

2018 Regular Session

SENATE BILL NO. 123

BY SENATOR PERRY

JUDGES. Provides relative to the chief judge of city courts with two or more divisions.  
(8/1/18)

1 AN ACT

2 To amend and reenact R.S. 13:1878, relative to city courts; to provide for courts with two  
3 divisions; to provide for division declaration; to provide for determining the chief  
4 judge; to provide for the duties of the chief judge; to provide for the term of the chief  
5 judge; to provide for technical changes; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1878 is hereby amended and reenacted to read as follows:

8 §1878. ~~Courts having more than one division; declaration~~ **Declaration** of  
9 candidates for office; ~~seniority~~ **determination of chief judge**

10 **A.** Where a city court is composed of ~~two or more~~ **than two** divisions, a  
11 candidate for nomination and election to the office of judge of the city court, at the  
12 time of filing his declaration as a candidate, shall designate the division of the court  
13 for which he is a candidate. The judge oldest in point of continuous service shall be  
14 the ~~presiding~~ **chief** judge, except that when they have served continuously the same  
15 length of time, the judge oldest in years shall be the ~~presiding~~ **chief** judge.

16 **B.(1) Where a city court is composed of two divisions, a candidate for**  
17 **nomination and election to the office of judge of the city court, at the time of**

1 filing his declaration as a candidate, shall designate the division of the court for  
2 which he is a candidate.

3 (2) The city court shall have a chief judge.

4 (a) If not selected by agreement, the chief judge shall be the judge having  
5 the longest continuous service as a judge of that city court or, if both are equal  
6 in such service, then the judge having the longest continuous service as a judge  
7 regardless of the court. In the event both judges are new or have equal  
8 continuous service as a judge, then the chief judge shall be the judge having the  
9 most years as a licensed attorney in the state of Louisiana or, if both have the  
10 same number of years, the judge oldest in age.

11 (b) The chief judge shall preside over meetings en banc, appoint  
12 committees, certify all documents on behalf of the court en banc, prepare the  
13 agenda for en banc meetings, represent the court in ceremonial functions,  
14 oversee all financial planning and reporting, perform duties as delegated by the  
15 court en banc, and exercise supervision of administrative functions including  
16 but not limited to the appointment of the clerk of court, deputy clerks of court,  
17 and court reporters.

18 (c) The chief judge shall remain in such position until his resignation or  
19 retirement. The court en banc may designate a procedure by local rule for the  
20 other judge of the city court to act as temporary chief judge if the chief judge  
21 is unable to perform his duties due to physical or medical incapacity.

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The original instrument was prepared by Ashley Menou. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry Guillot.

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Present law requires that where a city court is composed of two or more divisions, a candidate for nomination and election to the court, at the time of filing his declaration as a candidate, designate the division of the court for which he is a candidate. Provides that the judge oldest in point of continuous service shall be the presiding judge, except that when they have served continuously the same length of time, the judge oldest in years shall be the presiding judge.

Proposed law makes present law applicable only to city courts with more than two divisions.

Changes reference from "presiding judge" to "chief judge".

Proposed law , relative to city courts composed of two divisions, requires that a candidate declare the division of the court for which he is a candidate at the time of filing his declaration as a candidate, provides for the determination of the chief judge of the court, provides for the duties of the chief judge, provides that the chief judge shall remain in such position until resignation or retirement, and allows the judges, sitting en banc, to develop a procedure for the other judge to become a temporary chief judge in the event of the incapacitation of the chief presiding judge.

Effective August 1, 2018.

(Amends R.S. 13:1878)

Summary of Amendments Adopted by Senate

Senate Floor Amendments to engrossed bill

1. Changes "presiding judge" to "chief judge".
2. Provides for the determination of a chief judge based on certain qualifications if such chief judge is not selected by agreement.