

2020 Regular Session

HOUSE BILL NO. 558

BY REPRESENTATIVE DUPLESSIS

COURTS: Provides relative to the Municipal and Traffic Court of New Orleans

1 AN ACT

2 To amend and reenact R.S. 13:2492(A), (C), (D), and (E) and 2594(B) and to repeal R.S.
3 13:2594(D), relative to the Municipal and Traffic Court of New Orleans; to provide
4 relative to divisions of court; to provide relative to requirements of judges; to
5 decrease the number of judgeships; to provide relative to the salary of the
6 administrative judge; to provide relative to the salary of the clerk of court; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 13:2492(A), (C), (D), and (E) and 2594(B) are hereby amended and
10 reenacted to read as follows:

11 §2492. Number of judges; qualifications; election; salary; vacation

12 A.(1) The Municipal and Traffic Court of New Orleans shall consist of eight
13 ~~judges, all of whom must be attorneys-at-law, who shall be elected by the qualified~~
14 ~~electors of the parish of Orleans. They shall not be less than thirty years of age. Each~~
15 ~~shall have practiced law in the state for at least eight years preceding his election and~~
16 ~~shall be domiciled in the parish of Orleans for at least two years prior to his election~~
17 judgeships through December 31, 2020. Thereafter, it shall consist of seven
18 judgeships.

19 ~~(1)(2) Each of the eight judges shall preside over separate and distinct~~
20 ~~divisions of the court~~ Each judge shall be an attorney-at-law elected by the qualified

1 electors of the parish of Orleans. Each judge shall not be less than thirty years of
2 age. Each judge shall have practiced law in the state for at least eight years
3 preceding his election and shall be domiciled in the parish of Orleans for at least two
4 years prior to his election.

5 ~~(2)(3)~~ The divisions provided for in Paragraph (1) of this Subsection shall
6 be designated alphabetically as Division "A", Division "B", Division "C", Division
7 "D", Division "E", Division "F", Division "G", and Division "H". Each judge shall
8 preside over a separate and distinct division of the court.

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

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

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

17 ~~(3)(7)(a)~~ The judges presiding over Divisions A through ~~D~~ E shall not
18 engage in the practice of law nor share in the profits, directly or indirectly, of any
19 law firm or legal corporation. The judges assigned to Divisions A through ~~D~~ E shall
20 receive a salary equal to a district judge but not more salary paid, from all sources,
21 to the district court judges in and for the parish of Orleans, of which the amount
22 payable by the state to city judges of the state shall be paid by the state and the
23 remainder shall be payable by the city of New Orleans. The salary shall be payable
24 monthly by ~~his own~~ the warrant of the judge.

25 ~~(b)(i)(aa)~~ Beginning at midnight on December 31, 2022, the judge presiding
26 over Division E shall not engage in the practice of law nor share in the profits,
27 directly or indirectly, of any law firm or legal corporation.

28 ~~(bb)(b)~~ Beginning at midnight on December 31, 2023, the judge presiding
29 over Division F shall not engage in the practice of law nor share in the profits,

1 directly or indirectly, of any law firm or legal corporation. The judge shall receive
2 a salary equal to a district judge but not more salary paid, from all sources, to the
3 district court judges in and for the parish of Orleans, of which the amount payable
4 by the state to city judges of the state shall be paid by the state and the remainder
5 shall be payable by the city of New Orleans. The salary shall be payable monthly
6 by the warrant of the judge.

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

15 ~~(ii) Beginning on the applicable date as provided in Item (i) of this~~
16 ~~Subparagraph, a judge in Division E, F, and G shall receive a salary equal to a~~
17 ~~district judge but not more 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 shall be payable monthly by his own warrant.~~

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

1 ~~Division B of Traffic Court shall transfer to Division B of Municipal and Traffic~~
2 ~~Court of New Orleans; the judge serving in Division C of Traffic Court shall transfer~~
3 ~~to Division D of the Municipal and Traffic Court of New Orleans; and the judge~~
4 ~~serving in Division D of Traffic Court shall transfer to Division G of Municipal and~~
5 ~~Traffic Court of New Orleans.~~

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

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

16 * * *

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

20 ~~D.~~ Each of the judges of the Municipal and Traffic Court of New Orleans
21 shall have annual vacation not to exceed thirty days, the time to be fixed by the rules
22 of the court.

23 E.D. Whenever any of the judges are temporarily absent because of court
24 business, illness, or while on vacation, a judge ad hoc may be selected pursuant to
25 the rules of the Louisiana Supreme Court to serve during the period of such
26 temporary absence. The judge ad hoc shall have the qualifications for election to the
27 office, and his compensation shall be determined by the judges en banc and shall be
28 payable by the city of New Orleans pursuant to warrant of the judge who is
29 temporarily absent.

1 F.E. The judge of the Municipal and Traffic Court of New Orleans having
2 the most seniority shall become the administrative judge during his tenure of office
3 and shall not engage in the practice of law or share in the profits, directly or
4 indirectly, of any law firm or legal corporation. The administrative judge of the
5 Municipal and Traffic Court of New Orleans shall possess the same qualifications
6 that are required of district court judges, ~~and shall receive a salary equal to the salary~~
7 ~~paid, from all sources, to the district court judges in and for the parish of Orleans.~~
8 ~~The governing authority of Orleans Parish shall determine the salary paid to the~~
9 ~~administrative judge, of which the amount payable by the state to city judges of the~~
10 ~~state shall be paid by the state and the remainder shall be payable by the city of New~~
11 ~~Orleans. The judge shall receive a salary equal to a district judge but not more salary~~
12 ~~paid, from all sources, to the district court judges in and for the parish of Orleans, of~~
13 ~~which the amount payable by the state to city judges of the state shall be paid by the~~
14 ~~state and the remainder shall be payable by the city of New Orleans.~~ The salary of
15 the administrative judge shall be payable monthly ~~on his own~~ by the warrant of the
16 judge. Should the senior judge decline the position of administrative judge then the
17 judges of the municipal and traffic court, sitting en banc, shall choose a judge to
18 assume the position.

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20 §2495. Clerk of court

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22 B. ~~The salary of the clerk of the municipal and traffic court shall be~~
23 ~~determined and set by the judges of the court en banc. The salary shall be the same~~
24 ~~and shall be paid from the consolidated judicial expense fund of the court~~ The salary
25 and benefits of the clerk shall be paid by the city of New Orleans by the warrant of
26 the administrative judge. If the city fails to pay the salary and benefits, they may be
27 paid from the consolidated judicial expense fund of the court.

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Proposed law retains present law but changes the applicable Divisions from "A" through "D" to Divisions "A" through "E".

Proposed law retains the present law provision that the judges 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. The salary shall be payable monthly by the warrant of the judge.

Present law provides that beginning at midnight on Dec. 31, 2022, the judge presiding over Division "E" shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation.

Proposed law deletes present law.

Present law provides that beginning at midnight on Dec. 31, 2024, the judge presiding over Division "G" shall not engage in the practice of law nor share in the profits, directly or indirectly, of any law firm or legal corporation.

Proposed law retains present law but changes the effective date from beginning at midnight on Dec. 31, 2024, to beginning at midnight on Dec. 31, 2030.

Present law provides that each of the judges shall receive a salary of not less than \$18,000 per annum, payable monthly by the city of New Orleans by the warrant of the judge.

Proposed law removes the present law stipulated salary minimum of \$18,000.

Present law provides that the judge having the most seniority shall become the administrative judge and 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 retains present law but makes a change with respect to determining the salary of the administrative judge, providing that the administrative judge is to receive a salary equal to a district judge. Removes the authority of the governing authority of Orleans Parish to determine the salary.

Present law provides that the salary of the clerk of the municipal and traffic court shall be determined and set by the judges of the court en banc and shall be paid from the consolidated judicial expense fund of the court.

Proposed law changes present law in that the salary of the clerk is no longer determined and set by the judges of the court en banc and that the salary of the clerk shall be paid by the city of New Orleans on the warrant of the administrative judge. Proposed law further provides that if the city fails to pay, then the salary and benefits may be paid from the consolidated judicial expense fund of the court.

Present law provides that the clerk shall continue to be paid under the current method used by the city of New Orleans until otherwise notified by the judges of the municipal and traffic court.

Proposed law deletes present law.

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

(Amends R.S. 13:2492(A), (C), (D), and (E) and 2594(B); Repeals R.S. 13:2594(D))