

SUPREME COURT OF LOUISIANA

In re Justice of the Peace Stacie P. Myers

156 So. 3d 11 (La. 2014) · No. 2014-O-1528 · Decided October 15, 2014

SUMMARY

The Louisiana Supreme Court reviewed a Judiciary Commission recommendation concerning Justice of the Peace Stacie P. Myers's failure to file required sworn annual financial statements for 2007, 2008, and 2009. The court found violations of Canons 1 and 2(A) of the Code of Judicial Conduct and ordered a twelve-month suspension without pay, with six months deferred conditioned on filing the statements, plus payment of \$246.70 in costs.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Guidry, J.
JURISDICTION	Louisiana
DECIDED	October 15, 2014
DOCKET	2014-O-1528
DISPOSITION	other
PROCEDURAL POSTURE	The Judiciary Commission of Louisiana recommended discipline after formal proceedings established that Justice of the Peace Stacie P. Myers failed to file required sworn annual financial statements. The Louisiana Supreme Court exercised its exclusive original jurisdiction over the judicial disciplinary proceeding and imposed discipline greater than that recommended by the Commission.
STANDARD OF REVIEW	The Supreme Court determines facts independently from the record and is not bound by, or required to give weight to, the Judiciary Commission's findings and recommendations. The disciplinary violation must be established by clear and convincing evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Supreme Court of Louisiana

TOPICS

constitutional law

administrative law

remedies

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether Myers violated the statutory requirement to file sworn annual financial statements for 2007, 2008, and 2009.
2. Whether the failure to file those statements violated Canons 1 and 2(A) of the Code of Judicial Conduct and constituted willful misconduct or a willful and persistent failure to perform official duties under article V, section 25(C) of the Louisiana Constitution.
3. What discipline was appropriate for the established violations.

HOLDINGS

1. Myers failed to comply with La. Rev. Stat. 24:514 by not filing the required sworn annual financial statements for 2007, 2008, and 2009.
2. Myers's failure to file the financial statements violated Canons 1 and 2(A) of the Code of Judicial Conduct and constituted willful misconduct relating to official duty and a willful and persistent failure to perform that duty under article V, section 25(C) of the Louisiana Constitution.
3. A twelve-month suspension from judicial office without pay was warranted, with six months deferred on the condition that Myers file the delinquent financial statements within three months of judgment; she was also required to pay \$246.70 in costs.

KEY QUOTATIONS

“This court makes determinations of fact based on the evidence in the record and is not bound by, nor required to give any weight to, the findings and recommendations of the Judiciary Commission.” (3)

“We find the record establishes by clear and convincing evidence that Justice of the Peace Myers failed to comply with the filing requirement of La. Rev. Stat. 24:514, thereby violating the Code of Judicial Conduct and subjecting her to discipline under La. Const. art. V, § 25(C).” (4)

FACTUAL BACKGROUND

Justice of the Peace Stacie P. Myers failed to file sworn annual financial statements with the Louisiana Legislative Auditor for calendar years 2007, 2008, and 2009, despite statutory deadlines and repeated notice of her noncompliance. She also failed to respond to investigative inquiries, answer the formal charge, attend the hearing or Commission proceedings, and comply with related orders. The record showed prior penalties for willful and knowing violations of financial-disclosure requirements and continuing noncompliance through at least May 2013.

PROCEDURAL HISTORY

The Commission's Office of Special Counsel investigated Myers's failure to file financial statements for 2007, 2008, and 2009. Myers did not respond to inquiries, answer the Formal Charge, attend the hearing officer's hearing, file a post-hearing brief, or appear before the Commission. The Commission found the charge proven

by clear and convincing evidence and recommended a six-month unpaid suspension. The Supreme Court independently reviewed the record, adopted the Commission's factual findings and legal conclusions, and imposed a twelve-month unpaid suspension, with six months deferred subject to filing the delinquent statements.

DISPOSITION

other

CASES CITED

- In re Quirk, 705 So. 2d 172 (La. 1997)
- In re Myers, 74 So. 3d 672 (La. 2011)
- In re Myers, 105 So. 3d 679 (La. 2012)
- In re Chaisson, 549 So. 2d 259 (La. 1989)
- Matter of Deming, 736 P.2d 639 (Wash. 1987)