

JUDICIAL ABILITY TO COMMENT

Recognizing the general public's right to be informed as to the operation of Louisiana's judicial system, the Louisiana State Bar Association makes its staff and members available to provide answers to questions that may arise as to the judicial process. For that reason, the LSBA encourages members of the public and the press to contact the LSBA at any time with questions of this nature. As to judges' frequent inability to comment either to the press or to the general public on pending cases or matters that have come before their courts, the LSBA explains as follows the constraints the law places on public comments by the men and women who have offered themselves as public servants in the courts of Louisiana:

Judges in Louisiana are governed by the Louisiana Code of Judicial Conduct. Part of the role of a judge in our state is to promote public confidence in the integrity and impartiality of an independent and honorable judicial system that is indispensable to justice in our society. To that end, judges are prohibited under the Code of Judicial Conduct from commenting publicly on any pending Louisiana state court proceeding in such as way as might reasonably be expected to affect the outcome of that proceeding, impair the fairness of that proceeding, or suggest any bias or prejudice by the Court in favor of one or more parties.

Under the Louisiana Constitution, the judicial branch of government is one of three separate and independent branches of government, designed as such to limit the power of any one particular branch of government. For that reason, judges are granted the discretion, based on their assessment of the legal evidence and information made available in any particular case, to exercise their wisdom in making decisions as to the progress and final outcome of that case. This often requires a delicate balancing of the rights of the accused or individual parties with the rights of society at large.

Out of respect for the honor and integrity of the public judicial system, and in compliance with the Code of Judicial Conduct, as well as the laws and Constitution of the state of Louisiana, judges are prohibited from publicly explaining their actions or decisions and commenting on pending Louisiana state court decisions in a manner that could affect the outcome of the case or the fairness of the proceeding, often for reasons not readily apparent to the general public. Judges may, at their own discretion, comment on cases that are completed, meaning cases which have made their way completely through the appeals process, and are thus considered "res judicata," or "already conclusively and finally decided by the courts."