

SUPREME COURT OF LOUISIANA

In re Justice of the Peace Herbert G. Williams, Jr.

85 So. 3d 5 (La. 2012) · No. 2011-O-2243 · Decided January 24, 2012

SUMMARY

The Supreme Court of Louisiana reviewed a Judiciary Commission recommendation concerning Justice of the Peace Herbert G. Williams, Jr., who notarized an act of donation transferring immovable property to his son and daughter-in-law without authority and without the purported donor appearing to sign. The court held that Williams violated Canons 1, 2(A), 2(B), 3(A)(1), and 3(B)(1) of the Code of Judicial Conduct. It publicly censured him and ordered him to reimburse the Judiciary Commission \$1,657.56 in costs.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Weimer, Justice; Victory, Justice
JURISDICTION	Louisiana
DECIDED	January 24, 2012
DOCKET	2011-O-2243
DISPOSITION	other
PROCEDURAL POSTURE	The Supreme Court of Louisiana reviewed a recommendation from the Judiciary Commission of Louisiana that Justice of the Peace Herbert G. Williams, Jr. be publicly censured and ordered to reimburse the costs of the disciplinary proceedings.
STANDARD OF REVIEW	The court conducted a thorough review of the facts and law and independently reviewed the record before agreeing with the Commission's factual findings and legal conclusions.
PRECEDENTIAL VALUE	Published Louisiana Supreme Court opinion; precedential
PARTIES	Office of Special Counsel v. Justice of the Peace Herbert G. Williams, Jr.

TOPICS

constitutional law real estate title disputes deeds remedies

PRACTICE AREAS

judicial discipline

professional responsibility

real property

notarial authority

constitutional law

QUESTIONS PRESENTED

1. Whether Williams's notarization of an act affecting immovable property, without authority and without the purported donor appearing and signing in his presence, violated the Code of Judicial Conduct.
2. Whether lack of fraudulent intent or conscious intent precluded judicial discipline.
3. What discipline was appropriate under the circumstances.

HOLDINGS

1. Williams violated Canons 1, 2(A), 2(B), 3(A)(1), and 3(B)(1) by notarizing an act affecting immovable property without legal authority and without requiring the purported donor to appear and sign in his presence.
2. Intent or conscious bad faith is not required to support judicial discipline; misconduct resulting from negligence or ignorance may be sufficient.
3. Public censure and reimbursement of \$1,657.56 in proceeding costs were adequate sanctions.

KEY QUOTATIONS

“An act by a judge or justice of the peace need not be intentional to support judicial discipline.” (12)

“Under the circumstances of this case, we conclude that public censure would adequately serve the purpose of this disciplinary proceeding.” (14)

FACTUAL BACKGROUND

While serving as a justice of the peace and ex officio notary public, Herbert G. Williams, Jr. notarized an act of donation purporting to transfer immovable property in Plaquemines Parish from the Family of Joseph W. Larche to Williams's son and daughter-in-law. Williams was not a commissioned notary authorized to notarize documents affecting immovable property, and the purported donor did not appear before him or sign the document in his presence. The document was later determined to be fraudulent, clouded title to the property, and was declared a nullity by consent judgment; Williams paid \$1,250 to settle Larche's monetary demands.

PROCEDURAL HISTORY

The Judiciary Commission investigated Williams after learning that he had notarized an act of donation transferring immovable property to his son and daughter-in-law. Following a formal charge, a hearing officer's proceedings, and Williams's appearance before the Commission, the Commission found violations of Canons 1, 2(A), 2(B), 3(A)(1), and 3(B)(1) of the Code of Judicial Conduct and recommended public censure and reimbursement of costs. The Supreme Court agreed with the Commission's findings and accepted its recommendation.

DISPOSITION

other

CASES CITED

- In re Justice of the Peace Alfonso, 957 So. 2d 121 (La. 2007)
- In re Adams, 63 So. 3d 948, 954 (La. 2011)
- In re Hunter, 823 So. 2d 325, 336 (La. 2002)
- In re Elloie, 921 So. 2d 882, 902 (La. 2006)
- In re Wilkes, 403 So. 2d 35, 44 (La. 1981)
- In re Chaisson, 549 So. 2d 259, 266 (La. 1989)
- In re Marullo, 692 So. 2d 1019, 1023 (La. 1997)
- In re Quick, 553 So. 2d 522, 524 (Miss. 1989)
- Matter of Deming, 108 Wash. 2d 82, 736 P.2d 639, 659 (1987)

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