

SENATE BILL NO. 186

BY SENATOR HARRIS

1 AN ACT

2 To amend and reenact R.S. 13:2492 and 2495, relative to courts; to provide relative to the
3 Municipal and Traffic Court of New Orleans; to provide relative to judgeships,
4 divisions, clerks, procedures, terms, conditions, and requirements; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:2492 and 2495 are hereby amended and reenacted to read as
8 follows:

9 §2492. Number of judges; qualifications; election; salary; vacation

10 ~~A. The Municipal and Traffic Court of New Orleans shall consist of eight~~
11 ~~judges, all of whom must be attorneys-at-law, who shall be elected by the qualified~~
12 ~~electors of the parish of Orleans. They shall not be less than thirty years of age. Each~~
13 ~~shall have practiced law in the state for at least eight years preceding his election and~~
14 ~~shall be domiciled in the parish of Orleans for at least two years prior to his election.~~

15 ~~(1) Each of the eight judges shall preside over separate and distinct divisions~~
16 ~~of the court.~~

17 ~~(2) The divisions provided for in Paragraph (1) of this Subsection shall be~~
18 ~~designated alphabetically as Division "A", Division "B", Division "C", Division "D",~~
19 ~~Division "E", Division "F", Division "G", and Division "H".~~

20 **The Municipal and Traffic Court of New Orleans shall consist of eight**
21 **judgeships through December 31, 2020. Thereafter it shall consist of seven**
22 **judgeships.**

23 **(2) Each judge shall be an attorney at law elected by the qualified**
24 **electors of the parish of Orleans. Each judge shall not be less than thirty years**
25 **of age. Each judge shall have practiced law in the state for at least eight years**
26 **preceding his election and shall be domiciled in the parish of Orleans for at least**

1 two years prior to his election.

2 (3) Each judge shall preside over a separate and distinct division of the
 3 court.

4 (4) Through December 31, 2020, the divisions of the court shall be
 5 designated alphabetically as Division "A", Division "B", Division "C", Division
 6 "D", Division "E", Division "F", Division "G", and Division "H".

7 (5) Division "H" and the judgeship for Division H shall be abolished
 8 December 31, 2020, effective at midnight. The other divisions shall remain
 9 unchanged as previously designated Divisions "A" through "G".

10 (6) A vacancy in Divisions "A" through "G" shall be filled by election to
 11 that division as provided in this Section.

12 ~~(3)(7)(a)~~ The judges presiding over Divisions A through ~~D~~ E shall not engage
 13 in the practice of law nor share in the profits, directly or indirectly, of any law firm
 14 or legal corporation. The judges assigned to Divisions A through ~~D~~ E shall receive
 15 a salary equal to a district judge but not more than the salary paid, from all sources,
 16 to the district court judges in and for the parish of Orleans, of which the amount
 17 payable by the state to city judges of the state shall be paid by the state and the
 18 remainder shall be payable by the city of New Orleans. The salary shall be payable
 19 monthly by his own warrant.

20 ~~(b)(i)(aa)~~ Beginning at midnight on December 31, 2022, the judge presiding
 21 over Division E shall not engage in the practice of law nor share in the profits,
 22 directly or indirectly, of any law firm or legal corporation.

23 ~~(bb)~~ Beginning at midnight on December 31, 2023, the judge presiding over
 24 Division F shall not engage in the practice of law nor share in the profits, directly or
 25 indirectly, of any law firm or legal corporation. He shall receive a salary equal to
 26 a district judge but not more than the salary paid, from all sources, to the
 27 district court judges in and for the parish of Orleans, of which the amount
 28 payable by the state to city judges of the state shall be paid by the state and the
 29 remainder shall be payable by the city of New Orleans. The salary shall be
 30 payable monthly by his own warrant.

1 ~~(ee)~~**(c)** Beginning at midnight on December 31, ~~2024~~ **2030**, the judge
 2 presiding over Division G shall not engage in the practice of law nor share in the
 3 profits, directly or indirectly, of any law firm or legal corporation. **He shall receive**
 4 **a salary equal to a district judge but not more salary paid, from all sources, to**
 5 **the district court judges in and for the parish of Orleans, of which the amount**
 6 **payable by the state to city judges of the state shall be paid by the state and the**
 7 **remainder shall be payable by the city of New Orleans. The salary shall be**
 8 **payable monthly by his own warrant.**

9 ~~(ii) Beginning on the applicable date as provided in Item (i) of this~~
 10 ~~Subparagraph, a judge in Division E, F, and G shall receive a salary equal to a~~
 11 ~~district judge but not more salary paid, from all sources, to the district court judges~~
 12 ~~in and for the parish of Orleans, of which the amount payable by the state to city~~
 13 ~~judges of the state shall be paid by the state and the remainder shall be payable by~~
 14 ~~the city of New Orleans. The salary shall be payable monthly by his own warrant.~~

15 ~~(4) Effective on January 1, 2017, and thereafter, the following shall occur:~~
 16 ~~the judge serving in Municipal Court Division A shall transfer to Division A of the~~
 17 ~~Municipal and Traffic Court of New Orleans; the judge serving in Municipal Court~~
 18 ~~Division B shall transfer to Division E of the Municipal and Traffic Court of New~~
 19 ~~Orleans; the judge serving Division C of Municipal Court shall transfer to Division~~
 20 ~~C of the Municipal and Traffic Court of New Orleans; the judge serving in Division~~
 21 ~~D of Municipal Court shall transfer to Division F of the Municipal and Traffic Court~~
 22 ~~of New Orleans; the judge serving Division A of Traffic Court shall transfer to~~
 23 ~~Division H of the Municipal and Traffic Court of New Orleans; the judge serving in~~
 24 ~~Division B of Traffic Court shall transfer to Division B of Municipal and Traffic~~
 25 ~~Court of New Orleans; the judge serving in Division C of Traffic Court shall transfer~~
 26 ~~to Division D of the Municipal and Traffic Court of New Orleans; and the judge~~
 27 ~~serving in Division D of Traffic Court shall transfer to Division G of Municipal and~~
 28 ~~Traffic Court of New Orleans.~~

29 ~~(5)(a) Effective at midnight on December 31, 2020, the judgeship created for~~
 30 ~~Division H of the Municipal and Traffic Court of New Orleans shall be abolished.~~

1 ~~If a vacancy by death, resignation, retirement, or removal occurs in any other~~
2 ~~division of the Municipal and Traffic Court of New Orleans prior to December 31,~~
3 ~~2020, the judgeship in that division shall be abolished instead of the judgeship in~~
4 ~~Division H.~~

5 ~~(b) Upon abolishment of the judgeship in Division H or the judgeship that~~
6 ~~becomes vacant by death, resignation, retirement or removal as provided by the~~
7 ~~provisions of this Section, all cases of the abolished section of court shall be~~
8 ~~reallotted equally by the clerk of court among the remaining sections of the court.~~

9 B. Each of the judges shall be elected for an eight-year term at the regular
10 congressional election held immediately preceding the expiration of such term.
11 Every term shall expire on December thirty-first of the last year thereof. Any
12 vacancy in the court for any cause where the unexpired term is less than one year
13 shall be filled temporarily by appointment by the Louisiana Supreme Court until the
14 next succeeding congressional election, at which time such vacancy shall be filled
15 for the remainder of the unexpired term by election. All judges so elected shall take
16 their office on the first day of January following their election.

17 ~~C. Each of the judges shall receive a salary of not less than eighteen thousand~~
18 ~~dollars per annum, payable monthly by the city of New Orleans on his own warrant.~~

19 ~~D.~~ Each of the judges of the Municipal and Traffic Court of New Orleans
20 shall have annual vacation not to exceed thirty days, the time to be fixed by the rules
21 of the court.

22 **E.** Whenever any of the judges are temporarily absent because of court
23 business, illness, or while on vacation, a judge ad hoc may be selected pursuant to
24 the rules of the Louisiana Supreme Court to serve during the period of such
25 temporary absence. The judge ad hoc shall have the qualifications for election to the
26 office, and his compensation shall be determined by the judges en banc and shall be
27 payable by the city of New Orleans pursuant to warrant of the judge who is
28 temporarily absent.

29 **F.** The judge of the Municipal and Traffic Court of New Orleans having the
30 most seniority shall become the administrative judge during his tenure of office and

1 shall not engage in the practice of law or share in the profits, directly or indirectly,
 2 of any law firm or legal corporation. The administrative judge of the Municipal and
 3 Traffic Court of New Orleans shall possess the same qualifications that are required
 4 of district court judges, ~~and shall receive a salary equal to the salary paid, from all~~
 5 ~~sources, to the district court judges in and for the parish of Orleans. The governing~~
 6 ~~authority of Orleans Parish shall determine the salary paid to the administrative~~
 7 ~~judge, of which the amount payable by the state to city judges of the state shall be~~
 8 ~~paid by the state and the remainder shall be payable by the city of New Orleans. **He**~~
 9 ~~**shall receive a salary equal to a district judge but not more than the salary paid,**~~
 10 ~~**from all sources, to the district court judges in and for the parish of Orleans, of**~~
 11 ~~**which the amount payable by the state to city judges of the state shall be paid**~~
 12 ~~**by the state and the remainder shall be payable by the city of New Orleans.**~~ The
 13 salary of the administrative judge shall be payable monthly on his own warrant.
 14 Should the senior judge decline the position of administrative judge then the judges
 15 of the municipal and traffic court, sitting en banc, shall choose a judge to assume the
 16 position.

17 * * *

18 §2495. Clerk of court

19 A. There shall be one clerk of the Municipal and Traffic Court of New
 20 Orleans who shall be appointed by the judges thereof and shall be subject to removal
 21 by a majority of the judges of the court, at will. The court shall adopt such rules and
 22 regulations governing the functions, duties, operation, and procedure of the clerk's
 23 office as may be necessary.

24 B. ~~The salary of the clerk of the municipal and traffic court shall be~~
 25 ~~determined and set by the judges of the court en banc. The salary shall be the same~~
 26 ~~and shall be paid from the consolidated judicial expense fund of the court. **The**~~
 27 ~~**salary and benefits of the clerk shall be paid by the city of New Orleans on the**~~
 28 ~~**warrant of the administrative judge. If the city fails to pay the salary and**~~
 29 ~~**benefits, they may be paid from the consolidated judicial expense fund of the**~~
 30 ~~**court.**~~

1 C. The clerk shall retain all of the benefits of its office, including but not
2 limited to hospitalization coverage, retirement benefits, insurance benefits, and sick
3 and annual leave benefits, and it shall be paid through the payroll system utilized by
4 the city of New Orleans for its other employees.

5 ~~D. The clerk shall continue to be paid under the current method used by the~~
6 ~~city of New Orleans until otherwise notified by the judges of the municipal and~~
7 ~~traffic court.~~

8 Section 2. This Act shall become effective upon signature by the governor or, if not
9 signed by the governor, upon expiration of the time for bills to become law without signature
10 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
11 vetoed by the governor and subsequently approved by the legislature, this Act shall become
12 effective on the day following such approval.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____