

2025 CLS National Conference

October 9-12, 2025

“Ethics in the Name of the Lord”

Justice Jay B. McCallum
Louisiana Supreme Court

Introduction

“Whatever you do, work heartily, as for the Lord and not for men, knowing that from the Lord you will receive the inheritance as your reward. You are serving the Lord Christ.” **Colossians 3:23-24**

“Rendering service with a good will as to the Lord and not to man...” **Ephesians 6:7**

The Most Christ-Like Thing You Can Do is ... BE COMPETENT... BE GOOD AT WHAT YOU DO. You cannot be God-Honoring if you do not give your very best.

Dorothy Sayers:

- “Christian people... must get it firmly into their heads that when a man or woman is called to a particular job of secular work, that is as true a vocation as though he or she were called to specifically religious work.”
- “How can anyone remain interested in a religion which seems to have no concern with nine-tenths of his life?”
- “Work must be good work before it can call itself God’s work.”
- “A building must be good architecture before it can be a good church; [a] painting must be well painted before it can be a sacred picture.”
- “No piety in the worker will compensate for work [that is poorly done].”

What can you do to excel at what you do and honor God in all you do?

American Bar Association, Rule 1.1: Competence - Client-Lawyer

Relationship

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness and preparation reasonably necessary for the representation.

States have adopted ABA Rule 1.1. Examples:

- Louisiana: Rule 1.1 (a) Competence

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- Virginia: Rule 1.1 Competence

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- Texas: Rule 1.01 Competent and Diligent Representation

(a) A lawyer shall not accept or continue employment in a legal matter which the lawyer knows or should know is beyond the lawyer's competence, unless:

- (1) another lawyer who is competent to handle the matter is, with the prior informed consent of the client, associated in the matter; or
- (2) the advice or assistance of the lawyer is reasonably required in an emergency and the lawyer limits the advice and assistance to that which is reasonably necessary in the circumstances.

The approved Comments to ABA Rule 1.1 give further instruction on competency:

Legal Knowledge and Skill

[1] In determining whether a lawyer employs the requisite knowledge and skill in a particular matter, relevant factors include the relative complexity and specialized nature of the matter, the lawyer's general experience, the lawyer's training and experience in the field in question, the preparation and study the lawyer is able to give the matter and whether it is feasible to refer the matter to, or associate or consult with, a lawyer of established competence in the field in question. In many instances, the required proficiency is that of a general practitioner. Expertise in a particular field of law may be required in some circumstances.

[2] A lawyer need not necessarily have special training or prior experience to handle legal problems of a type with which the lawyer is unfamiliar. A newly admitted lawyer can be as competent as a practitioner with long experience. Some important legal skills, such as the analysis of precedent, the evaluation of evidence and legal drafting, are required in all legal problems. Perhaps the most fundamental legal skill consists of determining what kind of legal problems a situation may involve, a skill that necessarily transcends any particular specialized knowledge. A lawyer can provide adequate representation in a wholly novel field through necessary study. Competent representation can also be provided through the association of a lawyer of established competence in the field in question.

[3] In an emergency a lawyer may give advice or assistance in a matter in which the lawyer does not have the skill ordinarily required where referral to or consultation or association with another lawyer would be impractical. Even in an emergency, however, assistance should be limited to that reasonably necessary in the circumstances, for ill-considered action under emergency conditions can jeopardize the client's interest.

[4] A lawyer may accept representation where the requisite level of competence can be achieved by reasonable preparation. This applies as well to a lawyer who is appointed as counsel for an unrepresented person. See also Rule 6.2.

Thoroughness and Preparation

[5] Competent handling of a particular matter includes inquiry into and analysis of the factual and legal elements of the problem, and use of methods and procedures meeting the standards of competent practitioners. It also includes adequate preparation. The required attention and preparation are determined in part by what is at stake; major litigation and complex transactions ordinarily require more extensive treatment than matters of lesser complexity and consequence. An agreement between the lawyer and the client regarding the scope of the representation may limit the matters for which the lawyer is responsible. See Rule 1.2(c).

Retaining or Contracting With Other Lawyers

[6] Before a lawyer retains or contracts with other lawyers outside the lawyer's own firm to provide or assist in the provision of legal services to a client, the lawyer should ordinarily obtain informed consent from the client and must reasonably believe that the other lawyers' services will contribute to the competent and ethical representation of the client. See also Rules 1.2 (allocation of authority), 1.4 (communication with client), 1.5(e) (fee sharing), 1.6 (confidentiality), and 5.5(a) (unauthorized practice of law). The reasonableness of the decision to retain or contract with other lawyers outside the lawyer's own firm will depend upon the circumstances, including the education, experience and reputation of the nonfirm lawyers; the nature of the services assigned to the nonfirm lawyers; and the legal protections, professional conduct rules, and ethical environments of the jurisdictions in which the services will be performed, particularly relating to confidential information.

[7] When lawyers from more than one law firm are providing legal services to the client on a particular matter, the lawyers ordinarily should consult with each other and the client about the scope of their respective representations and the allocation of responsibility among them. See Rule 1.2. When making allocations of responsibility in a matter pending before a tribunal, lawyers and parties may have additional obligations that are a matter of law beyond the scope of these Rules.

Maintaining Competence

[8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject.

-----FIVE PRINCIPLES OF EXCELLENCE / ETHICS-----

The Principle of Movement
The Principle of Preparation
The Principle of Nurture
The Principle of Reciprocity
The Principle of Infusion

I. The Principle of Movement

A. This may be the foundation for all the other principles.

- B.** Every day you are either proceeding toward success or you are retreating toward failure.
- C.** Excellence is a destination, and you must move to get there.
- D.** Everyone wants to arrive at some great destination, but few who are willing to take the steps to get there.
- E.** There comes a time when we must “Fill thine horn with oil, and go ...” **1 Samuel 16:1**
- F.** Everything you do ought to be a step in the direction of reaching your goals.
- G.** The most difficult part of any journey is the first step.
- H.** The first step before the first step is: **PRAYER**. “Then they said to him, ‘Please inquire of God to learn whether our journey will be successful.’” **Judges 18:5**
- I.** Ezra prayed for a safe journey. **Ezra 8:21**

II. The Principle of Preparation

- A.** Ethical Lawyers Plow Before They Plant and Plant Before They Pick. **B.** Ethical Lawyers Set Goals and Every Step They Take Moves Them Closer.
- C.** Being Average is Easy. Average Requires No Effort. Average is a nice word for mediocre.
- D.** Most People Are Satisfied With Being Average.
- E.** Jesus criticized the average church at Laodicea and said he would spit them out of his mouth.
- F.** Excellence requires effort. Allow me to introduce you to Aleksandr Karelin.
- G.** Do not practice until you get it right. If you miss 99 free throws and finally make the 100th, you have practiced until you got it right. However, you have a 99% rate of failure.

“Practice until you cannot get it wrong.” **Dan Orlovsky, ESPN**

III. The Principle of Nurture

- A.** Ethical Lawyers nurture their strengths. You should water your flowers and kill your weeds.
- B.** Weightlifters develop their strength, not their speed.
- C.** Preparation and Nurture go together: “It is the hard working farmer who ought to have the first share of the crops.” **2 Timothy 2:6**

IV. The Principle of Reciprocity

- A.** Robert B. Cialdini, among others, devoted research to this principle. **B.** People are more likely to help you if you have first helped them.

C. That is why Hare Krishna give out flowers; after taking one, you feel obligated to donate. You receive free address labels with fundraising appeals for the same reason.

D. The converse is also true. People like it when you are obligated to them in some way.

Those who feel you owe them a favor are likely to be helpful and cooperative with you in your endeavors. They realize that helping you may put you in a position to do even more for them in the future.

E. **The Golden Rule** ... is still the Gold Standard. **Matthew 7:12**

V. The Principle of Infusion

A. Excellence in, Excellence out. Ethics in, Ethics Out.

B. *In re Rose*, 2025-00390 (La. 4/23/25), --- So. 3d ---, 2025 WL 1177198. (**PER CURIAM**)

Facts and Procedural History:

In 2024, the Judiciary Commission of Louisiana ("Commission") received complaints and media reports regarding alleged misconduct by Judge Eboni Johnson Rose in four separate criminal matters: Judge Rose made a series of serious legal errors regarding relatively straightforward issues of criminal procedure; Judge Rose made comments in court indicative of bias against the District Attorney's Office and used profane and offensive language, including a racial slur, in doing so.

The Commission authorized an expedited investigation by the Office of Special Counsel ("OSC"). The Commission also requested Judge Rose's interim disqualification, which the Court granted. After the OSC completed its investigation, the Commission invited Judge Rose to personally appear before it for questioning, which she did. Judge Rose and the Commission submitted a joint petition for consent discipline in which Judge Rose admitted her conduct violated the Code of Judicial Conduct and La. Const. art. V, § 25(C).

Outcome:

IT IS ORDERED that the Joint Petition for Consent Discipline be accepted and that Judge Eboni Johnson Rose of the 19th Judicial District Court for the Parish of East Baton Rouge be suspended from judicial office, without pay, for six months, with all but two months deferred.

IT IS FURTHER ORDERED that Judge Rose shall be placed on probation for a period of two years, beginning immediately. The probationary period shall be governed by a monitoring agreement containing the conditions set forth in the Joint Petition for Consent Discipline.

IT IS FURTHER ORDERED that Judge Rose be assessed with total costs of \$11,196.11 subject to an eighteen-month payment plan. Of this amount, \$3,354.50 shall be designated for reimbursement of the Special Counsel's investigative costs and \$926.52 shall be designated for the Commission's costs. The remaining \$6,915.09 shall be designated as partial repayment for the costs of the pro tempore judges appointed by this court during Judge Rose's disqualification.

Justice McCallum Dissent:

“Question: What sanction should a judge who made a series of serious legal errors regarding routine issues of criminal procedure, made comments in court indicative of bias against the District Attorney's Office, and used profane and offensive language, including a racial slur, receive? Answer: According to the sanction meted out by a majority of this Court, she should receive what amounts to a nine-month paid holiday and a fifteen-thousand-dollar bonus paid in the form of a one-time stipend. This Court has confused a sanction with a reward.”

Justice McCallum recounted Judge Rose's conduct over four separate cases:

(1) After accepting a jury's verdict of acquittal and dismissing the jury and parties, she met with the jurors in the juror room, discussed the case with the jury, and then ordered the parties and jury back into the court room where she then accepted a new, different verdict of guilty.

(2) At the conclusion of a criminal bench trial where the defendant, a police officer, was charged with second degree kidnapping and felony malfeasance in office, Judge Rose found the defendant not guilty of kidnapping but guilty of a responsive charge of misdemeanor malfeasance in office. After both defense counsel and the State informed her that malfeasance in office cannot be a misdemeanor, Judge Rose vacated her prior verdict and entered a verdict of not guilty.

(3) Judge Rose accepted a guilty plea to aggravated arson, which is designated a crime of violence and cannot be suspended or probated. Judge Rose then improperly suspended 17-years of the sentence.

(4) During a sidebar with the State's attorney in a matter set for a plea deal, Judge Rose made comments indicative of bias against the DA's Office, using numerous profanities and racial slurs.

“We cannot expect better conduct from lawyers unless we demand better conduct from judges. The people of the state of Louisiana have constitutionally given this Court the responsibility to define and to regulate the practice of law and the judiciary. We would do well to remember that what the people have the power to give they also have the power to take away.”

Footnote 1: “I would note that some of Judge Rose's comments were also blasphemous, as she invoked the name of God in her profanity, in violation of the Third Commandment (while Roman Catholicism and Protestantism each recognize the Ten Commandments, this commandment is considered as the second in Catholic theology). It is an unfortunate commentary that the name of God is so commonly used in this way that it no longer elicits shock or surprise.”

C. Please see also the numerous attorney disciplinary cases and opinions handed down by the Court. Some Examples:

In re Abadie, 2020-01276 (La. 5/13/21), 320 So. 3d 1073 (suspension for one year and one day finding that “[t]he record of this matter supports a finding that respondent failed to provide competent representation to a client and made false statements about the integrity of a judge. The record is

replete with examples, as listed by the hearing committee, of the improper pleadings filed by respondent and her failure to understand and follow court procedures.”).

In re Lee, 2011-02530 (La. 4/13/12), 85 So. 3d 74 (suspension for two-years finding that “respondent failed to provide competent representation, charged and collected an excessive fee, and failed to promptly remit funds to the heirs... [and], engaged in dishonest conduct by notarizing his wife's forged signature on the bill of sale when he was the actual salesperson for the transaction.”).

In re Thomas, 2011-02012 (La. 11.18.11), 74 So. 3d 695 (suspension for two-years with one year deferred finding that “respondent was ineligible to practice law due to her failure to fulfill her annual professional obligations, but nevertheless, she continued to practice law during this period. Her failure to update her registration address with the LSBA resulted in her failure to receive notices of her ineligibility. Additionally, respondent converted third-party funds to her own use and failed to promptly refund unearned fees and unused costs to clients.” But noting that “the discipline imposed in this matter should reflect the fact that respondent's misconduct was largely the result of her inexperience in the practice of law and her poor law office management skills rather than the result of any dishonest or selfish motive.”).