

2016 Regular Session

SENATE BILL NO. 173

BY SENATOR GARY SMITH

JUDGES. Provides for the attorney general to provide legal representation to parish judges.
(8/1/16)

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AN ACT

To enact R.S. 13:2564.3, relative to parish court judges; to provide for legal representation by the attorney general; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:2564.3 is hereby enacted to read as follows:

§2564.3. Legal representation by the attorney general

A. It is hereby declared to be the public policy of this state that the state, through the attorney general, shall provide legal representation to a parish court judge of this state in all claims, demands, or suits, if such claim, demand, or suit arises out of the discharge of his duties and is within the scope of his office and such claim, demand, or suit did not result from the intentional wrongful act or gross negligence of the parish court judge.

B. Within five days after a parish court judge is served with any summons, complaint, process, notice, demand, or pleading, he shall deliver the original or a copy thereof to the attorney general. If, after thorough investigation by the attorney general, it appears that the parish court judge was not acting in the discharge of his duties and within the scope of his office at the

1 time of the alleged act or omission, or that he was acting in an intentionally
 2 wrongful manner or was grossly negligent, the attorney general's office shall
 3 decline representation and the state shall not be responsible for providing any
 4 representation to the parish court judge.

5 C. The decision of the attorney general not to defend a parish court
 6 judge and any and all information obtained by him as a result of the
 7 investigations conducted pursuant to Subsection B shall be considered
 8 confidential and shall not be admissible as evidence in any legal proceeding and
 9 no reference thereto shall be made in any trial or hearing.

10 D. Nothing in this Section shall in any way impair, limit, or modify the
 11 rights and obligations of any insurer under any policy of insurance or impair
 12 the right of the individual to obtain private counsel in his own behalf.

13 E. This Section shall not be construed as creating a right of
 14 indemnification by a parish court judge against the state for any claim, demand,
 15 suit, or judgment whatsoever.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Ashley E. Menou.

DIGEST

SB 173 Original

2016 Regular Session

Gary Smith

Present law requires the attorney general to provide legal representation to a city court judge for claims arising out of the discharge of his duties, within the scope of his office, and not resulting from intentional wrongful acts or gross negligence. Requires the judge to provide a copy of any pleadings he is served to the attorney general and requires the attorney general to decline representation if it appears, after an investigation, that the judge was not acting in the discharge of his duties and within the scope of his office at the time of the alleged act or omission, or that he was acting in an intentionally wrongful manner or was grossly negligent.

Proposed law retains present law and provides same provisions for attorney general representation of a parish court judge.

Present law provides that if the attorney general declines representation of a city court judge, any information obtained by him as a result of the investigation is considered confidential and is not to be admissible as evidence in a legal proceeding.

Proposed law retains present law and provides same provisions for attorney general investigations of claims against a parish court judge.

Present law provides that nothing in present law shall in any way impair, limit, or modify the rights and obligations of any insurer under any policy of insurance or impair the right of

the city court judge to obtain private counsel in his own behalf.

Proposed law retains present law and provides same provisions for insurers and parish court judges.

Present law provides that it shall not be construed as creating a right of indemnification by as city court judge against the state for any claim, demand, suit, or judgment.

Proposed law retains present law and provides same provisions regarding interpretation of proposed law.

Effective August 1, 2016.

(Adds R.S. 13:2564.3)