

2020 Regular Session

SENATE BILL NO. 186

BY SENATOR HARRIS

COURTS. Provides relative to the Municipal and Traffic Court of New Orleans. (gov sig)

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~~

1 designated alphabetically as Division "A", Division "B", Division "C", Division "D",  
2 Division "E", Division "F", Division "G", and Division "H".

3 (1) The Municipal and Traffic Court of New Orleans shall consist of  
4 eight judgeships through December 31, 2020. Thereafter it shall consist of seven  
5 judgeships.

6 (2) Each judge shall be an attorney-at-law elected by the qualified  
7 electors of the parish of Orleans. Each judge shall not be less than thirty years  
8 of age. Each judge shall have practiced law in the state for at least eight years  
9 preceding his election and shall be domiciled in the parish of Orleans for at least  
10 two years prior to his election.

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

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

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

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

21 ~~(3)(a)~~(7)(a) The judges presiding over Divisions A through ~~D~~ E shall not  
22 engage in the practice of law nor share in the profits, directly or indirectly, of any  
23 law firm or legal corporation. The judges assigned to Divisions A through ~~D~~ E shall  
24 receive a salary equal to a district judge but not more salary paid, from all sources,  
25 to the district court judges in and for the parish of Orleans, of which the amount  
26 payable by the state to city judges of the state shall be paid by the state and the  
27 remainder shall be payable by the city of New Orleans. The salary shall be payable  
28 monthly by his own warrant.

29 ~~(b)(i)(aa) Beginning at midnight on December 31, 2022, the judge presiding~~

1           ~~over Division E shall not engage in the practice of law nor share in the profits,~~  
2           ~~directly or indirectly, of any law firm or legal corporation.~~

3           ~~(bb)~~**(b)** Beginning at midnight on December 31, 2023, the judge presiding  
4           over Division F shall not engage in the practice of law nor share in the profits,  
5           directly or indirectly, of any law firm or legal corporation. **He shall receive a salary**  
6           **equal to a district judge but not more salary paid, from all sources, to the**  
7           **district court judges in and for the parish of Orleans, of which the amount**  
8           **payable by the state to city judges of the state shall be paid by the state and the**  
9           **remainder shall be payable by the city of New Orleans. The salary shall be**  
10          **payable monthly by his own warrant.**

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

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

25          ~~(4) Effective on January 1, 2017, and thereafter, the following shall occur:~~  
26          ~~the judge serving in Municipal Court Division A shall transfer to Division A of the~~  
27          ~~Municipal and Traffic Court of New Orleans; the judge serving in Municipal Court~~  
28          ~~Division B shall transfer to Division E of the Municipal and Traffic Court of New~~  
29          ~~Orleans; the judge serving Division C of Municipal Court shall transfer to Division~~

1 ~~C of the Municipal and Traffic Court of New Orleans; the judge serving in Division~~  
2 ~~D of Municipal Court shall transfer to Division F of the Municipal and Traffic Court~~  
3 ~~of New Orleans; the judge serving Division A of Traffic Court shall transfer to~~  
4 ~~Division H of the Municipal and Traffic Court of New Orleans; the judge serving in~~  
5 ~~Division B of Traffic Court shall transfer to Division B of Municipal and Traffic~~  
6 ~~Court of New Orleans; the judge serving in Division C of Traffic Court shall transfer~~  
7 ~~to Division D of the Municipal and Traffic Court of New Orleans; and the judge~~  
8 ~~serving in Division D of Traffic Court shall transfer to Division G of Municipal and~~  
9 ~~Traffic Court of New Orleans.~~

10 ~~(5)(a) Effective at midnight on December 31, 2020, the judgeship created for~~  
11 ~~Division H of the Municipal and Traffic Court of New Orleans shall be abolished.~~  
12 ~~If a vacancy by death, resignation, retirement, or removal occurs in any other~~  
13 ~~division of the Municipal and Traffic Court of New Orleans prior to December 31,~~  
14 ~~2020, the judgeship in that division shall be abolished instead of the judgeship in~~  
15 ~~Division H.~~

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

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

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



1 §2495. Clerk of court

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

7 B. ~~The salary of the clerk of the municipal and traffic court shall be~~  
8 ~~determined and set by the judges of the court en banc. The salary shall be the same~~  
9 ~~and shall be paid from the consolidated judicial expense fund of the court. The~~  
10 ~~salary and benefits of the clerk shall be paid by the city of New Orleans on the~~  
11 ~~warrant of the administrative judge. If the city fails to pay the salary and~~  
12 ~~benefits, they may be paid from the consolidated judicial expense fund of the~~  
13 ~~court.~~

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

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

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

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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry G. Jones.

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DIGEST

SB 186 Original 2020 Regular Session Harris

Present law provides relative to the Municipal and Traffic Court of New Orleans, consisting of eight judges in Divisions A through H. Also provides that effective at midnight on December 31, 2020, the judgeship created for Division H is abolished. If a vacancy by death, resignation, retirement, or removal occurs in any other division of the court prior to December 31, 2020, the judgeship in that division shall be abolished instead of the judgeship in Division H.

Proposed law provides that the court shall consist of eight judgeships through December 31, 2020, consisting of judges in Divisions A through H. Thereafter it shall consist of seven judgeships. Division H and the judgeship for Division H shall be abolished December 31, 2020, effective at midnight. The other divisions shall remain unchanged as previously designated Divisions A through G. Also provides that a vacancy in Divisions A through G shall be filled by election to that division.

Present law provides that each judge shall preside over a separate and distinct division of the court. Proposed law retains present law.

Present law provides that each judge shall be an attorney-at-law elected by the qualified electors of the parish of Orleans. Each judge shall not be less than 30 years of age. Each judge shall have practiced law in the state for at least eight years preceding his election and shall be domiciled in the parish of Orleans for at least two years prior to his election. Proposed law retains present law.

Present law provides that the judges in Divisions A through D shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation, and shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in and for the parish of Orleans. Proposed law extends these requirements to include Division E.

Present law provides similar requirements for the judge in Division F beginning at midnight on December 31, 2023 and for the judge in Division G beginning at midnight on December 31, 2024. Proposed law changes beginning date for Division G to December 31, 2030, and retains remainder of present law.

Present law provides that the most senior judge of the court serve as the administrative judge of the court. Provides that he shall receive a salary equal to the salary paid to district court judges in and for Orleans Parish. Also provides that the governing authority of Orleans Parish shall determine the salary paid to the administrative judge, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans. Proposed law provides that the administrative judge shall receive a salary equal to a district judge but not more salary paid, from all sources, to the district court judges in and for the parish of Orleans, of which the amount payable by the state to city judges of the state shall be paid by the state and the remainder shall be payable by the city of New Orleans.

Present law provides there shall be one clerk of the court. Provides that the clerk's salary shall be determined and set by the judges of the court en banc. The salary shall be the same and shall be paid from the consolidated judicial expense fund of the court. Proposed law provides that the salary and benefits of the clerk shall be paid by the city of New Orleans on the warrant of the administrative judge. If the city fails to pay the salary and benefits, they may be paid from the consolidated judicial expense fund of the court.

Effective upon signature of governor or lapse of time for gubernatorial action.

(Amends R.S. 13:2492 and 2495)