

RÉSUMÉ DIGEST

HB 661

2023 Regular Session

Muscarello

Present law requires the Judicial Council to adopt standards and guidelines to approve the necessity of creating new judgeships and judicial offices and for splitting or merging courts.

Proposed law would have instead required the council to make recommendations to the legislature concerning the necessity of creating new judgeships and judicial offices and for splitting or merging courts as well as the elimination of a judgeship or judicial office.

Present law provides that the judgeships and judicial offices to which present law is applicable are any judgeship of the supreme court, courts of appeal, district courts, city courts, parish courts, juvenile courts, family courts, traffic courts, and municipal courts, and any office of commissioner, magistrate, hearing officer, or any other judicial office by whatever other name designated.

Present law does not apply to justice of the peace courts, mayors' courts, or administrative law judges employed by the division of administrative law. Proposed law would have added clerks of court to the excepted offices.

Proposed law would have required the supreme court in consultation with the clerks of court to adopt rules to establish uniform data reporting standards for all case filings and adjudications, including requirements for electronic filing and reporting. Would have required all clerks of court to report requested data to the council in the manner and form directed by the council.

Present constitution (Const. Art. V, §25) provides for the Judiciary Commission, which has the power to recommend the censure, suspension, removal, disqualification, or involuntary retirement of a judge for certain reasons. Present constitution requires the supreme court to make rules providing for confidentiality and privilege of the commission proceedings. Present constitution provides that the Judiciary Commission shall consist of the following:

- (1) One court of appeal judge and two district court judges selected by the supreme court.
- (2) Two attorneys admitted to the practice of law for at least ten years and one attorney admitted to the practice of law for at least three years but not more than ten years, selected by the Conference of Court of Appeal Judges or its successor.
- (3) Three citizens, not lawyers, judges active or retired, or public officials, selected by the La. District Judges' Association.

Proposed law would have required the Judiciary Commission to publish its membership on its public website.

(Proposed to amend R.S. 13:61; proposed to add R.S. 13:37)

VETO MESSAGE:

"This bill would have implemented several changes to the statute that outlines the role and responsibilities of the Judicial Council, specifically adding language regarding the elimination of judgeships. In last year's redistricting session, the legislature failed to approve new maps for judicial districts, while passing a fundamentally unfair and unrepresentative congressional map. I cannot in good conscience sign legislation into law whose language, without the Legislature intending it, could be twisted to promote further disenfranchisement and reduce the representation of one third of the citizenry of Louisiana in the future.

Further, this bill also contains a costly provision that would mandate that clerks of court throughout the state submit detailed reports to the Judicial Council and adopt uniform standards for filing and reporting when the Supreme Court adopts those standards. Though there has been money dedicated for the Council's administration of a new Court Modernization and Technology Fund, these funds are insufficient to finance the potentially burdensome investments in technology that compliance with this bill would require from the clerks of court, resulting in an unfunded mandate.

For these reasons, I have vetoed House Bill 661 and returned it to the House.