

2024 Third Extraordinary Session

SENATE BILL NO. 1

BY SENATOR MORRIS AND REPRESENTATIVE MCMAKIN

COURTS. Constitutional amendment to provide for jurisdiction of courts. (2/3 - CA13s1(A)) (Item #20)

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A JOINT RESOLUTION

Proposing to amend Article V, Sections 5(B), 15(A), and 16(A) of the Constitution of Louisiana, relative to jurisdiction of courts; to provide for disciplinary proceedings over attorneys from other jurisdictions concerning legal services in the state and over related unethical practices; to authorize creation of courts of limited or specialized jurisdiction; and to specify an election for submission of the proposition to electors and provide a ballot proposition.

Section 1. Be it resolved by the Legislature of Louisiana, two-thirds of the members elected to each house concurring, that there shall be submitted to the electors of the state, for their approval or rejection in the manner provided by law, a proposal to amend Article V, Sections 5(B), 15(A), and 16(A) of the Constitution of Louisiana, to read as follows:

§5. Supreme Court; Jurisdiction; Rule-Making Power; Assignment of Judges

Section 5.(A)

* * *

(B) Original Jurisdiction. The supreme court has exclusive original jurisdiction of disciplinary proceedings against a member of the bar **and an attorney from another jurisdiction concerning legal services in this state, including**

1 related unethical practices.

2 * * *

3 §15. Courts; Retention; Jurisdiction; Judicial District Changes; Terms

4 Section 15.(A) Court Retention; Trial Courts of Limited Jurisdiction. The
5 district, family, juvenile, parish, city, and magistrate courts existing on the effective
6 date of this constitution are retained. Subject to the limitations in Sections 16 and 21
7 of this Article, the legislature by law may abolish or merge trial courts of limited or
8 specialized jurisdiction. The legislature by law may establish trial courts of limited
9 or specialized jurisdiction ~~with parishwide territorial jurisdiction and subject matter~~
10 ~~jurisdiction which shall be uniform throughout the state~~ by law enacted by two-
11 thirds of the elected members of each house of the legislature. Effective January
12 1, 2007, the legislature by law may establish new judgeships for district courts and
13 establish the new divisions with limited or specialized jurisdiction within the
14 territorial jurisdiction of the district court and subject matter jurisdiction over family
15 or juvenile matters as provided by law. The office of city marshal is continued until
16 the city court he serves is abolished.

17 * * *

18 §16. District Courts; Jurisdiction

19 Section 16.(A) Original Jurisdiction. (1) Except as otherwise authorized by
20 this constitution or except as heretofore or hereafter provided by law for
21 administrative agency determinations in worker's compensation matters, a district
22 court shall have original jurisdiction of all civil and criminal matters. (2) ~~It~~ Except
23 as otherwise authorized by this constitution, it shall have exclusive original
24 jurisdiction of felony cases and of cases involving title to immovable property,
25 except as provided in (3) below; the right to office or other public position; civil or
26 political right; probate and succession matters; except for administrative agency
27 determination provided for in (1) above, the state, a political corporation, or political
28 subdivisions, or a succession, as a defendant; and the appointment of receivers or
29 liquidators for corporations or partnerships. (3) The legislature may provide by law

1 that a family court has jurisdiction of cases involving title to movable and
2 immovable property when those cases relate to the partition of community property
3 and the settlement of claims arising from matrimonial regimes when such action
4 arises as a result of divorce or annulment of marriage.

5 * * *

6 Section 2. Be it further resolved that this proposed amendment shall be submitted to
7 the electors of the state of Louisiana at the statewide election to be held on November 15,
8 2025, or at a statewide election authorized by law, whichever occurs first.

9 Section 3. Be it further resolved that on the official ballot to be used at said election
10 there shall be printed a proposition, upon which the electors of the state shall be permitted
11 to vote YES or NO, to amend the Constitution of Louisiana, which proposition shall read as
12 follows:

13 Do you support an amendment authorizing discipline of out-of-state
14 attorneys for unethical practices related to legal services in this state and to
15 enable the creation of trial courts of limited or specialized jurisdiction?
16 (Amends Article V, Sections 5(B), 15(A), and 16(A))

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Thomas L. Tyler.

DIGEST

SB 1 Original 2024 Third Extraordinary Session Morris

Present constitution grants the supreme court exclusive original jurisdiction of disciplinary proceedings against a member of the bar.

Proposed constitutional amendment retains present constitution provision but further grants the court of original jurisdiction for proceedings against attorneys from other jurisdictions concerning legal services in this state, including related unethical practices.

Present constitution authorizes the legislature to establish trial courts of limited jurisdiction having parishwide territorial jurisdiction and subject matter jurisdiction throughout the state.

Proposed constitutional amendment authorizes establishment of trial courts of limited or specialized jurisdiction by law enacted by two-thirds of the elected members of each house of the legislature.

Present constitution provides that district courts have exclusive original jurisdiction of felony cases and cases involving title to immovable property, except family court jurisdiction involving movable and immovable property cases related to partition of community property and settlement of claims arising from matrimonial regimes in divorce or annulment proceedings.

Proposed constitutional amendment retains present constitution provision but specifically provides that except as authorized in the constitution, the district court has exclusive original jurisdiction involving felony cases and cases involving immovable property as provided in the present constitution.

Specifies submission of the amendment to the voters at the statewide election to be held on November 15, 2025, or at another statewide election authorized by law, whichever occurs first.

(Amends Article V, Sections 5(B), 15(A), and 16(A))