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## DIGEST

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Quinn

SB No. 161

Present law provides that the 21<sup>st</sup> Judicial District Court shall have nine judges.

Proposed law maintains nine judges in the 21<sup>st</sup> Judicial District Court by abolishing the judgeship comprising Division H effective midnight, Dec. 31, 2014, or at any earlier time upon such judgeship becoming vacant for any reason and creating a new judgeship effective Jan. 1, 2015, or at any earlier time upon the judgeship in the former Division H becoming vacant.

Proposed law requires that this new judgeship shall preside over Division J and provides that the subject matter for such division limited to family matters as provided by law. The creation of this judgeship shall not affect any other judge of the district.

Present law authorizes the judges of the Civil District Court for the parish of Orleans who are in office on July 1, 1979, to create the Domestic Relations Section of that court, by rule of court by the judges sitting en banc. The rule shall designate not less than two incumbent judges who shall be assigned to the Domestic Relations Section in accordance with the rules of the Civil District Court for the parish of Orleans.

Proposed law retains present law.

Proposed law provides that the first two judgeships becoming vacant on or after Aug. 15, 2011, shall be abolished and two new judgeships shall be created and limited to family matters including domestic relations matters. Provides for an exception to proposed law for Divisions B and E unless there is a vacancy in one or both of those divisions on or after Feb. 1, 2012.

Proposed law applies to the Civil District Court for the parish of Orleans or to the 41<sup>st</sup> Judicial District Court, whichever is applicable, and shall supersede to the extent of conflict with any other provision of law.

Present law (R.S. 13:1139(A)) provides for the transfer of certain cases to the Domestic Relations Section of the Civil District Court for the parish of Orleans

Proposed law repeals present law.

Proposed law provides that the individuals to be elected to the judgeships created in proposed law shall be elected for a six year term at the congressional election held in 2014, and every sixth year thereafter. However, if any of the divisions authorized by proposed law is created earlier than Jan. 1, 2015, the election to such division shall be for a term which shall end Dec. 31, 2014, and for six year terms thereafter.

Proposed law provides that the judges and their successors created by proposed law shall be elected at large and shall have jurisdiction throughout the applicable district.

Proposed law provides that the judges and their successors created by proposed law shall receive the same compensation and expense allowances, payable from the same sources and in the same manner, as are now or may hereafter be provided for other judges of the applicable district. In the Civil District Court for the parish of Orleans, or the 41<sup>st</sup> Judicial District Court, as applicable, the judges and their successors shall have the right to appoint a crier, stenographer, and minute clerk for their own division, and shall have the same staff and resources as other judges in that district court, who shall perform the same duties and receive the same compensation, payable in the same manner and from the same sources, as similar officials in other divisions of the court.

Proposed law does not reduce the term of office or the jurisdiction of any other judge of the districts affected by proposed law.

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

(Amends R.S. 13:621.21 and 1138, and Section 1 of Act No. 873 of the 2008 Regular Session of the Legislature; Repeals R.S. 13:1139(A))

#### Summary of Amendments Adopted by Senate

##### Senate Floor Amendments to engrossed bill.

1. Removes all provisions abolishing or creating specific judgeships in Civil District Court Divisions for the parish of Orleans or to the 41<sup>st</sup> JDC.
2. Provides that two specialized subject matter divisions of the Civil District Court for the parish of Orleans or to the 41<sup>st</sup> JDC shall be effective January 1, 2015, as follows:
  - (a) Division E shall be limited to family matters as provided by law, including the domestic relations matters set forth in law.
  - (b) In any other division, the first judgeship becoming vacant on or after March 1, 2012, shall be limited to family matters as provided by law, including the domestic relations matters set forth in law.
3. Provides for the judges in the Civil District Court for the parish of Orleans or to the 41<sup>st</sup> JDC to have the same staff and resources as other judges in that district court.

#### Summary of Amendments Adopted by House

##### Committee Amendments Proposed by House Committee on Judiciary to the reengrossed bill.

1. Reinserted present law authorizing judges to designate at least two judges for assignment with the Domestic Relations Section of the Civil District Court for the parish of Orleans.
2. Added provisions abolishing two judgeships which become vacant after Aug. 15, 2011 and creating two new judgeships which shall be limited to domestic relations matters.
3. Added an exception to proposed law for Divisions B and E unless a vacancy occurs on or after Feb. 1, 2012.