

SUPREME COURT OF LOUISIANA

In re Judge Allen A. Krake

976 So. 2d 162 (La. 2008) · No. 2006-O-1658 · Decided February 26, 2008

SUMMARY

The Louisiana Supreme Court revoked Judge Allen A. Krake's probation after finding that he repeatedly failed to comply with the monitoring requirements of his Lawyers Assistance Program contract. The court made executory the remaining deferred suspension, suspending him without salary for the remainder of his judicial term through December 31, 2008.

CASE DETAILS

COURT	Supreme Court of Louisiana
WRITING FOR THE COURT	Per Curiam
JURISDICTION	Louisiana
DECIDED	February 26, 2008
DOCKET	2006-O-1658
DISPOSITION	other
PROCEDURAL POSTURE	Judicial discipline proceeding in which the Judiciary Commission of Louisiana notified the Supreme Court that Judge Krake had failed to comply with conditions of probation imposed in an earlier disciplinary matter.
PRECEDENTIAL VALUE	Published opinion

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QUESTIONS PRESENTED

1. Whether Judge Krake violated the conditions of his probation by failing to comply with the requirements of his Lawyers Assistance Program contract.

2. Whether the court should revoke probation and make the remaining period of his deferred suspension executory.

HOLDINGS

1. Judge Krake was not in compliance with the conditions of his probation because he failed to comply with the requirements of his Lawyers Assistance Program contract, and his medical condition did not excuse that noncompliance.
2. Upon finding that Judge Krake breached the conditions of probation, the Supreme Court revoked probation and made the remaining period of the deferred suspension executory.

KEY QUOTATIONS

“In summary, based on the undisputed facts of this matter, we must conclude that Judge Krake is not in compliance with the conditions of his probation. Accordingly, ex proprio motu, we will revoke Judge Krake's probation and make the remaining period of his deferred suspension executory.” (164)

“Judge Krake's probation is revoked, and the suspension imposed in In re: Krake, 06-1658 (La.10/27/06), 942 So. 2d 18, is hereby made executory.” (164)

FACTUAL BACKGROUND

Judge Allen A. Krake was placed on probation after a prior disciplinary proceeding arising from his persistent and public abuse of alcohol. The probation conditions required him to comply with a Lawyers Assistance Program contract, including sobriety reporting, attendance documentation, drug screening, monitoring appointments, and payment of a monitoring fee. He failed to comply on multiple occasions, including failures in December 2006 and December 2007, and argued that his later noncompliance resulted from serious illness. The court reviewed medical records and concluded that his condition did not prevent compliance.

PROCEDURAL HISTORY

In an earlier decision, the Supreme Court suspended Judge Krake from judicial office for the remainder of his term, deferred all but six months of the suspension, and placed him on probation subject to conditions including compliance with a Lawyers Assistance Program contract. After the Commission reported two instances of noncompliance, the court initially took no action on the first report. Following the second report and Judge Krake's response that illness caused the noncompliance, the Supreme Court considered his medical records, revoked probation, and made the remaining deferred suspension executory.

DISPOSITION

other

CASES CITED

- In re: Krake, 06-1658 (La. 10/27/06), 942 So. 2d 18

