

LOUISIANA ATTORNEY DISCIPLINARY BOARD

IN RE: MICHELLE MILLER ODINET

DOCKET NO. 22-DB-039

REPORT OF HEARING COMMITTEE NO. 5

INTRODUCTION

This attorney disciplinary matter arises from formal charges filed by the Office of Disciplinary Counsel (“ODC”) against Michelle Miller Odinet (“Respondent”), Louisiana Bar Roll No. 22530. ODC alleges Respondent violated Canons 1 and 2A of the Code of Judicial Conduct and Rules 8.4(a) and 8.4(d) of the Rules of Professional Conduct.

PROCEDURAL HISTORY

ODC filed formal charges against Respondent on August 29, 2022. A copy of these formal charges were served upon Respondent by certified mail and by email to the addresses on file with the Louisiana State Bar Association. On September 6, 2022, Respondent filed a Response to the Formal Charges.

On December 13, 2022, this matter came before Hearing Committee No. 5 for a hearing on the allegations made by ODC against Respondent. Susan Kalmbach appeared on behalf of ODC, and Leslie Schiff, Dane Ciolino and Clare Rubion appeared on behalf of Respondent.

FORMAL CHARGES

The formal charges against Respondent read as follows:

V. On or about December 30, 2021, the ODC was informed of conduct by Respondent that would warrant the opening of a disciplinary complaint.

VI. On December 31, 2021, Respondent resigned her elected position as Lafayette City Court Judge, and on January 13, 2022, a disciplinary complaint was opened for investigation. In re: Michelle Miller Odinet, ODC 0039715.

VII. On February 16, 2022, the ODC received a referral from the Judiciary Commission of Louisiana, and that referral was considered as part of the disciplinary complaint identified as ODC 0039715.

VIII. Respondent was placed on notice of the disciplinary complaint and submitted an initial response.

IX. The ODC investigation reflects that on July 22, 2020, Respondent submitted a Notice of Candidacy for City Judge, City Court, Division A, City of Lafayette. As a candidate for judge, Respondent was provided with an information packet that included a copy of the Louisiana Code of Judicial Conduct. Respondent signed for receipt of the packet on July 22, 2020. On November 3, 2020, Respondent was elected City Judge of Division "A" in Lafayette, Louisiana. On November 6, 2020, as a newly elected judge, the Louisiana Supreme Court Judicial Administrator mailed to Respondent a packet of information; a copy of the Louisiana Code of Judicial Conduct was included. During the early morning hours of December 11, 2021, Respondent arrived home with others in her vehicle. Upon arrival, Respondent observed a stranger who, apparently, had entered family vehicles. Respondent's sons and their friend left Respondent's vehicle, and the alleged perpetrator was tackled and detained until law enforcement arrived. Upon the arrival of law enforcement, Respondent identified herself as a judge, and an investigation ensued. The alleged perpetrator was taken into custody by the Lafayette Parish Sheriff's Department. Later that morning, while at home, Respondent and others viewed a home security video of the incident. This viewing also was videoed, with Respondent and others narrating the events that had occurred earlier that morning. In the video, a male voice states: "And mom's yelling n****r, n****r." Respondent then states: "We have a n****r; it's a n****r, like a roach." The video of Respondent's use of racial slurs was posted on the internet and widely circulated. The incident drew local and national attention and media coverage.

X. The Rules for Lawyer Disciplinary Enforcement, found in Louisiana Supreme Court Rule XIX, expressly provide for the ODC's jurisdiction over former judges. Rule XIX, Section 6B provides in pertinent part:

A former judge who has resumed the status of a lawyer is subject to the jurisdiction of the agency not only for conduct as a lawyer but also for misconduct that occurred while the lawyer was a judge and would have been grounds for lawyer discipline. This jurisdiction of the agency should not be exercised if the misconduct was the subject of a judicial disciplinary proceeding in which there has been a final determination by the court, unless the court reserved to the agency the right to pursue lawyer discipline in accordance with this subsection. Misconduct by a judge that is not finally adjudicated

before the judge leaves office falls within the jurisdiction of the lawyer disciplinary agency.

XI. The ODC respectfully submits that the evidence is clear and convincing that, as a matter of law, Respondent has violated Canons 1 and 2A of the Louisiana Code of Judicial Conduct and Rule 8.4(a) (violate or attempt to violate the Rules of Professional Conduct) and (d) (engaged in conduct prejudicial to the administration of justice) of the Louisiana Rules of Professional Conduct.

EVIDENCE

The ODC and Respondent stipulated to the entry of ODC exhibits ODC-1 through ODC-16 and Respondent exhibits 1 and 2, which are:

ODC-1 Complaint of the ODC against Michelle Miller Odinet Respondent

- Lafayette Police Department Police Report for December 11, 2021, as supplemented
- December 11, 2021, Lafayette Parish Sheriff's Office Booking Report for Robert D. Handy
- December 11, 2021, statement of Kenneth Odinet, M.D.
- December 11, 2021, statement of Kenneth Odinet
- December 11, 2021, statement of Elijah Odinet
- February 16, 2022, referral from the Judiciary Commission of Louisiana
- In re: Odinet, 2021-01884 (La. 12/16/21) (order)
- December 31, 2021, Respondent's Letter of Resignation

ODC-2 ODC notice of complaint and request for an initial response sent via certified mail to Respondent's (former) LSBA-registered primary address with usps.com tracking information (no certified mail receipt returned)

ODC-3 March 21, 2022, Respondent's initial response to the complaint

ODC-4 Respondent's July 22, 2020, Notice of Candidacy for City Judge, City Court, Division A, City of Lafayette

ODC-5 Respondent's December 30, 2020, Oath of Office as City Judge, City Court, Division A, City of Lafayette, Parish of Lafayette, State of Louisiana

ODC-6 April 29, 2022, correspondence from the Louisiana Supreme Court, General Counsel's Office transmitting:

- Sample packet of information provided to individuals qualifying for election to judicial office (July 8, 2020, date)
- Respondent's signed acknowledgement for receipt of the packet for candidates (July 22, 2020)

- November 6, 2020, transmittal letter from Louisiana Supreme Court to Respondent following Respondent's November 3, 2020, election as a judge of the Lafayette City Court (with attachments)

ODC-7 Three DVDs containing video files (bodycam and social media) in regard to the incident-
ODC-7a Disc 1 (Video 1 through 4); Disc 2 (Video 7-12)-**SEALED EXHIBIT**
ODC-7b Disc 4 (Video 14)

ODC-8 Press Releases from public officials and community leaders in association with the December 11, 2021, incident

- December 15, 2021: Anti-Defamation League, Southern Division, Policy Director Aaron Ahlquist
- December 15, 2021: Glenn M. Lazard, Council Member, Lafayette City Council, District 5
- Louisiana State Senator Gerald Boudreaux
- August 24, 2022: Lafayette Consolidated Government Mayor-President Guillory's Statement Concerning Comments Made by Local Judge
- December 14, 2021: Lafayette City Marshal Reggie Thomas

ODC-9 June 8, 2020, Louisiana Supreme Court press release of Louisiana Supreme Court Chief Justice Bernette Joshua Johnson Issues Call for Justice for All in Louisiana

ODC-10 Samples of media coverage associated with the December 11, 2021, incident

ODC-11 December 17, 2021, Louisiana Supreme Court press release re: appointment of retired Opelousas City Court Judge Vanessa Harris as judge pro tempore of Division A, Lafayette City Court

ODC-12 United States Census Population Estimates for July 1, 2021 found at [census.gov/quickfacts/fact/table/lafayettecilouisiana/PST045221](https://www.census.gov/quickfacts/fact/table/lafayettecilouisiana/PST045221) (Printed 07/13/2022)

ODC-13 *State v. Handy*, CR 184268, 15th J.D.C., Parish of Lafayette

- Bill of Information – Simple Burglary (2 counts)
- Docket summary through 09/29/2022
- Minutes through 06/23/2022
- La. R.S. 14:62 (eff. 08/01/2020)

ODC-14 Respondent's current LSBA registration

ODC-15 Respondent's April 21, 2022, sworn statement

ODC-16 Respondent's October 6, 2022, deposition

and

Respondent-1 39 Character Witness Letters, *in globo*

Respondent-2 Discipline Diagram

The following persons were present at the hearing and provided testimony:

Michelle Odinet, Respondent
Kenny Odinet, III, Fact Witness
Joseph Raspanti, Character Witness
Alan Breaud, Character Witness
Joseph Prejean, Character Witness
Dawn Delaune, Character Witness
Sadie Shamsie, Character Witness

Via *Proffer* due to late disclosure of witnesses:¹

Father Chester Arceneaux, Character Witness
Ronnie Cox, Character Witness

STANDARD AND BURDEN OF PROOF

The ODC must prove Respondent engaged in a violation of the Code of Judicial Conduct and a violation of the Rules of Professional Conduct by clear and convincing evidence. La. S.Ct. Rule XIX, Sec. 18D. Clear and convincing evidence is evidence indicating the thing to be proved is highly probable or reasonably certain. Black's Law Dictionary 596 (8th Ed. 2004).

FINDINGS OF FACT

Michelle Miller Odinet (DOB 7/22/68) has been a member of the Louisiana Bar Association since 1993 after graduating from Tulane Law School (nearly 30 years). Prior to the incident in question, she has never been subjected to discipline either as an attorney or as a judge.

¹ Prior to the hearing, ODC filed a motion in limine related to a late disclosed witness, Ronald Cox. At the December 9, 2022 telephone conference on this motion, Respondent raised an additional planned character witness. The Chair ruled the late disclosed witnesses would not be allowed to testify at the hearing. At the hearing, Respondent requested reconsideration of the Chair's ruling on the motion in limine. The Committee conferred and denied the oral motion for reconsideration. Respondent was aware of the intention to use character letters and/or witnesses as early as September based on the dates of the character letters yet failed to disclose the witnesses or the letters in her Initial Disclosures in September or in her Pre-Hearing Memorandum filed November 30, 2022. Further, the Committee found no prejudice to Respondent in light of the 39 character letters offered and admitted into evidence at the hearing as well as the four live and one Zoom character witnesses who provided testimony at the hearing.

Respondent was elected to serve as judge of Division A of the Lafayette City Court in November of 2000. In connection with the election, Respondent was provided with a copy of the Code of Judicial Conduct, both as a candidate for office and as a judge after winning the election, which Respondent reviewed. Additionally, Respondent underwent training with the Louisiana Judicial College upon her election which included ethics training. As a Lafayette City Court Judge, Respondent was paid by both the City of Lafayette and the Louisiana Supreme Court for her services while occupying this position of trust.

In the early morning hours of December 11, 2021, Respondent picked up her major children, along with two friends, from downtown Lafayette and returned to her residence on Beverly Drive in Lafayette, Louisiana at approximately 1:50 a.m. Upon arrival with her six passengers, Respondent noticed the lights were on inside one of the family vehicles located in the driveway. The occupants “understood what was going on,” and the young men attempted to exit the vehicle, but Respondent locked the doors to keep them inside due to concern for the children’s safety. After some back and forth with the locks on the vehicle, three male passengers exited and saw a male near the family’s truck. The lighting in the area was inadequate to identify the race of the individual at this point. The young men pursued the male who was on the family’s property and successfully detained him without injury. The young men were not charged with any crimes, *e.g.*, breach of peace or battery on the alleged perpetrator. Respondent’s son, Kenneth Odinet, III, who was one of the young men, testified Respondent was actively trying to keep the children in the vehicle and denied Respondent incited the occupants of her vehicle to pursue the alleged perpetrator.

At the same time, Respondent ran into the home yelling for her husband who was asleep at the rear of the residence. Due to excitement and fear, Respondent did not recall what she said

during this “out of control” situation but did recall calling 911. Lafayette City Police responded to the incident and took the alleged perpetrator into custody.² The perpetrator was arrested for simple car burglary.

The following morning, Respondent checked the home’s security surveillance system and watched video of the incident. As she did so, her children and their friends came up from behind Respondent and watched as well. (This was not an organized viewing with guests not already in the household overnight.). During the viewing, events were narrated by some male voices and comments were made by Respondent who stated, “We have a n*****, it’s a n*****, like a roach.” This viewing of the surveillance footage, with the comments by the individuals in the home, was recorded and subsequently posted on the internet and widely circulated. Respondent did not take the video, post the video or circulate the video and denied any knowledge or intent for the words to leave the home.

Within six days of the attempted burglary of the family vehicles, Respondent resigned from her position as City Judge and so notified the Louisiana Supreme Court on December 31, 2021. She did not return to the bench at any time after this incident and presided over no matters between the incident and her resignation.

ODC opened a disciplinary complaint regarding Respondent, In re: Michelle Miller Odinet, ODC 0039715, on January 13, 2022. On February 16, 2022, the ODC received a referral from the Judiciary Commission of Louisiana, and that referral was considered as part of the disciplinary complaint identified as ODC 0039715. Respondent was notified of the disciplinary complaint and

² Testimony was provided and argument of counsel was made at the hearing indicating the alleged perpetrator was armed at the time of the incident in question. The police report, ODC-1, does not mention a pocketknife as has been claimed. Further, the alleged perpetrator was arrested for simple car burglary, not aggravated car burglary. Nonetheless, body cam footage following the incident reveals a small pocketknife was found on the person of the alleged perpetrator.

submitted an initial response. Respondent has admitted the female voice on the screening video is hers and she used the language referenced herein when viewing the surveillance video.

Respondent believed the incident reflected poorly on her and her ability to act as a judge and resigned due to her undignified and unprofessional behavior. She classified the language as repugnant and demonstrated remorse for her actions and language in her testimony at the hearing.

Several character witnesses testified at the hearing of this matter, in addition to the 39 character letters submitted, that Respondent is a person of integrity and high moral character with a respectful and humble nature. The character witnesses, when faced with questions as to whether Respondent's conduct on the screening video was dignified, stated it was not (Joseph Raspanti, Joseph Prejean, Dawn Delaune, Sadie Shamsie) and whether the conduct promoted public confidence in the integrity of the judicial system, stated it did not (Joseph Raspanti, Dawn Delaune, Sadie Shamsie).

Evidence of mitigating factors were submitted by Respondent and undisputed by ODC which included: (1) no prior discipline, (2) absence of a dishonest or selfish motive, (3) timely and good faith efforts to rectify, (4) full and free disclosures to the ODC (timely answered complaint, provided sworn statement and deposition, appeared without necessity of subpoena, agreed to a private admonition and agreed to stipulate to charges), (5) imposition of other penalties (resigned position, widespread public condemnation, lost income and impact on family and children), (6) good character and reputation,³ and (7) remorse.

³ ODC, although not objecting to the admissibility of the character witness letters, did critique the letters as 33 did not mention the video, several contained misstatements of fact, several witnesses seemed to be under the impression Respondent had already been disciplined and several appeared to be under the impression ODC was seeking disbarment of Respondent. The Committee took these critiques into account when weighing the character evidence submitted.

RULES/CANONS

Jurisdiction

Initially, this Committee addresses whether it has jurisdiction to review the actions of a former judge who remains a member of the Louisiana State Bar Association. At the time of the conduct in question, Respondent was a Lafayette City Court Judge and subject to investigation by the Louisiana Judiciary Committee for allegations of misconduct. Once Respondent resigned from this position, however, the Commission lost jurisdiction to investigate and discipline Respondent, if warranted, which jurisdiction became vested with the ODC pursuant to Louisiana Supreme Court Rule XIX, Sec. 6B which provides:

B. Former Judges. *A former judge who has resumed the status of a lawyer is subject to the jurisdiction of the agency not only for conduct as a lawyer but also for misconduct that occurred while the lawyer was a judge and would have been grounds for lawyer discipline. This jurisdiction of the agency should not be exercised if the misconduct was the subject of a judicial disciplinary proceeding in which there has been a final determination by the court, unless the court reserved to the agency the right to pursue lawyer discipline in accordance with this subsection. Misconduct by a judge that is not finally adjudicated before the judge leaves office falls within the jurisdiction of the lawyer disciplinary agency.*

As such, this Committee has jurisdiction to review the conduct of Respondent and issue a report with its findings and recommendations.

Code of Judicial Conduct

The Louisiana Code of Judicial Conduct provides, in pertinent part:

CANON 1

A Judge Shall Uphold the Integrity and Independence of the Judiciary

An independent and honorable judiciary is indispensable to justice in our society. A judge should participate in establishing, maintaining, and enforcing, and shall personally observe, high standards of conduct so that the integrity and independence of the judiciary may be preserved. The provisions of this Code are to be construed and applied to further that objective. As a necessary corollary, the judge must be protected in the exercise of judicial independence.

COMMENTARY TO CANON 1

The word “shall” is intended to impose binding obligations, the violation of which can result in disciplinary action.

When “should” is used, the text is intended to instruct judges concerning appropriate judicial conduct. The use of should is an acknowledgement that the conduct regulated in these Canons may impose in the judge more discretion, and/or may involve the conduct of others. Nonetheless, a clear violation of any Canon in which should is used, a clear abuse of discretion by the judge in conforming his or her conduct to any such Canons, or a clear abuse of discretion by the judge in regulating the conduct of those persons whose actions are subject to the judge's direction and control, may also result in judicial discipline.

Canon 1 provides a binding obligation on members of the Judiciary in Louisiana to personally observe high standards of conduct so the integrity of the judiciary may be preserved. This Committee finds Respondent did not maintain these high standards in her conduct of December 11, 2021.

CANON 2

A Judge Shall Avoid Impropriety and the Appearance of Impropriety in All Activities

- A. A judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

As used in this Code, “impartiality” or “impartial” denotes absence of bias or prejudice in favor of, or against, particular parties or classes of parties, as well as maintaining an open mind in considering issues that may come before the judge.

Canon 2 likewise provides that judges “shall act at all times” in a manner that promotes public confidence in the integrity and impartiality of the judiciary. Impartiality is defined in the Canon as the absence of bias or prejudice against a particular class or parties. The Committee finds, based on the testimony submitted, that Respondent did not act in a manner that promoted public confidence in the integrity and impartiality of the judiciary.

The language of Canons 1 and 2A are not restricted to the location or setting where the impropriety occurs and indeed specifically reference “at all times,” meaning whether on or off the

bench. As such, regardless of the location of the conduct, *i.e.*, the fact that the conduct occurred in Respondent's own home, this Committee finds Respondent violated Canons 1 and 2A of the Code of Judicial Conduct.

Louisiana Supreme Court Rule XIX, Sec. 6B provides:

B. Former Judges. A former judge who has resumed the status of a lawyer is subject to the jurisdiction of the agency not only for conduct as a lawyer but also for misconduct that occurred while the lawyer was a judge and would have been grounds for lawyer discipline. This jurisdiction of the agency should not be exercised if the misconduct was the subject of a judicial disciplinary proceeding in which there has been a final determination by the court, unless the court reserved to the agency the right to pursue lawyer discipline in accordance with this subsection. Misconduct by a judge that is not finally adjudicated before the judge leaves office falls within the jurisdiction of the lawyer disciplinary agency.

Pursuant to Rule XIX, Sec. 6B, the authority by which this Committee is reviewing Respondent's conduct in reference to the charges brought by ODC, a "former judge who has resumed the status of a lawyer is subject to the jurisdiction of the agency not only for conduct as a lawyer but also for [1] misconduct that occurred while the lawyer was a judge and [2] would have been grounds for lawyer discipline." Based on the above findings, Respondent violated Canons 1 and 2A which would constitute "misconduct that occurred while the lawyer was a judge." The second part of this inquiry, however, requires the conduct also be "grounds for lawyer discipline."

There is no ground for lawyer discipline under the Louisiana Rules of Professional Conduct for profanities and undignified/uncivil language used by a lawyer in their own home.⁴ The Louisiana Supreme Court, in adopting the Rules of Professional Conduct, adopted in part aspects

⁴ ODC's argument that Respondent's conduct was not "in private" due to their being two family friends who were invited guests to her home and stayed overnight is specifically rejected. This is not a case wherein Respondent hosted a 100 person dinner party at her home and displayed such conduct or exhibited such conduct in a more public setting such as a restaurant (*In Re: Aaron Schlossberg*, 192 A.D.3d 8, 187 N.Y.S. 44 (1st Dept. 2020)) or a party at someone else's home (*In Re Ellender*, 2004-2123 (La. 12/13/04), 889 So.2d 225).

of the ABA Model Rules. It could have, if it had been so inclined, adopted ABA Model Rule 8.4(g) which states:

It is professional misconduct for a lawyer to engage in conduct that the lawyer knows or reasonably should know is harassment or discrimination on the basis of race, sex, religion, national origin, ethnicity, disability, age, sexual orientation, gender identify, marital status or socioeconomic status in conduct related to the practice of law.

The Supreme Court did not do so, however, and this Committee is not in a position to make such policy changes.

As such, this Committee finds the second prong of Supreme Court Rule XIX, Sec. 6B has not been met in order to impose disciplinary action on Respondent based on Respondent's violations of Canons 1 and 2A.

Rules of Professional Conduct

Turning to ODC's charges 3 and 4, the Louisiana Rule of Professional Conduct 8.4 provides:

It is professional misconduct for a lawyer to:

- (a) Violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- ...
- (d) Engage in conduct that is prejudicial to the administration of justice;

ODC relies upon *In Re: Whitaker*, 2006-2222 (La. 2/2/07), 948 So.2d 1067) for the contention that a violation of the Judicial Canons necessarily constitutes a violation of Rule 8.4(d), conduct prejudicial to the administration of justice. A reading of *Whitaker* indicates the Court found:

By respondent's own admission, he wrote a letter of recommendation on his official court stationery and frequently issued *ex parte* directives to the Natchitoches Parish Sheriff's Office. Such conduct is clearly a violation of the Canons of the Code of Judicial Conduct and, by extension, constitutes conduct prejudicial to the

administration of justice for purposes of Rule 8.4(d) of the Rules of Professional Conduct.

The Court did not state a violation of the Canons of the Code of Judicial Conduct is *always* a violation of the Rules of Professional Conduct. In *Whitaker*, the misconduct by the judge took place in relation to his duties as a judge, unlike the conduct at issue here which took place away from Respondent's duties on the bench and were unrelated to an abuse of the power of the office such as that in *Whitaker*.

ODC further cites *In Re: Benge*, 2012-0619 (La. 10/16/12), 100 So3d 818, wherein the Supreme Court found the conduct by Benge, who conducted a bench trial in a civil case and awarded damages to the plaintiff based on her relationship with individuals involved in the case, also constituted a violation of Rule 8.4. Again, this case is distinguishable from the instant scenario as the misconduct at issue did not occur in connection with any matters, civil or criminal, pending before the Respondent.

Finally, ODC cites *In Re: Williams*, 2022-00911 (La. 6/28/22), 341 So3d 527 wherein the judge's conduct consisted of unwelcome touching of several women and acting inappropriately in the courtroom. (As this was consent discipline, limited facts are available.) This case is also distinguishable for the same reasons—the conduct in question in the pending matter does not arise from Respondent's conduct on the bench but from personal conduct, after hours, at her home, with family and two friends of the family, which was never intended to leave the home. It does not arise from conduct which occurred on a matter pending before Respondent or in her courtroom, unlike the cited authorities. As such, this Committee does not find a violation of Canons 1 and 2A of the Code of Judicial Conduct must always and necessarily constitute a violation of Rule 8.4(d) of the Rules of Professional Conduct.

ODC separately argues Respondent's conduct constitutes a violation of Rule 8.4(d), prejudice to the administration of justice, based on *In Re: Downing*, 2005-1553 (La. 5/17/06), 930 So.2d 897, claiming Rule 8.4(d) reaches conduct that is undignified and unprofessional, regardless of whether it is directly connected to a legal proceeding. The statement from *Downing*, however, is in a footnote and cites *In Re: Ashy*, 98-0662 (La. 12/1/98), 721 So.2d 859 where an attorney made unwanted sexual advances toward a client and was found in violation of Rule 8.4(d). Unlike *Ashy*, there is no attorney/client relationship at issue here. Further, Downing's violation of Rule 8.4(d) arose from his failure to research the law resulting in an improper arrest and exposure of the attorney's client to a lawsuit. Again, both references relate to actions of a lawyer taken in connection with their work as a lawyer, even if not directly connected to a pending legal proceeding, which is not the case here.

Notably, neither ODC nor Respondent specifically addressed Rule 8.4(a) in either briefing or at the hearing. As such, the Committee finds ODC failed to establish a violation of Rule 8.4(a) by clear and convincing evidence. Insofar as Rule 8.4(d) is concerned, this Committee finds Respondent's conduct was unrelated to the administration of justice. Further, because Respondent resigned as judge after the incident and did not preside over another legal matter thereafter, there was no prejudice to the administration of justice on any matters pending before her. The Committee therefore finds ODC failed to establish a violation of Rule 8.4(d) by clear and convincing evidence.

First Amendment

Based on the foregoing, this Committee believes it unnecessary to address the First Amendment claims raised by Respondent as a defense of the formal charges. To the extent this argument is addressed by the Disciplinary Board and/or Supreme Court upon their review, however, this Committee finds, based on the evidence elicited at the hearing of this matter, the

conduct of Respondent at her home on December 11, 2021 was not meant to incite violence or breach the peace, and in fact Respondent attempted to keep her passengers in her vehicle for their safety, which was confirmed by the testimony of Kenneth Odinet, III.

SANCTION

ODC suggested at the hearing of this matter that the appropriate discipline of Respondent would be in the realm of public discipline to a deferred suspension. As discussed above, this Committee does not find a violation of Canons 1 and 2A alone sufficient to merit the imposition of discipline under Rule XIX, Sec. 6B and finds no violations of Rules 8.4(a) and 8.4 (d) of the Rules of Professional Conduct such that there is no basis for discipline of Respondent. Even if a sanction was warranted, this Committee finds Respondent established by clear and convincing evidence numerous mitigating factors, including the absence of a prior disciplinary record, absence of a dishonest or selfish motive, timely good faith effort to rectify the consequences of her conduct, full disclosure and a cooperative attitude toward these proceedings, good character or reputation, the imposition of other penalties and remorse. This Committee further finds Respondent's self-imposed discipline, resigning as judge, more onerous than any discipline sought by ODC such that any requested discipline is superfluous.

CONCLUSION

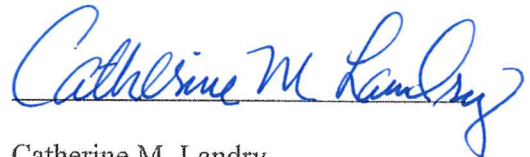
It is the finding of this Hearing Committee that the Respondent, Michelle Miller Odinet, did violate Canons 1 and 2A of the Code of Judicial Conduct. However, the imposition of discipline under Supreme Court Rule XIX, Sec. 6B requires ODC establish by clear and convincing evidence not only misconduct that occurred while the lawyer was a judge but also that the conduct in question would have been grounds for lawyer discipline. ODC failed to meet the

second prong of Rule XIX, Sec. 6B by establishing Respondent's conduct would have been grounds for lawyer discipline.

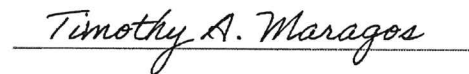
The Committee further finds ODC failed to establish by clear and convincing evidence that Respondent violated Rule 8.4(a) or 8.4(d) of the Louisiana Rules of Professional Conduct.

In light of the foregoing findings, it is the opinion of this Committee that discipline of Respondent is unwarranted. This opinion is unanimous and has been reviewed by each committee member who fully concurs.

Lafayette, Louisiana, this 27th day of December, 2022.



Catherine M. Landry
Chair, Hearing Committee No. 5



Timothy Maragos
Lawyer Member, Hearing Committee
No. 5



Bradley Pellegrin
Public Member, Hearing Committee
No. 5