

SUPREME COURT OF LOUISIANA

In re Judge Reginald T. Badeaux, III

65 So. 3d 1273 (La. 2011) · No. 2011-O-0214 · Decided July 1, 2011

SUMMARY

The Louisiana Supreme Court reviewed judicial misconduct allegations against Judge Reginald T. Badeaux, III, arising from his handling of a divorce and child-custody matter involving close personal friends. The court found that he improperly failed to recuse himself, engaged in impermissible ex parte communications, and issued an order contrary to Louisiana procedural requirements. The court publicly censured Judge Badeaux and ordered him to reimburse the Judiciary Commission of Louisiana \$1,439.15 in costs.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Clark, Justice
JURISDICTION	Louisiana
DECIDED	July 1, 2011
DOCKET	2011-O-0214
DISPOSITION	other
PROCEDURAL POSTURE	The Judiciary Commission of Louisiana recommended that Judge Reginald T. Badeaux be publicly censured and ordered to reimburse the Commission for investigative and prosecutorial costs. The Louisiana Supreme Court reviewed the stipulated facts and ethical violations and determined the appropriate discipline.
STANDARD OF REVIEW	The court independently determined the appropriate measure of judicial discipline based on the stipulated facts and legal conclusions.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential disciplinary decision.

TOPICS

- family law procedure
- child custody
- divorce
- civil procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. What measure of discipline was appropriate for Judge Badeaux's stipulated violations of the Louisiana Code of Judicial Conduct?
2. Whether public censure and reimbursement of the Judiciary Commission's costs were warranted based on Judge Badeaux's failure to recuse, ex parte communications, and issuance of a legally deficient custody order.

HOLDINGS

1. Public censure and reimbursement of \$1,439.15 in costs were appropriate sanctions for Judge Badeaux's violations of Canons 2A, 3A(1), 3A(6), and 3C of the Louisiana Code of Judicial Conduct.
2. A judge violates the recusal requirement by presiding over a divorce and custody proceeding involving close personal friends when the judge's impartiality might reasonably be questioned.
3. Issuing an ex parte interim-custody order that does not comply with the mandatory requirements of La. Code Civ. P. art. 3945 constitutes misconduct when the judge knows the pleading and order are legally deficient.

KEY QUOTATIONS

"No judge should preside over any case involving close friends, in particular not a divorce and custody case, on the basis that the judge expects things to remain amicable." (1277)

"Accordingly, we will accept the recommendation of the Commission and publicly censure Judge Badeaux, as well as order him to pay the costs of these proceedings." (1279)

FACTUAL BACKGROUND

Judge Badeaux presided over a divorce and custody case involving two close personal friends, continued socializing with the husband, and engaged in communications concerning the custody dispute without recusing himself. He signed an ex parte interim-custody order that he knew did not comply with La. Code Civ. P. art. 3945, including deficiencies concerning verification, notice, visitation, and the timing of the hearing. The order was later vacated, and Judge Badeaux eventually recused himself after the mother challenged his conduct.

PROCEDURAL HISTORY

After Judge Badeaux presided over a divorce and child-custody matter involving close personal friends, the Judiciary Commission filed a formal charge alleging failures to recuse, impermissible ex parte communications, and issuance of an order contrary to Louisiana law. The parties stipulated to the material facts and several ethical violations, and the Commission recommended public censure and costs. The Commission referred its recommendation to the Louisiana Supreme Court, which accepted the recommendation and imposed the discipline.

DISPOSITION

other

CASES CITED

- In re: Shea, 02-0643 (La. 4/26/02), 815 So. 2d 813
- In re: Chaisson, 549 So. 2d 259 (La. 1989)
- Matter of Deming, 108 Wash. 2d 82, 736 P.2d 639 (1987)

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