First Extraordinary Session, 2011

# HOUSE BILL NO. 40

### BY REPRESENTATIVE PATRICIA SMITH

### COURTS/APPELLATE: Provides for an additional judgeship for the Court of Appeal for the First Circuit (Item #7)

1	AN ACT
2	To amend and reenact R.S. 13:312.1(A), relative to the Court of Appeal for the First Circuit;
3	to provide for one additional judgeship for the Court of Appeal for the First Circuit,
4	second district; to provide for the election and term of office and those of the
5	successors to that office; to provide for jurisdiction; to provide for compensation;
6	and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 13:312.1(A) is hereby amended and reenacted to read as follows:
9	§312.1. Circuit court of appeal; domicile; number of judges; election
10	A. The Court of Appeal for the First Circuit, domiciled in the city of Baton
11	Rouge, shall have twelve thirteen judges. Four judges shall be elected from each of
12	the three districts first and third districts and five judges shall be elected from the
13	second district composing the circuit by the qualified electors of each district,
14	respectively.
15	(1) However, in the first district, one judge, Division C, shall be elected from
16	election section one by the qualified electors of election section one, and one judge,
17	Division A, shall be elected from election section two by the qualified electors of
18	election section two. The remaining two judges in the first district, Divisions B and
19	D, shall be elected by the qualified electors of the entire first district.

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(2) In the second district, three judges, Divisions A, B, and C, shall be
2	elected from subdistrict one by the qualified electors of subdistrict one. Two judges,
3	Divisions D and E, shall be elected from subdistrict two by the qualified electors of
4	subdistrict two. The precinct lines of subdistrict one and subdistrict two shall be
5	those agreed to in Subsection B(12) of the Consent Judgment in the United States
6	District Court, Middle District of Louisiana, case of Janice G. Clark, et al. v. Charles
7	"Buddy" Roemer, Governor of Louisiana, et al., Civil Action No. 86-435(A).
8	* * *

9 Section 2.(A) There is hereby created one additional appellate court judgeship for 10 the Court of Appeal for the First Circuit in the second district, the parish of East Baton 11 Rouge. The additional judge herein provided for and his successors shall preside over 12 Division E, which is hereby created for purposes of nomination and election only. The 13 additional judge and his successors from Division E shall be elected from subdistrict two and 14 shall have jurisdiction throughout the circuit. The additional judge and his successors shall 15 receive the same compensation and expense allowances, payable from the same sources and 16 in the same manner, as are now or may hereafter be provided for other judges of the Courts 17 of Appeal.

18 (B) The individual to be elected to the additional judgeship created by this Act for 19 the Court of Appeal for the First Circuit shall be elected as provided by Article V, Section 20 22 of the Constitution of Louisiana, and shall serve a term which shall begin on January 1, 21 2012, and which term shall expire as provided by law. Thereafter, each of the successors 22 to the judge provided for in this Act for the Court of Appeal for the First Circuit shall be 23 elected in the same manner and shall serve the same term as now or may be provided 24 hereafter for the judges of the court.

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(C) The provisions of this Act shall not reduce the term or jurisdiction of office of 26 any judge of the Court of Appeal for the First Circuit.

### 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)]

#### Patricia Smith

HB No. 40

Abstract: Provides for an additional judgeship for the Court of Appeal for the First Circuit in the second district to be elected from subdistrict two.

<u>Present law</u> provides for 12 judges for the Court of Appeal for the First Circuit with three districts and four judges elected from each district.

<u>Present law</u> provides that in the second district, three judges are elected from subdistrict one and one judge is elected from subdistrict two, as per the consent judgment in "Clark v. Roemer".

<u>Proposed law</u> provides for one additional judgeship for the First Circuit Court of Appeal, second district, to be elected from subdistrict two.

<u>Proposed law</u> provides that the new judge take office on Jan. 1, 2012, that he preside over Division E for purposes of nomination and elections, and that he receive the same compensation and expense allowances as other appellate court judges.

<u>Proposed law</u> provides that this shall not reduce the term or jurisdiction of office of any judge of the First Circuit Court of Appeal.

(Amends R.S. 13:312.1(A))