

2020 Regular Session

HOUSE BILL NO. 96

BY REPRESENTATIVE HARRIS

JUDGES: Provides for the creation of judicial nominating commissions for the merit selection of judges

1 AN ACT

2 To enact Chapter I-D of Title 13 of the Louisiana Revised Statutes of 1950, to be comprised
3 of R.S. 13:63 through 65, relative to judicial affairs; to create the judicial nominating
4 commissions for the merit selection of judges; to provide for their membership,
5 terms, duties, and functions; to provide for a conditional effective date; and to
6 provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Chapter 1-D of Title 13 of the Louisiana Revised Statutes of 1950,
9 comprised of R.S. 13:63 through 65 is hereby enacted to read as follows:

10 CHAPTER 1-D. JUDICIAL NOMINATING COMMISSIONS

11 §63. Judicial nominating commission; creation

12 There is hereby created a Supreme Court Nominating Commission which
13 shall serve as the nominating commission for appointments to the supreme court.
14 Additionally, there is hereby created a nominating commission for each of the courts
15 of appeal which shall serve as the nominating commission for appointments to the
16 respective courts of appeal, district courts, parish courts, family courts, juvenile
17 courts, city courts including the city courts of New Orleans, and municipal and
18 traffic courts of New Orleans located within the court of appeal circuit. The purpose
19 of the nominating commissions is to consider, screen, and evaluate those qualified
20 candidates who seek election to judicial office and to submit to the governor the

1 names of those it determines are qualified to hold such office. The commissions
2 shall operate in accordance with the provisions of this Chapter and such rules and
3 regulations as may be promulgated by the supreme court.

4 §64. Duties

5 Within sixty days after the governor receives the written notice from the
6 supreme court of a vacancy on the supreme court required by R.S. 18:621, the
7 Supreme Court Nominating Commission shall submit to the governor a list of three
8 nominees who are qualified, in accordance with Article V, Section 22 of the
9 Constitution of Louisiana, to fill the vacancy. Within sixty days after the governor
10 receives the written notification from the supreme court of a vacancy on a court of
11 appeal, or on a district court, parish court, family court, juvenile court, city court
12 including a city court of New Orleans, or a municipal or traffic court of New Orleans
13 required by R.S. 18:621, the nominating commission for that court of appeal circuit
14 in which such court is located shall submit a list of three nominees who are qualified
15 in accordance with the provisions of Article V, Section 22 of the Constitution of
16 Louisiana, to fill that vacancy. Within thirty days of receipt of the list of nominees
17 from the nominating commission the governor shall select one to fill that vacancy.

18 §65. Nominating commissions; membership, terms; vacancies

19 A. The Supreme Court Nominating Commission shall be composed of
20 fifteen members selected as follows: one person who is licensed to practice law in
21 this state shall be selected by each of the five appellate court nominating
22 commissions from the membership of such commission, and two persons not
23 licensed to practice law in this state shall be selected by each of the five appellate
24 court nominating commissions from the membership of such commission. The
25 membership of the Supreme Court Nominating Commission shall elect a chairman
26 who shall serve a term of one year, and no member of the commission shall serve
27 more than two consecutive terms as chairman of the commission.

28 B. Each appellate court nominating commission shall be composed of fifteen
29 members selected as follows: six persons shall be selected by the membership of the

1 Louisiana State Bar Association from persons who are licensed to practice law in this
2 state and who reside within the territorial jurisdiction of the respective appellate
3 court circuit; and nine persons who are not licensed to practice law in this state who
4 shall be elected by a majority of the members of the legislature whose legislative
5 districts are located in whole or in part within the territorial jurisdiction of the
6 respective appellate court circuit. The membership of each appellate court
7 nominating commission shall elect a chairman who shall serve a term of one year,
8 and no member of the commission shall serve more than two consecutive terms as
9 chairman of the commission.

10 C. Within ninety days after the effective date of this Chapter, the Louisiana
11 State Bar Association and the respective members of the legislature shall select
12 initial members for the appellate court nominating commissions as provided in
13 Subsection B of this Section. Three of the members selected by the Louisiana State
14 Bar Association and three of the members elected by the respective members of the
15 legislature shall serve initial terms of two years. The remaining members shall serve
16 initial terms of four years. Thereafter, the term of each commission member shall
17 be for four years. The members of each appellate court nominating commission shall
18 determine by lot who shall serve an initial two-year term and who shall serve an
19 initial term of four years.

20 D. No person shall serve on the Supreme Court Nominating Commission or
21 the appellate court nominating commission for more than ten years.

22 E. No member of a nominating commission shall serve in a judicial office
23 while serving on a nominating commission, nor shall he serve in a judicial office in
24 the district in which the nominating commission is located for a period of three years
25 after expiration of his term on the nominating commission.

26 F. No person serving on a nominating commission, nor for two years prior
27 to such service, shall hold an elective office, an appointive office, nor be an
28 employee in the government of this state or in the government of a political
29 subdivision of this state or in the government of the United States, nor shall he be a

1 member of any national, state, or local political committee of a political party or
2 faction.

3 G. Each term of a nominating commission member shall commence with the
4 issuance of a commission to that member by the secretary of state.

5 H. When a vacancy occurs in the membership of a nominating commission,
6 the chairman of that commission shall notify either the president of the Louisiana
7 State Bar Association, or the speaker of the House of Representatives and the
8 president of the Senate and the vacancy shall be filled for the unexpired portion of
9 the term in the same manner as the previous selection.

10 I. Commission members shall serve without pay but shall be allowed
11 reimbursement for actual expenses incurred in the performance of their official
12 duties.

13 J. The State Civil Service Commission shall provide staff support for each
14 nominating commission and shall perform functions as are required by the chairman
15 which are necessary to assist each nominating commission in the performance of its
16 official duties.

17 K. Each nominating commission shall reflect substantially the gender and
18 racial characteristics of the population of the respective supreme court district and
19 court of appeal circuit.

20 Section 2. This Act shall take effect and become operative if and when the proposed
21 amendment of Article V, Section 22 of the Constitution of Louisiana contained in the Act
22 which originated as House Bill No. _____ of this 2020 Regular Session of the Legislature
23 is adopted at a statewide election and becomes effective.

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)]

HB 96 Original

2020 Regular Session

Harris

Abstract: Creates and establishes procedures for the judicial nominating commissions for the merit selection of judges.

Proposed law creates a Supreme Court Nominating Commission and five appellate court nominating commissions. The appellate court nominating commissions shall serve as the nominating commissions for the district courts, parish courts, family courts, juvenile courts, city courts including the city courts of New Orleans, and municipal and traffic courts of New Orleans located within their circuits. Provides that the purpose of each commission is to consider, screen, and evaluate qualified candidates who seek judicial office. The commissions are to operate in accordance with the Act and rules promulgated by the supreme court.

Proposed law provides for the following relative to the nominating commission:

- (1) Creates the Supreme Court Nominating Commission composed of 15 members selected as follows: one person licensed to practice law in this state selected by each of the five appellate court nominating commissions from its membership and two persons not licensed to practice law in this state selected by each of the five appellate court nominating commissions. Requires that the commission members elect a chairman to serve a term of one year and prohibits more than two consecutive terms by one person as chairman.
- (2) Creates each appellate court nominating commission composed of 15 members selected as follows: six persons selected by the membership of the La. State Bar Assoc. from persons licensed to practice law in this state who reside within the territorial jurisdiction of the respective circuit; and nine persons not licensed to practice law who are elected by a majority of the members of the legislature whose legislative districts are located in whole or in part within the territorial jurisdiction of the respective appellate court circuit. Requires that the membership of each appellate court nominating commission elect a chairman to serve a term of one year and prohibits more than two consecutive terms by one person as chairman.
- (3) Requires that within 90 days after the effective date of this Act, the La. State Bar Assoc. and the respective members of the legislature select initial members for the appellate court nominating commission. Requires that three members selected by the bar association and three elected by the respective members of the legislature serve initial terms of two years and the remaining members serve initial terms of four years; thereafter, the term of each member shall be for four years. Requires members of each appellate court nominating commission to determine by lot who shall serve an initial two-year term and who shall serve an initial term of four years. Prohibits any person serving on the Supreme Court Nominating Commission or the appellate court nominating commission for more than 10 years.
- (4) Members shall serve without pay but shall be allowed to be reimbursed for actual expenses incurred.
- (5) Vacancies on the commission shall be filled for the unexpired term in the same manner as the previous selection.

- (6) No nominating commission member shall serve in a judicial office while serving on the commission nor shall he serve in a judicial office in the district for a period of three years after expiration of his term on the commission.
- (7) No member serving, nor for two years prior to such service on the commission, shall hold an elective office, appointive office, or be an employee in the government of the state, the government of the United States, or a political subdivision of such, nor shall he be a member of any national, state, or local political committee of a political party or faction.

Proposed law provides for the duties of the commission as follows:

- (1) Supreme Court Nominating Commission, within 60 days after the governor receives notification of a vacancy on the supreme court from the supreme court, selects three qualified nominees to fill the vacancy and submits them to the governor who within 30 days selects one to fill the vacancy.
- (2) Appellate court nominating commission, within 60 days after the governor receives notification of a vacancy on the court of appeals or a district court, parish court, family court, juvenile court, city court including a city court of New Orleans, or municipal or traffic court of New Orleans located within the court of appeals circuit from the supreme court, selects three nominees to fill such vacancy and submits them to the governor who within 30 days selects one to fill the vacancy.

Proposed law requires the State Civil Service Commission to provide staff support for each nominating commission.

Effective if, and when, the proposed amendment to Article V, Section 22 of the Constitution of Louisiana contained in the Act which originated as House Bill No. ___ of this 2020 R.S. is adopted at the congressional primary election to be held in 2020 and becomes effective.

(Adds R.S. 13:63-65)