

RESOLUTION

WHEREAS, the Louisiana Constitution of 1974 provides that the powers of government shall be divided into three separate branches; legislative, executive and judicial;

WHEREAS, the judicial power of government is entirely vested in the judicial branch;

WHEREAS, the judicial branch of government consists of multiple courts of varying jurisdiction in different geographic locations;

WHEREAS, the judicial branch encompasses the civil and criminal justice systems;

WHEREAS, the continuity, effectiveness and integrity of the government created by the Louisiana Constitution of 1974 is dependent upon an efficient and competent judicial branch;

WHEREAS, no branch nor any person holding office in one of them shall exercise power belonging to either of the other;

WHEREAS, it is incumbent on each branch and those working within it to observe, discern, protect and improve said branch;

WHEREAS, the public in general, and attorneys in particular, are vitally concerned that the judicial branch of government attract the best qualified persons and that the method of selection achieve that objective;

WHEREAS, there is, and has been, legislation and litigation pending that could affect the selection process for judges;

WHEREAS, study, educational reports, and recommendations from the bar regarding the judicial branch of government would be beneficial to the public's understanding of the administration of the judiciary and the best methods of choosing judges;

WHEREAS, the administration of justice and the maintenance of a qualified judiciary is enhanced by members of the bar being involved in issues such as relationship with the judiciary, administration of the judicial branch of government, methods of choosing judges, proper salaries and staff support;

WHEREAS, the President of the Louisiana State Bar Association, Wood Brown, Jr., Esq., has appointed a Task Force to Study Election/Selection of Judges, and that said task force has met, deliberated, and voted to request that the House of Delegates of the Louisiana State Bar Association create a Section on the Composition and Administration of the Judiciary;

NOW, THEREFORE BE IT RESOLVED that the creation of the Section on the Composition and Administration of the Judiciary be approved and adopted by this House;

BE IT FURTHER RESOLVES that the proposed By-Laws of the Section on the Composition and Administration of the Judiciary as set forth in the attachment hereto be approved by this House and adopted by the Section.

LOUISIANA STATE BAR ASSOCIATION
PRESIDENT'S TASK FORCE TO STUDY
ELECTION/SELECTION OF JUDGES

BY: (original signed by Jack C. Benjamin)
JACK C. BENJAMIN, Task Force
Chairman

Resolution of the Louisiana Bar Association

Judicial Elections - Campaign Conduct

Whereas, the primary and overriding obligation of a judge is to implement the law fairly, eschewing prejudice or preference, actual or perceived, setting a standard of impartiality, and any erosion of confidence in the impartiality of the judiciary casts doubt about our system of justice;

Whereas, in elections for judicial office, a candidate bears the responsibility of avoiding improper conduct and maintaining the dignity, respect and decorum due the judiciary;

Whereas, suggestions of preference or prejudice, articulated or implied, erode public confidence in a candidate's willingness to dispense the law fairly, and such conduct diminishes the public's legitimate expectation of evenhanded and blind justice;

Whereas, a judicial candidate's record of public service, community activities and organizational affiliations may provide useful information about his or her character, ability or political disposition for voters to consider, but the explicit identification of a candidate by reference to race, religion, gender, national origin or sexual orientation is inherently an appeal to prejudice;

Whereas, a candidate's race, religion, gender, national origin or sexual orientation is irrelevant to his or her ability to carry out the demands of judicial office, and references to these characteristics improperly suggest that they constitute a valid basis of comparison or qualification for judicial office;

Now, therefore, in order to preserve the independence and impartiality of the judiciary and promote adherence to the highest standards of fairness and conduct in judicial elections, the Louisiana State Bar Association hereby adopts the following guidelines to govern the conduct of candidates seeking judicial office:

1. Candidates for judicial office shall not describe themselves or any other candidate by reference to race, religion, gender, national origin or sexual orientation, nor permit their supporters to do so.
2. Candidates for judicial office shall conduct their campaigns without appeals to prejudice and shall repudiate, immediately and publicly, support from any individual or group that appeals to prejudice based on race, religion, gender, national origin or sexual orientation.

Respectfully submitted,

BY: (original signed by Donald A. Meyer)
DONALD A. MEYER
Member, House of Delegates
Orleans Parish

LOUISIANA STATE BAR ASSOCIATION

BY-LAWS OF THE SECTION ON THE COMPOSITION AND ADMINISTRATION OF THE JUDICIARY

ARTICLE I

NAME AND PURPOSE

Section 1. This Section shall be known as the Section on the Composition and Administration of the Judiciary.

Section 2. The purpose of this Section is to provide a forum for the study and discussion of the composition and administration of the judicial branch of government in the State of Louisiana; to contribute to the continuing education of the attorneys regarding the judicial branch of government; to disseminate information regarding potential legislation and/or litigation that might affect the method of selecting judges; to encourage study, publication of legal writings and make recommendations regarding the composition and administration of the judicial branch of government in the State of Louisiana; to establish liaison with the Louisiana State Bar Association, the American Bar Association, the legal academic community, and members of the judiciary to achieve these purposes; to promote and encourage dialogue and meetings between members of the bench and bar; and to take such actions in respect thereto as may be desirable, consistent with the Articles of Incorporation and By-Laws of this Association, to the end that the blessings of liberty and excellence in the selection and maintenance of members of the judiciary may be preserved to ourselves and transmitted to our posterity.

ARTICLE II

MEMBERSHIP AND DUES

Section 1. Any member in good standing of the Louisiana State Bar Association shall, upon request to the Secretary of the Association, be enrolled as a member of the Section. Members so enrolled and whose dues are paid shall constitute the membership of this Section.

Section 2. Dues for membership in this Section shall be \$20.00 per year, payable upon enrollment and thereafter annually on the same fiscal year basis as Louisiana State Bar Association dues. Members of the judiciary are especially encouraged to join the Section.

Section 3. Any member whose annual dues shall be more than three months delinquent shall immediately cease to be a member of this Section. Only Section members in good standing, with dues paid, shall be eligible to vote, hold any Section office, or receive Section publications.

ARTICLE III

OFFICERS

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer. The officers shall serve ex-officio as members of the Council.

Section 2. Each officer shall hold office for a term of two years, to begin with the adjournment of the annual meeting of the Section at which the member was elected and to end at the close of the second succeeding annual meeting of the Section; or until such time as a successor shall have been elected.

Section 3. Upon ratification of the Section By-Laws and adoption of the Resolution creating a Section on the Composition and Administration of the Judiciary by the membership of the Association, the first Chairman, Vice-Chairman, and Secretary-Treasurer shall be appointed by the President of the Louisiana State Bar Association to serve for two years. Thereafter the officers shall be elected by the Section membership in the manner hereinafter set forth.

ARTICLE IV

DUTIES OF OFFICERS

Section 1. Chairman. The Chairman, or the Vice-Chairman in the absence of the Chairman, shall preside at all meetings of the Section and the Council. On consultation with the Council, the Chairman shall establish such committees as are deemed necessary and appoint the chairmen and members thereof who are to hold office during the Chairman's term. The Chairman shall plan and supervise the program of the Section and the performance of all activities of the Section. The Chairman shall keep the Council informed and carry out its decisions. The Chairman shall formulate and present a report of the work of the Section for the year at each annual meeting of the Louisiana State Bar Association, and shall perform such other acts as usually accompany the office.

Section 2. Vice-Chairman. The Vice-Chairman shall assist the Chairman, performing such tasks as shall be assigned by the Chairman. In the absence of the Chairman, or upon the death, resignation or disability of the Chairman, the Vice-Chairman shall perform the duties of the Chairman for the remainder of the term of office; provided that, in the case of disability, the Vice-Chairman shall act only during the pendency of the disability.

Section 3. Secretary-Treasurer. The Secretary-Treasurer shall be the custodian of all books, papers, documents and other property of the Section, and shall keep a true record of the proceedings of all meetings of the Section and of the Council, whether assembled or acting under submission. With the Chairman, the Secretary-Treasurer shall prepare a summary or digest of the proceedings of the Section at its annual meeting for publication in the Annual Report of the Louisiana State Bar Association. The Secretary-Treasurer, in conjunction with the Chairman as authorized by the Council, shall attend generally to the business of the Section.

Section 4. The Secretary-Treasurer shall sign any application for and execute any bond as may be requested by any officer of the Section and/or member of the Council pursuant to any resolution duly adopted for any bond for the purpose of protecting the monies of the Section. Any cost or premium for such bond, however, shall not be borne by the officer, but shall be an expense of the Section and paid from the funds of the Section.

ARTICLE V

THE COUNCIL

Section 1. The Council of the Section shall be composed of the officers, three members of the Section elected by Section membership, and the retiring Chairman, who shall be a non-voting member for two years following retirement.

Section 2. The Council shall have general duties and control as necessary for the administration of the affairs of the Section subject to the provisions of the Constitution and By-Laws of the Louisiana State Bar Association and the By-Laws of this Section.

Section 3. The Council of the Section is authorized to take action in the name of the Section during intervals between meetings of the Section. All binding action of the Council shall be by majority vote of the whole Council.

Section 4. The Council, during the interim between annual meetings of the Section may, with the concurrence of the Chairman, fill vacancies in its own membership or in the offices of the Vice-Chairman or Secretary-Treasurer and, in the event of vacancies in the offices of both Chairman and Vice-Chairman, then also in the office of Chairman. Members of the Council and officers so elected shall serve until the close of the next annual meeting of the Section.

Section 5. Members of the Council shall vote in person when present at a meeting of the Council. When members contemplate absence, they may communicate their vote on any proposition to the Secretary-Treasurer and have it counted with the same effect as if cast personally at such meeting.

Section 6. The Chairman of the Section may submit or cause to be submitted in writing to each of the members of the Council any proposition upon which the Council may be authorized to act, and the members of the Council may vote on such propositions as submitted, by communicating their vote thereon, in writing over their respective signatures, to the Secretary-Treasurer, who shall record upon the minutes each proposition so submitted, when, how and at whose request same was submitted, and the vote of each member of the Council thereon, and keep on file such written and signed votes. If the votes of a majority of the members of the Council so recorded shall be in favor of such a proposition, or if such majority shall be against such proposition, such majority vote shall constitute the binding action of the Council. The Council of the Section may take action in the name of the Section whenever proposals are brought before the Council for an expression of views and recommendations to the Board of Governors of the Association.

Section 7. The President of the Louisiana State Bar Association shall appoint three members of the Section to serve on the first Council. Such members shall be selected by the President from a slate of six names furnished to the President by the officers of the Section. One member shall be appointed to serve on the Council for one year, one member to serve on the Council for two years and one member to serve on the Council for three years. At the expiration of each initial term, one member of the Council shall be elected in the manner hereinafter set forth to serve a term of three years. Each term will begin with the adjournment of the annual meeting at which the member was elected and will end at the close of the third succeeding annual meeting of the Section.

ARTICLE VI

ELECTION OF OFFICERS AND COUNCIL

Section 1. Annually, the Chairman shall appoint a Nominating Committee of three members of the Council. This Committee shall make and report one nomination for each office and council position which is to be filled by election in that year, identifying each nominee and including a brief statement of the activities undertaken by the nominee in the Section and in the law profession. Upon receipt of the Committee report, the Chairman of the Section shall have it published to Section members prior to the Annual Meeting. Added nominations may be made prior to the meeting by means of a petition signed by not less than ten members of the Section.

Section 2. Ballots in such form as determined by the Section Council shall be placed in the mail to all members of the Section. Each mailing shall contain the names of all nominees and shall be accompanied by a brief biographical statement of each nominee. Each mailing shall include an envelope addressed to the Secretary-Treasurer of the Section and identified on the outside as containing a member's ballot. The Section Council, in cooperation with the Chairman, shall prescribe the method and timing of mailing and return of these ballots to insure the receipt of all valid votes by noon on the opening day of the annual meeting. Election shall be by plurality of the votes cast by mail.

ARTICLE VII

MEETINGS

Section 1. The annual meeting of the Section shall be held during the annual meeting of the Louisiana State Bar Association, with such program and order of business as may be arranged by the Council.

Section 2. Special meetings of the Section may be called by the Chairman upon approval of the Council, at such time and place as the Council and Chairman may determine.

Section 3. The members of the Section present at any meeting shall constitute a quorum for the transaction of business, and the Section shall be bound by a majority vote of the members present at such meeting.

ARTICLE VIII

MISCELLANEOUS PROVISIONS

Section 1. The fiscal year of the Section shall be the same as that of the Louisiana State Bar Association.

Section 2. All bills incurred by the Section shall, before being paid, be approved by the Chairman or Vice-Chairman and the Secretary-Treasurer, or otherwise as the Council may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Council may direct, and checks for all disbursements shall be signed by the Secretary-Treasurer or such other officer as the Council may authorize, except as to funds appropriated by the Board of Governors which shall be disbursed only by the proper officers of the Louisiana State Bar Association on bills approved by the Council.

Section 3. No salary or compensation shall be paid to any officer, committee or council member.

Section 4. These By-Laws shall become effective immediately upon approval thereof, as required by the Articles and By-Laws of the Louisiana State Bar Association.

Section 5. All printing for the Section or for the Council or any committee of the Section shall be done under the supervision of the Executive Director of the Louisiana State Bar Association.

ARTICLE IX

AMENDMENTS

Section 1. These By-Laws may be amended at any annual meeting of the Section by a majority vote of the members of the Section present and voting, provided such proposed amendment shall first have been approved by a majority of the Council, and provided further that no amendment so adopted shall become effective until approved by the Board of Governors of the Louisiana State Bar Association.

Section 2. The Council may propose amendments by majority vote of the Council. Amendments also may be proposed by submission in writing to the Council in the form of a petition signed by at least ten members of the Section in time for it to be considered by the Council at its last regular meeting before the annual meeting of the Section at which it is to be voted upon. The Council shall consider the proposed amendment at said regular meeting and shall prepare recommendations thereon. The recommendations, together with a complete and accurate text of said proposed amendment, shall be disseminated to the members of the Section by the Secretary-Treasurer prior to the annual meeting of the Section at which they will be voted upon.

* * * *

LOUISIANA STATE BOARD ASSOCIATION



Section on the Composition and Administration of the Judiciary

NOTICE OF PROPOSED REVISIONS
TO THE BY-LAWS OF THE SECTION

Consistent with the procedure established at Article 1X of the By-Laws of the Section on the Composition and Administration of the Judiciary (the "Section"), the Council of the Section, by majority vote, proposes the following amendments to the By-Laws for consideration and vote by the membership of the section at the annual meeting of the section to be held during the annual meeting of the Louisiana State Bar Association, June 9-12, 1993, in Sandestin, Florida. Existing language in the By-Laws proposed to be eliminated is shown with a strike through; new wording is shown in highlighted text.

Proposal Number 1:

Article I, Name and Propose, Section 1, is proposed to be amended to change the name of the section to Section on the Bench and Bar to simplify the name. The wording of the Article would be revised as follows:

Section 1. This Section shall be known as the Section on the ~~Composition and Administration of the Judiciary~~ Bench and Bar.

Proposal Number 2:

Article III, Officers, Section 1, is proposed to be amended to reflect that the officers are members of the Council of the section. The wording of the Article would be revised as follows:

Section 1. The general officers of this Section shall be a Chairman, a Vice-Chairman, and a Secretary-Treasurer. The officers shall serve ~~ex-officio~~ as members of the Council.

Proposal Number 3:

Article V, The Council, Section 1, is proposed to be amended to reflect an increase in the number of members of the section elected to the Council from 3 to 4 persons.

Section 1. The Council of the Section shall be composed of the officers, ~~three~~ **four** members of the Section elected by Section membership, and the retiring Chairman, who shall be a non-voting member for two years following retirement.

Proposal Number 4:

Article VI, Election of Officers and Council, Section 1, is proposed to be amended to provide that the nominating committee shall be selected from the membership of the section and to exclude the requirement that ballots be mailed.

Section 1. Annually, the Chairman shall appoint a Nominating Committee of three members of the Council ~~Section~~. This Committee shall make and report one nomination for each office and council position which is to be filled by election in that year. ~~Identifying each nominee and including a brief statement of the activities undertaken by the nominee in the Section and in the law profession.~~ Upon receipt of the Committee report, the Chairman of the Section shall have it published to Section members prior to the Annual Meeting. Added nominations may be made prior to the meeting by means of a petition signed by not less than ten members of the Section.

~~Section 2. Ballots in such form as determined by the Section Council shall be placed in the mail to all members of the Section. Each mailing shall contain the names of all nominees and shall be accompanied by a brief biographical statement of each nominee. Each mailing shall include an envelope addressed to the Secretary-Treasurer of the Section and identified on the outside as containing a member's ballot. The Section Council, in cooperation with the Chairman, shall prescribe the method and timing of mailing and return of these ballots to insure the receipt of all valid votes by noon on the opening day of the~~

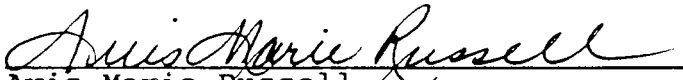
~~annual meeting. Election shall be by
plurality of the votes cast by mail.~~

Proposal Number 5:

Article VII, Meeting, Section 1, is proposed to be amended to allow the annual meeting to be held either during the LSBA annual meeting or at some other time.

Section 1. The ~~annual meeting of the~~ Section shall ~~meet annually with such meeting to~~ be held during the annual meeting of the Louisiana State Bar Association ~~or at such other time and place as the Council may designate~~ with such program and order of business as may be arranged by the Council.

Respectfully submitted,


Avis Marie Russell
Chair, Section on the Composition
and Administration of the Judiciary