
DIGEST

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HB 911 Original

2026 Regular Session

McMakin

Abstract: Provides for the complete reform and modernization of the judicial components of Orleans Parish.

Present law provides for the Civil and Criminal District Courts for Orleans Parish, and the jurisdiction, compensation, authority, rule making ability, assignment, and designation of divisions, cases, expenses, costs, fees, and personnel, number of judges, commissioners, and magistrates allocated to divisions or sections, clerks of civil and criminal courts, compensation, fees, resultant judicial expenses, funds, deposits, bonds, retirement, and related duties and privileges, court reporters' selection, salary, and fees, magistrates and commissioners, their respective duties, jurisdiction, compensation, authority, and designations of the Civil and Criminal District Courts for Orleans Parish.

Proposed law consolidates the civil and criminal courts, and the clerks of the respective courts into the 41st Judicial District Court, establishes one clerk of court for Orleans Parish, and otherwise would establish the salaries, composition, jurisdiction of such judicial officials, including magistrates and commissioners, and transfer all the duties, powers, and functions of the former offices to the consolidated office, would create the Consolidated Judicial Expense Fund for the 41st Judicial District Court, its authority, practices, duties, and privileges, and otherwise operate under a board, composed of certain judicial officials, and to otherwise establish consolidated public offices similar to the other 40 existing judicial districts in the state.

Proposed law consolidates the clerks of the Civil and Criminal District Courts in Orleans Parish and provides for a single clerk for both courts. Provides that one clerk shall be elected at the municipal and parochial election in certain parishes in 2032. Transfers the duties, powers, and functions of the former offices to the consolidated office. Provides that the salaries of employees of the clerk of the civil district court and the criminal district court shall continue to be paid from the same sources and in the manner in which they were paid on the effective date of proposed law. Requires clerk of the 41st Judicial District Court to collect all fees and charges due his office and deposit them in a fund known as the Clerk's Salary Fund. Requires the clerk to collect the fees set forth in R.S. 13:1213.1 and deposit no less than 60% of the amounts collected in the fund, and the remaining shall be deposited in the Consolidated Judicial Expense Fund.

Present law provides for the duties, powers, fees, and salaries of the register of conveyances, recorder of mortgages, custodian of notarial records, and civil and criminal clerks of court for Orleans Parish; requires that certain fees be forwarded to the register, recorder, custodian, or civil and criminal clerks, that a bond for each be obtained, that notaries in Orleans Parish, obtain same from the

custodian, and maintain such; that certain acts, failure to keep proper indexes, failure to maintain bonds of notaries after expiration or revocation of bond or commission, are misdemeanors; that executed acts of a notary be maintained and bound by same, that certain acts be filed with the clerks of court.

Present law also provides the procedure for the recordation and preservation of property records of Orleans Parish by the register, recorder, or custodian; the authority to proceed against notaries or to revoke certain notaries' commissions; the authority to record certain other documents, including but not limited to pledges, mortgages, contracts, affecting immovable property, incorporation papers; the authority to appoint deputies; and the salary and operating budget of the register, recorder, and custodian.

Proposed law transfers the offices of the custodian of notarial records, register of conveyances, and recorder of mortgages and their respective duties and functions to the clerk of civil district court as parish recorder and abolishes such offices effective Jan. 1, 2027. Provides for the clerk to assume the duties of the custodian, the register, and the recorder on that date.

Proposed law provides that any employees who are transferred through the consolidation of the civil and criminal courts or the consolidation of the clerks of such courts shall continue to contribute to the retirement system or pension fund to which they were contributing on the effective date of the consolidation provisions, including the retention of all accrued benefits and contributions to which they were entitled at such time.

Proposed law creates the "Consolidated Judicial Expense Fund" for the civil and criminal district courts, the juvenile court for the parish of Orleans, and the First and Second City Court of the city of New Orleans. Further provides that such fund and all disbursements shall be administered and controlled by a committee composed of 4 judges from the civil district court, 4 judges from the criminal district court including the magistrate, 2 judges from the juvenile court for the parish of Orleans, and 1 judge from the first or second city court selected by a majority of the judges of the courts sitting en banc. At least one member from the criminal district court, the civil district court, and the juvenile court serving shall be the most senior judge at his respective court.

Proposed law requires that, effective January 1, 2009, all funds of a court or judge of the city or parish courts of Orleans Parish, separately or collectively, shall be transferred to the Consolidated Judicial Expense Fund in accordance with the recommendations of the Consolidation Review Committee and monies so allocated shall continued to be paid from the same sources into the consolidated fund. Exempts funds deposited in the Clerk's Salary Fund from such proposed requirement. Further provides that the funds in the consolidated fund may be used for any purpose related to the administration or function of the courts and judges or the offices of the judges and is in addition to any other funds, salaries, expenses, or other monies which are authorized by law.

Proposed law provides for an annual audit of the consolidated fund by the judges which shall be filed with the legislative auditor and shall be available for public inspection.

Proposed law authorizes the use of the monies in the Judicial Expense Fund to pay all or part of expenses related to the construction of a new parish courthouse; however, further provides that such authorization does not affect the obligation of New Orleans to provide buildings to house the civil district court and the other courts housed therein and the criminal district court.

Proposed law permits the clerk of court as the parish recorder to appoint three full-time chief deputies for the operation of the office with the same qualifications as the clerk of court as the parish recorder. Requires the clerk of court to hire a full-time archivist, with delineated qualifications, whose primary responsibilities shall be to ensure the adequate preservation of records. Provides for the powers and duties of the clerk of court as the parish recorder for the recordation and preservation of conveyances, mortgages, and all contracts and instruments of writing, marriage contracts, and wills in Orleans Parish. Also requires the clerk of court as the parish recorder, with advice of the archivist, to provide for the appropriate reproduction, preservation, and restoration of records.

Proposed law requires notaries to pay an annual \$20 fee to the clerk to be deposited in a separate account to be designated the Archival Trust Fund and to be used exclusively for expenses and maintenance of the recordation of historical and other archival documents. Also requires the clerk to dedicate a portion of fees assessed and collected as parish recorder for microfilming, restoration, repair, and preservation of records. Provides for deposit of these fees in the Archival Trust Fund.

(Amends R.S. 13:1, 474, and 842(A); Adds R.S. 13:474.1, 477(41), 621.41, 621.42, 621.43, 714.1, 714.2, 751.1-751.5, 841.3, 983, 996.62-996.64, and R.S. 44:181.5, 181.6 and 182.2-182.10; Repeals R.S. 9:2745, R.S. 13:1031-1147, 1211-1212.1, 1271-1312, 1335-1347, 1371, 1372, 1377, 1381, and 1381.1-1400)