

Publisher's Note: See now Supreme Court Rule XIX.

ARTICLE XVI. RULES OF PROFESSIONAL CONDUCT

Reenacted January 20, 2004, effective March 1, 2004

Including Amendments Received Through May 1, 2007

Rule

1.0. Terminology.

CLIENT-LAWYER RELATIONSHIP

1.1. Competence.
1.2. Scope of Representation and Allocation of Authority Between Client and Lawyer.
1.3. Diligence.
1.4. Communication.
1.5. Fees.
1.6. Confidentiality of Information.
1.7. Conflict of Interest: Current Clients.
1.8. Conflict of Interest: Current Clients: Specific Rules.

Rule

CLIENT-LAWYER RELATIONSHIP—Cont'd

1.9. Duties to Former Clients.
1.10. Imputation of Conflicts of Interest: General Rule.
1.11. Special Conflicts of Interest for Former and Current Government Officers and Employees.
1.12. Former Judge, Arbitrator, Mediator or Other Third-Party Neutral.
1.13. Organization as Client.
1.14. Client with Diminished Capacity.
1.15. Safekeeping Property.
1.16. Declining or Terminating Representation.
1.18. Duties to Prospective Client.

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LOUISIANA

RULES OF COURT

STATE

2008

INCLUDES RULES FOR LOUISIANA DISTRICT COURTS
AND JUVENILE COURTS, AND NUMBERING SYSTEM FOR
LOUISIANA FAMILY AND DOMESTIC RELATIONS PROCEEDINGS

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PORT Exhibit 1001 (x)

CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975
Effective January 1, 1976

Including Amendments Received Through May 15, 2008

Research Note

These rules may be searched electronically on Westlaw in the LA-RULES database; updates to these rules may be found on Westlaw in LA-RULESUPDATES. For search tips and a summary of database content, consult the Westlaw Scope Screens for each database.

Canon
1. A Judge Shall Uphold the Integrity and Independence of the Judiciary.
2. A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities.
3. A Judge Shall Perform the Duties of Office Impartially and Diligently.
4. Quasi-Judicial Activities A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra-Judicial Activities A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances.
6. A Judge May Not Accept Compensation, Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value for Quasi-Judicial and Extra-Judicial Activities Except Under Restricted Circumstances; Reporting Requirements.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

Rule
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.
COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As used in this Code, "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

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B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Jan. 13, 2005, effective Feb. 1, 2005.

CANON 3
A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. Adjudicative Responsibilities.

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

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(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

(10) A judge shall not, with respect to 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 the office.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be

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required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5
Extra-Judicial Activities
A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. **Avocational Activities.** A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

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B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective Feb. 12, 2003.

CANON 6

A Judge Shall Accept Compensation or Gifts for Quasi-Judicial and Extra-Judicial Activities Only Under Restricted Circumstances

Text of Canon 6 effective until January 1, 2009

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

A. Compensation. Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

B. Expenses. Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

C. Gifts. A judge, a judge's spouse, or a member of the judge's immediate family residing in the judge's household shall not accept any gifts or favors which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

D. Annual Reports.

(1) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $500 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(2) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before January 31st of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

(3) A judge shall file initial and annual disclosure statements with the Office of the Judicial Administrator of the Supreme Court of Louisiana if the judge derives directly, or through a legal entity of which he/she owns ten percent or more, anything of economic value, when that value exceeds $2,500, from a contract or subcontract which is related to a disaster

or emergency declared by the governor, and when the judge knows or reasonably should know the contract or subcontract is or may be funded or reimbursed in whole or in part with federal funds.

Initial disclosure statements shall be due on or before March 1, 2006, or within 15 days after the judge or legal entity enters into such a contract or subcontract, whichever occurs later. Thereafter, annual disclosure statements are due on or before January 31st. Disclosure statements shall be subject to public inspection.

Disclosure statements shall contain the following information:

(a) The name, business address and office held by the judge;

(b) If through a legal entity,

(i) the name and business address of the legal entity;

(ii) the percentage of the judge's ownership interest in the legal entity;

(iii) the position, if any, held by the judge in the legal entity;

(c) The nature of the contract or subcontract, including:

(i) the amount of the contract or subcontract;

(ii) a description of the goods or services provided or to be provided pursuant to the contract or subcontract;

(d) The amount of income or value of anything of economic value to be derived or, if the actual amount is unknown at the time the statement is due, the amount reasonably expected to be derived by the judge from the contract or subcontract.

Any judge who is subject to the provisions of this subpart shall be required to file annual disclosure statements until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or until the judge vacates his/her judicial office, whichever occurs first. Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to the judge taking office; however, if a judge receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this subpart pursuant to the renewal of such a contract or subcontract occurring after the judge takes office, the judge shall file a disclosure statement no later than 15 days after such renewal.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996; amended Dec. 6, 2005, effective Jan. 1, 2006; amended Jan. 10, 2006, effective Feb. 1, 2006.

CANON 6. A Judge May Not Accept Compensation, Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value for Quasi-Judicial and Extra-Judicial Activities Except Under Restricted Circumstances; Reporting Requirements

Text of Canon 6 effective January 1, 2009

A. COMPENSATION AND EXPENSES

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

1. **Compensation.** Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

2. **Expenses.** Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

B. GIFTS, LOANS, BEQUESTS, BENEFITS, FAVORS OR OTHER THINGS OF VALUE

(1) A judge shall not accept, directly or indirectly, any gifts, loans, bequests, benefits, favors or other things of value which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

(2) Except as provided in Canon 6B(3) and B(4) below, a judge shall not accept, directly or indirectly, any gifts, loans, bequests, benefits, favors or other things of value if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

(3) If not in violation of Canon 6B(1), a judge may accept the following without reporting such acceptance:

(a) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;

(b) gifts, loans, bequests, benefits, favors or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification of the judge, or if the gift, bequest, benefit, favor or other thing of value is made in connection with a special occasion such as a wedding, anniversary or birthday and the gift is commensurate with the occasion and the relationship;

(c) ordinary social hospitality provided the total value of the food, drink, or refreshment given to a judge at any single event shall not exceed fifty dollars regardless of the number of persons giving food, drink or refreshment to the judge at a single event. The value of the food, drink or refreshment provided to the judge shall be determined by dividing the total cost of the food, drink and refreshment provided at the event by the total number of persons invited. Beginning on July 1, 2009, and on July first of each year thereafter, when there has been an increase in the unadjusted Consumer Price Index (CPI–U) (Food and Beverage) as published by the United

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States Department of Labor, Bureau of Labor Statistics in January each year, the limit of fifty dollars for food, drink or refreshments shall be increased by the same percentage as the percentage by which that price index is increased. The amount of the increase shall be rounded off to the nearest dollar. The food, drink, or refreshment limit shall be promulgated to judges annually by the Supreme Court;

(d) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;

(e) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;

(f) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;

(g) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;

(h) gifts, awards or benefits associated with the business, profession, or other separate activity of a spouse or immediate family member residing in the judge's household, but that incidentally benefit the judge; or

(i) complimentary admission to a political event if in compliance with this Code of Judicial Conduct, Canon 7.

(4) If not in violation of Canon 6B(1), a judge may accept the following, and must report such acceptance, subject to Canon 6C(2)(a):

(a) gifts incidental to a public testimonial;

(b) invitations to the judge and the judge's spouse or guest to attend without charge:

(i) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or

(ii) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code of Judicial Conduct, if the same invitation is offered to non-judges who are engaged in similar ways in the activity as is the judge;

(c) complimentary admission to a civic, nonprofit or educational event when the judge is a program honoree, is a speech presenter, or is a panel member; or

(d) any fishing trip, hunting trip, or golf outing only if such trip or outing is associated with a candidate's, elected official's or organization's fundraising event open to the general public.

(5) The provisions of Canon 6B(3)(c) shall not apply to a gathering held in conjunction with an event or meeting related to a local, regional, or national organization concerning the law, the legal system or the administration of justice, or a meeting of an organization of governmental officials or employees.

(6) A contribution to a judge's campaign committee organized pursuant to Canon 7D is not a gift for purposes of Canon 6.

C. ANNUAL REPORTING REQUIREMENTS:

(1) Compensation and Expenses.

(a) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $500 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(b) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before May 15th of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

(c) A judge shall file initial and annual disclosure statements with the Office of the Judicial Administrator of the Supreme Court of Louisiana if the judge derives directly, or through a legal entity of which he/she owns ten percent or more, anything of economic value, when that value exceeds $2,500, from a contract or subcontract which is related to a disaster or emergency declared by the governor, and when the judge knows or reasonably should know the contract or subcontract is or may be funded or reimbursed in whole or in part with federal funds.

Initial disclosure statements shall be due on or before March 1, 2006, or within 15 days after the judge or legal entity enters into such a contract or subcontract, whichever occurs later. Thereafter, annual disclosure statements are due on or before May 15th. Disclosure statements shall be subject to public inspection.

Disclosure statements shall contain the following information:

(i) The name, business address and office held by the judge;

(ii) If through a legal entity,

(1) the name and business address of the legal entity;

(2) the percentage of the judge's ownership interest in the legal entity;

(3) the position, if any, held by the judge in the legal entity;

(iii) The nature of the contract or subcontract, including:

(1) the amount of the contract or subcontract;

(2) a description of the goods or services provided or to be provided pursuant to the contract or subcontract;

(iv) The amount of income or value of anything of economic value to be derived or, if the actual amount is unknown at the time the statement is due, the amount reasonably expected to be derived by the judge from the contract or subcontract.

Any judge who is subject to the provisions of this subpart shall be required to file annual disclosure statements until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or until the judge vacates his/her judicial office, whichever occurs first. Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to the judge taking office; however, if a judge receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this subpart pursuant to the renewal of such a contract or subcontract occurring after the judge takes office, the judge shall file a disclosure statement no later than 15 days after such renewal.

(2) Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value.

(a) When public reporting is required by Canon 6B(4), a judge shall publicly report annually all gifts, loans, bequests, benefits, favors or other things of value accepted by the judge when the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, exceeds $250.

(b) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before May 15th of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the description of any gift, loan, bequest, benefit, favor or other thing of value accepted.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996; amended Dec. 6, 2005, effective Jan. 1, 2006; amended Jan. 10, 2006, effective Feb. 1, 2006; amended March 26, 2008, effective Jan. 1, 2009.

Historical Notes

Senate Resolution No. 6 of the 2008 First Extraordinary Session provided:

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

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

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

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

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

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

"THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby 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."

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should

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discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not:

(i) with respect to 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 the office;

(ii) 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; or

(iii) while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expenditure of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

E. Retention of Campaign Contributions. Not later than six months after any judicial 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 population of the judge's or judicial candidate's election district:

Population of Election District	Amount of Campaign Funds That May Be Retained
Below 25,000	$ 25,000
25,000–100,000	$ 50,000
100,001–200,000	$ 75,000
200,001–300,000	$100,000
300,001–400,000	$125,000
Over 400,000	$150,000

F. Other Political Activity. A judge shall not engage in any other 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.

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

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state constitutional convention, if the judge is otherwise permitted by law to do so.

Amended June 28, 1983; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998.

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(ii) Failure to timely file the annual report or pay the annual fee will result in the suspension of the right to act as a legal consultant until such time as the report is filed and/or the fee is paid.

b. Such annual fee shall include annual dues as determined in accordance with Article V of the Articles of Incorporation of the Louisiana State Bar Association and the disciplinary assessment fee as determined in accordance with Supreme Court Rule XIX.

7. Affiliation with the Louisiana State Bar Association; Business Associations.

a. Subject to the limitations set forth in subsection 4, every person licensed to practice as a legal consultant shall be entitled and subject to:

(i) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a regular member of the bar of this state under the Rules of the Supreme Court of Louisiana; and,

(ii) the rights and obligations of a regular member of the bar of this state with respect to:

(aa) affiliation in the same law firm with one or more members of the bar of this state, including by:

1. employing one or more members of the bar of this state;

2. being employed by one or more members of the bar of this state or by any partnership or professional law corporation which includes members of the bar of this state or which maintains an office in this state; and

3. being a partner in any partnership, shareholder in any professional law corporation, or member of a limited liability company which includes members of the bar of this state or which maintains an office in this state; and

(bb) attorney-client privilege, work-product privilege and similar professional privileges.

b. Notwithstanding paragraph a(i) of this subsection, a person licensed as a legal consultant is not required to comply with the minimum requirements of continuing legal education as mandated by Rule 1.1(b) of Article XVI of these Articles of Incorporation.

8. Revocation of License.

In the event the Supreme Court determines that a person licensed as a legal consultant no longer meets the requirements for licensure, it shall revoke the license granted to such person.

Adopted May 9, 1996, effective July 1, 1996.

Historical Notes

A prior § 11 of Article 14 of the Articles of Incorporation of the Louisiana State Bar Association was deleted.

Section 11 Appendix. Licensing of Legal Consultants in Foreign Law

An applicant who wishes to become licensed as a consultant in foreign law, and who wishes to remain so licensed, shall be required to submit proof of malpractice insurance with a minimum coverage of $500,000 per claim, or other guarantee of financial responsibility in like amount and in a form acceptable to the Clerk of this Court.

Adopted May 9, 1996, effective July 1, 1996.

ARTICLE XV. DISCIPLINE AND DISBARMENT OF MEMBERS [REPEALED]

§§ 1 to 16. Vacated and repealed effective April 1, 1990

Publisher's Note: See now Supreme Court Rule XIX.

ARTICLE XVI. RULES OF PROFESSIONAL CONDUCT

Reenacted January 20, 2004, effective March 1, 2004

Including Amendments Received Through May 15, 2008

Rule 1.0. Terminology

(a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.

(b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.

(c) "Firm" or "law firm" denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization.

(d) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

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CODE OF JUDICIAL CONDUCT

Adopted March 5, 1975
Effective January 1, 1976

Including Amendments Received Through May 15, 2009

Research Note

Use Westlaw to find cases citing a rule. Westlaw may also be used to search for specific terms or to update a rule; see the LA-RULES and LA-RULESUPDATES Scope Screens for further information.

Amendments to these rules are published, as received, in Southern Reporter 3d and Louisiana Cases advance sheets.

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4. Quasi–Judicial Activities A Judge May Engage in Quasi–Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice.
5. Extra–Judicial Activities A Judge Shall Regulate Extra–Judicial Activities to Minimize the Risk of Conflict With Judicial Duties.
6. A Judge May Not Accept Compensation, Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value for Quasi-Judicial and Extra-Judicial Activities Except Under Restricted Circumstances; Reporting Requirements.
7. A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity.

Rule
COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT.
COMMITTEE ON JUDICIAL ETHICS.

Adoption of Code

The following Canons, effective January 1, 1976, were adopted by the Supreme Court of Louisiana on March 5, 1975, to replace the Canons of Judicial Ethics adopted October 13, 1960.

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence. Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

Commentary to Canon 1

The word "shall" is intended to impose binding obligations, the violation of which can result in disciplinary action.

When "should" is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject

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to the judge's direction and control, may also result in judicial discipline.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As used in this Code, "impartiality" or "impartial" denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

B. A judge shall not allow family, social, political, or other relationships to influence judicial conduct or judgment. A judge shall not lend the prestige of judicial office to advance the private interest of the judge or others; nor shall a judge convey or permit others to convey the impression that they are in a special position to influence the judge. A judge shall not testify voluntarily as a character witness. Although a judge should be sensitive to possible abuse of the prestige of office, a judge may, based on the judge's personal knowledge, serve as a reference or provide a letter of recommendation. Letters of recommendation may be written only on private stationery which does not contain any official designation of the judge's court, but the judge may use his or her title. A judge shall not initiate the communication of information in any court or disciplinary proceeding, but may provide such information for the record in response to a formal request by a court or disciplinary agency official.

C. A judge shall not hold membership in any organization that arbitrarily excludes from membership, on the basis of race, religion, sex or national origin, any persons who would otherwise be admitted to membership. The term "organization" shall not include, however, an association of individuals dedicated to the preservation of religious, ethnic, historical or cultural values of legitimate common interest to its members; or an intimate, distinctly private association of persons whose membership limitations would be entitled to constitutional protection.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Jan. 13, 2005, effective Feb. 1, 2005.

CANON 3

A Judge Shall Perform the Duties of Office Impartially and Diligently

The judicial duties of a judge take precedence over all other activities. Judicial duties include all the duties of office prescribed by law. In the performance of these duties, the following standards apply:

A. **Adjudicative Responsibilities.**

(1) A judge shall be faithful to the law and maintain professional competence in it. A judge shall be unswayed by partisan interests, public clamor, or fear of criticism.

(2) A judge shall maintain order and decorum in judicial proceedings.

(3) A judge shall be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom the judge deals in an official capacity, and should require similar conduct of lawyers, and of staff, court officials, and others subject to the judge's direction and control.

(4) A judge shall perform judicial duties without bias or prejudice. A judge shall not, in the performance of judicial duties, by words or conduct manifest bias or prejudice, and shall not permit staff, court officials or others subject to the judge's direction and control to do so.

(5) A judge shall require lawyers in proceedings before the judge to refrain from manifesting, by words or conduct, bias or prejudice against parties, witnesses, counsel or others.

(6) Except as permitted by law, a judge shall not permit private or ex parte interviews, arguments or communications designed to influence his or her judicial action in any case, either civil or criminal. A judge may obtain the advice of a disinterested expert on the law applicable to a proceeding before the judge if the judge gives notice to the parties of the person consulted and the substance of the advice, and affords the parties reasonable opportunity to respond. Where circumstances require, ex parte communications are authorized for scheduling, administrative purposes or emergencies that do not deal with substantive matters or issues on the merits, provided the judge reasonably believes that no party will gain a procedural or tactical advantage as a result of the ex parte communication. A judge shall not knowingly accept in any case briefs, documents or written communications intended or calculated to influence his or her action unless the contents are promptly made known to all parties. Judges of appellate courts shall also avoid all actions or language which might indicate to counsel, litigants or any member of the public, the particular member of the court to whom a case is allotted or assigned for any purpose. Similar circumspection should be exacted on the part of court officers, clerks and secretaries.

(7) A judge shall dispose of all judicial matters promptly, efficiently and fairly.

(8) A judge shall not, while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness, and shall require similar abstention on the part of court personnel subject to his or her direction and control. This subsection does not prohibit judges from making public statements in the course of their official duties or from

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explaining for public information the procedures of the court.

(9) Except as herein provided a judge should prohibit broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto at least during sessions of court or recesses between sessions.

A trial judge may authorize:

(a) the use of electronic or photographic means for the presentation of evidence, for the perpetuation of a record for the court or for counsel, or for other purposes of judicial administration;

(b) the broadcasting, televising, recording or photographing of investitive or ceremonial proceedings;

(c) the photographic or electronic recording and reproduction of appropriate court proceedings under the following conditions:

(i) the means of recording will not distract participants or impair the dignity of the proceedings;

(ii) the parties have consented, and the consent to being depicted or recorded has been obtained from each witness appearing in the recording and reproduction;

(iii) the reproduction will not be exhibited until after the proceeding has been concluded and all direct appeals have been exhausted; and

(iv) the reproduction will be exhibited only for instructional purposes in educational institutions.

An appellate court may permit broadcasting, televising, recording, and taking photographs of public judicial proceedings in the courtrooms of appellate courts in accordance with the guidelines set forth in an appendix to this Canon, subject, however, to the authority of each court and the presiding judge of each court or panel to (a) control the conduct of proceedings before the court, (b) ensure decorum and prevent distractions, and (c) ensure the fair administration of justice in the pending cause.

(10) A judge shall not, with respect to 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 the office.

B. Administrative Responsibilities.

(1) A judge shall diligently discharge the judge's administrative responsibilities without bias or prejudice and maintain professional competence in judicial administration, and should cooperate with other judges and court officials in the administration of court business.

(2) A judge shall require staff, court officials and others subject to the judge's direction and control to observe the standards of fidelity and diligence that apply to the judge and to refrain from manifesting bias or prejudice in the performance of their official duties.

(3) A judge should take or initiate appropriate disciplinary measures against a judge or lawyer for unprofessional conduct of which the judge may become aware. Acts of a judge in the discharge of disciplinary responsibilities, as set forth above, are part of the judge's judicial duties and shall be absolutely privileged, and no civil action predicated thereon may be instituted against the judge.

(4) A judge shall not make unnecessary appointments. A judge should exercise the power of appointment impartially and on the basis of merit. A judge should avoid appointments which tend to create the appearance of impropriety. A judge shall not approve the compensation of appointees beyond the fair value of services rendered. A judge shall avoid nepotism. No spouse or member of the immediate family of a judge shall be employed in the court to which that judge was elected. "Immediate family" means a judge's children, parents, brothers and sisters; the children and parents of a judge's spouse; the spouses of a judge's children; and all step relationships to the same degree.

The provisions of this Subsection shall not prohibit the continued employment of any employee of a court employed by such court on or before December 31, 1990; nor shall such provisions be construed to hinder, alter, or in any way affect promotional advancements for any such employee. The provisions of this Subsection pertaining to nepotism shall not apply to mayors or justices of the peace.

C. Recusation. A judge should disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned and shall disqualify himself or herself in a proceeding in which disqualification is required by law or applicable Supreme Court rule. In all other instances, a judge should not recuse himself or herself.

Amended April 23, 1985; December 3, 1990; amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective March 13, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005.

APPENDIX TO CANON 3

Guidelines for Extended Media Coverage of Proceedings in Appellate Courtrooms

I. As used in these guidelines,

A. "Extended coverage" means any recording or broadcasting by the news media of court proceedings using television, radio, photographic or recording equipment.

B. "Presiding Judge" means the Chief Justice of the Supreme Court of Louisiana, the Chief Judge of a Court of Appeal, or the senior judge of a panel of which the Chief Justice or Chief Judge is not a member.

C. "Proceeding" means any hearing, motion, argument on appeal or other matter held in open court which the public is entitled to attend.

D. "Party" means a named litigant of record who has appeared in the case, and includes a party's counsel of record.

E. "Media" means legitimate news gathering and reporting agencies and their representatives.

F. "Court" means an appellate court and includes the Supreme Court of Louisiana and the Courts of Appeal of the several circuits.

II. All extended media coverage of court proceedings shall be governed by the principle that the decorum and dignity of the court, the courtroom and the judicial process will be maintained at all times. Resolution of any question of coverage or procedure not specifically addressed in this section will be guided by this overriding principle.

III. A. The consent or approval of parties to extended coverage is not required. Parties may object to extended coverage by filing a written objection stating the reasons therefor with the clerk of court at least 10 days prior to the date of the proceedings. Upon objection by a party, or on the court's own motion, the presiding judge may prohibit or limit extended coverage of a proceeding.

B. Extended coverage shall not be permitted in any proceeding which by law must or may be held in private.

C. The decision of the presiding judge on any question of coverage shall be final and shall not be subject to review by any other court.

IV. Extended coverage of a proceeding shall not be permitted unless notice of intention to provide extended coverage of a proceeding is given by the media to the clerk of court at least 20 days in advance of the proceeding, provided that only reasonable notice shall be required for coverage of expedited proceedings not regularly calendared.

V. Extended coverage of court proceedings may be provided by news media agencies and their representatives. Film, videotape, photographs, and audio reproduction shall not be used for commercial or political advertising purposes. Such use of these materials will be regarded as an unlawful interference with the judicial process.

VI. Extended coverage of investitive or ceremonial proceedings at variance with these guidelines may be authorized by the court.

VII. When extended coverage is permitted, all media representatives shall have equally the right to provide coverage. When extended coverage is to be provided by more than one media representative, the media collectively should designate one representative to coordinate with the court all matters dealing with extended coverage. Any pooling arrangements among the media required by the limitations and restrictions on equipment and personnel contained in these guidelines shall be the sole responsibility of the media and must be made in advance of the court proceedings to be covered. Judges and court personnel will not mediate any dispute as to the appropriate media representative or equipment authorized to cover a particular proceeding. If pooling arrangements cannot be made or if there are unresolved media disputes, the presiding judge may deny extended coverage of proceedings.

VIII. A. No more than two portable television cameras, each operated by no more than one camera person and positioned as unobtrusively as possible at locations approved by the court, shall be permitted to be physically in the courtroom. Only television equipment which does not produce light or distracting sound will be permitted. Videotape recording equipment which is not a component part of a television camera shall, whenever possible, be located in an area outside the courtroom.

B. No artificial lighting device of any kind shall be employed in connection with the television camera. With the approval of the court, modifications and additions to existing courtroom lighting may be made provided such modifications or additions are installed and maintained without public expense. Multiple video/audio feeds may be permitted but must be provided by a video/audio distribution system, furnished by the media, located outside the courtroom.

IX. A. No more than one still photographer, using not more than two still cameras with not more than two lenses for each camera without flash or other artificial light, shall be permitted to be physically in the courtroom. Still cameras must not produce distracting sound and should produce no greater sound than the Leica M Series Rangefinder camera. Motorized film advance systems will not be permitted.

B. The photographer shall be positioned in a place designated by the presiding judge and remain in that area except when the proceeding is in recess. Changing of lenses or film will only be done during a recess.

X. Only one audio system for radio broadcast purposes will be permitted in the courtroom. Audio pickup should be made from existing audio systems in the courtroom whenever possible. If no technically suitable audio system exists in the courtroom, microphones and related wiring shall be permitted but must be unobtrusive and located in places designated in advance by the presiding judge. Multiple radio feeds rather than a pooling system may be permitted but must be provided by an audio distribution system, provided by the media, located outside the courtroom.

XI. When extended media coverage is authorized, individual journalists may bring tape recorders into the courtroom and use them to record proceedings so long as they do not cause any distraction. Journalists using tape recorders may sit at any place in the audience portion of the courtroom, but must keep their tape recorder on their person at all times. Changing of tape cassettes during proceedings is not permitted and should only be done during a recess.

XII. All camera and audio equipment must be in position at least 15 minutes before the start of the proceedings and can only be moved or removed after the proceedings are over or during a recess. Television camera persons and still photographers must remain in their designated area and are not permitted to move about the courtroom. Television cameras and radio broadcast equipment, once in position, may not be moved during the proceedings. Movement by television and still photographers should be held to a minimum and in no way should be distracting or call undue attention to the operators.

XIII. Camera and audio equipment authorized by these guidelines shall not be operated during a recess in a court proceeding. Extended coverage in the judicial area of a courthouse or other court facility is limited to proceedings in the courtroom in the presence of the presiding judge.

XIV. The dignity and decorum of the court must be maintained at all times during extended media coverage activities. Court customs, including appropriate dress, must be followed.

XV. The confidentiality of the attorney/client relationship must be protected. Therefore, there will be no audio recording, radio, television, or tape-recording, made or broadcast of any conference between attorneys and their clients, between co-counsel of a client, between counsel and the presiding judge when held at the bench, or of proceedings held in chambers. No parabolic microphones shall be used.

Added April 23, 1985. Amended and effective June 3, 1993.

CANON 4
Quasi-Judicial Activities
A Judge May Engage in Quasi-Judicial Activities to Improve the Law, the Legal System, and the Administration of Justice

A judge, subject to the proper performance of judicial duties, may engage in the following quasi-judicial activities, if in doing so the judge does not impair, limit or restrict his or her capacity to decide impartially any issue that the judge knows is likely to come before the judge:

A. A judge may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, and the administration of justice.

B. A judge may appear at a public hearing before an executive or legislative body or official on matters concerning the law, the legal system, and the administration of justice, and may otherwise consult with an executive or legislative body or official, but only on matters concerning the administration of justice.

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C. A judge may serve as a member, officer, or director of an organization or governmental agency devoted to the improvement of the law, the legal system, or the administration of justice. A judge shall not personally solicit funds for such an organization or agency, or allow his or her name to be used in the solicitation of funds. A judge may make recommendations to the public and private fund-granting agencies on projects and programs concerning the law, the legal system, and the administration of justice.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

CANON 5

Extra-Judicial Activities

A Judge Shall Regulate Extra-Judicial Activities to Minimize the Risk of Conflict With Judicial Duties

A. Avocational Activities. A judge may write, lecture, teach, and speak on non-legal subjects, and engage in the arts, sports, and other social and recreational activities, if such avocational activities do not detract from the dignity of judicial office or interfere with the performance of judicial duties.

B. Civic and Charitable Activities. A judge may participate in civic and charitable activities that do not reflect adversely upon his or her impartiality or interfere with the performance of judicial duties. A judge may serve as an officer, director, trustee, or non-legal advisor of an educational, religious, charitable, fraternal, or civic organization not conducted for the economic or political advantage of its members, subject to the following limitations:

(1) A judge shall not serve if the judge knows, or should know, it is likely that the organization will be engaged in proceedings that would ordinarily come before the judge or will be regularly engaged in adversary proceedings in any court.

(2) A judge shall not solicit funds for any educational, religious, charitable, fraternal, or civic organization, or use or permit the use of the prestige of judicial office for that purpose, but the judge may be listed as an officer, director, or trustee of such an organization. However, it shall not be a violation of this Canon for a judge to privately solicit funds for the judge's local church from a local church member. A judge should not be a fund-raising speaker or the guest of honor at an organization's fund- raising events, but may attend such events. A judge may also participate in an organization's fund-raising events, provided the judge's title or status is not used to support the fund-raising effort.

C. Financial Activities.

(1) A judge shall refrain from financial and business dealings that tend to reflect adversely on the judge's impartiality, interfere with the proper performance of judicial duties, exploit the judge's judicial position, or involve the judge in frequent transactions with lawyers or persons likely to come before the court on which he or she serves.

(2) Subject to the requirement of subsection (1), a judge may hold and manage investments, including real estate, and engage in other remunerative activity but shall not serve as an officer, director, manager, or employee of any bank, lending institution, homestead or savings and loan association, insurance company, public utility, and other businesses affected with a public interest.

(3) A judge should manage investments and other financial interests to minimize the number of cases in which he or she is disqualified. As soon as a judge can do so without serious financial detriment, he or she shall divest himself or herself of investments and other financial interests that might require frequent recusation.

(4) Information acquired by a judge in his or her judicial capacity shall not be used or disclosed by the judge in financial dealings or for any other purpose not related to judicial duties.

D. Service as Arbitrator or Mediator. A judge shall not act as an arbitrator or mediator or otherwise perform judicial functions in a private capacity.

E. Extra-Judicial Appointments. A judge shall not accept appointment to a governmental committee, commission, or other position that is concerned with issues of fact or policy on matters other than the improvement of the law, the legal system, or the administration of justice. A judge, however, may represent his or her county, state, or locality on ceremonial occasions or in connection with historical, educational, and cultural activities.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective Feb. 12, 2003.

CANON 6

A Judge May Not Accept Compensation, Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value for Quasi-Judicial and Extra-Judicial Activities Except Under Restricted Circumstances; Reporting Requirements

A. Compensation and Expenses

A judge may receive compensation and expenses for the quasi-judicial and extra-judicial activities permitted by this Code, if the source of such payments does not give the appearance of influencing the judge in his or her judicial duties or otherwise give the appearance of impropriety, subject to the following restrictions:

1. **Compensation.** Compensation for quasi-judicial activities shall not exceed a reasonable amount. Compensation for extra-judicial activities shall not exceed what a person who is not a judge would receive for the same activity.

2. **Expenses.** Expenses shall be limited to the actual cost of travel, food, and lodging reasonably incurred by the judge and, where appropriate to the

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occasion, by his or her spouse. Any payment in excess of such an amount is compensation.

B. Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value

(1) A judge shall not accept, directly or indirectly, any gifts, loans, bequests, benefits, favors or other things of value which might reasonably appear as designed to affect the judgment of the judge or influence the judge's official conduct.

(2) Except as provided in Canon 6B(3) and B(4) below, a judge shall not accept, directly or indirectly, any gifts, loans, bequests, benefits, favors or other things of value if the source is a party or other person, including a lawyer, who has come or is likely to come before the judge, or whose interests have come or are likely to come before the judge.

(3) If not in violation of Canon 6B(1), a judge may accept the following without reporting such acceptance:

(a) items with little intrinsic value, such as plaques, certificates, trophies, and greeting cards;

(b) gifts, loans, bequests, benefits, favors or other things of value from friends, relatives, or other persons, including lawyers, whose appearance or interest in a proceeding pending or impending before the judge would in any event require disqualification of the judge, or if the gift, bequest, benefit, favor or other thing of value is made in connection with a special occasion such as a wedding, anniversary or birthday and the gift is commensurate with the occasion and the relationship;

(c) ordinary social hospitality provided the total value of the food, drink, or refreshment given to a judge at any single event shall not exceed fifty dollars regardless of the number of persons giving food, drink or refreshment to the judge at a single event. The value of the food, drink or refreshment provided to the judge shall be determined by dividing the total cost of the food, drink and refreshment provided at the event by the total number of persons invited, whether formally or informally, and which is communicated in any manner or form, to the event. For purposes of this Canon 6B(3)(c), "event" means a single activity, occasion, reception, meal or meeting at a given place and time. Beginning on July 1, 2009, and on July first of each year thereafter, when there has been an increase in the unadjusted Consumer Price Index (CPI–U) (Food and Beverage) as published by the United States Department of Labor, Bureau of Labor Statistics in January each year, the limit of fifty dollars for food, drink or refreshments shall be increased by the same percentage as the percentage by which that price index is increased. The amount of the increase shall be rounded off to the nearest dollar. The food, drink, or refreshment limit shall be promulgated to judges annually by the Supreme Court;

(d) commercial or financial opportunities and benefits, including special pricing and discounts, and loans from lending institutions in their regular course of business, if the same opportunities and benefits or loans are made available on the same terms to similarly situated persons who are not judges;

(e) rewards and prizes given to competitors or participants in random drawings, contests, or other events that are open to persons who are not judges;

(f) scholarships, fellowships, and similar benefits or awards, if they are available to similarly situated persons who are not judges, based upon the same terms and criteria;

(g) books, magazines, journals, audiovisual materials, and other resource materials supplied by publishers on a complimentary basis for official use;

(h) gifts, awards or benefits associated with the business, profession, or other separate activity of a spouse or immediate family member residing in the judge's household, but that incidentally benefit the judge; or

(i) complimentary admission to a political event if in compliance with this Code of Judicial Conduct, Canon 7.

(4) If not in violation of Canon 6B(1), a judge may accept the following, and must report such acceptance, subject to Canon 6C(2)(a):

(a) gifts incidental to a public testimonial;

(b) invitations to the judge and the judge's spouse or guest to attend without charge:

(i) an event associated with a bar-related function or other activity relating to the law, the legal system, or the administration of justice; or

(ii) an event associated with any of the judge's educational, religious, charitable, fraternal or civic activities permitted by this Code of Judicial Conduct, if the same invitation is offered to non-judges who are engaged in similar ways in the activity as is the judge;

(c) complimentary admission to a civic, nonprofit or educational event when the judge is a program honoree, is giving a speech at the event, or is a panel member for a discussion occurring at the event.

(5) The provisions of Canon 6B(3)(c) shall not apply to a gathering held in conjunction with an event or meeting related to a local, regional, or national organization concerning the law, the legal system or the administration of justice, or a meeting of an organization of governmental officials or employees.

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(6) A contribution to a judge's campaign committee organized pursuant to Canon 7D is not a gift for purposes of Canon 6.

C. Annual Reporting Requirements

(1) Compensation and Expenses.

(a) A judge shall report annually all compensation and expenses received in connection with any quasi-judicial activity of the judge when the amount received for any such quasi-judicial activity exceeds $500 and is paid for by any individual, professional organization or association, including law-related groups, or any business organization or association.

(b) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before May 15th of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the nature of the quasi-judicial activity.

(c) A judge shall file initial and annual disclosure statements with the Office of the Judicial Administrator of the Supreme Court of Louisiana if the judge derives directly, or through a legal entity of which he/she owns ten percent or more, anything of economic value, when that value exceeds $2,500, from a contract or subcontract which is related to a disaster or emergency declared by the governor, and when the judge knows or reasonably should know the contract or subcontract is or may be funded or reimbursed in whole or in part with federal funds.

Initial disclosure statements shall be due on or before March 1, 2006, or within 15 days after the judge or legal entity enters into such a contract or subcontract, whichever occurs later. Thereafter, annual disclosure statements are due on or before May 15th. Disclosure statements shall be subject to public inspection.

Disclosure statements shall contain the following information:

(i) The name, business address and office held by the judge;

(ii) If through a legal entity,

(1) the name and business address of the legal entity;

(2) the percentage of the judge's ownership interest in the legal entity;

(3) the position, if any, held by the judge in the legal entity;

(iii) The nature of the contract or subcontract, including:

(1) the amount of the contract or subcontract;

(2) a description of the goods or services provided or to be provided pursuant to the contract or subcontract;

(iv) The amount of income or value of anything of economic value to be derived or, if the actual amount is unknown at the time the statement is due, the amount reasonably expected to be derived by the judge from the contract or subcontract.

Any judge who is subject to the provisions of this subpart shall be required to file annual disclosure statements until a disclosure statement is filed after the completion of the contract or subcontract subject to disclosure, or until the judge vacates his/her judicial office, whichever occurs first. Annual disclosure statements shall not be required for the receipt of things of economic value pursuant to contracts or subcontracts entered into prior to the judge taking office; however, if a judge receives or reasonably expects to receive a thing of economic value otherwise required to be disclosed by this subpart pursuant to the renewal of such a contract or subcontract occurring after the judge takes office, the judge shall file a disclosure statement no later than 15 days after such renewal.

(2) Gifts, Loans, Bequests, Benefits, Favors or Other Things of Value.

(a) When public reporting is required by Canon 6B(4), a judge shall publicly report annually all gifts, loans, bequests, benefits, favors or other things of value accepted by the judge when the value of such items, alone or in the aggregate with other items received from the same source in the same calendar year, exceeds $250.

(b) The judge's report shall be filed in the Office of the Judicial Administrator of the Supreme Court of Louisiana on or before May 15th of each year, for the preceding calendar year, and the report shall be subject to public inspection. In the report the judge shall list the name of the payor/donor, the date, the place and the description of any gift, loan, bequest, benefit, favor or other thing of value accepted.

Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended Nov. 11, 1996, effective July 8, 1996; amended Dec. 6, 2005, effective Jan. 1, 2006; amended Jan. 10, 2006, effective Feb. 1, 2006; amended March 26, 2008, effective Jan. 1, 2009; amended Dec. 17, 2008, effective Jan. 1, 2009.

Historical Notes

Senate Resolution No. 6 of the 2008 First Extraordinary Session provided:

"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

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

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

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

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

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

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

"THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby 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."

CANON 7

A Judge Or Judicial Candidate Shall Refrain From Inappropriate Political Activity

A. Political Conduct in General.

(1) A judge or judicial candidate shall not:

(a) act as a leader or hold any office in a political organization;

(b) publicly endorse or publicly oppose another candidate for public office;

(c) make speeches on behalf of a political organization or a candidate for public office;

(d) except to the extent permitted by these Canons, solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate or purchase tickets for political party dinners or other campaign functions.

B. Campaign Conduct.

(1) A judge or judicial candidate:

(a) shall maintain the dignity appropriate to judicial office and act in a manner consistent with the impartiality, integrity and independence of the judiciary, and should encourage the members of the candidate's family to adhere to the same standards of political conduct in support of the candidate as apply to the candidate;

(b) shall prohibit employees and officials who serve at the pleasure of the candidate, and should discourage other employees and officials subject to the candidate's direction and control from doing on the candidate's behalf what the candidate is prohibited from doing under this Canon;

(c) except to the extent permitted by these Canons, shall not authorize or knowingly permit any person to do for the candidate what the candidate is prohibited from doing under this Canon;

(d) shall not:

(i) with respect to 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 the office;

(ii) 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; or

(iii) while a proceeding is pending in any Louisiana state court, make any public comment that might reasonably be expected to affect its outcome or impair its fairness.

(e) may respond to personal attacks or attacks on the candidate's record as long as the response does not violate Canon 7B(1)(d).

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;

(2) 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) contribute to a political organization and/or be included on a political ticket or endorsement.

D. Campaign Committees

(1) A judge or judicial candidate shall not personally solicit or accept campaign contributions. A judge or judicial candidate may personally solicit publicly stated support.

(2) A candidate may also establish committees of responsible persons to conduct campaigns for the candidate through media advertisements, brochures, mailings, candidate forums and other means not prohibited by law. Such committees may solicit and accept campaign contributions, manage the expendi-

ture of funds for the 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.

(3) Such committees are not prohibited from soliciting or accepting campaign contributions or public support from lawyers. A candidate's committee may solicit contributions for the candidate's campaign no earlier than two years before the primary election. Contributions may be solicited after the last election in which the candidate participated only for the purpose of extinguishing the campaign debt resulting from that election. After the campaign debt is extinguished, post-election campaign contributions may not be solicited or accepted.

(4) A candidate shall not use or permit the use of campaign contributions except as provided by law.

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:

Class of Judicial Office	Amount of Campaign Funds That May Be Retained
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 Political Activity. A judge shall not engage in any other 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.

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.

Amended June 28, 1983; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended and effective July 1, 1997; amended March 13, 2002, effective April 15, 2002; amended Jan. 13, 2005, effective Feb. 1, 2005; amended June 26, 2008, effective Aug. 1, 2008.

Commentary to Canon 7 (2008)

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.

Court Commentary Regarding 2002 Amendment to Canon 7

The 2002 amendment to Canon 7B(1)(d) of the Code of Judicial Conduct, concerning public comments about pending or impending 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.

COMPLIANCE WITH THE CODE OF JUDICIAL CONDUCT

All elected judges and anyone, whether or not a lawyer, who is an officer of a court of record performing judicial functions, including an officer such as a judge ad hoc, judge pro tempore, referee, special master, court commissioner, judicially appointed hearing officer, or magistrate, and anyone who is a justice of the peace, is a judge for the purpose of this Code. All judges shall comply with this Code.

A. Part-Time Judge. A part-time judge is a judge who serves on a continuing or periodic basis, but is permitted by law to devote time to some other profession or occupation and whose compensation for that reason is less than that of a full-time judge.

A part-time judge:

(1) is exempt from Canons 5C(2), 5D, and 5E;

(2) shall not practice law in the court on which he or she serves or in any court subject to the appellate jurisdiction of the court on which he or she serves, or act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

B. Pro Tempore and Ad Hoc Judges. A judge pro tempore is a person who is appointed to act temporarily as a judge. A judge ad hoc is a person who is appointed to act with regard to a specific case or cases.

(1) While acting as such, a judge pro tempore or ad hoc is not required to comply with Canons 5C(2), 5C(3), 5D, and 5E.

(2) A person who has been a judge ad hoc or judge pro tempore shall not act as a lawyer in a proceeding in which he or she has served as a judge or in any other proceeding related thereto.

C. Retired Judge. A retired judge is not governed by the provisions of this Code, except when sitting by assignment, and then the judge shall be subject to the rules applicable to judges pro tempore and ad hoc.

D. Judicially Appointed Hearing Officers. Judicially appointed hearing officers are required to comply with all canons of the Code except Canons 5C(2), 5D, and 5E.

Amended Oct. 29, 1982; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996.

COMMITTEE ON JUDICIAL ETHICS

To the end that these canons may be properly interpreted, and in order to provide a forum to receive inquiries from members of the judiciary related to the interpretation of these canons, the Supreme Court Committee on Judicial Ethics is hereby created. The function of this Committee shall be limited to the issuance of advisory opinions on its own motion or in response to inquiries from any judge insofar as these canons may affect the judge.

The Committee shall consist of eleven members, as follows:

(a) The Chief Justice and one other member of the Supreme Court;

(b) The Chairperson of the Conference of Court of Appeal Judges and one other Court of Appeal Judge;

(c) The President of the District Judges Association and two other District Judges;

(d) The President of the City Judges Association;

(e) One juvenile or family court judge;

(f) The Judicial Administrator; and

(g) The President of the Louisiana State Bar Association.

The members of said Committee shall be selected and appointed in the following manner and for the terms indicated:

(a) The Chief Justice of the Supreme Court shall always be a member and shall be chairperson during his or her term of office as Chief Justice;

(b) The Supreme Court shall select an Associate Justice who shall serve for a term of two years;

(c) The Supreme Court shall select one district court judge and one juvenile or family court judge who shall serve for terms of two years;

(d) The Conference of Court of Appeal Judges shall select one member to serve on the Committee for two years;

(e) The District Judges Association shall select one member to serve on the Committee for two years;

(f) The Chairperson of the Conference of Court of Appeal Judges, the President of the District Judges Association, the President of the City Judges Association, the Judicial Administrator, and the President of the Louisiana State Bar Association shall, ex officio, be members of the Committee and shall serve during their respective terms of office.

The Judicial Administrator shall be Secretary of the Committee. The Committee shall make its own rules and select members to serve in such other offices as it creates.

The Committee shall act upon all inquiries as promptly as the nature of the case requires.

Amended Oct. 31, 1975, effective Jan. 1, 1976; Amended and effective June 3, 1993; amended July 3, 1996, effective July 8, 1996; amended May 28, 1998, effective July 1, 1998

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b. Such annual fee shall include annual dues as determined in accordance with Article V of the Articles of Incorporation of the Louisiana State Bar Association and the disciplinary assessment fee as determined in accordance with Supreme Court Rule XIX.

7. Affiliation with the Louisiana State Bar Association; Business Associations.

a. Subject to the limitations set forth in subsection 4, every person licensed to practice as a legal consultant shall be entitled and subject to:

(i) the rights and obligations set forth in the Rules of Professional Conduct or arising from the other conditions and requirements that apply to a regular member of the bar of this state under the Rules of the Supreme Court of Louisiana; and,

(ii) the rights and obligations of a regular member of the bar of this state with respect to:

(aa) affiliation in the same law firm with one or more members of the bar of this state, including by:

1. employing one or more members of the bar of this state;

2. being employed by one or more members of the bar of this state or by any partnership or professional law corporation which includes members of the bar of this state or which maintains an office in this state; and

3. being a partner in any partnership, shareholder in any professional law corporation, or member of a limited liability company which includes members of the bar of this state or which maintains an office in this state; and

(bb) attorney-client privilege, work-product privilege and similar professional privileges.

b. Notwithstanding paragraph a(i) of this subsection, a person licensed as a legal consultant is not required to comply with the minimum requirements of continuing legal education as mandated by Rule 1.1(b) of Article XVI of these Articles of Incorporation.

8. Revocation of License.

In the event the Supreme Court determines that a person licensed as a legal consultant no longer meets the requirements for licensure, it shall revoke the license granted to such person.

Adopted May 9, 1996, effective July 1, 1996.

Historical Notes

A prior § 11 of Article 14 of the Articles of Incorporation of the Louisiana State Bar Association was deleted.

Section 11 Appendix. Licensing of Legal Consultants in Foreign Law

An applicant who wishes to become licensed as a consultant in foreign law, and who wishes to remain so licensed, shall be required to submit proof of malpractice insurance with a minimum coverage of $500,000 per claim, or other guarantee of financial responsibility in like amount and in a form acceptable to the Clerk of this Court.

Adopted May 9, 1996, effective July 1, 1996.

ARTICLE XV. DISCIPLINE AND DISBARMENT OF MEMBERS [REPEALED]

§§ 1 to 16. Vacated and repealed effective April 1, 1990

Publisher's Note: See now Supreme Court Rule XIX.

ARTICLE XVI. RULES OF PROFESSIONAL CONDUCT

Reenacted January 20, 2004, effective March 1, 2004

Including Amendments Received Through May 15, 2009

Rule 1.0. Terminology

(a) "Belief" or "believes" denotes that the person involved actually supposed the fact in question to be true. A person's belief may be inferred from circumstances.

(b) "Confirmed in writing," when used in reference to the informed consent of a person, denotes informed consent that is given in writing by the person or a writing that a lawyer promptly transmits to the person confirming an oral informed consent. See paragraph (e) for the definition of "informed consent." If it is not feasible to obtain or transmit the writing at the time the person gives informed consent, then the lawyer must obtain or transmit it within a reasonable time thereafter.

(c) "Firm" or "law firm" denotes a lawyer or lawyers in a law partnership, professional corporation, sole proprietorship or other association authorized to practice law; or lawyers employed in a legal services organization or the legal department of a corporation or other organization.

(d) "Fraud" or "fraudulent" denotes conduct that is fraudulent under the substantive or procedural law of the applicable jurisdiction and has a purpose to deceive.

(e) "Informed consent" denotes the agreement by a person to a proposed course of conduct after the lawyer has communicated adequate information and explanation about the material risks of and reasonably