
DIGEST

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HB 243 Original

2022 Regular Session

Bagley

Abstract: Authorizes judges to serve as the attorney member on a medical review panel.

Present law provides for the review of medical malpractice claims by a medical review panel comprised of three health care providers and one attorney. Further provides for the appointment of the attorney member by the parties or, if the parties fail to appoint the attorney member, the selection by the clerk of the La. Supreme Court.

Proposed law maintains present law.

Present constitution prohibits a judge of the supreme court, a court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction from practicing law.

Present law provides that nothing in present constitution shall prohibit justices or judges from performing all acts necessary or incumbent to the authorized exercise of duties as judge advocates or legal officers.

Proposed constitution and proposed law authorize a judge of the supreme court, a court of appeal, district court, family court, parish court, or court having solely juvenile jurisdiction to practice law for the limited purpose of serving as the attorney member on a medical review panel.

Present law prohibits judges of the City Court of Shreveport, City Court of Monroe, City Court of Alexandria, City Court of Houma, the First and Second City Courts of the city of New Orleans, and the Municipal and Traffic Court of New Orleans from engaging in the practice of law.

Proposed law authorizes those judges to practice law for the limited purpose of serving as the attorney member on a medical review panel.

To facilitate selection of the attorney member of a medical review panel, present law authorizes the office of the clerk of the La. Supreme Court to draw five names at random from the list of eligible attorneys and requires that the names of judges, magistrates, district attorneys, and assistant district attorneys be excluded if drawn and new names drawn in their place.

Proposed law removes judges from the list of attorneys whose names shall be excluded if drawn.

Effective when proposed constitution is adopted at a statewide election and becomes effective.

(Amends R.S. 13:1875(7), (10)(c), 12(e), and (14), 2152(C), and 2492(A)(7) and (E), R.S. 37:212(D), and R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a))