

SUPREME COURT OF LOUISIANA

In re Judge Kirk Granier

906 So. 2d 417 (La. 2005) · No. 2004-O-3031 · Decided June 29, 2005

SUMMARY

The Louisiana Supreme Court reviewed a Judiciary Commission recommendation concerning Judge Kirk Granier's hiring of his romantic partner as an independent contractor and payment of her compensation and training expenses from the Judicial Expense Fund. The court publicly censured Judge Granier for violating Canons 1, 2A, 2B, and 3B(4) of the Code of Judicial Conduct and ordered reimbursement of specified amounts.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Knoll, Justice; Johnson, J.; Kimball, J.; Traylor, J.
JURISDICTION	Louisiana
DECIDED	June 29, 2005
DOCKET	2004-O-3031
DISPOSITION	approved
PROCEDURAL POSTURE	Original judicial-discipline proceeding before the Supreme Court of Louisiana on the recommendation of the Judiciary Commission of Louisiana. The parties stipulated to the underlying facts, and Judge Granier accepted the recommended discipline.
STANDARD OF REVIEW	The Supreme Court independently reviewed the record and the Judiciary Commission's investigation and recommendation to determine whether judicial misconduct occurred and what sanction was appropriate.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential.

TOPICS

- constitutional law
- administrative law
- judicial review of agency action

PRACTICE AREAS

- judicial discipline
- legal ethics
- constitutional law
- administrative law

QUESTIONS PRESENTED

1. Whether Judge Granier's hiring of his romantic partner and use of judicial funds for her compensation and professional training violated the Code of Judicial Conduct and La. Const. art. V, § 25(C).
2. Whether the absence of an intent to violate the ethical rules precluded the imposition of judicial discipline.
3. Whether public censure, reimbursement of judicial funds, and payment of prosecution costs were appropriate sanctions.

HOLDINGS

1. Judge Granier violated Canons 1, 2A, 2B, and 3B(4) by allowing a romantic relationship to influence his judicial conduct, using the prestige of judicial office for another's benefit, and creating an appearance of impropriety through the appointment and payment arrangement.
2. Intent to violate the ethical canons is not required for the imposition of judicial discipline.
3. Public censure, reimbursement of \$2,321.78 to the Judicial Expense Fund, and payment of \$448 in Judiciary Commission costs were appropriate sanctions.

KEY QUOTATIONS

“intention is not required for the imposition of judicial discipline.” (419)

“For the reasons assigned, it is ordered that Judge Kirk Granier be publicly censured for violating Canons 1, 2A and 2B, and 3B4 of the Code of Judicial Conduct.” (420)

FACTUAL BACKGROUND

Judge Kirk Granier, a district judge, hired his girlfriend, Tanya LeBlanc, a registered nurse, as an independent contractor to review and summarize medical records in nineteen cases. He authorized payments totaling \$13,860.50 from the Judicial Expense Fund for her work and additionally authorized \$1,299 in tuition and \$1,022.78 in hotel, per diem, and airfare expenses for her legal nurse consultant course. The court found that LeBlanc was qualified and performed the work, that her involvement did not affect Judge Granier's adjudicatory function, and that he ended the arrangement once the appearance of impropriety was brought to his attention.

PROCEDURAL HISTORY

The Judiciary Commission investigated and charged Judge Kirk Granier with violations of the Code of Judicial Conduct and La. Const. art. V, § 25(C), arising from his hiring and payment of his romantic partner as an independent contractor and payment of her training and travel expenses from the Judicial Expense Fund. The Commission recommended public censure, reimbursement of \$2,321.78 to the Judicial Expense Fund, and payment of \$448 in costs. The Supreme Court initially granted a joint motion to waive briefing and oral argument, later recalled that order, requested briefing, and set the matter for oral argument before adopting the Commission's recommendation.

DISPOSITION

approved

CASES CITED

- In re Hunter, 02-1975 (La. 8/19/02), 823 So. 2d 325

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