

SUPREME COURT OF LOUISIANA

In re Justice of the Peace Myrty Alfonso

957 So. 2d 121 (La. 2007) · No. 2007-O-0120 · Decided May 22, 2007

SUMMARY

The Louisiana Supreme Court disciplined Justice of the Peace Myrty Alfonso for issuing an arrest warrant and setting bond while acting with admitted bias against the defendant and failing to recuse herself. The court found violations of the Louisiana Code of Judicial Conduct and Article V, § 25(C) of the Louisiana Constitution. It increased the recommended sanction to a 30-day suspension without pay and ordered reimbursement of \$178.41 in costs.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Weimer, J.; Johnson, J.; Traylor, J.
JURISDICTION	Louisiana
DECIDED	May 22, 2007
DOCKET	2007-O-0120
DISPOSITION	other
PROCEDURAL POSTURE	Judicial disciplinary proceeding instituted by the Judiciary Commission of Louisiana and referred to the Supreme Court of Louisiana for determination of the appropriate sanction.
STANDARD OF REVIEW	The Supreme Court reviewed the Commission's factual findings and independently determined the appropriate discipline.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential.
PARTIES	Judiciary Commission of Louisiana v. Justice of the Peace Myrty Alfonso

TOPICS

- administrative law
- constitutional law
- criminal procedure

PRACTICE AREAS

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

QUESTIONS PRESENTED

1. Whether Alfonso's admitted biased conduct in issuing an arrest warrant and setting bond violated the Code of Judicial Conduct and Article V, § 25(C) of the Louisiana Constitution.
2. Whether the Commission's recommended fifteen-day suspension was an adequate sanction.
3. What discipline was appropriate for Alfonso's willful misconduct relating to her official judicial duties.

HOLDINGS

1. The Code of Judicial Conduct is binding on justices of the peace, and violations of the Code may serve as a basis for disciplinary action under Article V, § 25(C) of the Louisiana Constitution.
2. Alfonso violated the Code of Judicial Conduct and Article V, § 25(C) by acting on admitted bias and prejudice against Thedens, failing to recuse herself when her impartiality could reasonably be questioned, and engaging in willful misconduct relating to her official duties.
3. An act need not be intentional or undertaken in bad faith to support judicial discipline; negligence or ignorance may suffice when the conduct is prejudicial to the administration of justice and brings the judicial office into disrepute.
4. A thirty-day suspension without pay, together with reimbursement of \$178.41 in costs to the Judicial Commission of Louisiana, was the appropriate sanction.

KEY QUOTATIONS

“Among the greatest dangers posed by a biased judge is a threat to liberty.” (126)

“For the reasons assigned, it is ordered that Justice of the Peace Myrty Alfonso be suspended for 30 days without pay for violating the Code of Judicial Conduct and Article V, § 25(C) of the 1974 Louisiana Constitution in that she engaged in willful misconduct relating to her official duty.” (127)

FACTUAL BACKGROUND

Justice of the Peace Myrty Alfonso issued an arrest warrant for Larry Thedens based on complaints from neighbors with whom she had a personal dispute involving, among other things, her child. She set bond at \$50,000, and Thedens spent a night in jail before a district judge reduced the bond to \$5,000. Alfonso stipulated that she acted with bias and prejudice against Thedens and in favor of the complaining neighbors, and that she violated the charged provisions of the Code of Judicial Conduct.

PROCEDURAL HISTORY

A neighbor complained to the Office of Special Counsel about Justice of the Peace Myrty Alfonso's issuance of an arrest warrant and setting of bond. The Judiciary Commission filed Formal Charge 0260, and Alfonso stipulated to the material facts and violations of the Code of Judicial Conduct but not to the alleged constitutional violation. The Commission recommended a fifteen-day suspension and reimbursement of \$178.41; the Supreme Court agreed with the Commission's factual findings but imposed a thirty-day suspension without pay.

DISPOSITION

other

CASES CITED

- In re: Chaisson, 549 So. 2d 259, 266 (La. 1989)
- Matter of Deming, 108 Wash. 2d 82, 736 P.2d 639, 659 (1987)
- In re Marullo, 692 So. 2d 1019, 1023 (La. 1997)
- In re: Wilkes, 403 So. 2d 35, 40, 44 (La. 1981)
- In re: McInnis, 769 So. 2d 1186, 1188 n. 2 (La. 2000)
- In re: Justice of Peace Cook, 906 So. 2d 420, 424 (La. 2005)
- In re: Hunter, 823 So. 2d 325, 336 (La. 2002)
- In re: Elloie, 921 So. 2d 882, 902 (La. 2006)
- In re: Decuir, 654 So. 2d 687, 692 (La. 1995)
- In re: Cresap, 940 So. 2d 624 (La. 2006)
- In re: King, 857 So. 2d 432, 445 (La. 2003)