

2023 Regular Session

HOUSE BILL NO. 300

BY REPRESENTATIVE MUSCARELLO

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

JUDGES: Expands the role and responsibilities of the Judicial Council

1 AN ACT

2 To amend and reenact R.S. 13:82(A) and 83(C), to enact R.S. 13:61.1, and to repeal R.S.
3 13:61, 83(D), and 84, relative to the judiciary; to provide relative to the Judicial
4 Council of the Supreme Court; to provide for the duties of the council; to require the
5 review of courts and offices within the judicial branch of state government; to
6 provide relative to data utilized by the council; to transfer certain duties from the
7 judicial administrator and the Judicial Budgetary Control Board to the council; and
8 to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. R.S. 13:82(A) and 83(C) are hereby amended and reenacted and R.S.
11 13:61.1 is hereby enacted to read as follows:

12 §61.1. Judicial Council; functions; duties

13 A. The supreme court shall establish and provide for the Judicial Council of
14 the Supreme Court, hereinafter referred to in this Section as the "council".

15 B. Beginning January 1, 2024, in addition to any functions and duties
16 assigned by the supreme court, the council shall conduct a review of all courts under
17 the supervisory jurisdiction of the supreme court pursuant to Article V of the
18 Constitution of Louisiana. The review shall be conducted on the following three-
19 year cycle:

20 (1) First year - appellate courts.21 (2) Second year - district courts.

1 (3) Third year - other courts in the judicial branch and offices of
2 commissioners, magistrates, and hearing officers in the judicial branch.

3 C. The council may also review judicial vacancies on an ongoing and
4 continual basis.

5 D. The reviews shall include a performance evaluation of Louisiana courts
6 and a brief description of the strategies being pursued by courts to improve their
7 performance, as well as information on periodic performance auditing done in the
8 prior year.

9 E.(1) In conducting the reviews and evaluations, the council may utilize the
10 following:

11 (a) Caseload information.

12 (b) Population data.

13 (c) Geography.

14 (d) Information regarding equipment and facilities.

15 (e) Physical site visits.

16 (f) Information regarding judicial vacancies, including but not limited to
17 future vacancies due to mandatory judicial retirements.

18 (g) Any other information that the council deems relevant.

19 (2) The council shall take whatever action is necessary to determine
20 appropriate work points for any level of court for which a caseload study has not
21 been conducted in the previous three years.

22 F. The council shall submit an evaluation report to the legislature by
23 February fifteenth of each year for each court and judicial office reviewed by the
24 council in the prior calendar year. The council shall include in the evaluation report
25 one or more of the following recommendations:

26 (1) One or more courts, districts, or circuits should be merged, split, or
27 otherwise changed and the reasons therefor.

28 (2) One or more judgeships or other judicial offices should be eliminated and
29 the reasons therefor.

1 (3) One or more judgeships or other judicial offices should be created and
2 the reasons therefor.

3 (4) No change needed and the reasons therefor.

4 G.(1) If a request for a new judgeship arises outside of the review and
5 evaluation periods provided in this Section, the council shall review the request and
6 make a recommendation to the appropriate standing committees of the House of
7 Representatives or of the Senate as to the need for the new judgeship. The
8 legislature shall consider the recommendation of the council regarding the additional
9 judgeship prior to acting upon any legislation.

10 (2) The legislature shall not be required to enact legislation or otherwise act
11 upon any recommendation of the council.

12 H. In order to assist the council in accomplishing the reviews and evaluations
13 required by this Section, the supreme court shall adopt procedural and administrative
14 rules to establish uniform data reporting standards required for all case filings and
15 adjudications including requirements for electronic filing and reporting. The clerks
16 of all Louisiana courts shall report all data requested to the council in the manner and
17 form as directed by the council.

18 I. The provisions of this Section shall not apply to any hearing officer or
19 administrative law judge in the executive branch of state government, justice of the
20 peace courts, or mayors' courts.

21 * * *

22 §82. Strategic planning

23 A. The ~~Judicial Budgetary Control Board~~ or a judicial body to be designated
24 ~~by the supreme court~~ council shall develop on behalf of each level of court a
25 strategic plan to be used as a guide to the ongoing and proposed activities of the
26 judiciary for the next five years and as a basic framework for the annual judicial
27 appropriation bill.

28 * * *

§83. Judicial appropriation bill; operational plans

* * *

C. The Judicial Budgetary Control Board shall submit, together with the judicial appropriation bill as provided in R.S. 39:51(D), ~~an operational plan which shall, to the maximum extent practicable, be consistent with the judiciary's strategic plan~~ the evaluation report as provided in R.S. 13:61.1.

* * *

Section 2. R.S. 13:61, 83(D), and 84 are hereby repealed in their entirety.

Section 3. The supreme court may adopt or amend rules as it deems necessary for the effective implementation and enforcement of the provisions of this Act.

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 300 Original

2023 Regular Session

Muscarello

Abstract: Expands the role of the Judicial Council of the Supreme Court in evaluating the judiciary.

Present law requires the council to adopt standards for approving the creation of new judgeships and courts and splitting or merging courts.

Present law further grants the council the authority to conduct an annual review of judicial districts and appellate circuits and to provide information and recommendations to the legislature on the appropriate number of district and appellate court judgeships.

Proposed law repeals present law and requires, beginning Jan. 2024, the council to review courts on a continual basis as follows:

- (1) The reviews will be conducted on the following three-year cycle:
 - (a) 1st year - appellate courts.
 - (b) 2nd year - districts courts.
 - (c) 3rd year - other courts in the judicial branch and offices of commissioners, magistrates, and hearing officers in the judicial branch.
- (2) Judicial vacancies will be reviewed on an ongoing and continual basis.
- (3) The council will submit an annual evaluation report to the legislature by Feb. 15th for the courts reviewed in the previous calendar year. The report will include recommendations for creating or eliminating judgeships or judicial offices and splitting or merging courts.

- (4) New judgeship requests occurring outside the scheduled review and evaluation periods will be submitted to the council for review. The council will make a recommendation to the appropriate standing committees of the House or Senate as to the need for the new judgeship.

Proposed law authorizes the council to take whatever action is necessary to determine appropriate work points for any level of court for which a caseload study has not been conducted in the previous three years.

Proposed law requires the legislature to consider the recommendation of the council regarding an additional judgeship prior to acting upon any legislation.

Proposed law clarifies that the legislature is not required to enact legislation or otherwise act upon any recommendation of the council.

Proposed law requires the supreme court to assist the council in the review and evaluation process by adopting procedural and administrative rules to establish uniform data reporting standards required for all case filings and adjudications, including requirements for electronic filing and reporting.

Proposed law further requires all clerks of courts to report all data requested to the council in the manner and form as directed by the council.

Present law requires the Judicial Budgetary Control Board or a judicial body designated by the supreme court to develop a strategic plan on behalf of each level of court.

Proposed law transfers that requirement to the council.

Present law requires the Judicial Budgetary Control Board to submit an operational plan with the judicial appropriation bill.

Proposed law removes the requirement for the board to create and submit an operational plan and instead requires the evaluation report to be submitted with the judicial appropriation bill.

Present law requires the judicial administrator to develop a performance accountability program and annual report.

Proposed law removes this requirement and includes court performance reporting as part of the evaluation report.

Proposed law authorizes the supreme court to adopt or amend rules as necessary for the effective implementation and enforcement of proposed law.

(Amends R.S. 13:82(A) and 83(C); Adds R.S. 13:61.1; Repeals R.S. 13:61, 83(D), and 84)