

2022 Regular Session

HOUSE BILL NO. 243

BY REPRESENTATIVE BAGLEY

1 AN ACT

2 To amend and reenact R.S. 13:1875(7), (10)(c), and (12)(e), 2152(C), and 2492(A)(7) and
3 (E), and R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a), relative to the authority of city
4 court judges to serve on a medical review panel; to provide for the practice of law
5 by city court judges; to provide for the selection of the attorney member of a medical
6 review panel; to provide for definitions; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:1875(7), (10)(c), and (12)(e), 2152(C), and 2492(A)(7) and (E)
9 are hereby amended and reenacted to read as follows:

10 §1875. Compensation of city judges; particular courts

11 The judges of the following city courts shall receive the salaries provided in
12 this Section:

13 * * *

14 (7)(a) The judges of the ~~Shreveport~~ City Court of Shreveport shall receive
15 the same salary and expenses as provided for district court judges, payable monthly
16 on their respective warrants. The state shall pay that portion of the salary specified
17 by R.S. 13:1874(E). The city of Shreveport shall pay the remaining portion of the
18 salary and expenses in an amount sufficient to equal the salary and expenses of the
19 district court judges. ~~The judges of the city court of Shreveport shall not engage in~~
20 ~~the practice of law.~~

21 (b) In addition to the salary specified by R.S. 13:1874(E) to be paid by the
22 state of Louisiana to the judges of the City Court of Shreveport, the state shall pay

1 to such judges an annual salary of six thousand eight hundred eleven dollars. In
 2 addition to the salary paid such judges by the state, they shall be paid an annual
 3 salary of twelve thousand dollars payable monthly on their respective warrants by
 4 the city of Shreveport, and the governing authority of the city of Shreveport shall pay
 5 such additional salary as they deem proper. ~~The judges of the City Court of~~
 6 ~~Shreveport shall not engage in the practice of law.~~

7 (c) Notwithstanding any other provision of law to the contrary, the judges
 8 of the City Court of Shreveport shall not engage in the practice of law, except any
 9 judge may serve as the attorney member on a medical review panel pursuant to R.S.
 10 40:1231.8 or 1237.2.

11 * * *

12 (10)

13 * * *

14 ~~(c) Effective January 1, 1991, the~~ Notwithstanding any other provision of the
 15 law to the contrary, the judges of the City Court of Monroe are prohibited from
 16 engaging in the practice of law, except any judge may serve as the attorney member
 17 of a medical review panel pursuant to R.S. 40:1231.8 or 1237.2.

18 * * *

19 (12)

20 * * *

21 ~~(e) The~~ Notwithstanding any other provision of the law to the contrary, the
 22 judge of the ~~city court~~ City Court of Alexandria is prohibited from engaging in the
 23 practice of law, except the judge may serve as the attorney member of a medical
 24 review panel pursuant to R.S. 40:1231.8 or 1237.2.

25 * * *

26 §2152. Salaries and expenses of judges; payment

27 * * *

28 C. ~~The~~ Notwithstanding any other provision of the law to the contrary, the
 29 judges of the First and Second City Courts of the city of New Orleans shall not
 30 engage in the practice of law or share in the profits, directly or indirectly of any law

1 firm or legal corporation, except any judge may serve as the attorney member of a
2 medical review panel pursuant to R.S. 40:1231.8 or 1237.2.

3 * * *

4 §2492. Number of judges; qualifications; election; salary; vacation

5 A.

6 * * *

7 (7)(a)(i) The Notwithstanding any other provision of the law to the contrary,
8 the judges presiding over Divisions "A" through "E" shall not engage in the practice
9 of law nor share in the profits, directly or indirectly, of any law firm or legal
10 corporation, except any judge may serve as the attorney member of a medical review
11 panel pursuant to R.S. 40:1231.8 or 1237.2.

12 (ii) The judges assigned to Divisions "A" through "E" shall receive a salary
13 equal to a district judge but not more than the salary paid, from all sources, to the
14 district court judges in and for the parish of Orleans, of which the amount payable
15 by the state to city judges of the state shall be paid by the state and the remainder
16 shall be payable by the city of New Orleans. The salary shall be payable monthly
17 by his own warrant.

18 (b)(i) Beginning at midnight on December 31, 2023, notwithstanding any
19 other provision of the law to the contrary, the judge presiding over Division "F" shall
20 not engage in the practice of law nor share in the profits, directly or indirectly, of any
21 law firm or legal corporation, except the judge may serve as the attorney member of
22 a medical review panel pursuant to R.S. 40:1231.8 or 1237.2.

23 (ii) He shall receive a salary equal to a district judge but not more than the
24 salary paid, from all sources, to the district court judges in and for the parish of
25 Orleans, of which the amount payable by the state to city judges of the state shall be
26 paid by the state and the remainder shall be payable by the city of New Orleans. The
27 salary shall be payable monthly by his own warrant.

28 (c)(i) Beginning at midnight on December 31, 2030, notwithstanding any
29 other provision of the law to the contrary, the judge presiding over Division "G"
30 shall not engage in the practice of law nor share in the profits, directly or indirectly,

1 of any law firm or legal corporation, except the judge may serve as the attorney
2 member of a medical review panel pursuant to R.S. 40:1231.8 or 1237.2.

3 (ii) He shall receive a salary equal to a district judge but not more salary
4 paid, from all sources, to the district court judges in and for the parish of Orleans, of
5 which the amount payable by the state to city judges of the state shall be paid by the
6 state and the remainder shall be payable by the city of New Orleans. The salary shall
7 be payable monthly by his own warrant.

8 * * *

9 E. The judge of the Municipal and Traffic Court of New Orleans having the
10 most seniority shall become the administrative judge during his tenure of office and
11 notwithstanding any other provision of law to the contrary shall not engage in the
12 practice of law or share in the profits, directly or indirectly, of any law firm or legal
13 corporation, except the judge may serve as the attorney member on a medical review
14 panel pursuant to R.S. 40:1231.8 or 1237.2. The administrative judge of the
15 Municipal and Traffic Court of New Orleans shall possess the same qualifications
16 that are required of district court judges. He shall receive a salary equal to a district
17 judge but not more than the salary paid, from all sources, to the district court judges
18 in and for the parish of Orleans, of which the amount payable by the state to city
19 judges of the state shall be paid by the state and the remainder shall be payable by
20 the city of New Orleans. The salary of the administrative judge shall be payable
21 monthly on his own warrant. Should the senior judge decline the position of
22 administrative judge then the judges of the municipal and traffic court, sitting en
23 banc, shall choose a judge to assume the position.

24 Section 2. R.S. 40:1231.8(C)(1)(a) and 1237.2(C)(1)(a) are hereby amended and
25 reenacted to read as follows:

26 §1231.8. Medical review panel

27 * * *

28 C. The medical review panel shall consist of three health care providers who
29 hold unlimited licenses to practice their profession in Louisiana and one attorney.
30 The parties may agree on the attorney member of the medical review panel. If no

1 attorney for or representative of any health care provider named in the complaint has
 2 made an appearance in the proceedings or made written contact with the attorney for
 3 the plaintiff within forty-five days of the date of receipt of the notification to the
 4 health care provider and the insurer that the required filing fee has been received by
 5 the patient's compensation board as required by Subparagraph (A)(1)(c) of this
 6 Section, the attorney for the plaintiff may appoint the attorney member of the
 7 medical review panel for the purpose of convening the panel. Such notice to the
 8 health care provider and the insurer shall be sent by registered or certified mail,
 9 return receipt requested. If no agreement can be reached, then the attorney member
 10 of the medical review panel shall be selected in the following manner:

11 (1)(a) The office of the clerk of the Louisiana Supreme Court, upon receipt
 12 of notification from the board, shall draw five names at random from the list of
 13 attorneys who reside or maintain an office in the parish which would be proper venue
 14 for the action in a court of law. The names of judges other than city court judges,
 15 magistrates, district attorneys₂ and assistant district attorneys shall be excluded if
 16 drawn and new names drawn in their place. After selection of the attorney names,
 17 the office of the clerk of the supreme court shall notify the board of the names so
 18 selected. It shall be the duty of the board to notify the parties of the attorney names
 19 from which the parties may choose the attorney member of the panel within five
 20 days. If no agreement can be reached within five days, the parties shall immediately
 21 initiate a procedure of selecting the attorney by each striking two names alternately,
 22 with the claimant striking first and so advising the health care provider of the name
 23 of the attorney so stricken; thereafter, the health care provider and the claimant shall
 24 alternately strike until both sides have stricken two names and the remaining name
 25 shall be the attorney member of the panel. If either the plaintiff or defendant fails
 26 to strike, the clerk of the Louisiana Supreme Court shall strike for that party within
 27 five additional days.

28 * * *

1 §1237.2. State medical review panel

2 * * *

3 C.(1) The state medical review panel shall consist of one attorney and three
 4 health care providers who hold unlimited licenses to practice their profession in
 5 Louisiana. The parties may agree on the attorney member of the state medical
 6 review panel. If no attorney for or a representative of any health care provider
 7 named in the complaint has made an appearance in the proceeding or made written
 8 contact with the attorney for the plaintiff within forty-five days of the date of receipt
 9 of the notification to the health care provider and the insurer that the required filing
 10 fee has been received by the commissioner or the patients compensation board as
 11 required by Subparagraph (A)(1)(c) of this Section, the attorney for the plaintiff may
 12 appoint the attorney member of the state medical review panel for the purpose of
 13 convening the panel. Such notice to the health care provider and the insurer shall be
 14 sent by registered or certified mail, return receipt requested. If no agreement can be
 15 reached, then the attorney member of the state medical review panel shall be selected
 16 in the following manner:

17 (a) The office of the clerk of the Louisiana Supreme Court, upon receipt of
 18 notification from the commissioner, shall draw five names at random from the list
 19 of attorneys who reside or maintain an office in the parish which would be proper
 20 venue for the action in a court of law. The names of judges other than city court
 21 judges, magistrates, district attorneys, and assistant district attorneys shall be
 22 excluded if drawn and new names drawn in their place. After selection of the
 23 attorney names, the office of the clerk shall notify the office of the commissioner of
 24 the names so selected. It shall be the duty of the office of the commissioner to notify
 25 the parties of the attorney names from which the parties may choose the attorney
 26 member of the panel within five days. If no agreement can be reached within five
 27 days, the parties shall immediately initiate a procedure of selecting the attorney by
 28 each striking two names alternately, with the claimant striking first and so advising
 29 the state or the person covered by this Part of the name of the attorney so stricken;
 30 thereafter, the state or the person covered by this Part and the claimant shall

1 alternately strike until both sides have stricken two names and the remaining name
2 shall be the attorney member of the panel. If either party fails to strike, the clerk
3 shall strike for that party within five additional days.

4 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____