

2016 Regular Session

HOUSE BILL NO. 268

BY REPRESENTATIVE GREGORY MILLER

CLERKS OF COURT: Prohibits a clerk of court from engaging in the practice of law

1 AN ACT

2 To enact R.S. 13:6, relative to clerks of court; to prohibit all clerks of court from engaging
3 in the practice of law; to prohibit all clerks from engaging in any business or
4 employment which interferes with their duties; to provide for exceptions; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:6 is hereby enacted to read as follows:

8 §6. Clerks generally; practice of law

9 A. The clerks of each court and any personnel employed or appointed by the
10 clerk shall not engage in the practice of law except that they may act *pro se* and may
11 perform routine legal work incident to the management of their personal affairs or
12 the personal affairs of their immediate family. The *pro se* or immediate family legal
13 work shall not present an appearance of impropriety, shall not take place while on
14 duty or in their workplace, and shall not interfere with their primary responsibility
15 to the office in which they serve.

16 (1) Any clerk who performs *pro se* legal work or immediate family legal
17 work shall perform such work without compensation except for any compensation
18 which may be allowed by statute or court rules.

19 (2) Legal work performed on behalf of an immediate family member shall
20 not involve the entry of an appearance in any state court in a contested matter.

- 1 B. Each clerk of court and any personnel employed or appointed by the clerk
2 shall not engage in any business or employment which interferes with the proper
3 discharge of their duties.
- 4 C. The provisions of this Section shall apply to any clerk elected to office on
5 or after August 1, 2016.
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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 268 Original

2016 Regular Session

Gregory Miller

Abstract: Prohibits a clerk of court elected to office on or after Aug. 1, 2016, from engaging in the practice of law.

Proposed law prohibits the clerks of each court and any personnel employed or appointed by the clerk from engaging in the practice of law.

Proposed law provides an exception from proposed law when the clerk or employee is acting *pro se* or performing routine legal work incident to the management of their personal affairs or the personal affairs of their immediate family, provided that such work does not interfere with their primary responsibility to the office in which they serve, is performed without compensation, and does not involve the entry of an appearance in any state court in a contested matter.

Proposed law further prohibits each clerk and any employee from engaging in any business or employment which interferes with the proper discharge of their duties.

Proposed law provides for application to any clerk elected to office on or after Aug. 1, 2016.

(Adds R.S. 13:6)