NEW ORLEANS – Justices of the Louisiana Supreme Court recently voted 4-3 to waive the Louisiana State Bar exam this year as an emergency measure because of the COVID-19 pandemic.

The bar exam is a marathon test that law students spend weeks preparing for. It is the final hurdle to clear before they can practice law, and approximately 25% of those who sit for the exam do not pass it the first time they take it.

The minority justices in the decision, Will Crain, Jimmy Genovese and Jefferson Hughes III, wrote dissents that were highly critical of colleague Justice John Weimer, whose daughter was among the graduated law students seeking to pass the Bar exam.

Discussion of the measure was held by video conference. It is unclear whether all the justices were aware that Jacqueline Weimer Sanchez, Weimer’s daughter, would benefit from the one-time rule change. The Supreme Court did not release any details of the the discussion or vote, and there is no public record of the discussion.

The Times-Picayune | The Advocate sent written questions to the Louisiana Supreme Court regarding the vote. In his answer, Weimer did not address the issue of whether all his colleagues on the bench were aware of his daughter’s situation. He acknowledged that his daughter benefited from the vote, but insisted it did not matter.

“I would vote the same had my daughter not been a bar applicant because that was the most prudent decision during the escalating pandemic in Louisiana,” Weimer told the newspaper.

Weimer’s argument is “weak,” Charles Gardner Geyh, Indiana University law professor and specialist in matters of judicial ethics, told the Louisiana Record. “How could he know in his heart of hearts that voting in his daughter’s interest was not a factor?”

However, Geyh does not believe Weimer’s vote crossed an ethics line.

“It is hardly an unprincipled decision to say we will grant a diploma privilege this once given the unprecedented circumstances under which we are operating,” Geyh said.

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He said Weimer was making an administrative decision with regard to overseeing the bar, not a decision on a legal proceeding.

“I do not think it was technically unethical under the Louisiana Code of Conduct. I don’t think that the disqualification code applies here,” Geyh told the *Louisiana Record*.

“Every year these guys refine the rules applicable to lawyers and I gotta bet that one or more members of the court have relatives who are lawyers who are affected by the rules that they decide every single year,” Geyh said. "If judges had to disqualify themselves every time that they changed rules that would affect the practices of their loved ones, they would not be deciding much of anything.”