

2018 Regular Session

SENATE BILL NO. 123

BY SENATOR PERRY

JUDGES. Provides relative to the presiding judge of city courts with two 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  
4 presiding judge; to provide for the duties of the presiding judge; to provide for the  
5 term of the presiding judge; to provide for technical changes; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

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

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

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

17 **B.(1) Where a city court is composed of two divisions, a candidate for**

1 nomination and election to the office of judge of the city court, at the time of  
2 filing his declaration as a candidate, shall designate the division of the court for  
3 which he is a candidate. The presiding judge shall be:

4 (a) The judge agreed to by both judges, and then, if necessary;

5 (b) The judge oldest in point of continuous service as a judge of the city  
6 court in which they preside, and then, if necessary;

7 (c) The judge oldest in years of service as a judge regardless of the  
8 particular court, and then, if necessary;

9 (d) The judge with most years of service as a licensed attorney in the  
10 state of Louisiana, and then, if necessary;

11 (e) The judge oldest in age.

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

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

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Ashley E. Menou.

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Proposed law provides that when a city court is composed of two divisions, a candidate shall declare the division of the court for which he is a candidate at the time of filing his declaration as a candidate.

Proposed law provides for the determination of the presiding judge in a city court with two divisions.

Proposed law provides for the duties of the presiding judge in a city court with two divisions.

Proposed law provides that the presiding judge in a city court with two divisions shall remain in such position until resignation or retirement.

Proposed law allows the judges, sitting en banc, in a city court with two divisions to develop a procedure for the other judge to become a temporary presiding judge in the event of the incapacitation of the presiding judge.

Effective August 1, 2018.

(Amends R.S. 13:1878)