The original instrument and the following digest, which does not constitute a part of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

SB 273 Original | 2018 Regular Session | Milkovich

Proposed law provides that notwithstanding any provision of law to the contrary, the appellate court shall sit in rotating panels, each composed of three judges, that shall be randomly selected by the clerk of court using either of the following methods:

(1) By drawing indiscriminately from a pool containing designations of all judges of the court.

(2) By use of a properly programmed electronic device or computer programmed to randomly select judges of the appellate court.

Proposed law provides that the process of random selection of the panels pursuant to proposed law shall be subject to verification by all parties by direct observation or upon the written motion of any party.

Proposed law provides that if one or more judges of an appellate court is recused, the process of random selection shall be implemented to select the members of the panel from the number of nonrecused judges.

Proposed law provides that in case of recusation of one or more judges, the case shall be submitted for random selection of a judge or judges to replace the recused judge or judges, in accordance with the procedure set forth in proposed law.

Proposed law provides that the assignment of retired judges or pro tempore judges to serve on panels shall be governed by the random selection process.

Proposed law provides that a retired or pro tempore judge shall not serve on a panel unless a regularly elected judge is on leave of absence, in which case the retired or pro tempore judge shall be randomly selected from the same electoral district as the judge who is taking leave of absence.

Proposed law provides that the random selection of appellate panels shall be implemented with respect to all orders rendered by the appellate court, including but not limited to appeals, writ applications, emergency writ applications, or other appellate orders of any description.

Proposed law provides that any order of an appellate panel selected in violation of proposed law is an absolute nullity.

Effective August 1, 2018.

(Adds C.C.P. Art. 2164.1)