

THE SUPREME COURT OF LOUISIANA

DOCKET NO. **25 0 1449**

IN RE: JUDGE SHEVA SIMS
SHREVEPORT CITY COURT
PARISH OF CADDO
STATE OF LOUISIANA

JUDICIARY COMMISSION CASE NO. 0397

**Judiciary Commission's Findings of Fact, Conclusions
of Law, and Recommendation of Discipline**

The matter of *In Re: Judge Sheva Sims* is before the Judiciary Commission of Louisiana pursuant to Article V, Section 25(C) of the Louisiana Constitution (1974), Louisiana Revised Statutes 13:36, and Rule XXIII of the Supreme Court of Louisiana. These findings of fact and conclusions of law are rendered pursuant to the directive of Louisiana Supreme Court Rule XXIII, Section 11.

SUPREME COURT
OF LOUISIANA

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Theresa A. K. [Signature]
CLERK OF COURT

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This case arises out of multiple instances and types of ethical misconduct by Judge Sheva Sims, Shreveport City Court, all of which reflect her continued belief that her position as a judge enables her to act with impunity. This Court previously suspended Judge Sims for thirty days without pay after she held a prosecutor in contempt for conduct that was not contemptuous and impermissibly dismissed fifteen of the prosecutor's criminal cases without any legal authority to do so, which were actions solely based upon Judge Sims' personal frustration with the prosecutor's justified refusal to privately meet with her. Judge Sims also previously was admonished by the Commission for being habitually late to court and for demanding that disciplinary action be taken against a deputy marshal over whom she had no supervisory authority after she found out he had told another judge that Judge Sims recessed her court. Judge Sims' varied misconduct in the present proceeding, which includes her extended use of a publicly-funded vehicle for her commute, a display of advocacy for a litigant, and a pattern of failing to follow the law regarding required bond conditions—and which she disputes is wrongful—makes clear that Judge Sims continues to treat the court as her fiefdom and is indifferent to whether she is abusing or exceeding her judicial authority and acting contrary to the law or her ethical obligations, as further evidenced by her lack of contrition in the present proceeding.

The Judiciary Commission's case against Judge Sheva Sims arose out of numerous complaints lodged against her by litigants, anonymous complainants, and retired Justice E. Joseph Bleich in his capacity as a supernumerary judge pro tempore of Shreveport City Court. The litigants, both of whom were property managers in eviction proceedings, alleged that Judge Sims was rude and demeaning towards them and improperly denied their evictions. Anonymous complainants alleged that Judge Sims used a court-owned car for her own personal commute for several weeks and instructed court marshals to provide the fuel, that she independently obtained evidence for an eviction proceeding and used it to question and discredit a witness rudely, and that she failed to impose a mandatory bail condition for a defendant charged with a second offense of driving under the influence. Justice Bleich alleged, among other things, that Judge Sims failed to follow the law when she released several defendants charged with domestic abuse battery or crimes of violence on their own recognizance and gave one defendant credit for time served before the occurrence of the traffic offenses before her.

The Commission provided notices of investigation to Judge Sims in the eight separate files, and, in one of the files, it expanded the investigation to include additional issues that came to the Commission's attention during the investigation, including whether Judge Sims fails to cooperate

and exhibits inappropriate judicial temperament and demeanor with court staff and court officials. Thereafter, on April 15, 2024, the Judiciary Commission authorized and issued a Notice of Hearing as to some of the issues investigated. A copy of the Notice of Hearing is annexed hereto as Attachment A.

The Notice of Hearing against Judge Sims contains six counts. Count One alleges that Judge Sims violated Canons 1, 2A, 3A(1), 3A(2), and 3A(3) of the Code of Judicial Conduct (1996) and Article V, Section 25(C) of the Louisiana Constitution (1974) by exhibiting a rude and disrespectful demeanor towards a property manager in an eviction proceeding in which she improperly denied the eviction. Count Two alleges that Judge Sims violated Canons 1, 2A, and 3A(3) of the Code of Judicial Conduct (1996) and Article V, Section 25(C) of the Louisiana Constitution (1974) by failing to be patient and courteous to another property manager in an eviction proceeding. Count Three alleges that Judge Sims violated Canons 1, 2, 2A, 2B, and 3B(1) of the Code of Judicial Conduct (1996) and Article V, Section 25(C) of the Louisiana Constitution (1974) by using a court vehicle for her personal commute for several weeks, including taking it home each night and on weekends, and having the Shreveport City Marshal's Office fuel it with gas. Count Four alleges that Judge Sims violated Canons 1, 2A, 2B, 3A(4), and 3A(6) of the Code of Judicial Conduct and Article V, Section 25(C) of the Louisiana Constitution (1974) by independently obtaining documents relative to an eviction proceeding, introducing them into the record at a hearing, and using them to non-neutrally question a witness and attack her credibility, all of which created an appearance of advocacy.

Count Five alleges that Judge Sims violated Canons 1, 2, 2A, and 3A(1) of the Code of Judicial Conduct and Article V, Section 25(C) of the Louisiana Constitution (1974) by failing to comply with several articles of the Code of Criminal Procedure when she ordered that ten defendants charged with crimes of violence and domestic abuse battery be released on their own recognizance, granted a defendant credit for time that he served before he committed the offenses that brought him to her court, and issued a bond order for a person charged with a second violation of operating a vehicle while intoxicated without requiring the installation of an ignition interlock device as a condition of release. Count Six alleges that Judge Sims violated Canons 1, 2A, 3A(1), 3A(2), 3A(3), 3A(4), and 3A(7) of the Code of Judicial Conduct and Article V, Section 25(C) of the Louisiana Constitution (1974) by exhibiting rude, abrasive, and demeaning behavior towards litigants, court employees, judicial assistants, and colleagues and by failing to cooperate with other court officials in the administration of court business when she abruptly left a meeting with staff

held to address some of these issues. Pursuant to Louisiana Supreme Court Rule XXIII, Section 3(e), the Notice of Hearing also states that this Court previously suspended Judge Sims for thirty days without pay for improperly holding a prosecutor in contempt and dismissing criminal cases without authority to do so and that the Commission previously admonished Judge Sims for habitually being late for court and improperly demanding that disciplinary action be taken against a deputy marshal.

A hearing was held before a Hearing Officer, Judge Carolyn Gill-Jefferson, retired, on November 18, 2024, during which live testimony was taken from witnesses, including Judge Sims, and exhibits were introduced into evidence. (V9 at 1942-2050.)¹ The Hearing Officer submitted proposed findings of fact and conclusions of law to the Commission on March 17, 2025. (V10 at 2100-28.) Thereafter, Judge Sims appeared before the Commission on June 27, 2025, pursuant to Louisiana Supreme Court Rule XXIII, Section 29(f)(2). (V10 at 2210-68.)²

Based on the record, the briefs filed with the Commission, and the appearance of Judge Sims before the Commission, and pursuant to the directive of Louisiana Supreme Court Rule XXIII, Section 29(e), to review the Hearing Officer's proposed findings of fact and conclusions of law *de novo*, the Commission determined the facts and reached the conclusions of law that follow, all in support of its recommendation that the Supreme Court impose discipline on Judge Sims.

The Commission recognizes that the clear and convincing standard of proof that applies in judicial discipline cases means something more than a mere preponderance of the evidence but less than beyond a reasonable doubt. *See In re Huckaby*, 95-0041, p. 6 (La. 5/22/95), 656 So. 2d 292, 296. The Commission further recognizes that, as a constitutional fact-finding body, it is not a court, and is not called upon, or empowered by law, to render legal judgments other than to draw conclusions, in some instances, as to whether a judicial officer's violation of law rose to the level of ethical misconduct. With these caveats in mind, the Commission found, in accordance with Louisiana Supreme Court Rule XXIII, Section 11, that the record demonstrates that Judge Sims' actions as alleged in Counts One, Three, Four, and Five of the Notice of Hearing, namely, her impatience and condescension towards a litigant, her misuse of a court car for personal use, her

¹ The record consists of 11 volumes. References to the record will be in the following form: V[volume number] at [Bates-labeled page number]. Where the Commission adopted portions of the Hearing Officer's proposed findings of fact and conclusions of law, the Commission revised the Hearing Officer's citations to the extent necessary to conform to this format. References to the condensed transcript of the hearing before the Hearing Officer held on November 18, 2024, are cited in the following form: Tr. at [internal page number (four per page):line(s)], V[volume number] at [Bates-labeled page number].

² "JCL Tr." will refer to the condensed transcript of Judge Sims' appearance before the Judiciary Commission on June 27, 2025. References to that transcript are cited in the following form: JCL Tr. at [internal page number (four per page):line(s)], V[volume number] at [Bates-labeled page number].

use of independently obtained documents to question and discredit a witness, and her pattern of failing to follow the law with regard to the bond conditions and sentencing of criminal defendants, as proven by clear and convincing evidence, violated Canons 1, 2, 2A, 2B, 3A(1), 3A(2), 3A(3), 3A(4), 3A(6), and 3B(1) of the Code of Judicial Conduct, and Article V, Section 25(C) of the Louisiana Constitution. In consideration of the mitigating and aggravating factors present, including that this Court's prior thirty-day suspension did not cause Judge Sims to give due consideration to whether she has the authority or ability to take certain actions and that she presently fails to recognize her ethical misconduct, the Commission is recommending that Judge Sims be suspended without pay for one year.

I. GENERAL MATERIAL AND PROCEDURAL FACTS

The Commission adopted the proposed general material and procedural findings of fact made by the Hearing Officer with minor revisions.³

A. Hearing Officer's General Material Facts

F1. Judge Sheva M. Sims was first elected as judge of Shreveport City Court on November 19, 2011. She assumed office in mid-December 2011 and has served as a judge since that time.

F2. Judge Sims has cooperated with the Judiciary Commission's Office of Special Counsel (OSC) during the investigation of these matters and after the issuance of the Notice of Hearing.

F3. Judge Sims was suspended without pay for thirty days in 2015 for improperly holding a prosecutor in contempt of court for conduct that was not contemptuous and for sua sponte impermissibly dismissing fifteen criminal cases without legal authority to do so in violation of Canons 1, 2A, 3A(1), 3A(2), 3A(3), 3A(4), and 3A(7) and Article V, Section 25(C) of the Louisiana Constitution. *In re Sims*, 2014-2515 (La. 3/17/15), 159 So. 3d 1040.

F4. In addition, Judge Sims was admonished by the Judiciary Commission in Case No. 0340 in 2016 for being habitually late for court and for improperly demanding that disciplinary action be taken against a deputy marshal after he told another judge that she had recessed her court, in violation of Canons 1, 2A, 2B, 3A(3), 3A(4), 3A(7), and 3B(1). (OSC Ex. 1, V8 at 1837-48.)

B. Hearing Officer's Procedural Facts

F5. Notice of Hearing No. 0397 arose out of several complaints received by the OSC and which were assigned File Nos. 20-160, 22-164, 22-171, 22-240, 22-248, 22-345, 23-038, and 23-077. (Joint Ex. 1, V1 at 81-83; Joint Ex. 2, V1 at 84-86; Joint Ex. 16, V1 at 413-16; Joint Ex. 17,

³ The Hearing Officer's complete and unaltered general material and procedural findings of fact can be found at pages 2 through 4 of the Hearing Officer's Proposed Findings of Fact and Conclusions of Law. ("HO FFCL," V10 at 2101-03.)

V2 at 417; Joint Ex. 28, V3 at 510; Joint Ex. 29, V3 at 511; Joint Ex. 43, V5 at 1032-35; Joint Ex. 44, V5 at 1040-49; Joint Ex. 46, V5 at 1050-98; Joint Ex. 53, V6 at 1280-87; Joint Ex. 67, V7 at 1502-06.)

F6. Judge Sims was notified of the complaint in File No. 20-160 by the OSC's preliminary inquiry letter dated June 16, 2020. (Joint Ex. 54, V6 at 1288-90.)

F7. Judge Sims was notified of the complaints in File Nos. 22-164 and 22-171 by the OSC's preliminary inquiry letter dated June 22, 2022. (Joint Ex. 3, V1 at 87-95.)

F8. Judge Sims was notified of the complaints in File No. 22-240 and 22-248 by the OSC's preliminary inquiry letter dated August 9, 2022, and by supplemental inquiry letter dated August 25, 2022. (Joint Ex. 45, V5 at 1040-49; Joint Ex. 46, V5 at 1050-98.)

F9. Judge Sims was notified of the complaints in File No. 22-345 by the OSC's preliminary inquiry letter dated September 28, 2022. (Joint Ex. 18, V2 at 418-23.)

F10. Judge Sims was notified of the complaints in File No. 23-038 by the OSC's preliminary inquiry letter dated February 22, 2023, and by supplemental inquiry letter dated March 13, 2023. (Joint Ex. 28, V3 at 508-10; Joint Ex. 30, V3 at 512-14.)

F11. Judge Sims was notified of the complaint in File No. 23-077 by the OSC's preliminary inquiry letter dated April 12, 2023. (Joint Ex. 68, V7 at 1507-13.)

F12. Judge Sims responded timely to the preliminary inquiries in all the above-mentioned files. (Joint Ex. 4, V1 at 96-104; Joint Ex. 19, V2 at 424-31; Joint Ex. 31, V3 at 515-22; Joint Ex. 47, V5 at 1099-1106; Joint Ex. 55, V6 at 1291-1331; Joint Ex. 69, V7 at 1514-21.)

F13. The Commission authorized and notified Judge Sims of investigations in all eight of the files. (Joint Ex. 9, V1 at 130-32; Joint Ex. 20, V2 at 432-43; Joint Ex. 32, V3 at 523-25; Joint Ex. 50, V6 at 1215-20; Joint Ex. 56, V6 at 1332-34; Joint Ex. 70, V7 at 1522-23.) The Commission also authorized and notified Judge Sims of its expanded investigation in File No. 20-160. (Joint Ex. 64, V7 at 1435-37.)

F14. On April 15, 2024, the Notice of Hearing in Case No. 0397 was filed.⁴ (V1 at 1-10). On June 17, 2024, Judge Sims filed an Answer and Affirmative Defenses in response to the Notice of Hearing. (V1 at 20-26.)

⁴ Not all issues investigated in all files were authorized by the Commission to be included in the Notice of Hearing. References in exhibits to issues investigated but ultimately not included in the Notice of Hearing have been redacted by the parties. (See Joint Memorandum of Understanding, V1 at 75-80.)

II. COUNT THREE: MISUSE OF COURT VEHICLE

Count Three of the Notice of Hearing alleges that for a period of several weeks, Judge Sims used a court-owned vehicle to commute back and forth to the courthouse, left it at her home overnight and on the weekends, and retained the key to the car, making it difficult or impossible for other court personnel to access. Count Three further alleges that during that time, Judge Sims twice asked officers with the Shreveport City Marshal's Office to purchase gas for the car using their official fuel cards rather than paying for gas with her own money. The Hearing Officer found that the OSC proved by clear and convincing evidence that Judge Sims violated the Code of Judicial Conduct and Louisiana Constitution as alleged in Count Three of the Notice of Hearing. The Judiciary Commission agreed and made the following findings of fact and conclusions of law, which are adapted from those of the Hearing Officer and/or based on its examination of the record of the proceeding and Judge Sims' appearance before the Commission.⁵

A. Findings of Fact (Count Three: Misuse of Court Vehicle)

F15. Shreveport City Court purchased a vehicle for use by court personnel. The court did not have a written policy governing use of the car, but there was a general understanding that it was to be used by judges and employees with the Clerk of Court's office for conducting court-related business and was not for personal use. (JCL Tr. at 31:6-25, V10 at 2217; Tr. at 219:23-220:11, V9 at 1996; Joint Ex. 33, V3 at 526; Joint Ex. 34, V3 at 639-41; Joint Ex. 40, V4 at 810-12, 853; Joint Ex. 41, V5 at 941.)

F16. The court car was often used by staff with the Clerk's office to run errands related to court business, such as to pick up supplies and make deposits at the bank, and judges would occasionally use the car to go to meetings or conferences. (Tr. at 88:10-22, V10 at 1963; Joint Ex. 34, V3 at 639-41, 645-46; Joint Ex. 39, V4 at 761-62; Joint Ex. 40, V4 at 812-13; Joint Ex. 41, V5 at 941-42, 946.) The unofficial but customary policy was for the judge or employee to retrieve the keys and sign a log indicating who had checked out the vehicle, the date and time it was checked out, and the location where it was being driven, and, after returning the vehicle and keys, to log in the time the vehicle was returned. (Joint Ex. 33, V3 at 526; Joint Ex. 39, V4 at 761-62; Joint Ex. 40, V4 at 812, 814.) The car was typically kept in a parking spot at the courthouse. (Joint Ex. 34, V3 at 646.)

⁵ The Hearing Officer's unaltered proposed findings of fact and conclusions of law with respect to Count Three can be found at pages 11 through 14 of the Hearing Officer's Proposed Findings of Fact and Conclusions of Law. (V10 at 2110-13.) The Hearing Officer's Proposed Findings of Fact and Conclusions of Law were adopted from the Office of Special Counsel's Original Post-Hearing Brief. (V10 at 2067-70.)

F17. On or about January 25, 2023, Judge Sims began using the court vehicle to commute back and forth between her home and the courthouse, taking it home overnight and on weekends. (Tr. at 86:22-87:3, 92:5-8, V9 at 1963-64; Joint Ex. 29, V3 at 511; Joint Ex. 31, V3 at 515-22; Joint Ex. 34, V3 at 646.) Judge Sims used the vehicle while her 2017 Porsche Panamera was in the shop for repairs, which ultimately resulted in the replacement of the engine assembly at a cost of over \$28,000. (Joint Ex. 31, V3 at 515-22; Tr. at 86:22-87:19, V9 at 1963.) Judge Sims acknowledged using the court vehicle for several weeks while her car was being repaired, during which she parked the court car in her usual spot at the courthouse during the workweek and took it home at night and on weekends. (E.g., Tr. at 87:20-22, 92:5-22, V9 at 1963-64; JCL Tr. at 32:6-13, V10 at 2217.) Judge Sims' testimony and the record of this proceeding are not definitive as to the total length of time or exact time period that she used the car in this manner, other than it was at least three weeks starting around January 25, 2023.⁶

F18. During the time that Judge Sims used the court vehicle, other court personnel had limited, if any, access to the car, even when it was located at the court, because she did not return the key to its usual place for others to easily access and parked it in her designated spot in the garage. (Tr. at 90:18-91:13, V9 at 1964; Joint Ex. 34, V3 at 646-47; Joint Ex. 38, V4 at 814; Joint Ex. 40, V4 at 814, 848; Joint Ex. 41, V5 at 946-50.) The car also would not have been available for others on days Judge Sims did not have court scheduled and did not go to the courthouse, which was at least one day. (Joint Ex. 41, V5 at 946-47.)

Judge Sims asserted that the car was readily available for anyone who wanted it while it was parked at the courthouse, because each day she would leave the key with her assistant, who had checked out the car for her. According to Judge Sims, anyone who wanted to use the car would see on the log that her assistant had signed it out and could check with her about getting the

⁶ For example, in response to a question at the hearing, Judge Sims agreed that January 25 through February 15, 2023, was "more or less" the period when she used the car, which is about three weeks, but she then testified that she used the court car to commute when her car was in the shop, which was "somewhere around" two or three months total, although she walked during the month of December. (Tr. at 86:22-87:19, 97:3-8, V9 at 1963, 1966; *see also* JCL Tr. at 33:21-34:15, V10 at 2218.) Judge Sims also testified that she did not think she used the court car for "a full four weeks, because at some point it was back at the courthouse," but that she did use it again when she had a judicial conference on March 16, 2023. (Tr. at 94:1-14, 222:23-223:5, V9 at 1965, 1997; Joint Ex. 31, V3 at 515, 521; *see also* JCL Tr. at 33:21-34:15, V10 at 2218.)

The vehicle's sign-out sheet shows only one entry by Judge Sims' assistant, Bradesha Carter, with a scratched-out and rewritten vehicle use date of February 28, 2023, but it has no other information about the dates or times Judge Sims had the car. (Joint Ex. 39, V4 at 761-62; Joint Ex. 69, V7 at 1515.) A Porsche dealership invoice provided by Judge Sims and dated February 15, 2023, shows she may have first picked up her personal car on or around that date, but another invoice dated February 24, 2023, indicates that Judge Sims returned the Porsche for additional repairs around February 21, 2023. (Joint Ex. 31, V3 at 519-20.) It therefore appears that Judge Sims used the court car to commute for no less than the three weeks between January 25 through February 15, 2023, and for some other period(s) of time after, possibly to encompass February 28, 2023, and/or March 16, 2023. (Joint Ex. 39, V4 at 762; *see also* footnote 8, *infra*.) This comports with the testimony of Clerk of Court Bill Whiteside, who recalled her using the car for a month to five or six weeks. (Joint Ex. 34, V3 at 646, 652.)

key. (*E.g.*, Tr. at 90:18-91:10, 223:3-224:9, V9 at 1964, 1997.) This flawed logic ignores that if the car was signed out and the keys were not in their usual location, it would be natural for someone to assume it was already in use for another's court business and therefore not available. (*See, e.g.*, Joint Ex. 41, V5 at 948-49.) Moreover, the log sheets in the record do not show that Judge Sims or her assistant signed out the car in January when she started using it.⁷

F19. Judge Sims also asserted that “everybody knew that [she was] using the vehicle,” so they could have asked her to use it, but that no one did or otherwise approached her with any issues about her use of the car. (Tr. at 224:10-21, V9 at 1997; *see also* Joint Ex. 34, V3 at 652.) According to Clerk of Court Bill Whiteside, however, he did not “want to be involved” in bringing up Judge Sims’ use of the car with her and it would have been “easier” for him to use his personal car for court errands when he knew she had it; moreover, his deputy clerks would not have felt like they could approach Judge Sims to use the car if they knew she was using it, especially because “it’s a judge.” (Joint Ex. 34, V3 at 652-54.) Judicial Administrator Terrell Myles and fellow Shreveport City Court Judge Brian Barber testified that they did not address Judge Sims’ use of the court car with her because their past experiences led them to conclude that she would not be receptive to such a conversation. (Joint Ex. 40, V5 at 841-42; Joint Ex. 41, V5 at 977-79; *see also* Tr. at 220:12-22, V9 at 1996.)

F20. Judge Sims agreed that the court car should only be used for court business and not for personal use; however, it was her position that because she did not have alternate transportation while her car was being repaired and needed to get to the courthouse, her extended use of the car to go back and forth between her home and the courthouse was “in connection with the discharge of [her] judicial function.” (*E.g.*, Tr. at 88:10-25, 92:9-93:16, 221:20-222:7, V9 at 1963-65, 1997.) According to Judge Sims, she also took the court vehicle to a judicial conference at one point while using it; however, the record indicates this conference was not until March 16, 2023, nearly two months after she first began using the car.⁸ (*E.g.*, Tr. at 94:1-14, V9 at 1965.)

⁷ One sheet shows that “Bill,” presumably Clerk of Court Bill Whiteside, checked out and returned the car on January 19, 2023, with “Sam’s [Club]” listed as the destination. (Joint Ex. 39, V4 at 762.) There is another sheet from February 28, 2023, signed by Bradesha Carter (Judge Sims’ assistant), with no destination or return time listed. (Joint Ex. 39, V4 at 761-62; footnote 6, *supra*.) There are no other entries from early 2023 on log sheets in the record.

⁸ At the hearing, Judge Sims could not remember the date of the conference but stated that the CLE form was attached to her initial response to the OSC’s inquiry. (Tr. at 222:23-223:5, V9 at 1997.) The form attached to her response was for a CLE she attended on March 16, 2023. (Joint Ex. 31, V3 at 515, 521; *see also* JCL Tr. at 33:21-34:15, V10 at 2218.) It is therefore possible that Judge Sims used the court car from approximately January 25, 2023, until February 15, 2023, when she first picked up her Porsche, and then again from February 21 or 28, 2023, when she dropped the Porsche back off or when her assistant signed out the car, until the conference on March 16, 2023, (and possibly after), for a total of at least five or six weeks. (*See* F17 & footnote 6, *supra*; Joint Ex. 31, V3 at 519-20; Joint Ex. 39, V4 at 761-62.)

Judge Sims testified that during the entire time she did not have access to her personal vehicle and had the court car overnight and on the weekends, she did not use the court car to go to church or to run any personal errands such as going to the grocery store; she had someone pick her up, or she used delivery services. (Tr. at 92:19-93:16, V9 at 1964-65.) Judge Sims did not agree that keeping the court car at home overnight and on the weekends at least created the appearance that she was using it for personal purposes. (Tr. at 293:22-25, V9 at 2015.)

F21. According to Judge Sims, other judges had in the past used the court car to commute when their personal vehicles were not working (which she considered to be court business and related to judicial duties), and some had used it to go to the doctor (which she considered to be an improper personal use). (JCL Tr. at 100:12-18, V10 at 2234; Tr. at 88:10-90:17, 222:13-22, 293:12-294:2, V9 at 1963-64, 1997, 2015.) No other evidence in the record corroborated Judge Sims' testimony that other judges used the car for these purposes, and Judge Sims did not claim that any other judges used the car for these purposes over an extended period of several weeks.⁹ (See JCL Tr. at 38:14-39:1, V9 at 2219.)

F22. Judge Sims testified that the dealership did not have a loaner car available and she could not rely on rides from her child, who was only occasionally in town. She also said she could not afford a rental car because she had maxed out her credit card when she put \$28,000 on it to make the repairs to her Porsche. (JCL Tr. at 41:8-23, V10 at 2220; Tr. at 93:17-25, V9 at 1965.)

Judge Sims believed her only other alternative to taking the court car was to walk, which she had already done "the entire month of December" after her car first went in for repairs. (Tr. at 97:3-8, V9 at 1966; Joint Ex. 31, V3 at 519.) She claimed, for the first time at the hearing of this matter, that she "had some issues when people approached [her]" during this walk that was under two miles and that deputy marshals told her she should not walk because it was not safe. (Tr. at 294:3-295:15, V9 at 2015; *see also* JCL Tr. at 32:14-25, 37:13-23, 101:7-17, 106:18-21, V10 at 2217, 2219, 2235-36; Joint Ex. 31, V3 at 515-22.)

F23. Judge Sims' understanding was that she could use the vehicle "for judicial function, as long as it had a nexus to the job," and, because she had a concern for her safety after previously being accosted at her home and in the courtroom, using the court car to commute to and from work was part of her judicial function, "otherwise, I would have to walk to work or walk home." (JCL

⁹ According to Shreveport City Court Judge Brian Barber, he understood the vehicle was typically used either by staff from the Clerk's office to get supplies or by a judge to go to a conference and come back. (Joint Ex. 41, V5 at 946.) Judge Barber testified he twice used the court car in the past to go conferences, after giving notice he was going to use it, making sure no one else needed it, and ensuring he had his driving certificate through the City of Shreveport. (Joint Ex. 41, V5 at 941-42.)

Tr. at 37:13-23, 101:1-17, V10 at 2219, 2235; Tr. at 305:21-306:7, V9 at 2018.) At the hearing and at her appearance before the Commission, Judge Sims continually characterized using the court car when she did not have a personal vehicle as her only option other than to walk and risk her safety, which she would now have to do in the future: “I will never use the vehicle again....I will just deal with what happens on the street. It’s just concerning to me that I have been attacked many times, and I just didn’t want to keep walking, but I’ll just have to do that if something happens.” (JCL Tr. at 100:19-101:17, V10 at 2234-35; *see also* JCL Tr. at 37:12-23, V10 at 2219.)

This false dichotomy relies on the incorrect premise that the commute to and from the courthouse is a judicial function, and the Commission regarded it as a belated and gratuitous attempt to appeal to the serious security risks faced by judges. When Judge Sims drove her own car, she was not entitled to reimbursement for mileage or travel expenses to drive back and forth between her home and courthouse due to any safety concerns or otherwise. (*E.g.*, JCL Tr. at 36:18-39:14, V10 at 2218-19.) Judge Sims should have known the simple fact that she did not have access to a personal vehicle would not transform her short commute into an extension of her judicial function; moreover, nothing in the record reflects that Judge Sims ever discussed with others her use of the car for safety reasons or sought any second opinion, official or otherwise, about her use of the car in this manner. The personal safety of judges is obviously paramount and a pressing problem, and Judge Sims has no doubt unfortunately faced her own safety concerns, but she appeared to the Commission to weaponize the issue in an after-the-fact attempt to justify her personal use of the court car.

The Commission also concluded Judge Sims either was being disingenuous or deliberately obtuse in asserting she had no choice but to risk her safety or utilize a publicly funded asset because she could not afford a rental car due to the \$28,000 in repairs for her luxury vehicle. (*E.g.*, JCL Tr. at 41:8-23, V10 at 2220.) Most average taxpaying citizens, including other state and court employees and those who earn much less than a judge, must arrange and pay for their own transportation to and from work in all variety of challenging situations.

F24. When asked whether, from the perspective of the average citizen, it is fair or reasonable to use the court vehicle for her commute for several weeks, Judge Sims stated she is “concerned about the citizens and their perspective on the judges for us to be fair and utilize anything for the court for court purposes...[a]nd that is not something at this juncture that I would do again.” (JCL Tr. at 41:24-42:23, V10 at 2220.) When asked whether she would agree it was reasonable to conclude that she “intentionally or unintentionally employed the prestige associated

with [her] position as a judge to get the benefit of this vehicle,” she responded, “I understand that some may perceive that and some may not perceive it that way. I understand that is a possibility.” (*Id.*)

F25. Pursuant to Judge Sims’ request, officers with the Shreveport City Marshal’s Office used Fuelman cards assigned to the Marshal’s office to purchase gas for the vehicle on two occasions. (*See* Joint Ex. 34, V3 at 644; Joint Ex. 35, V4 at 705-06; Joint Ex. 36, V4 at 707-08; Joint Ex. 38, V4 at 732-35.) A Fuelman card is assigned to each City of Shreveport-owned vehicle and used to retrieve gasoline from pumps accessible only to city workers. The gas pumps are located across the street from the courthouse, and the driver must use the card and enter the mileage on the odometer of the car and a pin code assigned to the Fuelman card to access the gas. The Fuelman card keeps tracks of the gallons of gas pumped and not the equivalent dollar amount of that gas. (Tr. at 225:22-226:12, V9 at 1998; Joint Ex. 34, V3 at 644; Joint Ex. 38, V4 at 731-36 749.)

F26. When Judge Sims first wanted to use the court vehicle, it was after 5:00 p.m., and the car had no gas in it, so she called then-Chief Deputy Marshal James Jefferson for assistance. (Tr. at 94:15-98:22, V9 at 1965-66; Joint Ex. 42, V5 at 999.) Judge Sims testified that she called the Marshal’s office for assistance rather than the Judicial Administrator or someone else with the court because she saw a car from the Marshal’s office near her. (Tr. at 226:13-227:15, V9 at 1998.)

F27. Chief Deputy Jefferson sent Deputy Jarvis Armington to assist Judge Sims, and when Deputy Armington met her at the city gas pumps, he asked if she had the Fuelman card for the court car. She replied that she did not and told him, “That’s why you are here.” (Joint Exh. 38, V4 at 734, 736, 749.) After learning Judge Sims could not find the court car’s Fuelman card, Chief Deputy Jefferson gave Deputy Armington permission to use his car’s Fuelman card and pin code to fill up the court vehicle for Judge Sims. (Tr. at 228:5-229:4, V9 at 1998-99; Joint Ex. 38, V4 at 733-35, 749; Joint Ex. 42, V5 at 999-1002, 1021-22.) Judge Sims claimed she was not aware at that time that each vehicle had an assigned Fuelman card. (Tr. at 94:15-94:2, V9 at 1965.)

F28. At some point when the court car again had no gas, Judge Sims saw Deputy Troy Jackson outside and asked him to fill up the court car with his Fuelman card. (Tr. at 98:18-22, 100:8-21, V9 at 1966; Joint Ex. 38, V4 at 751-53.) Judge Sims did not recall how much time had passed since the time Deputy Armington last put gas in the car. (Tr. at 98:18-99:4, V9 at 1966.) She also did not recall whether Deputy Jackson initially told her he could not use his card and whether she responded that another deputy had done it for her. (Tr. at 100:22-101:8, V9 at 1966-

67.) Judge Sims claimed that Chief Deputy Jefferson gave Deputy Jackson the authorization to fill up the car again, but Chief Deputy Jefferson testified he was only aware of the earlier occasion where Deputy Armington filled up the car for Judge Sims. (Tr. at 98:18-22, V9 at 1966; Joint Ex. 42, V5 at 1007-08.)

F29. Judge Sims did not ask the Judicial Administrator or someone else who used the court car where the Fuelman card was before asking Deputy Jackson to use his because, “It didn’t dawn on me because I was really, really busy. I had a heavy, heavy caseload and a lot of things going on in my life at the time.” (Tr. at 99:18-100:7, V9 at 1966.) When asked at the hearing why she did not go to a regular gas station and fill up on her own before the car got empty again, she stated, “I’m sure I probably put gas in it over the course of the time, but as I said, there was a lot going on in my life and I wasn’t thinking about it.” (Tr. at 101:9-15, V9 at 1967.)

At her appearance before the Commission, when asked if she had ever “personally purchased the fuel for that vehicle during the period of time that you used it,” Judge Sims responded, “No, I did not.” (JCL Tr. at 34:19-24, V10 at 2218.) Shortly after, however, Judge Sims asserted, for the first time, “I did put gas in it with my own money....Over the period of time that I had the vehicle, I had to put some more gas in it, so I would have done so with my own money.” (JCL Tr. at 45:14-46:10, V10 at 2221.) When asked why this information had not before been volunteered in the course of this proceeding, Judge Sims’ response was that “[n]o one ever asked me that question.” (JCL Tr. at 46:1-47:10, V10 at 2221.)

F30. Judge Sims testified that she immediately offered to pay Deputy Armington and/or Chief Deputy Jefferson the first time the Marshal’s office fueled the vehicle and that she offered “several times” to Chief Deputy Jefferson to pay for the gas. (Tr. at 230:6-231:1, V9 at 1999; *see also* JCL Tr. at 39:2-14, V10 at 2219.) Deputy Armington testified he was not aware that Judge Sims offered to pay for gas. (Joint Ex. 38, V4 at 735.) Chief Deputy Jefferson recalled Judge Sims offering to pay the first time and explaining to her that it was too difficult to determine an equivalent dollar amount of gas used. (Joint Ex. 31, V3 at 522; Joint Ex. 42, V5 at 1002-06.) He agreed Judge Sims offered more than once to pay him for the gas his officers supplied for her and that he responded it “wasn’t necessary and really was too difficult to work out” the pricing, but he could not recall how many times she offered. (*Id.*)

F31. After the two occasions on which deputy marshals supplied Judge Sims with gas for the court car, Chief Deputy Jefferson had a conversation with his chief and some other deputies, and they agreed that while deputies had filled up the car for Judge Sims as a “good gesture” to the

court, they could not do so going forward. (Joint Ex. 42, V5 at 1008-11.) On February 10, 2023 (about seventeen days after Judge Sims began using the car), Chief Deputy Marshal Danny Thomas reached out to Terrell Myles, the Shreveport City Court Judicial Administrator, and Bill Whiteside, the Shreveport City Court Clerk of Court, to say that the Marshal's office had been asked by court staff to put fuel in the city cars using Fuelman cards assigned to the Marshal's office, and while they had "obliged those request[s]" in the past, they would "no longer accommodate any future request." (Joint Ex. 36, V5 at 707-08.)

Mr. Myles forwarded the email to Judge Barber, who asked Chief Deputy Thomas who had made the request and what the amount was. (Joint Ex. 36, V4 at 707-08.) Chief Deputy Thomas replied: "The amount wasn't known, only the gallons and they were not recorded. Without being specific, the recipient was one of your colleagues. However it's really not a big problem because it's all city, the marshal's office just don't want to run afoul with auditors concerning this or any other matter." (*Id.*)

F32. The Commission determined that, as reflected in F17-F31 above, Judge Sims' explanations and justifications for her use of the court car and her acquisition of fuel were evasive, illogical, self-serving, and/or not independently corroborated in the record.

B. Conclusions of Law (Count Three: Misuse of Court Vehicle)

CL1. "A judge may not misuse the administrative resources available to the judge. To accomplish a judge's varied administrative responsibilities[,] a judge has...equipment...at his or her command. Among a judge's administrative responsibilities is the duty to ensure that these resources are utilized primarily in connection with the judge's judicial responsibilities and secondarily in connection with peripheral matters related to the judicial function. A judge runs afoul of this duty if the judge misuses these resources." CHARLES GARDNER GEYH ET AL., JUDICIAL CONDUCT AND ETHICS § 6.06 (6th ed. 2020) (footnotes omitted).

CL2. Judge Sims, as an elected official and steward of court resources, should have been aware of the inherent limitations on use of the publicly funded vehicle. Even without an official written policy within the court governing the use of its car, it should have been apparent to Judge Sims that the car should only be used for court business and that her commute, which was not normally reimbursable, was not court business or part of her judicial function. (*E.g.*, F15-F16, F20-F23); *see In re Lee*, 06-0454, p. 20 (La. 7/6/06), 933 So. 2d 736, 748 (determining that "no amount of judicial experience whatsoever is needed to know" obligations with regard to public versus personal funds).

Judge Sims' use of the vehicle for several weeks to commute to and from work, her retention of the vehicle in the evenings and on weekends, and her acquisition of fuel through the Marshal's office constituted impermissible personal use of public assets. Unlike any other court employee who would have had to rent a car and pay for gas or find some other method of transportation, Judge Sims abused her judicial position to use the court vehicle for her personal use for several weeks and to have the Marshal's office fill it with gas. By not returning the keys and keeping the car in her parking spot, others would have naturally assumed Judge Sims was still using the car and not approached her to use it, so she deprived others of the ability to use it for the actual court business for which it was intended. (*E.g.*, F15-F19.)

However, even if no one else sought to use the car during the period Judge Sims was using it, her extended use of the court car and acquisition of fuel was nonetheless improper because her short daily work commute did not constitute part of her judicial function. (F20-F24); *see, e.g.*, La. Atty. Gen. Op. No. 97-433 (advising that Article VII, §14 of the Louisiana Constitution would only allow judges to be reimbursed for automobile lease payments out of judicial expense funds if it is documented that the car is "used for legitimate business purposes only," which "would not include the expenses of commuting"); La. Atty. Gen. Op. No. 98-230 (advising that city employee's use of a public vehicle to commute to take college classes that were not within course and scope of employment, a mandatory condition of the position, or related to job duties would be violative of Article VII, §14 of the Louisiana Constitution as an unconstitutional gratuity of public property); La. Atty. Gen. Op. No. 89-478 (same).¹⁰ A judge utilizing for her regular daily commute a vehicle that is funded by the taxpayers for purposes of official government business gives the impression that the judiciary expects special treatment and that judges will exploit the trusted positions of authority they hold.

CL3. The Commission therefore agreed with the Hearing Officer that there was clear and convincing evidence that Judge Sims' use of the court vehicle as alleged in Count Three of the Notice of Hearing was a failure to observe a high standard of conduct so as to preserve the integrity of the judiciary, in violation of Canon 1; a failure to avoid impropriety and the appearance of impropriety, in violation of Canon 2; a failure to act in a manner that promotes public confidence in the integrity of the judiciary, in violation of Canon 2A; a use of the prestige of her judicial office

¹⁰ It is also a general rule for purposes of workers' compensation and vicarious liability that the commute to and from work is outside of the course and scope of one's employment, with limited exceptions such as if the employer reimburses the employee for the travel expenses or the employee is performing a duty on the commute. *See McLin v. Industrial Specialty Contractors, Inc.*, 02-1539, pp. 5-6 (La. 7/2/03), 851 So. 2d 1135, 1140-41; *Orgeron ex rel. Orgeron v. McDonald*, 93-1353, pp. 5-6 (La. 7/5/94), 639 So. 2d 224, 227.

to advance her private interests, in violation of Canon 2B; a failure to cooperate with other court officials in the administration of court business, in violation of Canon 3B(1); and was also a failure to maintain professional competence in judicial administration, in violation of Canon 3B(1). *See In re Alford*, 07-1893, pp. 12-17, 32-34 (La. 2/15/08), 977 So. 2d 811, 819-822, 831-32 (agreeing that a judge “using court employees paid with public funds for personal tasks” violated Canons 1, 2A, 2B, and 3B(1)).

CL4. The Commission also agreed with the Hearing Officer that there was clear and convincing evidence that Judge Sims’ use of the court vehicle as alleged in Count Three of the Notice of Hearing constituted willful misconduct related to her official duty in violation of Article V, Section 25(C) of the Louisiana Constitution. Although Judge Sims may have believed her actions with respect to the court vehicle were not improper, “[t]here is no subjective intent requirement for judicial misconduct.” *In re Elloie*, 05-1499, p. 30 (La. 1/19/06), 921 So. 2d 882, 902; *see also In re Denton*, 21-1801, p. 27 (La. 3/25/22), 339 So. 3d 574, 592 (“Applying jurisprudential and statutory rules on interpretation of statutes and reviewing prior case law, we reject the contention that the term ‘willful,’ in the context of La. Const. art. V, §25(C) (1974), requires the misconduct to be done with the intent to bring about a negative consequence or to be done in bad faith.”). “An act does not have to be intentional to support judicial discipline,” and a judge may, “through negligence or ignorance not amounting to bad faith, behave in a manner prejudicial to the administration of justice.” *In re Elloie*, 05-1499, p. 30, 921 So. 2d at 902 (internal quotations and citation omitted); *see also In re Freeman*, 08-1820, p. 11 (La. 12/2/08), 995 So. 2d 1197, 1205 (“A judge’s lack of conscious intent will not thwart the imposition of judicial discipline.”). Even if Judge Sims in good faith believed that using the court car for her personal commute constituted court business and it was permissible to ask the Marshal’s office to provide her fuel, her doing so over the course of several weeks (without ever seeking an official opinion or running it by others) nonetheless amounted to willful misconduct in violation of her official duty. (F23-F25.)

III. COUNT FOUR: IMPROPER ADVOCACY

Count Four of the Notice of Hearing alleges that after Judge Sims continued an eviction hearing to allow the parties to obtain additional evidence, she contacted the Shreveport Property Standards Office *ex parte* to obtain documents concerning the property at issue and then introduced them into evidence at the hearing and used them to question and discredit the plaintiff’s witness. The Hearing Officer found that the OSC proved by clear and convincing evidence that Judge Sims

violated the Code of Judicial Conduct and Louisiana Constitution as alleged in Count Four of the Notice of Hearing. The Judiciary Commission agreed and made the following findings of fact and conclusions of law, which are adapted from those of the Hearing Officer and/or based on its examination of the record of the proceeding and Judge Sims' appearance before the Commission.¹¹

A. Findings of Fact (Count Four: Improper Advocacy)

F33. On July 5, 2022, Judge Sims presided over a hearing in an eviction case entitled *TTA Capital, LLC v. Sch-keiry Williams*, Case No. 2022E03328. The plaintiff property owner sought eviction of the defendant based on non-payment of rent. (Joint Ex. 47, V5 at 1099-1106; Joint Ex. 49, V6 at 1185-1214 & Audio; Joint Ex. 66, V7 at 1440, 1457-1501.)¹² The lease-to-own agreement at issue required a monthly rental payment of \$150 and included provisions making the lessee, Sch-keiry Williams, financially responsible for any and all necessary repairs. (Joint Ex. 66, V7 at 1458, 1460, 1464.)

F34. Despite the provisions in the lease, Ms. Williams withheld rental payments due to an alleged fallen tree on the home. (E.g., Joint Ex. 49, V6 at 1186-1214 & Audio.) Ms. Williams, who represented herself pro se, claimed that she told Lynette Maxfield, an employee of the property owner, that the tree had fallen on the house in January 2022, and she stopped payment of rent then. (Joint Ex. 49, V6 at 1206-08.) Ms. Williams also claimed that the Shreveport Department of Property Standards ("Property Standards") spoke to Ms. Maxfield about the fallen tree, but Aaron Wilson, the owner's attorney, said he was not aware of this:

Judge Sims: What did Property Standards say?

Ms. Williams: They went to Lynette about the tree. They went to Lynette about my –

Judge Sims: Are you aware of Property Standards contacting them?

Mr. Wilson: I am not, your Honor.

Judge Sims: That's easy to find out if Property Standards has been out there.

Mr. Wilson: I know that it's very easy to find out, Your Honor. I'm aware of that. And if it would make this Court feel better, I'd be happy to pass this to next week, have Ms. Lynette come and testify that she's never talked to this woman about a tree. I have no problem with that. Because I am very confident that Ms. Lynette wouldn't lie to me.

Judge Sims: Also from Property Standards –

Mr. Wilson: I'd be happy to get somebody over to you. I know plenty of guys over there.

Judge Sims: – as to whether or not Property Standards has contacted them about the property....I'm going to move this to the 19th of July...**I know you all can contact Property Standards. If not, I'll have my office do it.**

Mr. Wilson: I'm going to do it this afternoon, Your Honor.

¹¹ The Hearing Officer's unaltered proposed findings of fact and conclusions of law with respect to Count Four can be found at pages 15 through 18 of the Hearing Officer's Proposed Findings of Fact and Conclusions of Law. (V10 at 2114-17.) The Hearing Officer's Proposed Findings of Fact and Conclusions of Law were adopted from the Office of Special Counsel's Original Post-Hearing Brief. (V10 at 2070-73.)

¹² The transcript and audio of the July 5, 2022, hearing are Joint Exhibit 49 in the record. The audio is available on the flash drive provided with the record. The transcript is located at V6 at 1186-1214.

(Joint Ex. 49, V6 at 1209-10) (Emphasis added.) Judge Sims therefore continued the hearing to allow the property owner to speak to Ms. Maxfield about whether she was told about the fallen tree and to determine whether Property Standards had been to the property about the tree. (*Id.*) However, the minutes reflect “Defendant to provide proof of property standards report,” rather than the plaintiff or his attorney, and “Plaintiff to have owner/agent appear in court.” (Joint Exh. 66, V7 at 1471.)

F35. For the reasons that follow, the Commission determined that sometime between the hearings on July 5 and 19, 2022, Judge Sims independently obtained documents from Property Standards concerning the property at issue. At the hearing on July 19, 2022, the property owner first testified that, in exchange for \$150 a month in rent, Ms. Williams as lessee was responsible for all repairs of the property and that she had not paid rent since January 2022. (Joint Ex. 48, V5 at 1114-16, 1118-21 & Audio.)¹³ His employee, Ms. Maxfield, next testified that she received a letter from Property Standards in August 2021 about certain issues with the property, but Ms. Williams was responsible for maintenance under the lease. (Joint Ex. 48, V5 at 1121-25.)

As part of her cross-examination, Ms. Williams asked Ms. Maxfield if they previously had a conversation about a tree falling into the house, and Ms. Maxfield responded that she did not recall such a conversation. (Joint Ex. 48, V5 at 1132.) Judge Sims then asked Ms. Maxfield a series of questions about whether she spoke with anyone about a tree down around the home, including anyone from the City or from Property Standards, and clarified with Ms. Maxfield that she did not know about any fallen tree before the hearing on July 5, 2022. (Joint Ex. 48, V5 at 1132-35 & Audio at 17:25-19:50.)

Judge Sims next gave Ms. Williams the opportunity to testify as to her version of events, at one point asking her about property improvements: “When did you improve the property? I am looking at documents from Property Standards when they’ve taken the pictures. I’ll give it to the deputy marshal, so both of you all can look at them.” (Joint Ex. 48, V5 at 1147 & Audio at 29:20-29:33.) Judge Sims clarified:

Judge Sims: **I’ve acquired these myself.** Would you give it to counsel first? Let me know if you have any objection, counsel.

Mr. Wilson: I don’t have any objection, Your Honor.

Judge Sims: Okay. Would you show them to Ms. Williams, please?

Marshal: Yes, ma’am.

Judge Sims: **And for the record, so the record is clear, I’ve acquired those on my own from the Property Standards Division.**

Ms. Williams: Yes, ma’am. May I speak?

¹³ The transcript and audio of the July 19, 2022, hearing are Joint Exhibit 48 in the record. The audio is available on the flash drive provided with the record. The transcript is located at V5 at 1107-59 and V6 at 1160-84.

Judge Sims: I want you to look through them first and then let me know what you want to say about it. Because the last time, neither of you had anything from them. Okay. Any objection to that?

Ms. Williams: Yes, ma'am.

Judge Sims: What's your objection?

Ms. Williams: The pictures they've given are old pictures.

Judge Sims: Right. It has a date on here.

Ms. Williams: Yes, ma'am.

Judge Sims: August the 9th, 2021.

Ms. Williams: Yes, ma'am. Judge, and every time they come by after that, they never take photos. Never.

Judge Sims: I understand. So you don't have any legal objection to this? This is dated August the 9th. It's on here.

....

Judge Sims: So this was the condition of the property?

Ms. Williams: Yes, ma'am.

Judge Sims: **And I'll allow this to be admitted into evidence, Madam Clerk. It will be Court's Exhibit 1....**

(Joint Ex. 48, V5 at 1147-49 & Audio at 29:35-32:00) (Emphasis added.) Judge Sims proceeded to admit into evidence pictures she obtained from Property Standards as Court's Exhibits 1-4: six pictures from August 9, 2021, seven pictures from October 5, 2021, six pictures from October 22, 2021, and thirteen pictures from January 28, 2022. (Joint Ex. 48, V5 at 1149-50 & Audio at 32:05-33:55; Joint Ex. 66, V7 at 1473.)

F36. Mr. Wilson, the owner's attorney, conducted his cross-examination of Ms. Williams, during which she acknowledged that she agreed to pay \$150 per month, was one hundred percent financially responsible for all repairs, withheld rent, and was in violation of the lease; however, she argued, confusingly, that the owner never told her if the fallen tree originated on her property or the property next door, and she did not have to pay rent without that information. (Joint Ex. 48, V5 at 1145-46, 1156-58.)

F37. After this testimony concluded, Judge Sims announced she "ha[d] a couple of questions," and she brought Ms. Maxfield back on the stand. (Joint Ex. 48, V5 at 1158 & Audio at 39:10-39:15.) Judge Sims questioned Ms. Maxfield about a document from Property Standards dated September 14, 2021, that detailed violations on the premises from August 9, 2021, and used it in an attempt to impeach her prior testimony about whether she had prior notice of the fallen tree. (Joint Ex. 48, V6 at 1158-59, V7 at 1160-62 & Audio at 39:15-42:25.) This document does not appear in the court's certified copy of the record of the case or anywhere else in the present record. (See Joint Ex. 66, V7 at 1440, 1457-98; Resp. Ex. 2, V9 at 1859-1900.)

At one point, Mr. Wilson interjected to point out that the document included many violations other than any related to a tree, and Judge Sims responded: "I understand. **I provided the pictures. I provided the document,** and she just read trash, garbage, and debris. I read all

that.” (Joint Ex. 48, V6 at 1161-62 & Audio at 42:25-42:40.) (Emphasis added.) After Judge Sims questioned Ms. Maxfield about a certified mail receipt regarding a document from Property Standards (which also is not in the court’s certified record of the case or the record of this proceeding), she asked Mr. Wilson and Ms. Williams if they would like to see the documents, and neither appeared to have seen them before. (Joint Ex. 48, V6 at 1162-63; *see* Resp. Ex. 2, V9 at 1859-1900.)

F38. The property owner provided testimony stating that the ownership of the tree and whether it was on the house had no bearing, because he had agreed to lease Ms. Williams the home as-is for \$150 a month, until she became the homeowner after 120 months, on the conditions that she was responsible for all maintenance and repairs and that she would get evicted if she did not pay the rent. (Joint Ex. 48, V6 at 1163-67.) Judge Sims responded:

[E]ssentially I agree with you except for, I’m concerned about the veracity of Ms. Maxfield....[C]ounsel was here the last time and he assured this court that you all didn’t know anything about the tree at all....But the problem is, **the document came in that I acquired**, and Ms. Maxfield testified she didn’t know anything about the tree....And I’m asserting that Ms. Maxfield probably knew about the tree, and if she lied on the stand, that’s a problem for me.

(Joint Ex. 48, V6 at 1167-68 & Audio at 49:05-49:50) (Emphasis added.) The owner tried to explain why his office/Ms. Maxfield might not have seen the reference to the tree in the document containing numerous other violations and had not lied, and Mr. Wilson again tried to explain that it was Ms. Williams’ responsibility under the lease-to-own agreement to repair damage to the house regardless of whether the owner knew the tree fell on the house, at one point referring to “the pictures that you [Judge Sims] obtained on your own.” (Joint Ex. 48, V6 at 1168-69.) Judge Sims agreed that the tree was Ms. Williams’ responsibility if it originated on the property, but Judge Sims insisted she needed to know whether the tree belonged to the neighboring property and asked if anyone had pictures showing the property line. (Joint Ex. 48, V6 at 1170-80.)

Eventually, Judge Sims told Ms. Williams that if her defense was that the tree belonged to the house next door, she needed to prove it, which she had not: “As I stated earlier Ms. Williams, you don’t have a right to withhold your rent....You assert that this tree was an issue for you, and there’s not evidence for this court to prove that it was on your property or someone else’s property, that you have not sustained that burden of proof. The court finds in favor of the plaintiff. Eviction is granted; 24 hours.” (*Id.*, V6 at 1180-82.)

F39. In Judge Sims’ initial response to the anonymous complaints alleging she independently obtained documents from Property Standards, introduced them into evidence, and

used them to question a witness in a non-neutral manner, she stated that she “did have photographs and a letter obtained from the public record of the Property Standards department, a governmental division of the City of Shreveport,” and that she “took judicial notice of these photographs” as a public record. (Joint Ex. 47, V5 at 1099-1100.) She further explained:

Judge Sims did obtain the photographs and letter from Property Standards that were in the public record from proceedings in Environmental Court. These materials were obtained to determine the condition of the property and whether the tree was present on those dates. The judiciary is allowed to take judicial notice of adjudicative facts within the public records. Additionally, courts are allowed some independent research to aid in their adjudicative functions...[A]s is in the judge’s purview, Judge Sims requested the witness to read from correspondence that the witness admitted she received and read in her role as plaintiff’s employee. She asked the witness to read the letter in order to remind the witness of the contents of the letter to determine if she remembered the contents and had the appropriate knowledge for further questioning regarding the issues at hand. Judge Sims was not attempting to discredit anyone or rebut any testimony. On the contrary, she was trying to clarify inconsistencies with the witness’s testimony as she is entitled to do as the factfinder.

(*Id.*, V7 at 1101-03) (footnotes omitted.) Consistent with her statements on the record at the July 19, 2022, hearing, Judge Sims’ response to the Commission staff’s initial inquiry confirmed that she was responsible for obtaining the records from Property Standards. (*See* F35, F37-F38.)

F40. At the hearing of this matter, however, when asked how she obtained the photographs before the July 19 hearing, Judge Sims asserted that she did nothing to obtain the documents herself: “I don’t recall doing anything specifically....I didn’t ask for them.” (Tr. at 107:15-108:21, V9 at 1968.) The Commission did not find Judge Sims’ testimony in this regard credible for the following reasons.

At the July 5 eviction hearing, Judge Sims stated that if the parties did not obtain documents from Property Standards, “I’ll have my office do it.” (F34.) Her contemporaneous and repeated statements on the record at the July 19 eviction hearing were that she obtained the documents herself, and she introduced the photographs into the record as “Court Exhibits.” (F35, F37-F38.) Her initial response to the Commission stated she “did obtain” the documents and took judicial notice of them. (F39.) Moreover, the top header of the printed pages of the Property Standards photographs introduced as court exhibits shows they were printed from MyPermitNow.org on July 5, 2022, at 1:16 p.m., which would have been directly after the court’s July 5 morning session between 9:00 a.m. and 12:00 p.m., during which the first eviction hearing took place. (Joint Ex. 66, V7 at 1471, 1476-94; Resp. Ex. 2, V9 at 1873, 1878-96.) All this indicates that Judge Sims either directly requested the documents from Property Standards right after the July 5 hearing or directed someone to obtain them on her behalf.

When Judge Sims testified at the hearing in this matter and before the Commission, she began to assert that the documents simply appeared in her office, and she had no idea how or why they showed up. She claimed that the documents just appeared in her office in an envelope, and once she opened the envelope and saw what was inside, she closed the envelope so she could provide the documents to the parties at the hearing: “[A]ll I know is it showed up at the office and my assistant gave it to me.” (JCL Tr. at 51:7-52:23, V10 at 2222; Tr. at 107:15-110:3, V9 at 1968-69.)

Judge Sims testified that when she told the parties at the July 22 eviction hearing that she had “provided” and “obtained” the documents and photos, she meant she provided them “from the packet that was delivered to my office” and “obtained them myself from my assistant.” (Tr. at 113:3-11, V9 at 1970; JCL Tr. at 54:20-56:24, V10 at 2223.) When asked why she did not push back when Mr. Wilson said at the hearing that Judge Sims had gotten the documents “on [her] own” (F38), Judge Sims indicated in a confusing manner that she did not believe either party was responsible for delivering the documents to her office:

Hindsight is 20/20; however, I wanted to make the distinction that neither of them brought the information that they were supposed to have brought to the Court, and this is the information....I wanted to make sure that they knew that they were supposed to have brought it to the Court, they didn’t, and here it is, I got this from my assistant. And I didn’t want them to think that I was relying on something that could affect the decision of the particular case.

(JCL Tr. at 120:12-121:21, V10 at 2239-40.)

Judge Sims also asserted at the hearing that she “absolutely didn’t email anyone” asking for the documents, and her assistant “may have called someone, but I don’t have a specific recollection of calling someone,” though it was possible her assistant was “proactive.” (Tr. at 109:7-111:7, V9 at 1969.) Her testimony to the Commission, however, was that she asked her assistant where the documents came from, and the assistant did not know, either. (JCL Tr. at 111:15-112:19, V10 at 2237.)

When asked by the Commission why she felt it was proper to introduce and use documents that had just curiously appeared in her office from an unknown third party, Judge Sims gave circular and evasive testimony:

- Q: ...You don’t see a problem with – and maybe these did turn out to be authentic, but you don’t see a problem with the judge being the person who brings in a document of indeterminate origin and then accepts it as self-proving without any more discussion on the record?
- A: Well, I presented it to the parties – I was concerned because they showed up in my office. And I never had that happen before.
- Q: But you didn’t ask how that happened?
- A: I did ask my assistant. My assistant didn’t know.

- Q: But you didn't – either the plaintiffs did it, the defendants did it, you did it, or some random third person. And you didn't ask any of the other people. So are you asking us to believe that some random person just showed up with some relevant documents and left them on your assistant's desk?
- A: My assumption would have been someone from Property Standards because the documents looked the same. They used to be housed – we used to hear those cases in Shreveport City Court, so that was a separate entity that the City of Shreveport decided to do for them to hear the cases away from us at a separate location. So I know what the documents look like.
- Q: But you didn't ask either side, Hey, did either of y'all ask Property Standards to send me this stuff?
- A: I didn't ask them that, no. They were supposed to have brought that themselves, both sides.

(JCL Tr. at 111:15-112:19, V10 at 2237; *see also* JCL Tr. at 110:13-111:14, 122:7-22, 143:19-144:24, V10 at 2237, 2240, 2245.)

Other testimony from Judge Sims about the documents was similarly confusing and further diminished her credibility. For example, Judge Sims later testified to the Commission that there was a cover letter with the documents indicating that they were from Property Standards, which was why she felt comfortable using them in court, but no such cover letter is in the underlying court record or this record. (JCL Tr. at 110:20-111:3, 121:7-22, 141:20-144:16, V10 at 2237, 2240, 2245.) Judge Sims also indicated to the Commission that many of the documents were duplicative of what was already submitted into evidence and that she believed she had announced to the parties she was taking judicial notice of the documents as public records, but the record of this proceeding reflects that she did not state she was taking judicial notice of the documents and that they were not already in evidence.¹⁴ (JCL Tr. at 111:4-14, 121:9-21, 135:16-138:8, V10 at 2237, 2240, 2243-44; Joint Ex. 48, V5 at 1147-50, 1159-62.)

F41. Judge Sims asserted that she was not advocating for Ms. Williams throughout the two eviction hearings; she was trying to get “clarity” about Ms. Maxfield’s “inconsistent statements” so she could be a “fair arbiter of the facts in evidence.” (Tr. at 114:5-116:14, 245:1-6, V9 at 1970, 2003.) Judge Sims certainly has an obligation to assess the credibility of witnesses who appear before her, but in this instance, she went too far by using evidence that she obtained on her own to conduct a cross-examination of Ms. Maxfield and impeach her prior testimony, appearing to act as an advocate for Ms. Williams in the process. (F35, F37-F38.) Moreover, the subject of this questioning—whether Ms. Maxfield, as an agent of the property owner, had

¹⁴ The transcript and the minutes do not reflect that the photographs that Judge Sims introduced into evidence as “Court Exhibits” were previously entered into evidence by the parties. (*See* F35; Joint Ex. 48, V5 at 1147-50; Joint Ex. 66, V7 at 1471, 1473.) Additionally, as stated in F37, Judge Sims questioned Ms. Maxfield about a letter from Property Standards dated September 14, 2021, that outlined violations and about a green card showing delivery of the letter. (Joint Ex. 48, V6 at 1149-50, 1158-63.) These documents do not appear within the certified copy of the record of the proceeding (Resp. Ex. 2, V9 at 1859-1900) or anywhere else in this record.

previous notice from Property Standards that a tree fell on the house—was inconsequential under the terms of the lease-to-own agreement as to whether rent could be withheld.

Judge Sims ultimately ruled against Ms. Williams and granted the eviction because Judge Sims found she had not met her burden of proving that the tree that fell on her property belonged to the house next door. (F38; Joint Ex. 48, V6 at 1180-82.) It was not clear, based on the specific terms of the lease-to-own agreement, why that fact would or could have provided a valid basis for Ms. Williams to withhold rent. It also was not clear why, if Judge Sims' ruling was based on whether Ms. Williams proved who owned the tree, Judge Sims thought it necessary to establish that Ms. Maxfield had prior notice from Property Standards that a tree had fallen, which Judge Sims did not plausibly explain. (*E.g.*, Tr. at 106:4-107:14, V9 at 1968.) Judge Sims' confusing basis for her ruling and her apparent lack of a reasonable basis for the line of questioning of Ms. Maxfield contributed to the impression that Judge Sims had an undue interest in the matter.

F42. Overall, the Commission determined that Judge Sims' purported explanations regarding the Property Standards documents were evasive, contradictory, illogical, self-serving, and/or not independently corroborated in the record, and the Commission did not accept as credible her testimony that she had no involvement in or responsibility for obtaining them from Property Standards. (F34-F41.) The Commission also determined that the totality of Judge Sims' actions reflected that she was attempting to advocate for Ms. Williams. (*Id.*)

F43. Judge Sims stated that, in hindsight, she handled the document issue improperly and that if the situation took place today, she would either ask the parties if they sent the documents or have her assistant send them back. (Tr. at 291:16-292:11, V9 at 2014; JCL Tr. at 120:12-123:3, 136:20-137:6, V10 at 2239-40, 2244.)

B. Conclusions of Law (Count Four: Improper Advocacy)

CL5. "Some judges are understandably troubled by the prospect of poor lawyering perpetrating injustices, made all the more troubling by the possibility that evidentiary gaps could be filled, and errors corrected with a few keystrokes," but it is not the judge's role to be an advocate and conduct independent investigations. CHARLES GARNER GEYH, ET AL., JUDICIAL CONDUCT AND ETHICS § 5.04 (6th ed. 2020) (characterizing independent factual investigations as a form of impermissible ex parte communications); *see also In re Foret*, 14-0526, pp. 1-2, 6-7 (La. 5/23/14), 144 So. 3d 1028, 1029, 1032 (suspending a justice of the peace for sixty days for, among other misconduct, independently investigating the facts of cases pending before her by having her constable obtain copies of police reports).

“The integrity of the judicial system rests upon judges being unbiased, neutral arbiters of the law[.]” *In re Fiffie*, 24-0976, pp. 16-17 (La. 10/25/24), 395 So. 3d 738, 749, and a judge who conducts an independent factual investigation and uses the results to engage in accusatory questioning of a witness steps outside of his or her role as a neutral decision-maker. Judges must consider the evidence that the parties present to them, not that they have acquired on their own. Judge Sims’ actions—her provision of documents from Property Standards and her failure to disclose the documents until she used them to try to discredit a witness’ testimony that appeared irrelevant to the eviction claim—reflected an interest in the case that went beyond that of a neutral arbiter. (F35-F42.) Even though Judge Sims ultimately granted the eviction, her actions prior to doing so made her seem overly interested in the outcome and like she attempted to find any ground possible to deny the eviction.

CL6. The Commission therefore agreed with the Hearing Officer that there was clear and convincing evidence that Judge Sims’ actions in the *Williams* eviction case as alleged in Count Four of the Notice of Hearing constituted a failure to observe a high standard of conduct so as to preserve the integrity of the judiciary, in violation of Canon 1; a failure to act in a manner that promotes public confidence in the integrity of the judiciary, in violation of Canon 2A; a use of the prestige of her judicial office to advance the private interests of another, in violation of Canon 2B; a failure to perform her judicial duties without bias or prejudice and a manifestation of bias or prejudice by her words and conduct in the performance of her judicial duties, in violation of Canon 3A(4); and ex parte communications that were designed to influence her judicial action, in violation of Canon 3A(6). See *In re Foret*, 14-0526, pp. 1-2, 144 So. 3d at 1029-33; see also *In re Foret*, 25-00320, p. 11 (La. 10/15/25), -- So. 3d -- (noting that judge’s comments “created an appearance of bias or that he would rule in a biased manner, even if he did not”).

CL7. The Commission also agreed with the Hearing Officer that there was clear and convincing evidence that Judge Sims’ actions throughout the *Williams* eviction case as alleged in Count Four of the Notice of Hearing constituted willful misconduct related to her official duty as well as persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Article V, Section 25(C) of the Louisiana Constitution. See *In re Fiffie*, 24-0976, pp. 11-12, 395 So. 3d at 746 (determining judicial actions that created appearance of bias by judge “constitute[] willful misconduct relating to his official duty and persistent and public conduct prejudicial to the administration of justice, which brought his judicial

office into disrepute in violation of Article V § 25(C) of the Louisiana Constitution.”); *In re Elloie*, 05-1499, p. 30, 921 So. 2d at 902 (“There is no subjective intent requirement for judicial misconduct.”).

IV. COUNT FIVE: FAILURE TO FOLLOW CODE OF CRIMINAL PROCEDURE

Count Five of the Notice of Hearing alleges that Judge Sims failed to follow various provisions of the Code of Criminal Procedure when she ordered that ten defendants charged with domestic abuse battery and/or crimes of violence be released on their own recognizance, granted a defendant credit for time he served prior to the date of the offense, and issued a bond order that did not include a condition of release required under the law. The Hearing Officer found that the OSC proved by clear and convincing evidence that Judge Sims violated the Code of Judicial Conduct and Louisiana Constitution as alleged in Count Five of the Notice of Hearing. The Judiciary Commission agreed and made the following findings of fact and conclusions of law, which are adapted from those of the Hearing Officer and/or based on its examination of the record of the proceeding and Judge Sims’ appearance before the Commission.¹⁵

A. Findings of Fact (Count Five: Failure to Follow Code of Criminal Procedure)

F44. Louisiana Code of Criminal Procedure article 321(C) provides that a defendant “who has been arrested for any of the following offenses shall not be released on his personal undertaking or with an unsecured personal surety: (1) A crime of violence as defined by R.S. 14:2(B)...(5) R.S. 14:35.3 (domestic abuse battery)....” Louisiana Revised Statute 14:2(B) defines a “crime of violence” as “an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon” and specifically includes “domestic abuse battery punishable under R.S. 14:35.3(L), (M)(2), (N), (O), or (P),” “battery of a police officer,” “aggravated assault,” and aggravated assault with a firearm.”

F45. Judge Sims ordered that several defendants arrested for domestic abuse battery or crimes of violence be released on their own recognizance (ROR):

¹⁵ The Hearing Officer’s proposed findings of fact and conclusions of law with respect to Count Five can be found at pages 18 through 22 of the Hearing Officer’s Proposed Findings of Fact and Conclusions of Law. (V10 at 2117-21.) The Hearing Officer’s Proposed Findings of Fact and Conclusions of Law were adopted from the Office of Special Counsel’s Original Post-Hearing Brief. (V10 at 2073-75.)

Defendant Initials	Offense Date	Charge	Date ROR by Judge Sims
A.B.	04/05/2018	Domestic Abuse Battery	04/10/2018
L.W.	05/10/2018	Domestic Abuse Battery	05/22/2018
O.H.	04/05/2018	Domestic Abuse Battery	07/16/2018
T.T.	07/14/2018	Domestic Abuse Battery	10/31/2018 following issuance of warrant on 10/2/2018
M.R.	06/05/2019	Domestic Abuse Battery	06/18/2019
N.M.	05/29/2018	Domestic Abuse Battery	05/31/2018
J.H.	03/21/2017	Domestic Abuse Battery	03/23/2018
T.T.	02/20/2018	Domestic Abuse Battery	02/22/2018
L.W.	09/06/2018	Simple Battery of a Police Officer	09/07/2018
R.S.	08/22/2019	Aggravated Assault with a Weapon	08/27/2019

(Joint Ex. 55, V6 at 1310-31; Tr. at 116:1-141:21, V9 at 1970-77.)

F46. Judge Sims acknowledged that defendants charged with domestic abuse battery or crimes of violence cannot be released on their own recognizance, but when asked about the reasons she released the ten individuals, Judge Sims offered broad defenses suggesting that the minute entries were incorrect or that she released the defendants due to medical issues, issues with the jail, or because the prosecutor and defense reached an agreement to dismiss the charges upon completion of a diversion or probation program. (Tr. at 116:15-141:21, 247:1-252:15, 288:13-290:7, V9 at 1970-77, 2003-04, 2013-14; JCL Tr. at 60:25-68:25, V10 at 2224-26.) Judge Sims testified that she found no probable cause in one case, but she could not identify the specific case. (Tr. at 131:15-133:3, V9 at 1975.) She also testified that she would not have documented in the court minutes or her orders if she had allowed the ROR bond due to the defendant's medical issues. (Tr. at 126:21-127:24, V9 at 1973.)

F47. Louisiana Code of Criminal Procedure article 321(C) does not provide an exception allowing a defendant to be released on his or her own recognizance due to a medical condition that jail is purportedly unable to accommodate. Surely such situations are not uncommon and are addressed without contravening the express provisions of the law.¹⁶ (E.g., Tr. at 289:20-290:7, V9 at 2014.)

¹⁶ During the hearing, when asked about whether she had periodically over the years received calls from jail about it not being able to handle people for medical or other reasons, Judge Sims responded: "Yes, and especially during COVID as well. I think we got an e-mail from the Supreme Court during COVID." (Tr. at 300:18-25, V9 at 2016.) This email was not part of the record, but considering the beginning of the COVID pandemic was in March 2020, this letter would have been subsequent to the 2018 and 2019 RORs by Judge Sims, and the Commission nonetheless questioned whether judges were directed to release from jail those charged with domestic abuse battery or crimes of violence on their own recognizance due to COVID concerns in spite of the Code of Criminal Procedure's prohibition against such a release.

F48. Article 321(C) also does not provide an exception allowing for ROR if the prosecution has indicated that the case will in the future be dismissed, after the successful completion of a diversion program or otherwise. The fact that a prosecutor did not object to defendants being released on their own recognizance (whether to enable the completion of certain terms of diversion and/or probation or for any other reason) does not render the release permissible under the law. (*E.g.*, JCL Tr. at 62:25-66:6, 102:2-104:21, V10 at 2225-26, 2235; Tr. at 249:4-250:13, V9 at 2004.) Moreover, in the documents provided by Judge Sims to show that certain cases were eventually dismissed, she released the defendants on their own recognizance between three and eighteen months before there were any nolle prosequi dismissals by the prosecutor, and the minutes do not reference any agreement by the prosecution when noting the ROR release by Judge Sims. (JCL Tr. at 65:18-69:1, V10 at 2226-27; Joint Ex. 55, V6 at 1291-92, 1304-1330.) Judge Sims eventually conceded that she could have instead told the lawyers in these cases that the law did not permit her to set an ROR bond based on the promise that a case would be dismissed later, and she agreed that even though she no longer hears those types of charges in her court, she would not in any future cases take an action that is not permitted by law just because the lawyers agreed to it. (JCL Tr. at 91:7-92:23, 105:7-106:7, 118:7-120:2, V10 at 2232, 2236, 2239.)

F49. Judge Sims also asserted in her initial response to the Commission staff's inquiry, at the hearing, and at her appearance before the Commission that, as long as a bond is initially set, it is not a violation of article 321(C) if there is a subsequent ROR:

- Q: [Y]ou had...eight cases which the defendant was charged with domestic abuse battery that you issued ROR bonds despite the fact, if I'm reading this correctly, the law says that you shouldn't do that?
- A: Well, the law says that bonds must be set, and they were set. They were set by other judges, as well as myself...The bonds were set on them....
- Q: So you did not issue ROR bonds on these?
- A: Yes, days later after there was a conversation with the prosecutor and defense counsel....Defense counsel and the prosecutor talked about the cases that the prosecutor was going to dismiss those cases. They ultimately were dismissed. But they were going to be sent to...diversion....
- Q: Let me ask you this question. If it's against the law for you to do something, and the prosecutor and defense agree and ask you to do it, does that allow you to do it?
- A: Well, the bonds were set, so the law was complied with. On all those cases in Exhibit 55, it shows that bonds were set on all of them.
- Q: ROR bonds?
- A: No, no, the actual bond, \$1000, 2000, 3000.
- Q: The bonds were set...but you converted them to ROR? Is that what you are telling me?
- A: Days later, or several days later, a period of time later it came before the Court. They came before the Court, and the prosecutor and the defense counsel had their meeting or whatever, and they agreed that the cases were going to be dismissed.
- Q: Going to be dismissed?...But they had not been dismissed?
- A: Not at that moment, but they all ultimately were dismissed.

(JCL Tr. at 87:1-88:23, V10 at 2231; *see also* JCL Tr. at 64:1-9, 65:18-66:3, 87:1-88:23, V10 at 2225-26, 2231; Tr. at 246:10-25, V9 at 2003; Joint Ex. 55, V6 at 1291-92.)

This purported justification, to which Judge Sims cited numerous times, is contradicted by the direct language of the law: “Any defendant who has been arrested for any of the following offenses *shall not be released* on his personal undertaking or with an unsecured personal surety[.]” The law does not say that once a bond has been set, it can later be modified to allow a defendant charged with a crime of violence to be released on his or her personal undertaking or with an unsecured personal surety, which Judge Sims eventually conceded to the Commission. (JCL Tr. at 104:22-106:7, 117:21-118:6, V10 at 2234-35, 2239.)

F50. Louisiana Code of Criminal Procedure article 880(C) provides: “No defendant shall receive credit for any time served prior to the commission of the crime.” In violation of that law, on February 21, 2020, Judge Sims granted a defendant who pled guilty to certain traffic offenses credit for time he served before the date of the traffic offenses. (Tr. at 141:22-142:24, V9 at 1977; Joint Ex. 59, V6 at 1341-47; Joint Ex. 62, V7 at 1429 & Audio at 00:05-2:40; Joint Ex. 63, V7 at 1430-34.)¹⁷

F51. When the prosecuting attorney attempted to bring the error to Judge Sims’ attention by stating that the tickets were issued after the defendant’s incarceration, Judge Sims simply responded, “I understand. I see that. Thank you.” (Joint Ex. 62, Audio at 2:15-2:40; Joint Ex. 63, V7 at 1430-34.)

F52. Judge Sims testified that, at the time, people were talking over each other and giving her documents to sign, so she missed what the prosecutor said and made a mistake that she subsequently fixed by resentencing the defendant. (JCL Tr. at 92:7-93:17, V10 at 2232-33; Tr. at 142:5-144:13, V9 at 1977.) Judge Sims also testified that her legal error should not be considered misconduct because the prosecutor had the ability to appeal. (JCL Tr. at 93:3-94:19, V10 at 2233.) The recording of the proceeding on February 21, 2020, does not suggest that Judge Sims was distracted or engaged with anyone other than the prosecutor and the defendant during the proceedings, and no other voices can be heard. (Joint Ex. 62, Audio at 2:10-2:40; Joint Ex. 63, V7 at 1430-34.) Even in a hectic courtroom, however, it ultimately is the judge’s responsibility to ensure compliance with the law.

¹⁷ The transcript of this proceeding is Joint Exhibit 63 in the record. The audio is Joint Exhibit 62 (V9 at 1429) and is available on the flash drive provided with the record.

F53. About a week later, Judge Sims became aware of the improper sentence, vacated it, and entered a new sentence. (*E.g.*, Joint Ex. 55, V6 at 1293, 1331.) Judge Sims could not recall how she later learned the sentence was improper or whether the defendant was present or given an opportunity to challenge the modification of the sentence, which the minutes do not indicate. (JCL Tr. at 71:18-74:20, V10 at 2227-28; Joint Ex. 55, V6 at 1331; Joint Ex. 59, V6 at 1346.) Judge Sims asserted that she “acknowledged that I made the mistake, which was a legal error on my part, and I tried to resolve it as soon as I could, which I did contemporaneous to the time in which it occurred,” but her method of doing so did not appear in the minutes because “maybe the minutes were not correct, and that has happened many times.” (JCL Tr. at 71:18-74:20, V10 at 2227-28.) When asked if she understood a Commissioner’s concern that the minutes did not reflect how or why the sentence was vacated and a new sentence imposed and whether the defendant was present in court, Judge Sims tried to shift blame when she responded, “It’s my concern when the minutes are not right, which they are often not right in our court. That is always my concern.” (*Id.*)

F54. Louisiana Code of Criminal Procedure article 320(C) provides:

The court shall require as a condition of release on bail that any person who is charged with a second or subsequent violation of [R.S. 14:98, operating a vehicle while impaired] or a parish or municipal ordinance that prohibits the operation of a motor vehicle while under the influence of alcohol or drugs to install an ignition interlock device on any vehicle which he operates. The defendant shall have fifteen days from the date that he is released on bail to comply with this requirement, and the ignition interlock device shall remain on the vehicle or vehicles during the pendency of the criminal proceedings. Under exceptional circumstances, the court may waive the provisions of this Article but shall indicate the reasons therefor to the law enforcement agency who has custody of the alleged offender documentation.

On February 4, 2023, Judge Sims issued a bond order for a defendant charged with a second violation of operating a vehicle while intoxicated. When she issued the order, she did not include in or with it an order to install an ignition interlock system as a condition of release as required by article 320(C). (Joint Ex. 67, V7 at 1504, 1506; JCL Tr. at 76:3-77:18, V10 at 2228-29.)

F55. “As a general practice....Judge Sims instructs her judicial assistant to prepare routine draft orders for those circumstances that involve statutory bail conditions. The Judge reviews and modifies these Orders as necessary.” (Joint Exh. 69, V7 at 1515.) However, Judge Sims stated that at this time, she had a new judicial assistant who was still getting used to her duties, “[t]he draft Order was not timely prepared for the Judge’s review,” and “the bail requirement for this interlock device was not incorporated into an Order and did not come to the Judge’s attention timely.” (Joint Ex. 69, V7 at 1515-16.) As soon as the error was brought to Judge Sims’ attention, she corrected the order. (*Id.*) Judge Sims has since “instituted new and additional procedures in

her office to ensure that these incidents do not occur in the future,” but rather than take full responsibility, she stated: “I just do it myself. So it requires me to do extra stuff that falls under the purview of her job because all she has to do is type in the name, type in the date, print it out, give it to me, I sign it, and then she sends it over.” (Joint Ex. 69, V7 at 1515; Tr. at 148:5-149:15. V9 at 1978-79.)

B. Conclusions of Law (Count Five: Failure to Follow Code of Criminal Procedure)

CL8. It is well established that legal error can constitute judicial misconduct under certain circumstances. “[A] judge may be found to have violated La. Const. Art. V, Sec. 25 by a legal ruling or action made contrary to clear and determined law about which there is no confusion or question as to its interpretation and where this legal error was egregious, made in bad faith, or made as part of a pattern or practice of legal error.” *In re Quirk*, 97-1143, pp. 11-12 (La. 12/12/97), 705 So. 2d 172, 180-181. “[A] pattern of repeated legal error (although not necessarily the same error) over a period of time can constitute judicial misconduct, regardless of whether the errors were made in bad faith or were egregious in nature.” *Id.* at 178.

Judge Sims acknowledged her legal errors as alleged in Court Five of the Notice of Hearing (although, with respect to the failure to follow article 321(C), she acknowledged the errors only after pushback from the Commission). (F46-F49, F53, F55.) She asserts, however, that these are isolated legal errors that should not give rise to a complaint and/or discipline. (*E.g.*, Tr. at 144:9-13, V9 at 1977; Judge’s Br. in Resp. to HO FFCL at 7-8, V10 at 2195-96.) The Commission disagreed.

CL8. Louisiana Code of Criminal Procedure articles 320(C), 321(C), and 880(C) comprise clear law about which there is no question as to their interpretation, and Judge Sims demonstrated a pattern or practice of failing to follow the law when she: (1) released defendants on their own recognizance in ten cases in violation of article 321(C); (2) imposed a sentence of time served prior to the date of the offenses before her in violation of article 880(C); and (3) failed to include a required condition of release on a bond order in violation of article 320(C). *See, e.g., In re Sassone*, 07-0651, pp. 8-26 (La. 6/29/07), 959 So. 2d 859, 865-76 (finding that judge who failed to follow proper criminal contempt procedures in two cases and failed to hold contradictory hearings before revoking a defendant’s bail in two cases acted contrary to the clear and determined law in Code of Criminal Procedure articles 22 and 330 and demonstrated a pattern or practice of legal error pursuant to *Quirk*).

CL9. The Commission therefore agreed with the Hearing Officer that there was clear and

convincing evidence that Judge Sims' failure to follow the Code of Criminal Procedure as alleged in Count Five of the Notice of Hearing was a failure to observe a high standard of conduct so as to preserve the integrity of the judiciary, in violation of Canon 1; a failure to avoid impropriety and the appearance of impropriety, in violation of Canon 2; a failure to respect and comply with the law and to act in a manner that promotes public confidence in the integrity of the judiciary, in violation of Canon 2A; and a failure to be faithful to the law and maintain professional competence in it, in violation of Canon 3A(1). *See id.* (finding judge's failure to follow the law in contempt rulings or revoking bail violated Canons 1, 2A, and 3A(1)).

CL10. The Commission also agreed with the Hearing Officer that there was clear and convincing evidence that Judge Sims' failure to follow the Code of Criminal Procedure as alleged in Count Five of the Notice of Hearing constituted willful misconduct related to her official duty as well as persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute in violation of Article V, Section 25(C) of the Louisiana Constitution. *See In re Elloie*, 05-1499, pp. 2-3, 5-12, 25-30, 921 So. 2d at 885-86, 888-91, 900-03 (determining judge's pattern or practice of legal errors with respect to expungement in two cases, whether due to longstanding court customs or inadvertence, constituted "willful misconduct relating to his official duty and persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, all in violation of La. Const. Art. V, § 25 C"); *see also In re Sassone*, 07-0651, p. 26, 959 So. 2d at 877 (determining that judge's pattern and practice of legal error on four occasions "constitute[d] persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute under La. Const. art. V, § 25(C)."); *In re Hunter*, 02-1875, p. 16 (La. 8/19/02), 823 So. 2d 325, 336 ("[A] judge may also, through negligence or ignorance not amounting to bad faith, behave in a manner prejudicial to the administration of justice so as to bring the judicial office into disrepute.") (quotations omitted).

V. COUNT ONE: DEMEANOR

Count One of the Notice of Hearing alleges that Judge Sims was discourteous and disrespectful towards a property manager in an eviction proceeding, denied the petition against the weight of the evidence, and ordered her back into the courtroom to accept a rent payment from the tenant. The Hearing Officer found that the OSC did not prove by clear and convincing evidence that Judge Sims violated the Code of Judicial Conduct and Louisiana Constitution as alleged in the Notice of Hearing because Judge Sims' conduct did not rise to the level that constituted an

ethical violation.¹⁸ The Judiciary Commission respectfully disagreed and made the following findings of fact and conclusions of law based on the OSC's Post-Hearing Brief, the Commission's examination of the record of the proceeding, and Judge Sims' appearance before the Commission.

A. Findings of Fact (Count One: Demeanor)

F56. On May 24, 2022, Megan Everett appeared before Judge Sims in an eviction matter entitled *Monarch Realty & Management v. Jermaine O'Neal* in Shreveport City Court. Ms. Everett was not a lawyer and appeared before Judge Sims in her capacity as the property manager for Monarch Realty. (See Joint Ex. 7, V1 at 109-10; Joint Ex. 10, V1 at 244-25.)¹⁹

F57. Ms. Everett stated that the basis for the eviction of the defendant, Jermaine O'Neal, was the "nonpayment of rent, as well as multiple lease violations that resulted in an \$800 fine from the City of Shreveport, as well as an unauthorized pet." (Joint Ex. 5, Audio at 00:50-1:10; Joint Ex. 7, V1 at 109-10.) Ms. Everett explained that Mr. O'Neal was late paying his \$670 May rent and also owed "court fines...totaling in the amount of \$1,638" that the realty company had to pay the City due to the condition of the property. (Joint Ex. 7, V1 at 110.) Judge Sims cut off Ms. Everett and asked what she meant by court fines, and when Ms. Everett explained that the fines were imposed by Shreveport Environmental Court, Judge Sims multiple times distinguished Shreveport Environmental Court from Shreveport City Court in a condescending manner. (Joint Ex. 5, Audio at 00:45-2:15; Joint Ex. 7, V1 at 110-11.)

F58. Ms. Everett explained that Mr. O'Neal last paid rent on April 5, 2022, but had been given notice to vacate on April 21 (despite the lease having a waiver of the notice to vacate) due to fines the company received from the City for Mr. O'Neal having an inoperable vehicle and trash and debris accumulated on the property, for which the lease made him responsible, and for having a breed-restricted pet without prior approval as required by the lease. (Joint Ex. 7, V1 at 111-13; Joint Ex. 11, V1 at 145-59, 165-72.)

F59. Judge Sims gave Mr. O'Neal an opportunity to respond, and he stated that he had received approval to have a dog when he first moved in and paid a \$200 pet deposit and that he had paid someone to remove the inoperable vehicle and trash from the property. (Joint Ex. 7, V1 at 113-16.) When Mr. O'Neal said he did not have a receipt for the pet deposit, Judge Sims asked

¹⁸ The Hearing Officer's proposed findings of fact and conclusions of law with respect to Count One, which were adopted from Judge Sims' Post-Hearing Brief and Proposed Findings of Fact and Law, can be found at pages 4 through 8 of the Hearing Officer's Proposed Findings of Fact and Conclusions of Law. (HO FFCL, V10 at 2103-07; see also Judge's Post-Hearing Br., V10 at 2083-86, 2097.)

¹⁹ The audio of the hearing is Joint Exhibit 5 in the record and is available on the flash drive provided with the record. The transcript is located at Joint Exhibit 7, V1 at 108-128.

Ms. Everett if the company had received a deposit, to which she responded no. Judge Sims then asked how long Ms. Everett had been at the company, and she explained that she had a ledger showing every payment ever received from him by the company, and the required pet deposit and \$20 monthly pet fee were not indicated as having been paid in the five years Mr. O'Neal lived there. (Joint Ex. 7, V1 at 116-18; *see also* Joint Ex. 12 at 146, 152, 160-64; Joint Ex. 13 at 177-78.) Mr. O'Neal responded he was told it was a one-time pet deposit (despite the lease clearly indicating that there was also a \$20 monthly fee). (*Id.*)

F60. Judge Sims interrupted to point out that the notice to vacate provided to Mr. O'Neal on April 21 did not list each alleged lease violation, and Ms. Everett responded that she had with her copies of each violation given to him, but Judge Sims rudely cut her off:

Judge Sims: Hold on one second. Hold on one second. On the notice that you all provided, according to you all on April the 21st, it doesn't denote which lease violations were alleged to have been committed.

Ms. Everett: I have copies of each violation that has been given to him.

Judge Sims: Did you hear what I said?

Ms. Everett: Ma'am?

Judge Sims: Did you hear what I said?

Ms. Everett: It didn't say—

Judge Sims: Were you listening to me?

Ms. Everett: Yes ma'am. You said I didn't specifically write down on the notice to vacate of the lease violations that he received.

Judge Sims: Right. On your notice it has lease violations where it is marked, there's an X in the box. And then underneath, there's an explanation where you're supposed to list specifically what the violations are so the tenant would know.

Ms. Everett: Yes, ma'am. I did—

Judge Sims: —but was that—

Ms. Everett: —staple the lease violation to the notice to vacate when it was given to him.

Judge Sims: You going to answer what you want to answer, or are you going to answer my questions? Ma'am? Ma'am?

Ms. Everett: Yes ma'am.

Judge Sims: On the lease five-day notice you have dated April 21st of this year, you did not list the violations on there, correct?

Ms. Everett: No, ma'am.

Judge Sims: What was the ledger—

Ms. Everett: But it was stapled with—

Judge Sims: I heard you the first time. I don't have a hearing problem. Would you like to say it one more time, ma'am?

Ms. Everett: No.

Judge Sims: You making this longer than it needs to be. Everybody here has somewhere to go. As a matter of fact, have a seat. Let me take the next case. Come on up, Mr. Hill. I'll call your case back up.

(Joint Ex. 5, Audio at 9:00-10:25; Joint Ex. 7, V1 at 120-21.) Although Ms. Everett was trying to explain her answer, Judge Sims cut her off in a condescending manner. Ms. Everett testified in the present proceeding that although she was trying to explain to Judge Sims that a second page was stapled with the notice and that the lease had a waiver of notice, Judge Sims made her feel like she was wasting everyone's time and that she was not giving the answers Judge Sims was

looking for. (Joint Ex. 14, V2 at 295-97.) She also testified that she had given the notice to Mr. O'Neal as a courtesy despite the clear waiver of notice provision in lease and that Judge Sims did not seem concerned with the waiver after Ms. Everett raised it. (Joint Ex. 14, V2 at 294-95, 260-61, 298; *see also* Joint Ex. 12, V1 at 148; Joint Ex. 13, V1 at 180; Joint Ex. 14, V2 at 295-96.)

F61. After hearing approximately twenty other cases on the docket, Judge Sims called the *O'Neal* case back up and resumed her questioning of the parties, including whether a monthly dog fee was on the payment ledgers and if the issues on the property were resolved following the Shreveport Environmental Court date that resulted in fines. (Joint Ex. 7, V1 at 121-24; Joint Ex. 14, V2 at 270.) Ms. Everett explained that the ledgers did not contain a monthly dog fee and disputed that a dog had been on the property for five years. She also stated that she did not attend the Environmental Court proceeding because she was in City Court for an eviction instead. (Joint Ex. 7, V1 at 124-25.)

Judge Sims asked why Ms. Everett did not call Environmental Court to say she had an obligation at City Court, and she responded that she had the dates confused and went to City Court instead of Environmental Court, but she currently did have photographs with her of the property showing Mr. O'Neal's violations. Judge Sims clarified that Ms. Everett did not go to Environmental Court because she was unaware that she needed to be there and was at City Court instead, and after Ms. Everett confirmed that, Judge Sims tersely stated, "Eviction denied. Next Case." (Joint Ex. 5, Audio at 12:40-13:42; Joint Ex. 7, V1 at 124-26; Joint Ex. 14, V2 at 299-300.)

F62. After Ms. Everett went to leave, Mr. O'Neal asked Judge Sims if he needed to pay the outstanding rent for May, and Judge Sims yelled for Ms. Everett to come back into the courtroom. (Joint Ex. 5, Audio at 13:45-14:00; Joint Ex. 7, V1 at 126; Joint Ex. 15, V2 at 365.) After Ms. Everett responded that he could still pay the rent, Judge Sims insisted that Ms. Everett come back, telling Mr. O'Neal, "She said she'll accept it. Give it to her now." (Joint Ex. 5, Audio at 13:45-14:10; Joint Ex. 7, V1 at 126-27; *see also* Joint Ex. 15, V2 at 357-58.) Per company policy, Ms. Everett was not allowed to receive rent payments outside of the office, and as she was trying to explain this, Judge Sims responded, "The order of the court is for him to tender it to you now." (*Id.*; Joint Ex. 14, V2 at 279-80; *see also* Joint Ex. 15, V2 at 360.) Ms. Everett asked if the payment included late fees, and Judge Sims rudely responded, "I don't know, I'm not looking at it," and insisted that Ms. Everett take the money and figure it out later. (*Id.*)

F63. Ms. Everett, who had appeared before Judge Sims before, testified that Judge Sims had spoken to litigants such as herself in ways that make them feel incompetent or stupid for not

knowing certain things, is abrupt, and cuts them off. (Joint Ex. 14, V2 at 251-52, 288-91.) This approach was clearly demonstrated in Ms. Everett's hearing.

F64. Judge Sims' explanation for her actions towards Ms. Everett at the eviction hearing was that Ms. Everett was nonresponsive to her questions and Judge Sims wanted to be efficient with her docket. (Tr. at 53:9-71:15, V9 at 1955-59.) Judge Sims claimed that once she realized Ms. Everett had not previously handled an eviction based on lease violations as opposed to nonpayment of rent, she thought it would be best to handle other cases first and come back to Ms. Everett's case. (Tr. at 203:7-204:10, V9 at 1992.)

On its review of the audio and transcript of the hearing, the Commission did not agree with Judge Sims that Ms. Everett was nonresponsive or did not answer Judge Sims' questions. Instead, Judge Sims continually interrupted Ms. Everett, spoke to her in a discourteous manner, and acted in a punitive manner towards her. (*See* F57-F62.) The minute clerk who was present for the hearing agreed that Judge Sims was short with Ms. Everett and said it was uncomfortable in the courtroom. (Joint Ex. 15, V2 at 347.)

F65. Judge Sims begrudgingly conceded that she could have handled the manner better ("different words could have been used") but stated that Ms. Everett displayed a "negative presentation" and raised her voice. (Tr. at 57:18-59:23, 61:5-65:22, V9 at 1956-58.) Though no video was available to review Ms. Everett's physical presentation, the Commission's review of the audio did not reveal that Ms. Everett raised her voice until after Judge Sims yelled at her to return to court after denying the eviction and ordered her to accept payment. (Joint Ex. 5, Audio at 00:45-14:25.) The Commission therefore determined that Judge Sims was unnecessarily condescending to and exhibited a lack of patience with Ms. Everett, a pro se litigant who remained respectful towards Judge Sims, even after being rudely interrupted by her. The Commission also noted Judge Sims' representation that she has since taken a judicial temperament and demeanor course online. (JCL Tr. at 83:3-83:25, V10 at 2230.)

F66. Judge Sims testified as to her basis for denying the eviction:

There were a number of things. [Ms. Everett] made a number of inconsistent statements throughout her testimony. The defendant did not. His statements were consistent. One, he had a dog there for five years. If you have a dog there for five years you would have seen it, maintenance would have seen it, someone would have seen that there was a dog there for five years. He testified that he also paid someone to get the – to remove the debris and vehicle from – the vehicle or vehicles from the property as well.

(Tr. at 196:10-197:12, V9 at 1990-91.) The Commission's review of the audio and transcript did not reveal inconsistent statements throughout Ms. Everett's testimony.²⁰

F67. While Judge Sims acknowledged that the recording reflected that she ordered Ms. Everett to come back from the courtroom door and that she told Mr. O'Neal that Ms. Everett would accept the payment, she recalcitrantly denied that she ordered Ms. Everett to accept the payment after Ms. Everett said it was against her company policy to do so outside of the office:

- Q: You ordered Ms. Everett to accept the payment; is that correct?
A: I ordered the defendant to tender the payment.
Q: So the effect of ordering him to tender it is she has to accept it, correct?
A: She doesn't have to accept it.
Q: So he could have tendered it and she could have walked out of the courtroom; you would have let her walk out of the courtroom?
A: She was already—she was already attempting to walk out of the courtroom before.
Q: But you ordered her back, correct?
A: Uh-huh. Correct. And I didn't order her back...the second time.
Q: You ordered her back into the courtroom?
A: Yes.
Q: And then ordered him to tender the payment?
A: Correct.
Q: Did you not intend for her to accept it?
A: I didn't know what she was going to do.
Q: If she had turned around and walked out of the courtroom, you would have let her leave?
A: I wouldn't have stopped her from leaving.
Q: You are heard saying give it to her now. Do you recall that?
A: I directed him to tender her the payment, yes.
Q: The words that you said, "She said she will accept it. Give it to her now" —
A: I don't dispute what the recording says.

(Tr. at 74:14-76:24, V9 at 1960.) In light of her position of authority as a judge and the words she directed to the parties, it was disingenuous for Judge Sims to claim that she was not ordering Ms. Everett to accept the payment and that Ms. Everett would have felt free to leave the courtroom without doing so.

B. Conclusions of Law (Count One: Demeanor)

CL11. The Hearing Officer determined that Judge Sims' conduct did not "rise to such a level that it violated the Code of Judicial Conduct or the Louisiana Constitution," but the Commission respectfully disagreed. Though Judge Sims' conduct that is the subject of Count One might not ordinarily be considered serious enough to warrant a recommendation of discipline to

²⁰ The only testimony that can be construed as inconsistent was when Ms. Everett responded in the affirmative to Judge Sims' questions of whether on her ledger there was a \$20 per month billing for the pet fee for five years that Mr. O'Neal didn't pay. (Joint Ex. 7, V1 at 117-18.) After Judge Sims took the case back up at the end of the docket, she said Ms. Everett had previously testified that there was a \$20 per month pet fee on the ledger, and Ms. Everett clarified, "[I]t's in the lease. It's a \$200 non-refundable pet deposit, and a \$20 pet fee per month per pet. But we never charged him any of that because we were unaware that there was a dog on the premises." (*Id.* at 123.) It seems apparent that Ms. Everett misspoke or misheard the question in her earlier testimony and attempted to clarify her previous response, and Judge Sims could have easily clarified any believed inconsistency by asking to review Ms. Everett's ledgers. (*Id.* at 117, Joint Ex. 12, V1 at 160-64; Joint Ex. 14, V2 at 340-41.)

this Court, when considered alongside her other misconduct in this proceeding, her missteps during the *O'Neal* eviction hearing and her refusal to acknowledge them provide yet another example of her indifference towards her ethical obligations.

CL12. “While a judge may be forceful and stern, he or she must remain respectful and in control of his or her temper—hostile, demeaning or humiliating language is never warranted.” *In re Bowers*, 98-1735, p. 14 (La. 12/1/98), 721 So. 2d 875, 884. In *In re Daniels*, when discussing whether judicial demeanor warranted judicial discipline, the Court was clear that “[w]e do not mean to imply that we are setting out rules for courtroom decorum, for we realize that the personality and individuality of each judge necessarily reflect in his conduct of judicial proceedings before him.” 340 So. 2d 301, 308-09 (La. 1976). However, “[g]enerally, a judge should conduct himself in the courtroom in a manner which promotes public confidence in the integrity and impartiality of the judiciary.” *Id.*

Being in court is a common occurrence for judges, but for litigants, especially *pro se* litigants, a courtroom appearance can be an immensely difficult experience. Litigants appear before judges to have their disputes resolved. Judges serve the public, in part, by setting an example in how to resolve these disputes in a patient, dignified, and courteous manner....Judges have an opportunity to teach by example and demonstrate those attributes which all should strive to possess.

Judges are tasked with balancing often competing considerations on the scales of justice. The obligation of a judge to be patient, dignified, and courteous is not inconsistent with affording a judge discretion to be appropriately decisive, forceful, and stern so as to maintain order and decorum in the courtroom. Often a judge's patience is tested when simultaneously confronted with crowded dockets to be managed and countless difficult decisions to be made. Litigants occasionally lash out at the judge if their side does not prevail, inappropriately casting aspersions on the judge. However, judges must strive to be patient in the face of these challenges.

In re Ellender, 09-0736, pp. 11-12 (La. 7/1/09), 16 So. 3d 351, 358. As similarly stated by the Florida Supreme Court:

We recognize that it is easy, especially under the stress of handling many... matters, to lose one's judicial temper, but judges must recognize the gross unfairness of becoming a combatant with a party. A litigant, already nervous, emotionally charged, and perhaps fearful, not only risks losing the case but also contempt and a jail sentence by responding to a judge's rudeness in kind. The disparity in power between a judge and a litigant requires that a judge treat a litigant with courtesy, patience, and understanding. Conduct reminiscent of the playground bully of our childhood is improper and unnecessary.

In re Eastmoore, 504 So. 2d 756, 758 (Fla. 1987).

In *In re Ellender*, while Judge Ellender did not lose his temper, his impatience to get through his busy docket resulted in him making snide, dismissive, and condescending remarks towards a litigant who “did not say anything that could be interpreted as grounds for provoking an inappropriate response on the part of the judge.” *Id.* at pp. 2-4, 11-12, 16 So. 3d at 353-54, 358.

The Court therefore agreed that Judge Ellender violated Canons 1, 2A, and 3A(3), as well as engaged in willful misconduct relating to his official duty and engaged in persistent and public misconduct prejudicial to the administration of justice that brings the office into disrepute in violation of Louisiana Constitution Article V, Section 25(C). *Id.* at pp. 3-4, 14, 16 So. 3d at 353-54, 360; *see also In re Foret*, 25-00320, pp. 11-12 (La. 10/15/25), -- So. 3d --.

CL13. In her similar haste to get through her busy docket, Judge Sims treated Ms. Everett, a relatively inexperienced yet respectful pro se litigant, in a needlessly discourteous and punitive manner. (*See* F57, F60-62.) Judge Sims was unnecessarily condescending to and dismissive of Ms. Everett, and her after-the-fact attempts to justify her demeanor and her ruling against Ms. Everett against the weight of the evidence are not borne out by the record of the underlying proceeding and nonetheless would not warrant the treatment she gave Ms. Everett. (*E.g.*, F64-F67.)

The Commission therefore determined there to be clear and convincing evidence that Judge Sims failed to “personally observe[] high standards of conduct so that the integrity and independence of the judiciary may be preserved” in violation of Canon 1, failed to “respect and comply with the law and...act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary” in violation of Canon 2A, failed to “maintain order and decorum in judicial proceedings” in violation of Canon 3A(2), and failed to “be patient, dignified, and courteous to litigants...with whom the judge deals in an official capacity” in violation of Canon 3A(3), as alleged in Count One of the Notice of Hearing.²¹ *See In re Ellender*, 09-0736, pp. 3-4, 14, 16 So. 3d at 353-54, 360.

CL14. Throughout the eviction hearing, Judge Sims was rude to a pro se litigant in a courtroom full of other litigants and court personnel, focused on issues that were not relevant to the requested relief and appeared to rule against the weight of the evidence, and demanded that the litigant accept payment even after being informed it was against her company’s policy. (F57-67.) The Commission therefore also determined there to be clear and convincing evidence that Judge Sims’ actions at the *O’Neal* eviction hearing constituted “willful misconduct relating to her official

²¹ The Notice of Hearing also alleged that Judge Sims’ conduct as alleged in Count One violated Canon 3A(1) by failing to be faithful to the law and maintain professional competence in it. (V1 at 002-03.) Although it appeared to the Commission that Judge Sims denied the eviction against the weight of the evidence showing Mr. O’Neal’s lease violations and focused on inconsequential issues, which surely contributed to Ms. Everett’s feeling of mistreatment, the evidence did not clearly establish that Judge Sims failed to follow the law in a manner that satisfied the standard enunciated in *In re Quirk*. 97-1143, pp. 11-12, 705 So. 2d at 180-181 (“[A] judge may be found to have violated La. Const. Art. V, Sec. 25 by a legal ruling or action made contrary to clear and determined law about which there is no confusion or question as to its interpretation and where this legal error was egregious, made in bad faith, or made as part of a pattern or practice of legal error.”).

duty” and “persistent and public misconduct prejudicial to the administration of justice that brings the office into disrepute” in violation of Article V, Section 25(C) of the Louisiana Constitution, as alleged in the Notice of Hearing. *See In re Ellender*, 09-0736, pp. 3-4, 14, 16 So. 3d at 353-54, 360.

VI. UNPROVEN CHARGES (COUNTS TWO AND SIX)

Count Two of the Notice of Hearing alleges that Judge Sims was rude and demeaning to another pro se litigant in a separate eviction proceeding. (V1 at 003.) The Hearing Officer concluded there was not clear and convincing evidence that Judge Sims violated Canons 1, 2A, or 3A(3) or Article V, Section 25(C) of the Louisiana Constitution with respect to the conduct alleged in Count Two, and the Commission agreed.

Paragraph Two of Count Six of the Notice of Hearing alleges that Judge Sims has generally exhibited rude, abrasive, and/or demeaning behavior towards litigants (as reflected in Counts One and Two) and towards court employees, her judicial assistants, and her colleagues, that employees and assistants have required consolation after demeaning interactions with her and some requested to not work with her or resigned, and that her demeanor led to an environment where others are reticent to approach Judge Sims out of fear of retaliation. (V1 at 009.) The Hearing Officer concluded there was not clear and convincing evidence that Judge Sims violated Canons 1, 3A(3), or 3B(1) with respect to the allegations in Count Six, Paragraph Two of the Notice of Hearing, and the Commission agreed (with the exception of her demeanor towards the litigant as alleged in Count One, addressed *supra*).

Paragraph Three of Count Six of the Notice of Hearing alleges that after Clerk of Court Bill Whiteside scheduled a meeting between himself, Judge Sims, and two employees of the Clerk’s office to address underlying tensions at the courthouse, Judge Sims excused herself from the meeting and never returned. (V1 at 009.) The Hearing Officer found that there was clear and convincing evidence of the allegation in Count Six of the Notice of Hearing that Judge Sims violated Canons 1, 3A(3), and 3B(1) and Article V, Section 25(C) of the Louisiana Constitution. The Commission respectfully did not agree that Judge Sims’ conduct in this respect rose to the level of an ethical violation. Accordingly, the allegations of Counts Two and Six of the Notice of Hearing are not discussed herein.²²

²² The Hearing Officer’s proposed findings of fact and conclusions of law with respect to Counts Two and Six can be found at pages 8 through 11 and 22 through 26, respectively, of the Hearing Officer’s Proposed Findings of Fact and Conclusions of Law. (HO FFCL, V10 at 2107-10, 2121-25.) The OSC’s briefs regarding these counts can be found on pages 2 through 10 and 19 through 21 of the OSC’s Original Post-Hearing Brief (V10 at 2059-68,

VII. RECOMMENDATION OF DISCIPLINE

A. The *Chaisson* Factors

The Commission first considered the non-exclusive factors that the Court in *In re Chaisson*, 549 So. 2d 259, 266 (La. 1989), instructed should be considered when arriving at an appropriate sanction in non-removal cases:

- (a) whether the misconduct is an isolated instance or evidenced a pattern of conduct;
- (b) the nature, extent, and frequency of occurrence of the acts of misconduct;
- (c) whether the misconduct occurred in or out of the courtroom;
- (d) whether the misconduct occurred in the judge's official capacity or in his private life;
- (e) whether the judge has acknowledged or recognized that the acts occurred;
- (f) whether the judge has evidenced an effort to change or modify his conduct;
- (g) the length of service on the bench;
- (h) whether there have been prior complaints about this judge;
- (i) the effect the misconduct has upon the integrity of and respect for the judiciary;
and
- (j) the extent to which the judge exploited his position to satisfy his personal desires.

The *Chaisson* factors take into consideration both aggravating and mitigating circumstances. The application of the *Chaisson* factors to Judge Sims' case reveals the following.

- (a) Whether the misconduct is an isolated instance or evidences a pattern of conduct and**
- (b) the nature, extent, and frequency of occurrence of the acts of misconduct**

The nature of the serious misconduct in this proceeding spans a wide range—misuse of publicly funded court resources over several weeks, acting as an advocate and failing to maintain neutrality in an eviction proceeding, a practice of failing to follow the law with regard to bond conditions and sentencing, and being unnecessarily demeaning to a pro se litigant—but her individual acts of misconduct form a pattern of her acting without regard as to whether it is legally permissible or ethically advisable for her to do. Troublingly, and as discussed further below, this pattern by Judge Sims is a continuation of the same type of indifference towards the limits of her authority for which she was previously disciplined by the Court and admonished by the Commission. Moreover, given that most of the misconduct in this proceeding occurred in relation to routine court proceedings, the Commission was concerned that it may be commonplace for Judge Sims to not grasp or heed the limits of her judicial authority.

- (c) Whether the misconduct occurred in or out of the courtroom and**
- (d) whether the misconduct occurred in the judge's official capacity or in her private life**

All of Judge Sims' misconduct occurred in her official capacity as a judge. With the exception of her misuse of the court vehicle to commute to and from the courthouse, the

2076-78) and pages 1 through 13 of the OSC's Brief in Response to the Hearing Officer's Proposed Findings of Fact and Conclusions of Law (V10 at 2156-67).

misconduct occurred in or just outside the courtroom in the course of handling criminal and eviction matters.

**(e) Whether the judge has acknowledged or recognized that the acts occurred and
(f) whether the judge has evidenced an effort to change or modify her conduct**

Throughout this proceeding, Judge Sims displayed recalcitrance when asked to acknowledge her wrongdoing. Her attempts to justify her actions were implausible or lacked credibility, and she at times only begrudgingly conceded that she perhaps could have handled things better.

Judge Sims ultimately stated that she would “never” use the court vehicle again, but not because she agreed that her use of it over several weeks was improper; the most she conceded was that she “understand[s] that some people can reasonably conclude that” she gave the perception that she employed the prestige of her office to use the car. (F20, F24; JCL Tr. at 41:24-42:23, V10 at 2220.) She also attempted, for the first time at the hearing of this matter, to disingenuously frame her personal use of a public resource as the only alternative to walking and risking her safety, even though she is not normally entitled to reimbursement for her commute and could explore other options. (F22-F24; *see also* JCL Tr. at 125:19-130:1, V10 at 2241-42.) Judge Sims could not even provide a clear estimate of how long she used the court car, and her other explanations regarding her use of it and her requests that the Marshal’s office fill it with gas further were not supported by the record or made little sense. (*See* F17, F19-F21, F29.)

Judge Sims’ denial of any involvement in obtaining the documents in the *Williams* eviction was similarly not credible, and regardless of how she obtained them, she did not agree that her questioning of a witness went beyond that of a neutral arbiter. She instead maintained that she was acting as a fact-finder trying to resolve purported inconsistent statements, even though those statements were not in fact relevant to the requested relief. (F40-F42; CL5; Tr. at 114:5-116:14, 245:1-6, V9 at 1970, 2003.) Her testimony at the hearing and to the Commission was contradicted by the record and by her prior statements to the Commission, and her only concession as to her missteps in the *Williams* eviction was that “[i]f something comes to the chambers and my assistant has it, I will tell her to send it back to wherever it had come from.” (F43; JCL Tr. at 121:22-123:3, V10 at 2240.)

Judge Sims readily acknowledged her legal error in improperly sentencing a defendant for time served before the date of the offenses and asserted that she corrected the sentence once she realized, but when questioned on whether her method of vacating the sentence and imposing a new

one was procedurally proper based on the lack of information in the minutes, Judge Sims appeared to deflect and assert that minutes are often wrong in her court. (F50-F53.) She similarly acknowledged her mistake in not ordering an interlock device as a condition of bond but said the oversight was the fault of her assistant who did not properly prepare draft orders for her. (F55; CL8.) Judge Sims also stated that she had new procedures to ensure no reoccurrence of the conduct, although she downplayed her obligations as a judge when she pointed out that “it requires me to do extra stuff that falls under the purview of [the assistant’s] job.” (F55.)

Most concerning of Judge Sims’ legal errors, though, was that she released defendants charged with domestic abuse battery or crimes of violence on their own recognizance and maintained that it was appropriate for her to do so, either because a bond had initially been set, the jail indicated an inability to accommodate a defendant, or the charges were eventually dismissed after the prosecution agreed to the ROR bond so that the defendant could complete a diversion or probation program. (F46-F49.) Only upon being pressed by multiple Commissioners did Judge Sims concede that the law does not allow for an ROR bond after an initial bond was set and/or if the prosecution agrees. (F48-F49.) Even though cases involving domestic abuse battery and crimes of violence are no longer heard by her in Shreveport City Court, Judge Sims agreed that in any future case of any kind where the lawyers represent that they have reached an agreement, she would ensure that the law allowed such a course of action. (F48; JCL Tr. at 118:7-120:2, V0 at 2239; Judge’s Br. in Resp. to HO FFCL at 12, V10 at 2200.)

Finally, with respect to the *O’Neal* eviction, Judge Sims asserted that her actions towards Ms. Everett were justified because Ms. Everett was nonresponsive, slowed down the docket, made inconsistent statements and displayed a “negative presentation” to the court. (F64-F65; Tr. at 64:13-65:22, V9 at 1957-58.) Judge Sims also disputed that she ordered Ms. Everett to accept Mr. O’Neal’s rent payment, even though she ordered Ms. Everett to come back into the courtroom and directed Mr. O’Neal to tender her the payment. (F67.) The Commission disagreed with Judge Sims’ characterizations of the *O’Neal* hearing based on its review of the transcript and audio of the proceeding, but it nonetheless noted that Judge Sims conceded that “[d]ifferent words could have been used” and she could have handled the hearing better, as well as that she “took a judicial temperament seminar” on the computer after the commencement of these proceedings. (F64-F67; JCL Tr. at 83:3-83:25, V10 at 2230.)

The Commission therefore did not find that Judge Sims’ halfhearted acknowledgements of some of her misconduct reflected a true recognition or appreciation of why her actions were

improper in a way that will ensure there is no recurrence of future misconduct. *See, e.g., In re Free*, 16-0434, p. 53 (La. 6/29/16), 199 So. 3d 571, 603 (“We do not disagree that Respondent may vigorously exercise his right to mount a defense to the charges alleged in a disciplinary proceeding. But...the record reveals that Respondent’s appreciation of the depth and extent of the misconduct has evolved rather slowly over the course of the proceedings. We find the Commission’s lack of confidence in Respondent’s self-rehabilitation not unfounded.”); *In re Sassone*, 07-0651, pp. 28-33, 959 So. 2d at 878, 880 (“We do not find that Judge Sassone has acknowledged her actions. She has refused to admit to any wrongdoing, and has conjured up explanations for her conduct after the fact which do not comport with the record....[W]hen [what may be viewed as perhaps a ‘glimmer’ of contrition is] viewed along with her adamant denials of any wrongdoing on her part, or any errors made in these cases, we do not find that this exchange demonstrates any real acknowledgment, or any admission by Judge Sassone that she acted inappropriately. It is clear from the record, her testimony, and her briefs before this Court, that Judge Sassone does not believe that she acted inappropriately, and she has not expressed any intention of changing her procedures or behavior in the future.”); *In re Lee*, 06-0454, p. 19 (La. 7/6/06), 933 So. 2d 736, 748 (“[W]hile she purported to accept responsibility for her conduct, she repeatedly blamed staff when she testified at her hearing.”); *In re Elloie*, 05-1499, p. 25, 921 So. 2d at 900 (“Equally disturbing, Judge Elloie’s testimony showed that he failed to comprehend the significance and effect of his own judicial actions.”).

(g) The length of service on the bench

Judge Sims has served as a judge since December 2011. (F1.)

(h) Whether there have been prior complaints about this judge²³

In 2015, this Court suspended Judge Sims for thirty days without pay for improperly holding a prosecutor in contempt of court for conduct that was not contemptuous and for sua sponte impermissibly dismissing fifteen criminal cases without the legal authority to do so, in violation of Canons 1, 2A, 3A(1), 3A(2), 3A(3), 3A(4), and 3A(7), and Article V, Section 25(C) of the Louisiana Constitution. *In re Sims*, 14-2515 (La. 3/7/15), 159 So. 3d 1040.

Judge Sims had been on the bench for less than one year when she had a disagreement with Katherine Gilmer, an assistant city prosecutor opposite whom she had appeared in cases as an attorney, about how Judge Sims handled forfeitures of defendants’ driver’s licenses. *Id.* at pp. 2-

²³ See Louisiana Supreme Court Rule XXIII, Section 3(e).

4, 159 So. 3d at 1042-43. The City Attorney, who was Ms. Gilmer's supervisor, met with Judge Sims about other administrative issues involving prosecutors, asked Judge Sims to contact her with any future issues, and told all prosecutors to contact her if any judges requested meetings to discuss administrative issues. *Id.* Judge Sims subsequently attempted to arrange a meeting with Ms. Gilmer, and Ms. Gilmer went to the City Attorney, who testified that she attempted to contact Judge Sims to see what the meeting was about, but Judge Sims did not respond. *Id.* When Ms. Gilmer went to Judge Sims' court the following week to handle a docket, Judge Sims sent a deputy marshal to tell Ms. Gilmer she wanted to meet in chambers with her first, but upon being told this, the City Attorney told Ms. Gilmer not to meet with Judge Sims because she first wanted to see what Judge Sims wanted. *Id.*

Judge Sims waited for Ms. Gilmer in chambers for twenty minutes and then went to the hallway to speak with Ms. Gilmer, who respectfully told Judge Sims that she could not meet with her and to call the City Attorney. *Id.* Judge Sims said she did not know that the City Attorney had instructed prosecutors not to meet with judges and thought Ms. Gilmer was ignoring her, so she went to the bench and demanded Ms. Gilmer go to her office immediately. *Id.* at pp. 4-6, 159 So. 3d at 1044-45. Ms. Gilmer told Judge Sims she was sorry, but she could not go, and Judge Sims announced, "You're held in contempt at this time. All cases are dismissed." *Id.* Judge Sims dismissed fifteen of Ms. Gilmer's criminal cases, although she later reinstated the charges without the necessity of a hearing following motions filed by the Chief City Prosecutor. *Id.* Judge Sims also issued a summons for Ms. Gilmer to attend a contempt hearing, but the two met prior to the hearing and Ms. Gilmer apologized on advice of her counsel. *Id.* Ms. Gilmer then apologized on the record in court and stated that there was a misunderstanding based on conflicting instructions, and Judge Sims thanked her and dismissed the contempt charge. *Id.*

As discussed further below, the Court agreed with the Commission that Judge Sims committed bad faith legal error by not following the proper contempt procedures and in erroneously dismissing the fifteen criminal cases, though it rejected the Commission's recommendation to suspend Judge Sims without pay for ninety days as too harsh and instead suspended her for thirty days without pay. *Id.* at pp. 10-20, 159 So. 3d at 1047-53.

Subsequently, in 2016, the Commission entered into a Deferred Recommendation of Discipline Agreement (DRDA) with Judge Sims in Judiciary Commission Case No. 0340.²⁴ (F4;

²⁴ At this time, DRDAs and admonishments issued pursuant thereto remained confidential unless and until a recommendation of discipline in another matter was made to the Court. *See* V8 at 1841; La. Sup. Ct. Rule XXIII, Secs. 3(e); 31(b).

OSC Ex. 1, V8 at 1837.) The Notice of Hearing/Formal Charge in that matter contained four counts, but as part of the DRDA, Judge Sims admitted only her conduct as alleged in Count Two, Paragraph Two, and in Count Three. (*Id.*, V8 at 1838.) Count Two, Paragraph Two alleged she had been habitually late to court. (*Id.*, V8 at 1845.) Count Three alleged that on one occasion, Judge Sims summoned the Marshal to her chambers to tell him that she had been told by an unidentified citizen that, after another Shreveport City Court judge asked why so many people were in the hallway, a deputy marshal responded that it was because Judge Sims had recessed her court. (*Id.*, V8 at 1846-87.) Judge Sims allegedly told the Marshal, “[e]ither you handle it or I will,” and the deputy marshal was suspended for two days without pay.²⁵ (*Id.*)

Judge Sims agreed to an admonishment under the DRDA for her conduct alleged in these two counts, which violated Canons 1, 2A, 2B, 3A(3), 3A(7), and 3B(1), as well as Article V, Section 25(C) of the Louisiana Constitution. (*Id.*, V8 at 1842.) Judge Sims also agreed over the eighteen-month term of the DRDA to obtain additional CLE on general human resources management. (*Id.*, V8 at 1838-39.) There were no further ethical violations over the term of the DRDA, which Judge Sims successfully completed.

(i) The effect the misconduct has upon the integrity of and respect for the judiciary

While the integrity of the judiciary is harmed every time a judge violates the canons, the cumulative effect of Judge Sims’ actions had a significant negative impact on the integrity of and respect for the judiciary.

A judge may not misuse the administrative resources available to the judge....Among a judge’s administrative responsibilities is the duty to ensure that these resources are utilized primarily in connection with the judge’s judicial responsibilities and secondarily in connection with peripheral matters related to the judicial function....

...

Although the integrity of the judging process may not be directly compromised, it is considered improper for a judge to take advantage of his or her position and title in order to advance an economic...interest....The fear is that the public will lose confidence in a judge who takes or appears to take any advantage of his or her office by trading on his or her reputation as a judge.

CHARLES GARDNER GEYH, ET AL., JUDICIAL CONDUCT AND ETHICS §§ 6.06, 9.03[2] (6th ed. 2020)

(footnotes omitted). By using a publicly funded court car as the temporary replacement for her

²⁵ Regarding the non-admitted allegations, Count One alleged that Judge Sims required her secretary, a Shreveport City Court employee, to twice drop things off to Judge Sims’ daughter’s school and to run various errands relating to a “Know Your Legal Rights” seminar Judge Sims was presenting, all on court time and at times using supplies and equipment provided by Shreveport City Court. (*Id.*, V8 at 1843-45.) The remainder of Count Two alleged Judge Sims’ habitual lateness caused other judges to cover her docket for her and that she more than once recessed court during the afternoon to pick her daughter up at school. (*Id.*, V8 at 1845-46.) Count Four alleged that Judge Sims posted flyers for her “Know Your Legal Rights” seminar in the courthouse, which was a violation of a city ordinance, and lectured and advised attendees about topics she ruled on as a judge, such as resisting an officer. (*Id.*, V8 at 1847-48.) The record does not indicate why the Commission did not proceed further with these allegations.

personal vehicle and twice requesting that city marshals provide her with fuel paid for through public funds, Judge Sims conveyed that she is entitled to special benefits by virtue of her judicial position. (CL2.) A judge who is not permitted reimbursement for travel expenses to and from the courthouse should know that she is not then permitted to expend other public funds towards that commute. (*Id.*) Judge Sims instead took advantage of the public trust, “which tarnishes the image of judges as stewards of public resources and erodes the moral authority necessary to enforce the law.” (OSC Br. in Resp. to HO FFCL at 24, V10 at 2179.)

“An insistence on the appearance of neutrality is not some artificial attempt to mask imperfection in the judicial process, but rather an essential means of ensuring the reality of a fair adjudication. Both the appearance and reality of impartial justice are necessary to the public legitimacy of judicial pronouncements[.]” *Williams v. Pa.*, 579 U.S. 1, 15-16 (2016). “The integrity of the judicial system rests upon judges remaining unbiased, neutral arbiters of the law. When a judge steps outside of this role, public confidence in the judicial system is diminished.” *In re Fiffie*, 24-00976, pp. 16-17, 395 So. 3d at 749. Accordingly, judges must avoid conducting independent investigations into the facts of a case because such investigations “impair[] the function of an adversarial system by allowing a judge to craft decisions on the basis of facts that may be unknown to one or both of the parties and therefore indisputable by them regardless of their accuracy or relevance.” CHARLES GARNER GEYH, ET AL., JUDICIAL CONDUCT AND ETHICS § 5.04 (6th ed. 2020); *see also In re Foret*, 14-0526 (La. 5/23/14), 144 So. 3d 1028 (suspending a justice of the peace for sixty days for, among other serious misconduct, independently investigating the facts of cases pending before her by having her constable obtain copies of police reports). To preserve and promote confidence in the integrity and impartiality of the judiciary, judges must serve as neutral arbiters and consider only evidence and testimony presented to them by the parties.

Judge Sims engaged in an independent fact-finding investigation and then used the information she obtained to non-neutrally question the credibility of a witness regarding an issue that was inconsequential to whether the plaintiff was entitled to an eviction under the clear terms of the lease. (FF40-F42.) Even though Judge Sims ultimately granted the eviction in *Williams*, her actions prior to ruling created an appearance of bias in favor of the defendant in derogation of her obligation to serve as a neutral arbiter, which undermined her integrity and impartiality. (CL5-CL7.) Her disingenuous explanations to the Commission further called her integrity into question.

A pattern or practice of failing to apply clear and determined law similarly undermines the integrity and impartiality of the judiciary, because “a judge who is empowered to deprive persons of their freedom and liberties [is expected] to faithfully follow and apply the laws of our State,” and the failure to do so “can only cast the judiciary as a whole into disrepute.” *In re Sassone*, 07-0651, p. 29, 959 So. 2d at 879. When Judge Sims failed to follow clear provisions of the Code of Criminal Procedure on multiple occasions and imposed bond conditions or sentences more lenient than what was statutorily permitted, she “demonstrated a troubling disregard for the law” and “signal[led] to the public that judicial discretion may be wielded arbitrarily, without accountability or respect for the legislature’s intent.” (OSC Br. in Resp. to HO FFCL at 24, V10 at 2179.)

Finally, “[j]udges serve the public, in part, by setting an example in how to resolve...disputes in a patient, dignified, and courteous manner.” *In re Ellender*, 09-0736, pp. 11-12, 16 So. 3d at 358. “Keeping in mind that an appearance in [a judge’s] courtroom may be a litigant’s or witness’ only exposure to the judicial system,” demeaning or humiliating language by a judge “reflects poorly on the image of our system of justice.” *In re Bowers*, 98-1735, p. 14 (La. 12/1/98), 721 So. 2d 875, 884. Especially when combined with a ruling that appears to be against the weight of evidence, unnecessarily discourteous treatment can raise questions about a judge’s impartiality. *E.g.*, *In re Cresap*, 06-1242, pp. 25-26 (La. 10/17/06), 940 So. 2d 624, 639-40 (concluding judge’s conduct during a hearing, including discourteous comments to one party and numerous rulings clearly favoring the other, adversely affected the integrity and respect of the judiciary because it brought the impartiality of the judiciary into question). When Judge Sims exhibited impatience and condescension towards a pro se litigant who did nothing to provoke such a response and ordered her to accept money after denying her requested relief, “it fostered the perception that justice is not administered equally.” (OSC Br. in Resp. to HO FFCL at 24, V10 at 2179.) “Public confidence in the fairness of proceedings suffers when courtroom conduct appears punitive or biased, particularly against individuals simply trying to exercise their legal rights.” (*Id.*)

When viewed cumulatively, there can be no doubt that the wide array of misconduct by Judge Sims negatively affected the integrity of and respect for the judiciary.

(j) The extent to which the judge exploited her position to satisfy her personal desires

Judge Sims took advantage of her judicial position, which gave her access to a publicly funded court vehicle that she misused as a stand-in for her personal vehicle while hers was unavailable. She also requested that officers with the Marshal’s office fill the car using their city-

issued fuel cards, which the Marshal's office agreed to do as a "good gesture for the court," rather than pay with her own money. (F31; Joint Ex. 42, V5 at 1008, 1025; *see also* JCL Tr. at 128:4-15, V10 at 2241.) Even if Judge Sims only used the court car to commute two miles each way to and from the courthouse, she was not normally entitled to reimbursement for her daily commute, and use of the court car for this purpose was a private benefit to her. It saved her the cost of a rental car, which she asserted she could not afford, or from figuring out some alternative method of transportation. (F22-F24); *see also In re Lee*, 06-0454, pp. 21-22, 933 So. 2d at 749 (concluding that judge exploited her position to satisfy her personal desires when she very belatedly repaid travel expenses owed to her court).

B. Recommendation

With regard to the issue of discipline, the OSC suggested that the Commission recommend that the Court remove Judge Sims from office based upon its conclusion that Judge Sims committed ethical misconduct as alleged in all six counts of the Notice of Hearing. (OSC Br. in Resp. to HO FFCL at 13-27, V10 at 2168-82.) Judge Sims "suggest[ed] that a public censure or a brief suspension may be an appropriate sanction" based upon what the Hearing Officer determined was misconduct, but she did not herself concede any ethical violations. (Judge's Br. in Resp. to HO FFCL at 12-21, V10 at 2200-09.) After considering the various factors bearing upon a recommendation of discipline as set forth in *In re Chaisson*, *supra*, some of which the Commission regarded as aggravating and some as mitigating, and especially in consideration of Judge Sims' prior disciplinary history, the Commission voted to recommend that Judge Sims be suspended without pay for one year.

"Sanctions imposed in judicial disciplinary proceedings against judges from this court range from removal to a complete rejection of discipline. Hence, the discipline to be imposed depends upon the facts of each case and the seriousness of the offenses involved, considered in light of any aggravating and mitigating circumstances." *In re Ellender*, 04-2123, p. 13 (La. 12/13/04), 889 So. 2d 225, 233. Because of the varied and multiple types of misconduct in this matter, it is difficult to directly compare past cases in this Court involving judicial discipline.

Discipline in cases involving the misuse of public resources has ranged from a public censure to removal, depending on the nature of the misuse and the presence of other misconduct. *See In re Alford*, 07-1893 (La. 2/15/08), 977 So. 2d 811 (removal for impairment on the bench, frequent absenteeism, the improper detention of a juvenile, personal use of court staff, and handling a matter as a favor to a family friend); *In re Lee*, 06-0454 (La. 7/6/06), 933 So. 2d 736

(120-day suspension for failure to timely render judgments or report cases as under advisement and for improper travel accounting and delays in repaying travel expenses owed to court); *In re King*, 03-1412 (La. 10/21/03), 857 So. 2d 432 (removal for requiring court staff to participate in campaign activities and fund-raising and lying to Commission during investigation); *In re Decuir*, 95-0056 (La. 5/22/95), 654 So. 2d 687 (public censure for allowing former law partner to use court secretary and phone system, failure to list campaign contributions, permitting law clerk to work for a law firm, and writing letter concerning sentencing of a friend in federal court).

Discipline in cases involving the appearance of advocacy and the failure to maintain neutrality (through conducting an independent investigation, ex parte communications, or otherwise) has included public censure and varying lengths of suspensions. *See, e.g., In re Fiffie*, 24-00976 (La. 10/25/24), 395 So. 3d 738 (six-month suspension for pattern of failure to follow the law and other actions regarding warrant requests that gave appearance of bias, failure to comply with a higher court order, and failure to cooperate with colleagues and law enforcement officers); *In re Canaday*, 23-00735 (La. 10/20/23), 372 So. 3d 328 (public censure for improper ex parte communications and rulings that demonstrated an appearance of bias and failure to act as a neutral arbiter); *In re Denton*, 21-01801 (La. 3/25/22), 339 So. 3d 574 (four-month suspension for series of ex parte communications with relative of a litigant, which gave appearance of advocacy and bias); *In re Foret*, 14-0526 (La. 5/23/14), 144 So. 3d 1028 (sixty-day suspension for justice of the peace who engaged in numerous ex parte conversations with parties in a case, conducted an improper investigation by having her constable obtain a related police report, and delegated judicial authority to her constable); *In re Cresap*, 06-1242 (La. 10/17/06), 940 So. 2d 624 (thirty-day suspension for conduct relating to a hearing that demonstrated abuse of authority and failure to act as neutral arbiter, including by making discourteous comments to one party, making numerous rulings clearly favoring the other, and conducting impermissible ex parte communications).

Cases involving a pattern of failure to follow clear procedural laws, and in some cases also involving improper demeanor in the courtroom, have resulted in suspensions of varying lengths or even removal when the conduct was particularly egregious and expansive. *See, e.g., In re Laiche*, 15-1691 (La. 3/15/16), 198 So. 3d 86 (removal of justice of the peace for failure to follow procedural law regarding peace bonds in multiple respects, including by charging excessive fees, requiring bonds in excessive amounts, impermissibly extending terms of bonds, imposing excessive sentences for failure to give bond, failing to refund or timely refund money after

expiration of bonds, and issuing bond judgments without hearings, as well as rude and discourteous treatment of litigants); *In re Sassone*, 07-0651 (La. 6/29/07), 959 So. 2d 859 (sixty-day suspension for failing to follow proper contempt procedures, exceeding and abusing authority by revoking bonds without a contradictory hearing, and unnecessarily demeaning attorney by acting rude and impatient towards him); *In re Fuselier*, 02-1661 (La. 1/28/03), 837 So. 2d 1257 (120-day suspension for exceeding judicial authority and abandoning role as neutral arbiter, including through pattern of failure to follow law when making an improper contempt finding, conducting criminal proceedings when no prosecutor was present, and administering a worthless check collection program for the court).

Finally, cases solely involving demeanor issues have resulted in a public censure or a brief suspension. See *In re Foret*, 25-00320, pp. 15-20 (La. 10/15/25), -- So. 3d -- (thirty-day suspension for “multiple displays of improper judicial demeanor”); *In re Ellender*, 09-0736 (La. 7/1/09), 16 So. 3d 351 (thirty-day suspension for the failure to treat a domestic matter seriously and for a lack of patience and condescending manner towards litigant, where judge had previously been suspended for an incident outside of the courtroom that demonstrated a similar lack of sensitivity); *In re Bowers*, 98-1735 (La. 12/1/98), 721 So. 2d 875 (public censure for pattern of insensitive behavior and inappropriate language).

The Commission reviewed the above precedent to gain a sense of what may be an appropriate recommendation, but it also carefully considered Judge Sims’ prior disciplinary history. In *In re Sims*, as discussed *supra*, when Judge Sims had been a judge for four months, she had a disagreement with Ms. Gilmer, an assistant prosecutor who previously served as her opposing counsel, and she demanded a meeting with Ms. Gilmer, despite being told that Ms. Gilmer’s supervisor had directed attorneys not to meet with judges and to send the supervisor instead. 14-2515, p. 2-4, 159 So. 3d at 1042-44. Judge Sims improperly exerted her judicial authority by going to the bench to order Ms. Gilmer to meet with her in chambers, and when Ms. Gilmer reiterated that she was not permitted to meet with Judge Sims, by holding Ms. Gilmer in contempt without allowing her to speak in defense and dismissing all of her docketed cases. *Id.*

Judge Sims did not follow proper contempt procedures and had no legal basis to dismiss the cases, which the Court determined constituted bad faith legal error rising to the level of judicial misconduct under *In re Quirk*. *Id.* at pp. 10-15, 159 So. 3d at 1047-50. Specifically, the Court determined that Judge Sims’ actions were “based solely on her personal frustration” with the prosecutor, that “it is evident Judge Sims knew or should have known that Ms. Gilmer was being

put in a situation of defying a direct order from her supervisor,” and that “Judge Sims’ claim that she had no way of knowing [the supervisor’s] directive is not credible.” *Id.* at pp. 13-15, 159 So. 3d at 1049-50. Moreover, nothing in the record supported Judge Sims’ claim that Ms. Gilmer was disrespectful to Judge Sims in court when saying she was not permitted to meet with the judge; “Judge Sims decided to assume the bench and force Ms. Gilmer to comply and then punish her when she refused to do so.” *Id.* The Court also found Judge Sims was not credible when she testified to the Commission that she did not intend to dismiss the fifteen cases but instead intended for them to be rescheduled to a later date. *Id.*

When considering the appropriate discipline in that case, the Court acknowledged Judge Sims’ lack of prior disciplinary history and that she reasonably may have felt ignored and disrespected by Ms. Gilmer’s refusal to meet with her, but it regardless determined Judge Sims’ conduct “cannot be condoned.” *Id.* at pp. 17-19, 159 So. 3d at 1051-52. The Court also noted that although Judge Sims was not credible when she asserted that she did not intend to dismiss the cases, “Judge Sims’ statements in that regard were part of her explanation of her actions, and...asserting a defense or offering an explanation [does not] amount[] to a lack of cooperation.” *Id.* The Court thus found that the Commission’s recommended ninety-day suspension, which was based on the sixty-day suspension in *In re Sassone* and the 120-day suspension in *In re Fuselier*, was “too harsh.” *Id.* at pp. 18-20, 159 So. 3d at 1052-53. Judge Sassone and Judge Fuselier were experienced judges of twelve and eight years, respectively, and each of their misconduct involved more than one isolated incident and numerous types of violations. *Id.*

“Given the more extensive nature of the misconduct in those cases, and given those judges were much more experienced than Judge Sims,” the Court found the thirty-day suspension imposed on a newer judge in *In re Cresap* for his multiple acts of misconduct in one recusal hearing to be more comparable and likewise ordered Judge Sims be suspended for thirty days without pay. *Id.* Now-Chief Justice Weimer in his concurrence noted that he had been in favor of a lesser sanction in *In re Cresap*, and Judge Cresap had no credibility issues, so the numerous findings by the Hearing Officer and Commission regarding Judge Sims’ lack of credibility and candor was an “obstacle...to anything less than a 30-day suspension despite the fact that the judge’s limited experience...mitigates in her favor.” *Id.*

Additionally, though not the subject of formal proceedings that resulted in a recommendation of discipline to the Court, the Commission considered that Judge Sims’ misconduct continued after the incident that was the subject of *In re Sims* on April 24, 2012. In

August 2012, Judge Sims recessed court and summoned the Marshal to her chambers to tell him that she had heard from an anonymous citizen that a deputy marshal had been talking about her at the metal detector. (V8 at 1846-47.) The citizen told Judge Sims that the deputy marshal said another judge asked him why there were so many people in the hallway, and the deputy marshal had responded to the judge that it was because Judge Sims had recessed her court. (*Id.*) Judge Sims then told the Marshal, “[e]ither you handle this or I will,” and the Marshal assured he would, resulting in the deputy marshal being suspended for two days without pay. (*Id.*) The Commission admonished Judge Sims for this conduct, as well as for being habitually late to court, as part of its Deferred Recommendation of Discipline Agreement (DRDA) with her.²⁶ (V8 at 1841, 1845.) Judge Sims successfully completed the DRDA.

Judge Sims’ actions in the present matter troublingly indicate that despite being given some measure of leniency when she was a new judge, her improper actions resumed during the ensuing ten-plus years she has served as a judge. Underlying Judge Sims’ prior misconduct was a failure to grasp or heed the limits of her judicial authority, just like in various misconduct that forms the basis of this proceeding. Shreveport City Court is not Judge Sims’ fiefdom, and she must be held to account for continuously taking actions that violate the law and/or her ethical obligations as an elected judicial officer.

Unlike in her prior case before this Court, the present case now involves numerous incidents of misconduct, and Judge Sims has been a judge for over ten years, such that her experience is now an aggravating rather than mitigating factor. Moreover, as previously concerned the now-Chief Justice, Judge Sims has once again demonstrated a lack of credibility before the Commission, and this time in ways that go beyond offering mere defenses or explanations, but instead demonstrate an unwillingness and/or inability to recognize most of her misconduct in any meaningful manner. *In re Sims*, 14-2515, pp. 18-20, 159 So. 3d at 1052-53; *see also In re Free*, 16-0434, p. 53 (La. 6/29/16), 199 So. 3d 571, 603 (“We do not disagree that Respondent may vigorously exercise his right to mount a defense to the charges alleged in a disciplinary proceeding. But...the record reveals that Respondent’s appreciation of the depth and extent of the misconduct has evolved rather slowly over the course of the proceedings.”); *In re Sassone*, 07-0651, pp. 32-33, 959 So. 2d at 880 (“It is clear from the record, her testimony, and her briefs before this Court,

²⁶ As part of the DRDA, Judge Sims admitted to this conduct and agreed to the admonishment, and the Commission did not pursue the other allegations in the notice of hearing, which are summarized in footnote 24, *supra*. (See V8 at 1837-48.)

that Judge Sassone does not believe that she acted inappropriately, and she has not expressed any intention of changing her procedures or behavior in the future.”).

Accordingly, keeping in mind the goal of protecting the public, and considering the aggravating and mitigating factors present, the Commission determined the appropriate recommendation to the Court is a one-year suspension without pay.

VI. REGARDING COSTS

Louisiana Supreme Court Rule XXIII, Section 22 provides to the Commission the right to recover costs, subject to the Court’s review. *See In re Decuir*, 95-0056, p. 10 (La. 5/22/95), 654 So. 2d 687, 693; *In re Daniels*, 340 So. 2d 301, 309 (La. 1976). The Office of Special Counsel incurred \$7,704.31 in hard costs in this case. (V10 at 2134-55.) The Hearing Officer incurred \$2,376.00 in hard costs in this case. (V10 at 2129.) The Judiciary Commission itself incurred \$1,522.25 in hard costs for court reporting services. (V11 at 2340.) The Commission therefore recommends to the Court that Judge Sims be ordered to reimburse the Commission the amount of \$11,602.56, or some portion of that amount as the Court deems appropriate based on the allegations it determines were proven by clear and convincing evidence.²⁷

VII. COMMISSION VOTE

In accordance with Supreme Court Rule XXIII, Section 11, the Commission notes its vote regarding this matter. Eleven members of the Commission voted unanimously in favor of the findings of fact and conclusions of law contained herein, with three members not present for the vote. Eight members of the Commission voted in favor of the recommendation that Judge Sims be suspended from office for one year without pay, with three members not present for the vote and three members opposed. One of the members who voted in favor of the recommendation has offered the appended concurrence, in accordance with Louisiana Supreme Court Rule XXIII, Section 11, which provides: “[A]ny dissenting or concurring member shall be permitted to append to the Commission’s recommendation a written dissent or concurrence. Unless for good cause shown, the dissent or concurrence shall not identify the Commission member(s) making the dissent(s) or concurrence(s).”

Two of the three members who voted in opposition to the one-year suspension would have recommended the greater sanction of removal. One has offered the appended dissent, in which

²⁷ In the recent case of *In re Foret*, 25-0320 (La. 10/15/25), the Court ordered the judge to pay \$7,488.67, which was two-thirds of the \$11,233.00 total costs incurred and requested by the Commission. Subsequently, in *In re Medley*, 25-0879 (La. 10/30/25), the Court ordered Judge Medley to pay half of the Commission’s costs, reasoning that only two of the four counts of misconduct charged were proven.

another joins. The third member who voted in opposition to the one-year suspension would have recommended the lesser sanction of a six-month suspension.

(Continued on next page)

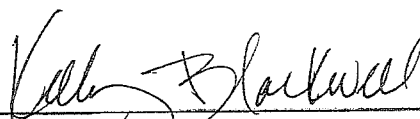
Accordingly, the Commission prays:

1. That Judge Sheva Sims be suspended without pay for one year;
2. That Judge Sheva Sims be ordered to reimburse and pay to the Judiciary Commission the amount of \$11,602.56 in hard costs.

Respectfully submitted,



Judge Bruce Hampton, as Chair
For the Judiciary Commission of Louisiana



Kelly Blackwell (#31339)
Commission Counsel
Erica A. Therio (#34115)
Assistant Commission Counsel
For the Judiciary Commission of Louisiana

(Certificate of Service appears on next page)

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon counsel of record for Judge Sheva Sims by certified mail, return receipt requested, and on the Office of Special Counsel by hand delivery, this 13th day of November, 2025.



Kelly Blackwell

Counsel of Record:

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Please also send notices regarding this matter to:

- 1) Sandra A. Vujnovich
Chief Executive Officer
The Judiciary Commission of Louisiana
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THE SUPREME COURT OF LOUISIANA

DOCKET NO. _____

**IN RE: JUDGE SHEVA SIMS
SHREVEPORT CITY COURT
PARISH OF CADDO
STATE OF LOUISIANA**

JUDICIARY COMMISSION CASE NO. 0397

Concur in Part

I submit this Concurrence in accordance with Supreme Court Rule XXIII, Section 11. I agree entirely concerning the Commission's Findings of Fact and Conclusions of Law with respect to every issue except Section VII. RECOMMENDATION OF DISCIPLINE. I concur with the recommendation of discipline in this case, but I also believe the record supports removal for the reasons stated in the dissent.

THE SUPREME COURT OF LOUISIANA

DOCKET NO. _____

IN RE: JUDGE SHEVA SIMS
SHREVEPORT CITY COURT
PARISH OF CADDO
STATE OF LOUISIANA

JUDICIARY COMMISSION CASE NO. 0397

Dissent in Part

I hereby submit this Dissent in Part in accordance with Supreme Court Rule XXIII, Section 11. There can be no good faith challenge to the Commission's Findings of Fact and Conclusions of Law which I wholeheartedly embrace. However, I do not agree with the recommendation that the proper sanction is a one-year suspension. Rather, the factual parameters of this case coupled with the Judge's prior record of discipline demand removal from the bench. Parenthetically, I note that this is the penalty proposed by the Office of Special Counsel.

In the case of *In re Whitaker*, 460 So. 2d 1291 (La. 1985), the Court identified the types of ethical misconduct which warrant removal. Noteworthy are these observations of the Court:

"The most severe discipline should be reserved for judges who use their office improperly for personal gain; judges who are consistently abusive and insensitive to parties, witnesses, jurors and attorneys; judges who because of laziness or indifference fail to perform their judicial duties to the best of their ability; and judges who engage in felonious criminal conduct."

In re Whitaker, supra at 1303. This Court, however, "has clearly stated that the aforementioned four types of conduct recognized in *Whitaker* as warranting removal were not intended as an exclusive list of the types of conduct for which a judge can be removed from office." *In re Benge*, 2009-1617, p. 38 (La. 11/6/09), 24 So. 3d 822, 845 (quotations and citations omitted). "Indeed both La. Const. Art. V, § 25(c), and the Code of Judicial Conduct contemplate, and allow removal for a broader range of offenses than the illustrative list set forth in *Whitaker*." *In re Huckaby*, 95-0041, p. 7 (La. 5/22/95), 656 So. 2d 292, 296-97.

With these sage guidelines implanted, the Commission's accurate and unassailable Findings of Fact and Conclusions of Law establish a gamut of canon violations which for purposes of this submission do not merit further elaboration. Nonetheless, the factual findings and legal determinations demonstrate the depth of Judge Sims' arrogant disdain for the canonical edicts and clear statutory provisions which govern judicial conduct both on and off the bench. She leveraged her judicial position to garner the exclusive use of public property for personal gain, and, acting

ex parte, she independently secured documents for evidentiary purposes in proceedings before her, assuming the role of an advocate as opposed to that of neutral arbiter. In numerous instances over a period of time she knowingly violated established law in setting bonds and sentencing offenders. Her irascible demeanor on the bench has eroded the dignity a judicial office should portray.

Furthermore, throughout the extant disciplinary proceedings, Judge Sims has at best been evasive in her vain, obtuse attempts to either justify her misconduct, or present mitigating circumstances. Indeed, she has often been outright untruthful. See for example Finding Nos. 32, 40-42, and 65-67. This action alone demonstrates a contrived reluctance and/or outright inability to accept any responsibility for her authoritarian misconduct, neither of which does her credit.

This matter does not address a single act, an isolated instance of a lapse in judgment, or a good faith misapplication of law by one with little experience or legal training. Judge Sims has been on the bench since December of 2011, and prior to that time she was a practicing attorney for seventeen years. Simply put-she knew better but did not care. Furthermore, she is no stranger to disciplinary action as set forth in Findings 3-4.

When the totality of the circumstances associated with the Judge's misconduct are infused with the principles enunciated by the Court in *In re Whitaker* and its progeny, it becomes patently apparent that her removal from the bench is not only justified but also mandated under Article V, §25 of the Louisiana Constitution. Further, the Commission's discourse on the factors discussed in *In re Chaisson*, 549 So. 2d 259 (La. 1989) further sanctifies the position that removal, as opposed to a mere suspension, is the proper sanction in the extant matter. The public deserves and demands better than that which Judge Sims has to offer.

Therefore, I end where I began-any sanction less than removal would be improper. Hence, I dissent from the Commission's recommended punishment while concurring in its Findings of Fact and Conclusions of Law.

JUDICIARY COMMISSION
OF LOUISIANA

2024 APR 15 P 1:00

**BEFORE THE JUDICIARY
COMMISSION OF LOUISIANA**

CHIEF EXECUTIVE OFFICER
DS

NO. 0397

IN RE: JUDGE SHEVA SIMS
SHREVEPORT CITY COURT
CADDOPARISH
STATE OF LOUISIANA

NOTICE OF HEARING

PLEASE TAKE NOTICE that the Judiciary Commission of Louisiana, following an investigation, has concluded that a hearing is necessary to rule on the conduct specified below, that may constitute cause for disciplinary action against you for unethical conduct, all as set forth below.

YOU ARE ALSO NOTIFIED that you are required to plead and answer each and every allegation of this Notice of Hearing within thirty (30) days from the date of service of this Notice of Hearing; and that you must file a verified original and three (3) legible copies of any and all pleadings when the pleading relates to a matter to be decided by the Commission pursuant to Louisiana Supreme Court Rule 23, Section 29(c), or an original and one legible copy when the pleading relates to a matter to be decided by the hearing officer pursuant to Section 29(c). All exceptions, whether dilatory, declinatory, or peremptory, and the answer must be filed at the same time, in accordance with Rule 23, Section 4 of the Rules of the Supreme Court of Louisiana.

YOU ARE FURTHER NOTIFIED that, in accordance with Louisiana Supreme Court Rule 23, Section 23, once you have filed an answer to this Notice of Hearing, or once the time for filing an answer has expired, proceedings before the Judiciary Commission and its hearing officer in this matter shall be open to the public, and the pleadings, orders, and evidence filed into the record of this proceeding shall be public record, subject to the right of the hearing officer or the Commission to issue a protective order.

YOU ARE FURTHER NOTIFIED that, in accordance with Rule 23, Section 29 of the Rules of the Supreme Court of Louisiana, the Judiciary Commission will set a hearing before a Hearing Officer on the issue of your discipline upon further notice; and that upon request, or on the Judiciary Commission's or the Hearing Officer's own motion, a status conference may be scheduled at a date and time before the hearing.

ATTACHMENT "A"

COUNT ONE

A. You, Judge Sheva Sims, failed to personally observe a high standard of conduct so as to preserve the integrity and independence of the judiciary; failed to respect and comply with the law and to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; failed to be faithful to the law and maintain professional competence in it; failed to maintain order and decorum in judicial proceedings; failed to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom you deal in your official capacity; engaged in willful misconduct relating to your official duty; and engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as shown by the following:

1. You, Judge Sheva Sims, were elected Judge of Shreveport City Court, on November 19, 2011, and assumed office in mid-December 2011.
2. On May 24, 2022, Megan Everett appeared before you in an eviction matter entitled *Monarch Realty & Management v. Jermaine O'Neal*, No. 2022E02368, in Shreveport City Court. Ms. Everett appeared before you in her capacity as the property manager for Monarch Realty.
3. Ms. Everett presented evidence that she had, in fact, provided Mr. O'Neal with a 5-day notice despite a waiver of notice appearing in paragraph 23 of the lease agreement between Monarch Realty and Mr. O'Neal. She also stated on the record that she had attached to the notice prior lease violations committed by Mr. O'Neal.
4. As Ms. Everett attempted to state her case to you, you became rude and abusive towards her and refused to listen to her. You then abruptly told her to sit down and that you would take up her case later. Your words and tone displayed impatience and your decision to make Ms. Everett sit down was punitive in nature.
5. Ms. Everett did not address you or conduct herself in a rude or disrespectful manner prior to your impatient and discourteous treatment of her in court.
6. After calling Ms. Everett's case up again, you then engaged in further abusive treatment, failing to listen carefully to Ms. Everett's responses to your questions concerning a pet on the premises and based on your failure to listen carefully, then attempting to attribute statements to her that she did not make.

7. After this impatient and discourteous exchange with Ms. Everett, you then denied the petition for eviction, against the great weight of the evidence and contrary to Louisiana Code of Civil Procedure Article 4701, without stating any reasons.
8. After denying the eviction, you then loudly ordered Ms. Everett, as she was leaving, to come back into court in order to accept a payment from Mr. O'Neal. You then erroneously stated that Ms. Everett said she would accept payment. When Ms. Everett explained that she could not accept payments outside of the office, you ordered her to accept the payment. When she inquired about late fees, you rudely stated, "I don't know" and told her that they could have those discussions outside of court.

B. By reason of the foregoing paragraphs A(1) through A(8) above you have:

- (1) violated Canons 1, 2A, 3A(1), 3A(2), and 3A(3) of the Code of Judicial Conduct (1996); and/or
- (2) engaged in willful misconduct relating to your official duty, in violation of Louisiana Constitution, Article V, Section 25(C) (1974); and/or
- (3) engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Louisiana Constitution, Article V, Section 25(C) (1974).

COUNT TWO

- A. You, Judge Sheva Sims, failed to personally observe a high standard of conduct so as to preserve the integrity and independence of the judiciary; failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; failed to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom you deal in your official capacity; engaged in willful misconduct relating to your official duty; and engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as shown by the following:
1. You, Judge Sheva Sims, were elected Judge of Shreveport City Court, on November 19, 2011, and assumed office in mid-December 2011.
 2. On July 5, 2022, Stephanie Cesares, a property manager with White Property Management, appeared before you for a hearing on an eviction petition in Case No. 2022E03275.
 3. During her court appearance, the following exchange occurred:

The Court: Would you like to offer and introduce into evidence the entire record?

Ms. Casares: Yes, I am... (cut off by Judge Sims)

The Court: (impatiently) Would you like to offer and introduce into evidence the entire record?

Ms. Casares: Yes, ma'am.

The Court: Hold on one second. Let me find your... (The Court appears to find and briefly review the record.) I see it. Okay, you may proceed.

Ms. Casares: Yes, I'm here for eviction of Donald Clark. He has nonpayment of rent for April, May, and June.

The Court: (After an 8-second pause by Ms. Casares) You may continue your testimony.

Ms. Casares: Okay I'm sorry. His rent is \$575, and he has a prior balance of \$128..., I'm sorry, \$1920.

The Court: (After a 4-second pause by Ms. Casares) Were you listening to the gentleman that was before you?

Ms. Casares: I did.

The Court: Okay. This is your first time in front of me?

Ms. Casares: Yes, I'm not from here. I'm from Texas.

The Court: (sarcastically) People come from everywhere. Have a seat. I'll call you back up. Then you can listen to the people that (inaudible) that know what they're doing.

4. Ms. Casares was only before the court for approximately 2 minutes and 7 seconds before you abruptly told her to sit down simply because she did not present her case to you using the exact words or format that you wanted.
5. You chose to address Ms. Casares in a rude and embarrassing manner rather than to make a reasonable effort to assist her, as a self-represented litigant.
6. Your treatment of Ms. Casares was yet another demonstration of a failure to be patient, dignified and courteous to a litigant.

B. By reason of the foregoing paragraphs A(1) through A(6) above you have:

- (1) violated Canons 1, 2A, and 3A(3) of the Code of Judicial Conduct (1996); and/or
- (2) engaged in willful misconduct relating to your official duty, in violation of Louisiana Constitution, Article V, Section 25(C) (1974); and/or
- (3) engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Louisiana Constitution, Article V, Section 25(C) (1974).

COUNT THREE

A. You, Judge Sheva Sims, failed to personally observe a high standard of conduct so as to preserve the integrity and independence of the judiciary; failed to avoid impropriety and the appearance of impropriety in all activities; failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; lent the prestige of your judicial office to advance your private interest; failed to cooperate with other court officials in the administration of court business; and engaged in willful misconduct relating to your official duty, as shown by the following:

1. You, Judge Sheva Sims, were elected Judge of Shreveport City Court, on November 19, 2011, and assumed office in mid-December 2011.
2. Shreveport City Court purchased a vehicle for use by court personnel while doing court business. The vehicle was not for personal use by any one employee.
3. On or about January 25, 2023, you began using the vehicle to commute back and forth to the courthouse, taking it home in the evenings and on weekends.
4. You did not return or sign the vehicle back in until on or about February 15, 2023.
5. Your use of the vehicle from January 25, 2023, to February 15, 2023, to commute to and from work constituted personal use of a court asset and resulted in you receiving an additional unaccounted monetary benefit or income.
6. During the time you used the vehicle for your personal benefit, and pursuant to your request, officers with the Shreveport Marshal's Office used Fuelman cards assigned to the Marshal's Office to purchase gas for the vehicle on two occasions.
7. During the time you used the vehicle for your personal benefit, even when it was located at the court, other court personnel had limited, if any, access to the car since you retained the key to it.
8. You took advantage of your judicial position to both use the vehicle for an extended period of time and to get Marshal's Office personnel to fuel the vehicle rather than fueling it with your own money or with the Fuelman card assigned to the vehicle.

B. By reason of the foregoing paragraphs A(1) through A(8) above you have:

- (1) violated Canons 1, 2, 2A, 2B, and 3B(1) of the Code of Judicial Conduct (1996);
and/or

(2) engaged in willful misconduct relating to your official duty, in violation of Louisiana Constitution, Article V, Section 25(C) (1974).

COUNT FOUR

A. You, Judge Sheva Sims, failed to personally observe a high standard of conduct so as to preserve the integrity and independence of the judiciary; failed to act in a manner that promotes public confidence in the integrity and impartiality of the judiciary; lent the prestige of your judicial office to advance your private interest; failed to perform your judicial duties without bias or prejudice; manifested bias or prejudice by your words or conduct in the performance of your judicial duties; engaged in ex parte communications that were designed to influence your judicial action in a case; engaged in willful misconduct relating to your official duty; and engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as shown by the following:

1. You, Judge Sheva Sims, were elected Judge of Shreveport City Court, on November 19, 2011, and assumed office in mid-December 2011.
2. On July 5, 2022, you presided over a hearing in an eviction case entitled *TTA Capital, LLC v. Sch-Kiery Williams*, Case No. 2022E03328, in Shreveport City Court. The plaintiff sought eviction of the defendant based on non-payment of rent.
3. The lease agreement at issue required a monthly rental payment of \$150.00 and included provisions making the lessee(s) completely responsible for 100% of any and all maintenance and repair expenses.
4. Despite the provisions of the lease, the lessee withheld rental payments due to an alleged fallen tree on the property. You did not grant the eviction but continued the matter in order to obtain testimony from an employee of the plaintiff. The hearing was continued to July 19, 2022.
5. Between July 5, 2022, and July 19, 2022, you contacted the Shreveport Property Standards office *ex parte* in order to obtain photographs and other documentation concerning the property at issue. You initiated this independent inquiry without prior notice to the parties.
6. On July 19, 2022, you introduced the photographs you obtained into the record as evidence and used a letter you obtained from Property Standards to question Lynette Maxfield, an employee of plaintiff, regarding its contents.

7. While questioning Ms. Maxfield, with evidence that you independently acquired, you created the appearance that you were advocating on behalf of the defendant by attacking Ms. Maxfield's credibility and attempting to discredit her earlier testimony.

B. By reason of the foregoing paragraphs A(1) through A(7) above you have:

(1) violated Canons 1, 2A, 2B, 3A(4), and 3A(6) of the Code of Judicial Conduct (1996);
and/or

(2) engaged in willful misconduct relating to your official duty, in violation of Louisiana Constitution, Article V, Section 25(C) (1974); and/or

(3) engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Louisiana Constitution, Article V, Section 25(C) (1974).

COUNT FIVE

A. You, Judge Sheva Sims, failed to personally observe a high standard of conduct so as to preserve the integrity and independence of the judiciary; failed to avoid impropriety and the appearance of impropriety in all activities; failed to respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; failed to be faithful to the law and maintain professional competence in it; engaged in willful misconduct relating to your official duty; and engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, as shown by the following:

1. You, Judge Sheva Sims, were elected Judge of Shreveport City Court, on November 19, 2011, and assumed office in mid-December 2011.
2. You failed to comply with Louisiana Code of Criminal Procedure article 321 when you ordered defendants charged with crimes of violence as defined by Louisiana Revised Statute 14:2(B) to be released on their own recognizance ("ROR"). You issued these statutorily prohibited ROR orders in the following cases:

Defendant Initials	Offense Date	Charge	Date ROR by Judge Sims
A.B.	04/05/2018	Domestic Abuse Battery	04/10/2018
L.W.	05/10/2018	Domestic Abuse Battery	05/22/2018
O.H.	04/05/2018	Domestic Abuse Battery	07/16/2018
T.T.	07/14/2018	Domestic Abuse Battery	10/31/2018 following issuance of warrant on 10/02/2018
M.R.	06/05/2019	Domestic Abuse Battery	06/18/2019
N.M.	05/29/2018	Domestic Abuse Battery	05/31/2018
J.H.	03/21/2017	Domestic Abuse Battery	03/23/2018
T.T.	02/20/2018	Domestic Abuse Battery	02/22/2018
L.W.	09/06/2018	Simple Battery of a Police Officer	09/07/2018
R.S.	08/22/2019	Aggravated Assault with a weapon	08/27/2019

3. You failed to comply with Louisiana Code of Criminal Procedure article 880(C) when, on February 21, 2020, you granted a defendant credit for time that he served before he committed the traffic offenses which brought him to your court. Louisiana Code of Criminal Procedure article 880(C) clearly mandates: “No defendant shall receive credit for any time served prior to the commission of the crime.”
 4. Despite this clear prohibition and the city prosecutor bringing the illegality of the sentence to your attention at the time, you granted the defendant credit for time that he had previously served on a completely unrelated charge. You only corrected the error when it was again brought to your attention on March 6, 2020.
 5. You also failed to comply with Louisiana Code of Criminal Procedure article 320 when, on February 4, 2023, you issued a bond order for a person charged with a second violation of operating a vehicle while intoxicated without requiring the installation of an ignition interlock device as a condition of release.
- B. By reason of the foregoing paragraphs A(1) through A(5) above you have:

- (1) violated Canons 1, 2, 2A, and 3A(1) of the Code of Judicial Conduct (1996); and/or
- (2) engaged in willful misconduct relating to your official duty, in violation of Louisiana Constitution, Article V, Section 25(C) (1974); and/or
- (3) engaged in persistent and public conduct prejudicial to the administration of justice that brings the judicial office into disrepute, in violation of Louisiana Constitution, Article V, Section 25(C) (1974).

COUNT SIX

- A. You, Judge Sheva Sims, failed to personally observe a high standard of conduct so as to preserve the integrity and independence of the judiciary; failed to be patient, dignified, and courteous to litigants, jurors, witnesses, lawyers, and others with whom you dealt in your official capacity; failed to cooperate with other judges and court officials in the administration of court business; and engaged in willful misconduct relating to your official duty, as shown by the following:
- 1. You, Judge Sheva Sims, were elected Judge of Shreveport City Court, on November 19, 2011, and assumed office in mid-December 2011.
 - 2. During your tenure as a judge, you have exhibited rude, abrasive, and/or demeaning behavior towards litigants (including as reflected in Counts One and Two above), court employees, your judicial assistants, and your colleagues. Court employees and your assistants have required consolation after demeaning interactions with you, and some either requested to no longer work with you or resigned from the court altogether. Since 2011, at least fifteen of your judicial assistants have resigned. Additionally, your demeanor has created an environment in which others tasked with sharing or confronting you with information contrary to your thoughts or opinions are reticent or refuse to do so out of fear that you may impose a negative consequence.
 - 3. Shreveport City Court Clerk of Court Bill Whiteside scheduled a meeting between you, two Clerk's office staff members, and him to address their concerns and underlying tensions. You excused yourself from the meeting stating that you had to use the restroom and never returned to complete the discussion. Your failure to meet with them to discuss the concerns and a possible resolution constituted a failure to cooperate with other court officials in the administration of court business and was yet another example of your failure to be courteous to others with whom you dealt in your official capacity.

B. By reason of the foregoing paragraphs A(1) through A(3) above you have:

- (1) violated Canons 1, 3A(3), and 3B(1) of the Code of Judicial Conduct (1996); and/or
- (2) engaged in willful misconduct relating to your official duty, in violation of Louisiana Constitution, Article V, Section 25(C)(1974).

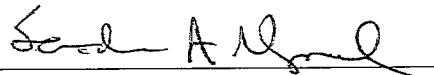
PREVIOUS MISCONDUCT

You, Judge Sheva Sims, were previously suspended without pay for 30 days for improperly holding a prosecutor in contempt of court for conduct that was not contemptuous and for *sua sponte* impermissibly dismissing fifteen criminal cases without legal authority to do so in violation of Canons 1, 2A, 3A(1), 3A(2), 3A(3), 3A(4), and 3A(7) and Article 5, Section 25(C) of the Louisiana Constitution. *In re Sims*, 14-2515 (La. 3/17/15); 159 So. 3d 1040.

You, Judge Sheva Sims, were admonished by the Judiciary Commission in Case No. 0340 for being habitually late for court and for improperly demanding that disciplinary action be taken against a deputy marshal after he told another judge that you had recessed your court, in violation of Canons 1, 2A, 2B, 3A(3), 3A(7), and 3B(1).

New Orleans, Louisiana, this 15th day of April, 2024.

BY ORDER OF THE COMMISSION



Sandra A. Vujnovich
Chief Executive Officer
Judiciary Commission of Louisiana
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