

2023 Regular Session

HOUSE BILL NO. 195

BY REPRESENTATIVE PIERRE

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUDGES/MUNICIPAL: Provides relative to continuous service for the purpose of determination of chief judge

1 AN ACT

2 To amend and reenact R.S. 13:1878(B) and to enact R.S. 13:1878(C), (D), and (E), relative  
3 to the determination of a chief judge for city courts; to provide for qualifications for  
4 chief judges; to provide relative to interruptions of continuous service for the  
5 determination of chief judge; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:1878(B) is hereby amended and reenacted and R.S. 13:1878(C),  
8 (D), and (E) are hereby enacted to read as follows:

9 §1878. Declaration of candidates for office; determination of chief judge

10 \* \* \*

11 B.(†) Where a city court is composed of two divisions, a candidate for  
12 nomination and election to the office of judge of the city court, at the time of filing  
13 his declaration as a candidate, shall designate the division of the court for which he  
14 is a candidate. The judge oldest in point of continuous service in that city court shall  
15 be the chief judge, except that when they have served continuously the same length  
16 of time, then the judge having the longest continuous service as a judge in any court  
17 shall be the chief judge. In the event both judges are new or have served  
18 continuously the same length of time as a judge in any court, the judge having the  
19 most years as a licensed attorney in the state of Louisiana shall be the chief judge,  
20 except that when they have been licensed the same amount of years, then the judge

1 oldest in years of age shall be the chief judge. Notwithstanding the provisions of this  
2 Subsection, the chief judge may be selected by agreement of the judges.

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 the~~  
5 ~~longest continuous service as a judge of that city court or, if both are equal in such~~  
6 ~~service, then the judge having the longest continuous service as a judge regardless~~  
7 ~~of the court. In the event both judges are new or have equal continuous service as a~~  
8 ~~judge, then the chief judge shall be the judge having the most years as a licensed~~  
9 ~~attorney in the state of Louisiana or, if both have the same number of years, the judge~~  
10 ~~oldest in age.~~

11 C.(1) Continuous service is retroactively interrupted at the occurrence of any  
12 of the following:

13 (a) The removal or suspension without pay for thirty days or more of a judge  
14 by the Louisiana Supreme Court or resignation of a judge.

15 (b) The non-reelection of a judge for a subsequent term of office.

16 (c) The taking of a leave of absence by a judge for thirty days or more within  
17 any twelve month period of time without the agreement of the other judges.

18 (2) If continuous service is interrupted pursuant to Paragraph (1) of this  
19 Subsection, it shall commence anew when a judge is reinstated, reelected, or returns  
20 to work from a leave of absence of thirty days or more.

21 (3) Continuous service shall not be interrupted, but shall be suspended when  
22 a judge takes a leave of absence of less than thirty days or, if agreed to by the other  
23 judges, thirty or more days. A judge shall not receive credit towards his amount of  
24 continuous service for the number of days on leave of absence.

25 ~~(b)~~ D. The chief judge shall preside over meetings en banc, appoint  
26 committees, certify all documents on behalf of the court en banc, prepare the agenda  
27 for en banc meetings, represent the court in ceremonial functions, oversee all  
28 financial planning and reporting, perform duties as delegated by the court en banc,

1 and exercise supervision of administrative functions including but not limited to the  
2 appointment of the clerk of court, deputy clerks of court, and court reporters.

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

---

#### DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

---

HB 195 Engrossed

2023 Regular Session

Pierre

**Abstract:** Clarifies interruptions of continuous service for the determination of city court chief judge.

Present law provides that the chief judge of a city court with two divisions shall be selected based upon his amount of years in continuous service if not selected by agreement.

Proposed law further delineates continuous service based on years of service as a judge in any court, years as a licensed attorney, and years of age.

Proposed law specifies retroactive interruptions of continuous service which include the following:

- (1) The removal or suspension without pay for 30 days or more of a judge by the Louisiana Supreme Court or resignation of a judge.
- (2) The non-reelection of a judge for a subsequent term of office.
- (3) The taking of a leave of absence by a judge for 30 days or more within any 12 month period of time without the agreement of the judges.

Proposed law provides that if a judge is reinstated, reelected, or returns to work from a leave of absence of 30 days or more, continuous service shall commence anew.

Proposed law provides that a leave of absence by a judge for less than 30 days shall not be an interruption of continuous service, but the number of days on leave of absence shall not be credited towards a judge's amount of years in continuous service.

(Amends R.S. 13:1878(B); Adds R.S. 13:1878(C), (D), and (E))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Authorize the selection of the chief judge by agreement of the judges at any time.
2. Allow the interruption of continuous service to be retroactive.

3. Provide for the suspension without pay for 30 days or more as an element of interruption of continuous service.