

**The Financial Impact of the Implementation
of a City Court in East Baton Rouge, Louisiana
with Parish-wide Jurisdiction**

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by:

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Table of Contents

	pp.
I. Introduction	1-5
A. Preface	1
B. Louisiana Court Structure	2-4
C. Funding for Louisiana Courts	4-5
II. Methodology	6-8
III. Review of Literature	9-12
A. "A Team ICM Internship Study of the State of Louisiana Courts of Limited Jurisdiction Based on Selected Geographical Areas."	9-10
B. "Adjudicatory Processes and the Organization of Trial Courts."	10-12
IV. Facts and Findings	13-38
A. Summary of Major Findings	13
B. History of Parish Courts in Louisiana	14-15
C. 23rd Judicial District Court/ Ascension Parish Court	15-19
1. 23rd Judicial District Court	15-16
2. Ascension Parish Court	16-19
D. 24th Judicial District Court/Jefferson 1st Parish and Jefferson 2nd Parish Courts	20-24
1. 24th District Court	20-22
2. Jefferson 1st Parish and Jefferson 2nd Parish Courts	22-24
E. 19th Judicial District Court/ East Baton Rouge City Court	25-38
1. 19th Judicial District Court	25-33
2. Baton Rouge City Court	33-38
V. Conclusion	39-42
VI. Recommendations	43
VII. Appendices	
A. Appendix A - House Bill 1655	
B. Appendix B - Jurisdiction of Baton Rouge City Court	
C. Appendix C - Jurisdiction of Baton Rouge Justices of the Peace	
D. Appendix D - Interview Questionnaire	
E. Appendix E - Enabling Act for Jefferson Parish Court	
F. Appendix F - Uniform Parish Court Jurisdiction and Procedure Act, Parish Court Administration Act, and Parish Court Enabling Act	
G. Appendix G - Enabling Act of Ascension Parish Court	
H. Appendix H - 19th Judicial District Budget and Court Judicial Expense Fund Revenues and Expenditures	

I INTRODUCTION

A. Preface

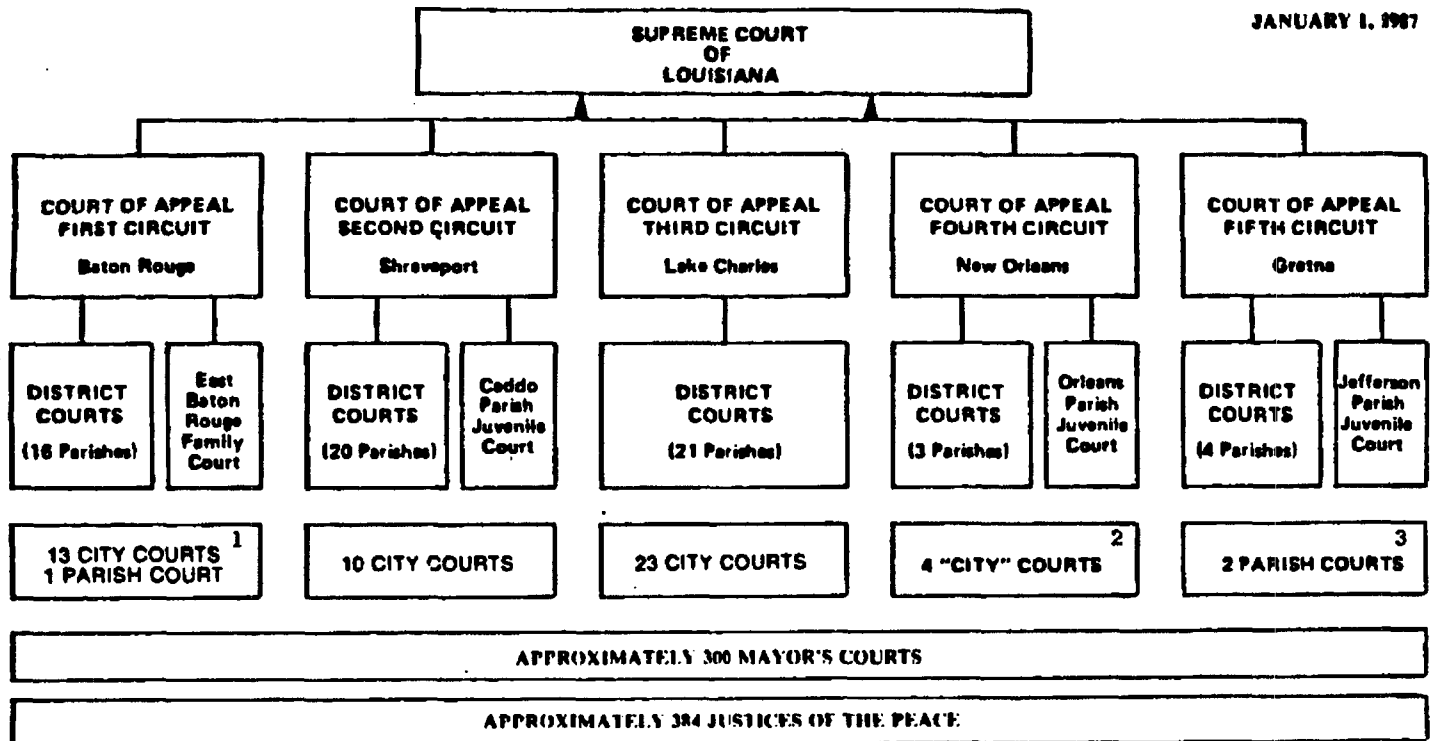
In the 1986 regular session of the Louisiana Legislature, House Bill number 1655 was introduced to extend the territorial jurisdiction of the City Court of East Baton Rouge from its current city limits to include the entire parish (Appendix A). This proposed bill was withdrawn by its author, City Judge Darrell White, due to considerable local opposition. The proposition was opposed by particular affected parties: other courts of general and limited jurisdiction, Justices of the Peace, and City Constables. They opposed the bill because (1) they were not fully aware of its submission (though properly advertised) and (2) more importantly, it impacted them personally, politically and financially.

The concept of a Parish-wide City Court within East Baton Rouge Parish had been considered by prior City Court Judges, however, Judge White was the first to introduce enabling legislation for its implementation. Perhaps the concerns that have prevented its implementation have remained the same - namely the financial/political changes that could accompany the transfer of approximately 11,000 misdemeanor and traffic cases from the 19th Judicial District Court to the East Baton Rouge Parish City Court. It is the purpose of this research, after interviewing the affected local parties and analyzing information from the three Parish Courts currently operating in Louisiana, to evaluate the financial/political impact of the implementation of a parish-wide City Court in East Baton Rouge Parish.

B. Louisiana Court Structure

LOUISIANA COURT STRUCTURE

JANUARY 1, 1987



Number of Justices and Judges:

7	Supreme Court
48	Courts of Appeal
192	District, Family and Juvenile
71	City and Parish Courts
318	TOTAL

IN CAPITAL CASES — WHERE THE DEATH PENALTY HAS BEEN IMPOSED — APPEAL IS DIRECTLY TO THE SUPREME COURT FROM THE DISTRICT.

1. Ascension Parish Court
2. The City of New Orleans 1st and 2nd City Court hears civil cases, the Municipal City Court hears criminal cases and the New Orleans Traffic Court hears traffic cases
3. Jefferson 1st Parish Court, Jefferson 2nd Parish Court

Louisiana is composed of sixty-four parishes which are geographically organized into forty District Courts. Each district is comprised of at least one parish and has at least one District Court Judge. The District Courts are further separated into geographic regions with appeals from the District Courts heard by five (5) Circuit Courts of Appeal, one for each of the geographic regions. Each individual parish is served by District Courts, Parish Courts, City Courts, Mayor's Courts or Justices of the Peace, depending on the size of the parish and cities therein. (The legislature has mandated the establishment of City Courts in all wards containing cities of more than 5000 inhabitants). There are currently 50 City Courts in Louisiana and three Parish Courts (courts which have the jurisdiction of City Courts but have parish-wide territorial jurisdiction).

Within East Baton Rouge Parish there are currently three different levels of jurisdiction. First, the 19th Judicial District Court, located in the City of East Baton Rouge, is a court of general jurisdiction. It has jurisdiction over all criminal felony cases parish-wide and all misdemeanor cases outside the city limits, and all civil cases above \$10,000 in value parish-wide. Significantly, the District Court also has jurisdiction over traffic violations that are cited by the State Police and the Sheriff's office parish-wide. Secondly, there are three City Courts within the parish, which are the City Court of East Baton Rouge, the City Court of Baker, and the City Court of Zachary. Each of these courts has misdemeanor criminal jurisdiction within its city limits, and civil jurisdiction up to \$10,000 in value. They have jurisdiction over traffic violations

The 19th Judicial District Court uses certain costs, fees and fines assessed to its Judicial Expense Fund to finance a significant part of its operating expenses. Because of this, a bill to extend the territorial jurisdiction of the City Court of East Baton Rouge Parish, which would transfer approximately 11,000 cases to the City Court, would significantly impact court related finances of East Baton Rouge Parish. The extent of this impact to the 19th Judicial District Court, the East Baton Rouge Parish City Court, and other affected parties is the scope of this study.

within their city limits cited by their local city Police (Appendix B). Lastly, there are Justices of the Peace Courts in East Baton Rouge Parish, which serve as courts of limited jurisdiction. They issue criminal arrest warrants and perform minor civil services, including the performances of marriages. Their jurisdiction is limited by the amount in dispute and by the nature of the proceedings (Appendix C).

C. Funding for Louisiana Courts

Dr. Hugh Collins, Chief Deputy Administrator for the Louisiana Supreme Court, described the methods used to fund Louisiana courts as "hodge-podge." He stated that funding varies from parish to parish and district to district. Most District and Parish Courts are funded by a combination of sources, with local governing authorities providing a substantial portion of each court's expenses. However, some District and Parish Courts generate funds to themselves through fines and fees which are assessed to a Judicial Expense Fund (sometimes referred to as a Criminal Court Fund). This fund, which will be discussed further in Part IV of this paper, may be used for "any purpose or purposes connected with, incidental to or related to the proper administration function of the said court or the offices of the individual judges and is in addition to any and all other funds, salaries, expenses, or other monies that are not or hereafter provided, authorized or established by law for any of the aforesaid purposes." (Louisiana Revised Statute 13:992, Acts 1969, No. 135).

II METHODOLOGY

The basic procedure for data collection for this project was the personal interview. Representatives of the East Baton Rouge judicial, legislative, and executive agencies that would have been affected by the passage of House Bill 1655, and persons within other courts in Louisiana that now have parish courts were interviewed to determine (1) how the courts in each parish were financially supported by the governing authorities and other sources (fines, court costs, etc.), (2) the positive and negative aspects of the existence of these type courts within their parishes, and (3) how judicially generated funds were disbursed (Interview Form, Appendix D).

The persons interviewed in East Baton Rouge Parish were:

1. Darrell White, Chief Judge, City Court of East Baton Rouge
2. Doug Gonzales, Chief Judge, 19th Judicial District Court
3. Michael Ponder, Deputy Chief Judge, 19th Judicial District Court
4. Doug Moreau, Judge, 19th Judicial District Court
5. L. J. Hymel, Judge, 19th Judicial District Court
6. William Brown, Judge, 19th Judicial District Court
7. Robert Hester, Judge, 19th Judicial District Court
8. Frank Saia, Judge, 19th Judicial District Court
9. Freddie Pitcher, Judge, City Court of East Baton Rouge
10. Milton Skyring, Judicial Administrator/Clerk of the City Court of East Baton Rouge Parish
11. Russell Hicks, Constable, City Court of East Baton Rouge

12. Lynn Schofield, Director of Finance, City of East Baton Rouge
13. Bryan Bush, District Attorney, 19th Judicial District
14. Joann Dees, Office Manager, Office of the Judicial Administrator, 19th Judicial District Court
15. Robert J. Williams, Jr., Spokesman, East Baton Rouge Justices of the Peace
16. Larry Bankston, Councilman, East Baton Rouge Parish

Those persons interviewed outside East Baton Rouge Parish were:

1. A. J. Kling, District Court Judge, 23th Judicial District
2. Pelgram J. Mire, Jr., Parish Court Judge, Ascension Parish, Louisiana
3. Ms. Sandra J. Smith, Court Administrator, 24th Judicial District
4. Beatrice Tranchina, Judicial Administrator, 1st Parish Court of Jefferson, Louisiana
5. Judge John J. Molaison, 2nd Parish Court for the Parish of Jefferson, Louisiana
6. Rodney de la Gardelle, Clerk, 2nd Parish Court, Jefferson Parish, Louisiana

Obtaining data from the three parish courts was difficult at first, as most officials were very reluctant to return research-oriented phone calls. However, after rapport was established, most of the requested information was received. Most of the interviewees were cooperative even in taking the time to provide specific numbers and figures. Within the Baton Rouge area there was some concern as to the confidentiality of the interviews. The issue to form a Parish Court was sensitive to some affected parties and confidentiality had to be assured before some people felt comfortable with the interview. The

collection of numerical and financial data from the 19th Judicial District Court and East Baton Rouge Finance Department was most interesting. Because of the way the court is financed, i.e. by the local governing authorities providing the majority of the budget, and the District Court generating funds to itself, both parties were adamant in defending their philosophical position on budgeting and the courts. That is, the District Court asserts that it should be adequately funded by the governing authority, particularly in the areas of funding for additional personnel and capital goods. The court contends that its budgetary requests are reasonable, yet the governing authorities do not meet these requests because the court has the ability to generate monies to itself. The court contends that its operating expenses should not be supplemented by generating money to itself through fines assessed on its constituents, as this creates the image of a "speed trap court" that unfairly fines criminal and traffic offenders to meet their salary and equipment needs. Conversely, the governing authorities contend that the budget submissions of the court have been unreasonable in view of the current depressed economic situation in Louisiana.

III REVIEW OF LITERATURE

- A. "A Team ICM Internship Study of the State of Louisiana Courts of Limited Jurisdiction Based on Selected Geographical Areas." Institute of Court Management Research Paper, 1972.

In 1972 a four-member group of interns at the Institute for Court Management conducted the study cited above as part of a comprehensive study conducted by the American Judicature Society (AJS) to determine the best method for unifying and integrating courts of limited jurisdiction into the state system (p.1). Two points of interest were noted; namely, that (1) City Court judges favored becoming full-time judges with parish-wide jurisdiction "on the condition that their salaries were commensurate with the added responsibility," (p. 26) and (2) City Court Judges felt that if city courts were retained or expanded, the state and local governments would have to assume the financial responsibility for curing deficiencies in physical facilities, resources and other court-related services (p. 41).

The report concluded that a change was necessary in courts of limited jurisdiction to produce more effective and efficient justice in these courts. One of four possible alternatives stated was to "create a system of parish-wide or district-wide courts of limited jurisdiction" (p. 48). The recommendation suggested that new courts and judges would be equal to their counterparts in trial courts of general jurisdiction in salary and resources (p. 52). They also

recommended that these courts be made a division of general jurisdiction court (p. 55).

B. "Adjudicatory Processes and the Organization of Trial Courts," Judicature. (August-September, 1986), pp. 99-106.

The above referenced research paper was undertaken by Professors Cornelius Kerwin, Carl Barr, and Thomas Henderson, as part of a federal grant to study the varying types of adjudicatory processes "that dominate the operations of the trial courts of the United States" (p. 99). Their study distinguished three types of adjudicatory processes that are primarily used, and associated them directly with differing levels/types of courts. These types of processes were termed: procedural, decisional, and diagnostic.

Procedural adjudication provided for "an exhaustive exploration of relevant facts and law through formal rules of evidence and procedure. Cases in which procedural adjudication is employed are usually ones with comparatively high stakes, and facts of law are complicated and in dispute" (p. 100). They assessed that a Judge and his staff's control in these cases, though not minimal, are less than in other type cases. They concluded that "critical decisions and information to move a case from inception to disposition are largely in the control of the litigants and not the judge or court personnel" (p. 100).

Decisional adjudication, conversely, significantly included the involvement of the Judge and his staff. This type of adjudication

normally involved large numbers of minor cases (small claims, traffic violations and less serious misdemeanors) and usually the defendants or litigants represented themselves. Because of this trend, the Judges in these types of cases were very likely to informalize the hearings and "even when a lawyer is present, a common sense approach to case disposition reigns" (p. 101). Because of the large volume of these types of cases it was also determined that the "integration of the administrative staff with the Judges led to close working relationships between supervising Judges and senior non-judicial administrators" (p. 102).

Diagnostic adjudication, as presented by this study, was the most unusual type of adjudication. The courts most likely to use its methodology adjudicated juvenile and domestic relations matters. "The Judge in diagnostic adjudication will be heavily involved in determining the root causes of human problems and fashioning a 'treatment' which best serves the interests of society" (p. 104). The Judges in this type court were more likely to use non-judicial personnel than in the procedural or decisional methods of adjudication. The authors stated, "Perhaps the most distinctive feature of diagnostic adjudication is the role of non-judicial personnel in defining issues and securing outcomes in cases" (p. 102). In other words, the judges used the advice of professionals (psychologists, counsellors, doctors, etc.) to make their decisions.

Note: In the interview with Judge White he referenced this article. He stated that the District Court, because of the nature of most of its

cases, uses procedural adjudication which is generally a longer, more exhaustive process. The Baton Rouge City Court uses Decisional Adjudication because most of its cases are minor. He suggested that the transfer of traffic and misdemeanor cases to City Court would result in a shorter processing time per case because of the inherent nature of each court's adjudicatory process.

IV FACTS AND FINDING

A. Summary of Major Findings

1. There are currently three Parish Courts in Louisiana. All three are reported to be functioning effectively and serving the public of their respective districts more efficiently than before Parish Courts were created.

2. Although most of the judges of the 19th Judicial District feel the Parish Court was conceptually sound, few would support its implementation for two reasons. First, as a result of the number and type of cases that would be transferred to an East Baton Rouge Parish Court, the District Court would lose approximately \$300,000 of its revenues or 13.4% of its annual operational costs. In addition, because of the poor history of budget negotiations between the 19th Judicial District Court and the East Baton Rouge Parish City Government, the court does not trust the city parish to adequately finance the court if the court were to lose these funds.

3. The 19th Judicial District Court contends that a reduction of 37.9% of its caseload would not significantly decrease the personnel necessary to efficiently manage the court. Conversely, the Baton Rouge City Court contends that it could absorb a 11.2% increase in case load without adversely impacting its staff size.

B. History of Parish Courts in Louisiana

The Louisiana Constitution of 1921-Article 7, Section 51(a) authorized the legislature to create a Parish court in the Parish of Jefferson, Louisiana. In 1962, Louisiana Revised Statute 13:2561.1 and Acts 1962, No. 484 created the First Parish Court for the Parish of Jefferson, establishing its territorial boundries and its civil and criminal jurisdiction (Appendix E). In June, 1966, a second Parish Court for the Parish of Jefferson was created by Act 1966, No 5. This court's territorial boundries and jurisdiction were the same as its predecessor (Appendix E).

The Louisiana Constitution of 1974 under Article V, Section 15(a) authorized additional parish level courts. It stated "the legislature...may abolish or merge trial courts of limited jurisdiction, and may establish trial courts of limited jurisdiction with parish-wide territorial jurisdiction, and subject matter shall be uniform throughout the state" (Appendix F). Soon thereafter, Louisiana Revised Statue 12:2563.1, Acts 1976, No. 307 created a parish court in Ascension Parish (Appendix G). However, the three parish courts created were not uniform in jurisdiction, as required by the constitution. In an attempt to consolidate these courts of varied jurisdictions and responsibilities, and to organize the Louisiana courts into a tiered system, including Parish Courts, the late Judge Albert Tate (former Associate Justice of the Louisiana Supreme Court and Judge, 5th Circuit Federal Court of Appeals) prepared three Acts to

be submitted to the legislature in 1979. Only one of the three, The Uniform Parish Court Jurisdiction and Procedure Act, passed (Appendix F). In general this statute provided for jurisdiction and procedures similar to those presently pertaining to City Courts. The Parish Court Administration Act and the Parish Court Enabling Act did not pass.

The type of court proposed by Judge White would be termed a "City Court with parish-wide jurisdiction" because of the unique nature of East Baton Rouge Parish, i.e. the three City Courts currently operating within the parish. The proposed territorial jurisdiction would be parish-wide excluding the city limits of Zachary and Baker. In all other respects the "City Court with parish-wide jurisdiction" would be analogous to the other three Parish Courts operating in Louisiana. Therefore, for continuity in this study, the proposed court for East Baton Rouge Parish will be called a "Parish Court."

C. 23rd Judicial District Court/Ascension Parish Court

1. 23rd Judicial District Court

Funding for District Court: Ascension is one of three parishes that comprise the 23rd Judicial District of Louisiana. Judge Pilgram Mire is the Parish Court Judge and Judge A.J. Kling is one of the four District Court Judges of the 23rd District. Judge Kling, who formerly served as the first Parish Court Judge in Ascension, was overwhelmingly supportive of the jurisdictional division in his parish. He reported that there is a very cooperative working spirit and everyone's

dockets are up to date. The District Court receives 100% of its financial support from its governing authorities, i.e., the three police juries (called County Councils in most states) of each parish, i.e., Ascension (50%), Assumption (25%), and St. James (25%). Seventy-six per cent (76%) of all fines assessed go to the governing authorities, 12% to the Sheriff, and 12% to the District Attorney.

2. Ascension Parish Court

Funding of the Court: Ascension Parish Court was established January 3, 1976 (Appendix G). It should be noted that there are no general provisions for assessment of cost in criminal matters in the Louisiana Parish Courts. However, it is generally understood that amounts assessed coincide with respective District Courts (Benchbook, L.T.C.L.J. Ch. 5, Sec. 13). District Court costs are not standard throughout the state, therefore Parish court costs are not uniform. LSA R.S. 13:2563.17 provides that "In addition to all other fines, forfeitures and costs, the Ascension Parish Court may assess additional costs not to exceed five dollars to be transmitted to the Clerk of Court, who shall establish a separate account for a Judicial Expense Fund to be used for any purpose related to the administration or operation of the court, except for the salary of the Judge (but not that of a temporarily appointed Judge)" (Benchbook, L.T.C.L.J. Ch. 5, Sec. 14). Judge Mire reported that the \$5.00 cost assessed per guilty disposition more than adequately pays the operational costs of his court, including his secretary's salary. He stated that the Clerk of Court provided his court reporter, and the State, in conjunction with

the three cities over which he has jurisdiction, pays his salary. The only negative reaction Judge Mire expressed was his concern over the ridiculous courtroom facilities in some of the three municipalities to which he travels.

Disbursement of Funds: Judge Mire reported that the governing authorities in Ascension Parish endorse the Parish Court concept because they enjoy the benefits of a Judge who travels to their cities, hears traffic and minor cases, does not ask for an annual budget, and assesses fines that are disbursed to their general fund. Fines, forfeitures, etc., and costs imposed by the Ascension Parish Court that occur within the municipalities of Donaldsonville, Gonzales and Sorrento are remitted to the general fund of the respective municipalities. Fines, forfeitures, etc., that occur outside the municipalities are collected by the Sheriff of Ascension Parish and are turned in to the general fund of the parish. Recipients of these court costs are as follows:

Criminal Court Costs: \$58.50

11.00 Sheriff
15.00 Indigent Defense Board
10.00 Parish Clerk
5.00 Parish Court (JEF)
7.50 Victims Reparation (State)
10.00 District Attorney

D.W.I. Court Costs \$108.50

All of the above plus:

50.00 Sheriff (Rehabilitation Fund)

Traffic Tickets Court Costs	\$51.00
	11.00 Sheriff
	15.00 Indigent Defense Board
	10.00 Parish Clerk
	5.00 Parish Court (JEF)
	<u>10.00</u> District Attorney

Affect of the Parish Court on District Court:

On disposition time.

District Court Judge A.J. Kling reported that since the establishment of the Parish Court in Ascension Parish the disposition time of civil filings has decreased 33%, so that the time from filing to disposition is generally six months. In criminal cases the time between arraignment to trial is ninety (90) days, or an improvement of 50%. He reported that the formation of the court had no affect on the Constables or Justices of the Peace.

On finances.

The financial impact to the District Court was beneficial as reported by Judge Kling. He stated that the increased productivity generated revenues to the governing authorities of Ascension, Assumption and St. James and thus he was able to request more funds. He stated further that although the District Court lost no personnel, the Parish Court added personnel to its staff (which Parish Court Judge Mire reported were completely paid for from the \$5.00 criminal cost assessed in the Parish Court). Judge Kling was adamant in his position that in matters of limited jurisdiction, the public/litigants were more effectively served by a Parish Court.

On caseload.

The impact that the Ascension Parish Court had on the caseload of the 23rd Judicial District Court is depicted in the chart below. In

particular, Ascension Parish heard 15,097 criminal cases in 1986, 14,614 of which were there in the Parish Court and only 483 in the District Court. Judge Mire's statement that "I get all the small cases disposed of and let the District Court Judges handle the big ones" is supported by the fact that although Ascension Parish comprises 50% of the population of the 23rd District, it only accounts for 10.7% of the criminal docket of District Court.

Chart A. Filings for 23rd District and Ascension Parish

	Ascension Parish Court	23rd District Court (from Ascension only)	23rd District Court Total
Population	54,600	54,600	100,600
Square Miles	303	303	924
Cases Processed:			
Civil:	522	2,545	3,981
Criminal:	14,614	483	4,520
Juvenile:	88	172	300
Total	15,224	3,200	8,801

D. 24th District Court/Jefferson 1st Parish and Jefferson 2nd Parish Courts

1. Twenty-fourth District Court.

Composition of Court. The 24th District Court is similar to the 19th Judicial District Court in that both courts serve only one parish. The 24th District Court serves Jefferson Parish, which has a population of 476,915 and encompasses 600 square miles (from Louisiana 1985 Roster of Officials). The court consists of fifteen District Court Judges, and has jurisdiction over felony criminal cases parish-wide and has civil jurisdiction in all civil cases when the amount in question exceeds \$5,000.

Funding for the Court. Sandy Smith, the Court Administrator for the 24th District Court reported that the court has an annual budget of over \$2,000,000. One hundred per cent of her budget is provided by the local governing authority, which is the Jefferson Parish Council. The court also has a Judicial Expense Fund which receives \$15.00 per civil suit filed. The court receives no fees from criminal cases and receives no fine money. Ms. Smith stated that the revenues from civil filings were approximately \$15,000 per month.

Disbursement of Criminal Court Costs:

\$90.00

17.50	Clerk of Court
25.00	Indigent Defender Board
10.00	District Attorney
12.50	Sheriff
25.00	Off-Duty Officer Fee
	(Max \$50.00)

As with the 19th Judicial District Court, fines are disbursed with 76% going to the governing authority, 12% to the Sheriff and 12% to the District Attorney. Mrs. Smith reported a loss of income when the Parish Court was formed because of the District court no longer hearing traffic cases, from which the court had previously received court costs.

Description of Caseload (from the Judicial Council of the Supreme Court of Louisiana, Annual Report 1986.)

Civil: The District Court had 17,367 civil filings in 1986. Mrs. Smith reported that the average processing time per case was two to six months.

Criminal: The District Court had 3,955 criminal cases filed in 1986 with an average processing time per case of ninety days or less.

Note: Ms. Smith was most helpful in providing the objective facts and figures germane to this report, but was reluctant to discuss the subjective aspects of the formation of the Jefferson Parish Courts.

When asked "Is the Parish Court within your district working effectively?" and "Do you feel that in matters of limited jurisdiction the public/litigants are served more effectively by a Parish court?" Ms. Smith answered "No comment" to both questions.

2. Jefferson 1st Parish Court and Jefferson 2nd Parish Court.

Funding for the Courts. Both Jefferson Parish Courts were created to hear civil claims under \$5,000, criminal misdemeanors, traffic violations and violations of Parish Ordinances occurring within the boundaries of Jefferson Parish. The courts are constitutional Parish Courts with their existence reaffirmed by Act 5, Section 13 of the 1974 Constitution, even though their jurisdiction is not parish-wide. Jefferson 1st Parish Court hears cases within Jefferson Parish and on the east bank of the Mississippi River. Jefferson 2nd Parish Court has jurisdiction on the west bank. Both courts receive 100% of their budgeting needs from the governing authorities of Jefferson Parish. Additionally, both courts have Judicial Expense Funds that receive \$15.00 per filing in criminal matters (Benchbook, L.T.C.L.J. Ch.5, Sec. 15).

Disbursement of Funds. Clerk of the 2nd Parish, Randy de le Gardelle, reported the following disbursements:

Traffic Costs	\$75.00
	7.50 Clerk of Court
	25.00 Off-Duty Officer Fee
	12.50 Indigent Defense Fund
	15.00 Parish Court Operational Fee (JEF)
	5.00 Computer Cost
	<u>10.00</u> District Attorney

Criminal Cost: Include all of the above plus
 7.50 Victim Reparation (State)
 2.00 Law Enforcement Training Fund
 \$84.50 Total

Note: If a D.W.I. is involved an additional \$50 is charged. All fines and forfeitures are disbursed as follows:

76% Governing Authority
12% Sheriff
12% District Attorney

Of particular note is the \$5.00 computer fee. Mr. de le Gardelle reported that this fee allows the court to upgrade the computer system without having to ask the governing authorities to provide additional financial support in this area. He also stated that his court "generates a substantial amount of money that goes into the general fund because his court collects fines from criminal cases." Mr. de le Gardelle reported that he has to use his Judicial Expense Fund to pay for any "extras" the court needs, i.e. training, special projects, etc.

Effect of Parish Courts on 24th District Court

On Disposition Time. The following chart is a composite of information provided by Sandy Smith, Court Administrator, 24th Judicial District, Mr. de le Gardelle, Administrator 2nd Parish Court, Ms. Beatrice Tranchina, Administrator 1st Parish Court, and Judge John Jackson Molaison, Judge Jefferson Parish 2nd Court.

Chart B. Disposition Time in 24th District and Jefferson Parish Courts

24th District Court (prior to formation of Parish Court in 1962)	Civil 6 mo.-12 mo.	Criminal Not Available
(After creation of Parish Court)	2 mo.-6 mo.	3 mo.
Jefferson 1st and 2nd Parish Court	2 mo.-3 mo.	1 mo.-2 mo.

On Finances. Ms. Smith reported that the current budget of her court was over \$2,000,000. The JEF receives approximately \$15,000 per month in court costs. She stated that the court lost considerable revenues when it discontinued processing traffic cases. This researcher detected underlying ill-feelings from Ms. Smith in her relationship with Parish Court. However, apart from her replying "No comment" to questions regarding the effectiveness of Parish Court, no other information was obtained concerning this relationship.

On Caseload. 1986 filings from the 24th District Court and Jefferson 1st and 2nd Parish Courts are as follows:

Chart C: 1986 Filings for Jefferson 1st and 2nd Parish Courts and 24th Judicial District Court

	Jefferson 1st Parish Court	Jefferson 2nd Parish Court	24th Judicial District Court
Filings			
Civil	4,606	2,552	17,367
Criminal	2,552	4,080	3,955
Traffic	40,022	21,975	0
Total	47,180	53,693	21,322

E. 19th Judicial District Court/East Baton Rouge City Court

1. 19th Judicial District Court

Composition of the Court: The 19th Judicial District court is a court of general jurisdiction located within East Baton Rouge Parish, Louisiana, the only parish in the 19th District. The district is served by seven civil Judges, six criminal Judges and two Commissioners (who hear civil suits filed by prisoners throughout the state). It has jurisdiction over all felony cases parish-wide and all misdemeanor and traffic cases outside the city limits of East Baton Rouge, Zachary, and Baker, Louisiana. It has civil jurisdiction in all cases above \$10,000 in value. However, litigants may file any civil case in District Court if they desire.

Funding of District Court: Two sources fund the 19th Judicial District Court, i.e., the local governing authority of East Baton Rouge Parish, which provides the majority of funding, and the Judicial Expense Fund. Louisiana Revised Statute 13:991, Acts 1969, No. 135 established the Judicial Expense Fund (JEF), which provides that in addition to all other costs and fees provided by law, the Clerk of the 19th Judicial District Court can collect up to \$15.00 from every person filing a civil suit and up to \$5.00 from every criminal case over which the 19th Judicial District Court has jurisdiction, in which the defendant is convicted after trial or guilty pleas. It states further that "the Clerk of Court shall place all sums...in a separate account to be

designated as the Judicial Expense Fund for the 19th Judicial District Court. The Judges, en banc, of the 19th Judicial District Court shall have control over the fund and all disbursements made therein".

In addition to the cost and fees cited above, significant income is generated to the JEF from fines in cases that are suspended. Fines that are assessed in District Court are disbursed so that 76% of the total is disbursed to the governing authority, 12% to the Sheriff, and 12% to the District Attorney. However, Article 895.1 (added by Acts 1977, No. 720) provides that "when a court suspends the imposition or the execution of a sentence and places the defendant on probation, it may in its discretion, order placed, as a condition of probation, an amount of money to be paid by the defendant to any or all of the following..." One of the four areas that could receive an amount of money at the Court's discretion was the criminal court fund (termed the Judicial Expense Fund by the 19th Judicial District Court.) The following chart delineates the revenues received by the 19th Judicial District Court from these two sources for the years 1985 and 1986.

Chart D: Revenues Received by 19th Judicial District Court

	1985	1986
From Governing Authority	\$1,762,391	\$1,969,792
From Judicial Expense Fund Resources		
Civil Filing Fees	126,948	136,512
Criminal Costs	115,878	95,568
Probation Fines	233,626	222,600
Miscellaneous*	67,006	89,427
Total JEF Revenues	\$476,452	\$454,680

*Miscellaneous includes interest on Certificates of Deposit, Transcript Charges to attorneys, etc.

Disbursement of Monies by the 19th Judicial District Court. Money received by the court from the governing authorities is accounted for through the finance department of the City-Parish. All monies expended from this budget are accomplished through direct pay requests routed through the finance department. In general, these funds are expended for personnel, supplies, contractual services and capital goods (Appendix H). Disbursements from the Judicial Expense Fund are regulated by LRS 13:992, Acts 1979, No. 135. Generally, the statute states that the funds, "may be for any purposes connected with, incidental to or related to the proper administration or function of the said court or offices of the individual Judges." Specifically the statute mentions that "the funds may be used to pay court reporters, secretarial, clerical, research, administrative or other personnel deemed necessary to expedite the business of the court, pay for a law library for the court, buy or maintain any type equipment, supplies or other items consistent to the efficient operation of the court". The majority of the revenues from the Judicial Expense Fund are expended in four areas, i.e. salaries, computer costs, furniture and fixtures, and parking. The chart below delineates the spending in these areas for 1985 and 1986.

Chart E: Disbursement of Judicial Expense Fund of 19th Judicial District Court*

	1985	1986
Salaries	359,323	226,454
Computer Costs	55,075	56,616
Furniture and Fixtures	84,387	31,512
Parking	24,460	24,804
Miscellaneous	23,602	112,974**
Total	546,847	452,360

*Provided by Joann Dees, Office Manager, 19th Judicial District Court.

** \$31,000 for a 2-way television call-out system.

Description of Caseload for the 19th Judicial District Court.

As stated previously, the 19th Judicial District Court has jurisdiction over all felony cases parish-wide and all misdemeanor cases outside the city limits, and all city cases above \$10,000 in value parish-wide. Additionally, and significantly to House Bill 1655, the District Court has jurisdiction over all traffic violations that are cited by the State Police and the Sheriff's Office parish-wide. The following figures from the Clerk of Court's Office represent the type of cases heard in District Court in 1985-86.

Chart F: Types of Cases Heard in 19th Judicial District Court

	Civil Filings	Felonies	Misdemeanors	Criminal Filings Traffic	Other
1985	14,586	2,175	2,377	11,002	214
1986	15,896	2,291	2,354	8,850	165

Financial Impact of House Bill 1655 on Revenues of the 19th Judicial District Court.

A. Civil filing costs: The effect of House Bill 1655 on the number of civil cases that would be transferred to the new East Baton Rouge Parish Court (and filing costs therein) was difficult to measure, as there were no statistics that identified cases heard in District Court as being more or less than \$10,000 in value. Chief City Court Judge Darrell White, Chief Judge of District Court, Doug Gonzales, District Court Judge L. J. Hymel and Office Manager for the District Court, Joann Dees all reported that the financial impact due to civil cases being transferred would be relatively small compared to the financial impact of the misdemeanor and traffic cases that would change jurisdiction. Statistics from Ascension and Jefferson Parishes seem to support their opinions as shown by the current caseloads in the different courts.

Chart G: Current Caseloads in Parish Courts and District therein.

	Ascension Parish Court	23rd District Ct. (from Ascen. Parish)	Jefferson 1st and 2nd Parish	24th Dist.
Civil	522	2,545	7,158	17,367
Criminal & Traffic	<u>14,614</u>	<u>483</u>	<u>68,629</u>	<u>3,955</u>
Total	15,136	3,028	75,787	21,322

That is, in a district that has a parish court, the District Court retains jurisdiction over a substantial portion of civil filings and the Parish Court hears the majority of criminal/traffic cases.

B. Misdemeanor/traffic fees and fines. Under proposed House Bill 1655, misdemeanor and traffic cases would fall under the jurisdiction of the new Parish Court. District Court Judges Ponder, Hester, McDonald, Downing and Hymel all reported that at least 95% of all costs and fines generated to the JEF were from misdemeanor/traffic cases. From Chart D above, this would imply revenues to the JEF of \$110,084 from court costs and \$221,945 from fines in 1985 and \$90,790 from court costs and \$211,470 from fines in 1986, or a yearly average for 1985 and 1986 of \$100,437 from court costs and \$216,708 from fines, or a yearly average total of \$317,145 per year.

Chief Judge of the 19th Judicial District Court, Doug Gonzales, endorsed the concept of a Parish Court, however, when asked if the proposal was viable he replied, "No, it would financially devastate the District Court because of its current dependence on the Judicial Expense Fund." He continued that "If we had a contract with the governing authority to guarantee a necessary amount of funding dedicated in perpetuity for District Court, then we would accept the proposal now." This basic idea that the JEF was vital to having an efficient District Court was supported by Judges Michael Ponder, Bob Hester, William Brown and L.J. Hymel. They also expressed a lack of confidence in the governing authority to fund the full budget needs. In particular, Judge Hymel, a proponent of computerization in the court, was not sure that the governing authority would provide the necessary funds to continue the court's effort to computerize the court in the areas of records management and case tracking. When Larry Bankston, a member of the East Baton Rouge City-Parish Council (1/2 of

the governing authority), was asked what effect the passage of the bill would have upon the council's approval of future funding for District Court, he replied, "It would depend to what degree the impact on the District Court not having to hear traffic and misdemeanor cases would be." He continued, "This is an economy of scales issue. If the District Court did not need as many personnel or as much equipment to cover the court as a result of this lower volume of work, then the council would undoubtedly not be inclined to fund anything they thought excess to the needs of the Court."

Mr. Bankston's comment raised an interesting point, i.e.. Would the District Court require less funding as a result of the decreased caseload? Chief Judge of the District Court, Doug Gonzales, proposed that the courts financial needs would be unaffected. Instead of decreasing the workload, "We would get far more civil and felony cases processed." Judge Hymel, a District Court Judge assigned to the criminal bench, agreed. He stated, "The District Court would process more felony trial cases instead of smaller misdemeanor and traffic cases." The general consensus of the District Court Judges was that even though they would decrease the total number of cases by approximately 30%, this would not affect the budgetary needs because these cases are minor cases and generally disposed of quickly once the case is heard. The other 70% of the cases they would retain were the ones that require the most time and research and therefore costs.

During interviews of persons from District Court and the local governing authorities, it was obvious that there was considerable

gamesmanship in the budgeting process. Although there appears to be an excellent working relationship between the court and the governing authorities, each fights tenaciously to justify its position in the governmental triad, especially during the budgetary process. After the dust settles everyone is apparently friendly, but one gets the impression that neither would turn his back on the other. The information on the chart below (provided by Ms. Dees the Office Manager of the 19th Judicial District Court), represents the contributions of both the governing authority and the District Court's Judicial Expense Fund (JEF) to the annual operating costs of the court from 1982-86. It demonstrates in particular the District Court's dependence on its Judicial Expense Fund.

Chart H: Comparison of Budget Requested and Received and Judicial Expense Fund Revenues and Expenditures from 1982-86.

1982

Budget Request by Court:	\$1,532,060
Final Budget by City:	1,588,545*
Revenue of Judicial Expense Fund:	298,442
Expenditures of Judicial Expense Fund:	322,168

1983

Budget Request by Court:	\$1,892,820
Final Budget By City:	1,625,114
Revenue of Judicial Expense Fund:	300,708
Expenditures of Judicial Expense Fund:	296,994

1984

Budget Request by Court:	\$1,963,220
Final Budget by City:	1,834,370
Revenue of Judicial Expense Fund:	314,509
Expenditures of Judicial Expense Fund:	357,646

1985

Budget Request by Court:	\$2,199,420
Final Budget by City:	1,762,390
Revenue of Judicial Expense Fund:	543,458
Expenditures of Judicial Expense Fund:	546,847

1986

Budget Request by Court:	\$2,163,570
Final Budget by City:	1,969,441
Revenue of Judicial Expense Fund:	544,107
Expenditures of Judicial Expense Fund:	452,360

*An unanticipated pay raise on April 1, 1982, resulted in this anomaly.

2. Baton Rouge City Court. "The Uniform Parish Court Jurisdiction and Procedure Act makes no provision for the assessment or disposition of fines, forfeitures, penalties and costs in criminal matters" (Benchbook, L.T.C.L.J. Ch. 5, Sec. 10). The benchbook states that it can "only be reasonably understood that Parish Courts are to dispose of fines, forfeitures, penalties and costs in criminal matters in the same manner as District Courts." It continues to state that clarifying legislation is needed in this area. It is this lack of clarity that has caused some confusion about the House Bill. Judge White verbally promised that the fees and costs would be distributed as they currently are in District Court, which is as follows:

\$ 4.00 Sheriff
8.00 Clerk of Court
15.00 Indigent Defense Board
10.00 District Attorney
5.00 District Court (JEF)

However, the statute concerning the Judicial Expense Fund for the 19th Judicial District Court (Louisiana Revised 13:991, Acts 1969 No. 135.) states that \$5.00 could be assessed to the fund for criminal cases "over which the 19th Judicial District Court has jurisdiction". Additionally the statute states, "The funds could be used for any function of the said court." Thus, it would follow that the \$5.00 JEF fee would be allocated to the court that had jurisdiction in the case and the court that incurred the expenses at the trial, i.e., the new Baton Rouge Parish Court. This position was supported by Lynn Scofield, Director of Finance for the City-Parish of East Baton Rouge, (the governing authority). When asked his opinion on transferring jurisdiction of Parish-wide misdemeanor/traffic cases to the City Court and allowing the continued disbursement of the \$5.00 cost assessed to the 19th Judicial District Court, he replied, "The council won't approve it and we, the executive body could hardly endorse it either." If the JEF costs were to be disbursed to the City Court, it would mean increased revenues to the City Court JEF of approximately \$100,437 per year (see financial impact on District Court, (b)misdemeanor/traffic fees and fines) in costs.

Additionally, the statute regarding the disbursement of fines in suspended sentences states that "One area to which the fines can be redirected is to the Criminal Court fund to defray the costs of operation of that court." Using the same logic as with costs, the fines could not be directed to the District Court JEF. However, these fines could be directed to the City Court JEF.

In 1986, Baton Rouge City Court processed 6,383 misdemeanor cases and 91,910 traffic cases. The transfer of approximately 11,000 misdemeanor/traffic cases from District to City Court would mean an 11.2% increase in caseload. Mickey Skyring, Judicial Administrator/Clerk of Court of East Baton Rouge, reported his court could absorb the increase without adding additional personnel to his staff.

An interesting political effect that the bill would have on City Court Judges would be that they would be required to run for election parish-wide rather than city-wide. City Court Judge Fred Pitcher, the first minority to be elected to the position of Judge in East Baton Rouge, stated that, "His election was in part due to the very large black population within the city limits." He continued that, "It would be more difficult and more expensive for a minority to run parish-wide." Additionally, there could be more candidates, as currently all aspirants to the position of City Judge must reside within the city limits.

Financial Impact of House Bill 1655 on other Judicial/Governmental Agencies

A. East Baton Rouge Parish. Currently 76% of the District Court fines are designated for the local governing authority. If more cases were processed by a Parish Court, this alone would increase revenues to the City-Parish Treasury. Additionally, in 1985 and 1986 the District Court suspended fines on probated sentences and

subsequently ordered the placement of approximately \$200,000 by the defendants into the JEF of District Court. If fines that are currently being suspended and redirected by the District Court were not necessary to the new Parish Court, less sentences could conceivably be suspended, with the associated fines being allocated, as stated by law, with 76% going to the governing authority.

B. District Attorney's Office/City Prosecutor's Office.

The financial impact on the District Attorney's Office if a City Court with Parish-wide jurisdiction were formed was the most difficult to assess as there is currently a pending lawsuit regarding the jurisdiction of prosecution of specific cases in East Baton Rouge Parish, i.e. whether the City Court has the jurisdiction to hear cases that are violations of both municipal ordinances and state law. Mr. Bush contends the city has written City Ordinances that duplicate state statutes in order to obtain prosecutorial authority over those cases, and thus deny his office the legal right to try those cases. If the city's actions are upheld, his office would also be denied the \$10.00 court costs per guilty disposition. The final decision to be reached by the Louisiana Supreme Court, where the case now rests, could have a significant bearing on who would try the criminal cases in a City Court with Parish-wide jurisdiction and consequently, which court would receive court costs, fines or other financial benefits therein.

In addition to the current suit pending, it was difficult to make comparisons of prosecutorial offices because of the variances in structures of these offices in parishes with Parish Courts and

those with none. In the parishes studied that had Parish Courts, there was no need for a City Prosecutor's Office. All criminal cases were handled by the local District Attorney. When guilty dispositions were reached, a \$10.00 court cost was disbursed to that office. However, East Baton Rouge Parish has a City Court Prosecutor's Office, which includes a staff of fourteen part-time prosecuting attorneys (who are able to maintain private law practices) with an annual budget of \$440,000. District Attorney Bryan Bush stated, "There would be no need for the City Court Prosecutor's Office if the City Court's jurisdiction were extended." He continued to say that his office could handle all of the criminal cases currently being heard by City Court with five Assistant District Attorneys, utilizing only the additional \$10.00 court costs accrued to his office to fund these positions.

C. Justices of the Peace and Constables. The Justices of the Peace and Constables have serious reservations concerning the establishment of a Parish Court. The constables are concerned their job functions would eventually be taken over by Deputy Sheriffs. Justice of the Peace spokesman, Robert J. Williams stated, "This bill is the first step in an attempt to put the Justices of the Peace out of business." However, it appears the Justices of the Peace and Constables would not be affected with the passage of the bill. First, the bill itself states that..."Nor shall it affect in any manner the offices of Justices of the Peace and Constable in any ward in the Parish." In discussing the issue with other Parish Court officials, there indeed appears to be no affect on these offices when a Parish Court is formed. Judge John J. Molaison of the 2nd Parish Court of

Jefferson Parish, Louisiana, stated that, "In a Parish 100 miles wide, the Justices of the Peace and Constables were indispensable to the Parish Courts." They served as magistrates and were a vital component of the court system. Sandra Smith, Court Administrator for the 24th Judicial District, affirmed that the Justices of the Peace were used for small claims settlements and in authorizing and distributing arrest warrants.

D. Other Law Enforcement Agencies, i.e., Sheriff, Department of Public Safety and Corrections, Indigent Defender Board, Clerk of Court: None of the above cited agencies would be adversely affected by House Bill 1655, as the fees/fines generated to each agency should remain the same, independent of the case being tried in District or a new Parish Court of limited jurisdiction. The only benefit to these agencies would be that if more cases were processed, those eligible for receipt of monies generated from fines or court costs should receive increased revenues.

V CONCLUSION

The implementation of a Parish Court in East Baton Rouge Parish would significantly impact the finances of the East Baton Rouge Parish judicial system. The 19th Judicial District Court, a one parish District Court system, would lose an average of \$300,000 annual income or 13.4% of its total operating costs. Most of this lost revenue has been dedicated to fund the areas not adequately funded by the governing authority, i.e., salaries for additional court personnel, computer hardware/software, and furniture and fixtures. Although the District Court's revenues would decrease, its financial needs would remain essentially the same. Specifically, the District Court would lose jurisdiction over the misdemeanor and traffic cases, which are normally disposed of more quickly and generate significant revenues to the court. They would retain only felony and civil cases, which generate only modest revenues. These latter cases take more time and are more costly to process through the legal system. The most significant reason for the District Court's adamant concern about losing jurisdiction over these cases, and thus the ability to generate revenue to itself, was its general distrust of the governing authority to adequately fund the needs of the court.

The financial impact upon other City-Parish and judicial agencies would be significant also. If the current suit concerning prosecutorial jurisdiction were decided in favor of the District Attorney, there would be no need for a City-Parish Prosecutor's Office as the cases could be prosecuted by the District Attorney's Office,

using only the \$10.00 court cost designated to that office per each guilty disposition. The Parish Court would recognize an 11% increase over the current City Court filings, but the court could reportedly absorb this increase without increasing its budget. Additionally the new Parish Court could potentially receive over \$100,000 in court costs if the \$5.00 District Court cost were assessed to the Parish Court Judicial Expense Fund.

The City Parish government (the governing authority of both the Parish and District Court) would receive additional revenues of \$400,000 annually in savings by abolishing the City Prosecutor's Office. Secondly, approximately \$200,000 annually in fines which are currently being redirected to the District Court's Judicial Expense Fund could be designated to the Parish Court Judicial Expense Fund. However, that does not appear likely as there appears there would be no need in the Parish Court for these funds. Thirdly, there could be an increase of revenue based upon the increased productivity of both the District Court and a new Parish Court that would proportionately increase the 76% of fines designated to the governing authorities from these cases. The Justices of the Peace and Constables would not be adversely affected by House Bill 1655, as the Bill was protective in its nature when written. In parishes already having Parish Courts, it was reported that these positions were unaffected almost entirely.

In assessing the financial impact of the formation of a Parish Court in East Baton Rouge, one would be remiss in his responsibility if he did not view his findings in light of the ultimate purpose of a

judicial system, that is, the ability of the system to efficiently and effectively serve the participants and public in judicial matters. In other words, would the changes resulting from House Bill 1655 increase or decrease the ability of the court system to serve the public?

Considering both sides of the issue, information received from District Courts that have Parish Courts operating within their district, support the conclusion that a Parish Court provides more timely and orderly service to the public for two reasons. First, and most important, there is a shorter case processing time, and second, the public generally knows that felony and civil cases (over a specified dollar amount in jurisdiction) are heard in District Courts, and misdemeanors and traffic cases are heard in lower level courts. On the other hand, if the District Court were not adequately funded, there would be a negative long-term effect on service to the public for two reasons. First, without necessary funding for salaries, personnel would be reduced, which would result in slower case processing time. Second, the officials of the 19th Judicial District Court assert that the public would best be served by computerization of the court, focusing on records management and computer-aided transcription of courtroom testimony. This effort would require funding above the normal operating budget, which historically the governing authority has not provided.

Throughout the course of study on this project, this researcher noted several weaknesses within the judicial system of East Baton

Rouge, Louisiana that were not conducive to responsible fiscal management. These weaknesses were:

(1) There appeared to be no accountability for the Judges with regard to their Judicial Expense Fund, apart from public access to an annual audit to verify revenues and expenditures.

(2) District Court is so directly dependant on suspended and diverted fines from the constituency it serves, that this circumstance could possibly affect the objectivity of the sentences imposed.

(3) The gamesmanship in the budgeting process between both the District Court and the governing authorities is fiscally irresponsible. The governing authorities do not supply the necessary financial needs of the court because they realize the court has the power to generate money to cover any deficits. As a result, the court suspends more fines and redirects more money to its Judicial Expense Fund because the budget was not adequate. This is a "Catch 22" situation which has resulted in an increase of 82% of redirected fines to the Judicial Expense Fund in the last four years. The governing authorities and the District Court need to discontinue the power plays currently existing in budgetary matters and become more fiscally responsible to the public they serve.

RECOMMENDATIONS

Based upon the conclusions stated above, and the weaknesses within the current system, this report makes the following recommendations:

Recommendation: This report recommends that a City Court with Parish-wide jurisdiction (excepting the cities of Baker and Zachary) be implemented in East Baton Rouge Parish, Louisiana. However, prior to the official implementation of this new court of extended jurisdiction, a committee should be formed to examine the problems, in particular the financial considerations that would arise as a result of its implementation. The committee should be comprised of representatives of the District Court, City Court, the governing authority and neutral persons knowledgeable of both parish finances and the judicial process.

The committee might consider the following as possible areas for study and consideration (this listing is not exhaustive and other areas should be considered as deemed appropriate by the committee):

(1) Could the governing authority assure the District Court's total annual budget?

(2) Should the District Court cease diverting fines and costs from the governing authority?

(3) Should the governing authority supply all of the District Court's furniture and fixtures?

(4) Should the District Court raise its civil filing fee (which is deposited into the Judicial Expense Fund) to \$15.00, which is authorized by state law, in order to meet anticipated computerization costs?

(5) Should the new Parish Court agree to not disproportionately increase revenues to its Judicial Expense Fund despite the anticipated increase in criminal and traffic cases to be heard?

(6) Could the District and City Courts consolidate into one larger court with separate division of court designated to hear certain levels/types of cases?

Appendix A

HLS 86-2183

Regular Session, 1986

HOUSE BILL NO. 1655

BY MR. GAUDIN

COURTS/CITY: Extends the territorial jurisdiction of the City Court of Baton Rouge throughout the parish of East Baton Rouge

AN ACT

To amend and reenact R.S. 13:1952(4), relative to the City Court of Baton Rouge, to extend the territorial jurisdiction, and to provide for related matters.

Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the Constitution of Louisiana.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 13:1952(4) is hereby amended and reenacted to read as follows:

§1952. Courts created by special legislative act

The following city courts, heretofore created and established by special legislative act, are hereby recognized and continued in existence and, except as otherwise provided in this Section, their territorial jurisdiction shall extend through the city and ward or wards wherein the city in which they are domiciled is located, as extended from time to time:

* * *

(4) The City Court of Baton Rouge, domiciled in the city of Baton Rouge, parish of East Baton Rouge, having four city judges and a city constable. The court shall be divided into four divisions, namely, divisions "A", "B", "C", and "D". and if

Page 1 of 2

ORIGINAL

CODING: Words in ~~o-s-l-u-c-h~~ through type are deletions from existing law; words underlined are additions.

1 authorized by a majority of the electors in the parish of East
2 Baton Rouge who vote thereon at an election held for that purpose.
3 its territorial jurisdiction shall extend throughout the
4 territorial area of the city of Baton Rouge as extended from time
5 to time parish of East Baton Rouge, provided that this shall not
6 affect the jurisdiction of any existing court within the parish.
7 nor shall it affect in any manner the offices of justice of the
8 peace and constable in any ward of the parish.

9 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the bill.

Session

Act

HB No.

Proposed law relative to the territorial jurisdiction of the Baton Rouge City Court, would, after an approval election by the voters of East Baton Rouge Parish, extend the jurisdiction from the city limits of Baton Rouge to throughout the parish. Provides that existing courts within the parish and justice of the peace courts would not be affected.

(Amends R.S. 13:1952(4))

Appendix B

The Plan of Government

of the

Parish of East Baton Rouge

and the

City of Baton Rouge



Adopted August 12, 1947
Effective January 1, 1949

AMENDED — July 29, 1952

AMENDED — November 6, 1956

AMENDED — November 3, 1964

AMENDED — November 8, 1966

AMENDED — November 3, 1970

AMENDED — February, 1, 1972

AMENDED — October 27, 1979

AMENDED — September 11, 1982

Park Commission not later than December 15 of each year. The Recreation and Park Commission shall not issue any bonds or other certificate of indebtedness, nor authorize any expenditure for the purchase of land or the construction of any building, structure, work or improvement unless the appropriation for such project either has been included in the capital budget and approved by the Planning Commission, or shall be authorized by a vote of at least six members of the Recreation and Park Commission. (As amended July 29, 1952, effective September 5, 1952.)

SECTION 11.03. Public Library. There shall continue to be a Public Library for East Baton Rouge Parish, with such branches and other services as may be established by the Board of Control thereof. The Board of Control shall, after the first day of January 1949, consist of the Mayor-President ex-officio and five citizens of the Parish appointed by the Metropolitan Council for terms of five years, provided that the five citizen members of the Board of Control in office on the said first day of January 1949, shall each continue in office until the expiration of his term and that thereupon his successor shall be appointed for a term of five years. Vacancies shall be filled by the Council for the unexpired portion of the term. The Board of Control shall have all the powers and duties conferred or imposed by the General Laws of the State of Louisiana on Boards of Control of Parish Public Libraries, and the cost of maintaining the Parish Public Library and its several branches and services shall be provided by appropriations made by the Council, such appropriations to be in such amounts and proportions as the Council determines. (As amended November 3, 1964.)

SECTION 11.04. City Court and Judge. There shall continue to be a City Court of the City of Baton Rouge, which shall have jurisdiction over the territorial area of the City of Baton Rouge, as extended by this Plan of Government, and the provisions of Title 13, Sections 2071 through 2080 of the Louisiana Revised Statutes of 1950, shall continue in full force and effect except to the extent that they are in conflict with the provisions of this Section. The City Court shall be a court of record except where the amount in dispute is less than \$100.00, exclusive of interests. The City Court shall exercise such jurisdiction within the territorial limits of the City of Baton Rouge as may be conferred upon it by the Constitution of the State of Louisiana.

The City Court shall have but four Judges, unless the number be increased by a vote of two-thirds (2/3rds) of the members of the Metropolitan Council. The senior Judge in point of service on the court shall be the chief or presiding judge.

Judges of the Court must be electors of the City of Baton Rouge, and have been admitted to the practice of law in Louisiana at least three (3) years prior to their selection. The Judges of the City Court shall be elected for terms of six (6) years. The Judges of the City Court shall receive such salary as the Council may from time to time determine, but such salary shall not be decreased during their tenure of office and moreover, shall not be less than \$39,500.00 per annum effective January 1, 1983. The annual salary of the City Judge or Judges shall be fixed by the Council by ordinance adopted at least one year prior to the commencement of the term of the City Judge or Judges whose compensation is to be affected thereby, and if no such ordinance be adopted, the compensation for the City Judge or Judges shall remain as previously fixed by the Council.

Judges of the Court shall not practice law, nor shall they or any officer or employee of the Court receive any fees.

The Clerk of the City Court shall be appointed by the City Judge at a salary fixed by the Council. The number and compensation of Deputy Clerks and employees, who shall be members of the Classified Service as provided in Chapter 9 of this Plan of Government or any Personnel System for City employees in general applicable to the City of Baton Rouge, shall be fixed by the Council.

All expenses of the Court, including the compensation of the Judge, Clerk and other employees, shall be paid from appropriations made by the Council.

The Court shall have full power to make and promulgate its own rules of Court within the limitations as might otherwise be imposed by the Constitution or Legislature of Louisiana. (As amended July 29, 1952, effective September 5, 1952.) (As amended September 11, 1982)

SECTION 11.05. City Constable. There shall continue to be a City Constable for the City of Baton Rouge as extended by this Plan of Government, and the provisions of the Charter of the City of Baton Rouge relating to such City Constable shall continue in full force and effect, to the extent that they are in conflict with the provisions of this Section.

The City Constable shall receive no remuneration for the performance of his official duties except the salary mentioned hereinafter. The annual salary of the City Constable shall be fixed by the Council by ordinance adopted at least one year prior to the commencement of the term of the City Constable whose compensation is to be effected thereby, and if no such ordinance be adopted the compensation of the City Constable shall remain as previously fixed by the Council.

The Chief Deputy Constable shall be appointed by the City Constable at a salary fixed by the Council. In the event of the City Constable's absence or inability to act for any cause, the Chief Deputy Constable shall have the power and authority to act in his capacity, and to perform all the powers and duties conferred or imposed on the Constable. The number and compensation of other Deputy Constables, who shall be members of the Classified Service as provided in Chapter 9 of this Plan of Government or any Personnel System for City employees in general applicable to the City of Baton Rouge, shall be fixed by the Council.

All expenses of the City Constable office, including the compensation of the Constable and his deputies, shall be paid from appropriations made by the Council. (As amended November 3, 1964.)

SECTION 11.06. Justices of the Peace and Ward Constables. From and after the first day of January 1949 no Justice of the Peace or Ward Constable shall be elected for or exercise jurisdiction in the City of Baton Rouge as extended by this Plan of Government, but Justices of the Peace and Constables shall be elected from Justices of the Peace Wards outside the City, to be determined by the governing body of the Parish, which may consist of the whole or part of any pre-existing Police Jury Ward or of a combination of such Wards or part of such Wards, provided that the Justices of the Peace and Constables elected in 1948 for any Ward shall retain and exercise their powers, duties and jurisdictions within the limits of such Ward, or the portion of such Ward outside the City of Baton Rouge, for the term for which they were elected.

Appendix C

JUSTICE OF THE PEACE JURISDICTION

C.C.P. Article 4841 - Subject Matter Jurisdiction:

A. The subject matter jurisdiction of parish courts, city courts and justice of the peace courts is limited by the amount in dispute and by the nature of the proceeding, as provided in this Chapter.

B. For the purposes of this Chapter, the amount in dispute is determined by the amount demanded or value asserted in good faith by the plaintiff, but does not include interest, court costs, attorney fees, or penalties, whether provided by agreement or by law.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980. Amended by Acts 1980, No. 372, § 1, eff. July 18, 1980.

C.C.P. Article 4844 - Amount in Controversy; Justice of the Peace Court:

The civil jurisdiction of a justice of the peace court is concurrent with the district court in cases where the amount in dispute does not exceed one thousand two hundred dollars.

Acts. 1979, No. 46, § 1, eff. Jan. 1, 1980. Amended by Acts 1982, No. 823, § 1.

C.C.P. Article 4845 - Amount in Dispute; Eviction Proceedings

A. A parish court or city court shall have jurisdiction, concurrent with the district court, over suits by owners and landlords for the possession of leased premises within its territorial jurisdiction, as follows:

(1) Where the lease is by the day and the daily rental is one hundred fifty dollars or less.

(2) Where the lease is by the week and the weekly rental is five hundred dollars or less.

(3) Where the lease is by the month and the monthly rental is one thousand five hundred dollars or less.

(4) Where the lease is by the year and the annual rental is eighteen thousand dollars or less.

(5) Where the suit is to evict an occupant as defined by Article 4704, if the annual value of the right of occupancy does not exceed the amount in dispute to which the jurisdiction of the court is limited by Articles 4842 and 4843.

B. A justice of the peace court shall have jurisdiction concurrent with the parish or district court, over suits for the possession or ownership of movable property not exceeding five hundred dollars and over suits by landlords for the possession of leased premises when the monthly or yearly rent, or the rent for the unexpired term of the lease, does not exceed five hundred dollars.

C. In parishes having a population in excess of four hundred twenty-five thousand, a justice of the peace court shall have jurisdiction concurrent with the parish or district court, over suits for the possession or ownership of movable property not exceeding one thousand five hundred dollars and over suits by landlords for the possession of leased premises when the monthly or yearly rent, or the rent for the unexpired term of the lease, does not exceed one thousand five hundred dollars.

D. In computing the jurisdictional amount for purposes of eviction suits, the daily, weekly, monthly, annual or other rental provided by the lease, exclusive of interest, penalties, or attorney fees, shall determine the amount in dispute.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980. Amended by Acts 1983, No. 301, § 1

C.C.P. Article 4846 - Amount in Dispute; Jurisdiction of Incidental Demands; Parish and City Courts

When a parish or city court has subject matter jurisdiction over the principal demand, it may exercise subject matter jurisdiction over any incidental action properly instituted in connection with the principal demand, regardless of the amount in dispute in the incidental demand.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Article 4847 - Limitations upon Jurisdiction; Nature of Proceedings:

In addition to the limitation by the amount in dispute as set forth above, the jurisdiction of parish courts, city courts, and justice of the peace courts is limited by the nature of the proceeding, as set forth in Articles 4848 and 4849.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Article 4848 - Limitations upon Jurisdiction:

A parish court, city court or justice of the peace court has no jurisdiction in any of the following cases or proceedings:

- (1) A case involving title to immovable property;
- (2) A case involving the right to public office or position;
- (3) A case in which the plaintiff asserts civil or political rights under the federal or state constitutions;
- (4) A claim for annulment of marriage, separation from bed and board, divorce, separation of property, or alimony;
- (5) A succession, interdiction, receivership, liquidation, habeas corpus, or quo warranto proceeding;
- (6) A case in which the state, or a parish municipal, or other political corporation is a defendant; and
- (7) Any other case or proceeding excepted from the jurisdiction of these courts by law.

Acts 1979, No. 45, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4849 - Limitations upon Jurisdiction; Justice of the Peace Courts:

In addition to those limitations contained in Article 4848, a justice of the peace court may not do any of the following:

- (1) Exercise jurisdiction over an executory proceeding;
- (2) Issue any injunctive order, except to arrest the execution of its own writ; or
- (3) Exercise jurisdiction in an adoption, tutorship, emancipation, or partition proceeding.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4851 - Jurisdiction over the Person:

A parish court, a city court, and a justice of the peace court may exercise jurisdiction over the person to the same extent, and in the same manner, as a district court.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4852 - Jurisdiction in Rem or Quasi in Rem; Executory Proceedings:

A. A parish court or a city court may exercise jurisdiction quasi in rem over movable or immovable property, or jurisdiction in rem over movable property, in the manner provided by law, if the property is situated within the territorial jurisdiction of the court.

B. A parish court or a city court may issue a writ of seizure and sale in an executory proceeding to enforce a privilege or mortgage on movable or immovable property.

C. A justice of the peace court may not exercise jurisdiction in rem or quasi in rem.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4853 - Venue:

A. The rules of venue provided in Articles 41 through 45,

71 through 79 and 81, and 121 through 124 apply to suits brought in the parish court.

B. The rules of venue provided in Articles 41 through 45, 71 through 79 and 121 through 124 apply to suits brought in city court, except that where these articles use the word "parish" it shall be construed to mean the territorial jurisdiction of the city court.

C. The rules of venue provided in 41 through 45, 71, 73, 74, 75, 76, 77, 78 and 79 apply to suits brought in justice of the peace court, except where these articles use the word "parish" it shall be construed to mean the territorial jurisdiction of the justice of the peace court.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4861 - Recusation of Judges:

A parish court or city court judge or justice of the peace may recuse himself or be recused for the same reasons and on the same grounds as provided in Article 151.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4871 - Jury Trial Prohibited:

There shall be no trial by jury in any case in a parish court, city court, or justice of the peace court.

Acts 1979, NO. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4911 - Application:

The provisions of this Chapter shall apply:

- (1) To all cases in the justice of the peace courts.
- (2) To all cases in a city court in which the amount in dispute is one thousand dollars or less, and
- (3) To all cases in a parish court in which the amount in

dispute is one thousand dollars or less.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980. Amended by Acts 1983, No. 119, § 2

C.C.P. Art. 4912 - Pleadings:

A. A party or his attorney may state the claim, exceptions, defenses, or other pleas orally to the clerk of court, and no written pleadings are required, except:

(1) When an attachment or sequestration is demanded, an affidavit setting forth the grounds thereof must be filed; and

(2) When executory process as to a immovable is demanded, the pleadings shall be in writing.

B. A court by rule may require that any party utilizing the oral pleading procedure complete a form in writing or execute an affidavit before the clerk of the court, setting forth the nature of his claim or defense and facts relevant thereto.

C. A party may file other written pleadings if he so desires, but additional fees resulting from written pleadings not required shall not be imposed upon the party cast as costs of court.

D. A defendant shall include in his answer, whether oral or in writing, all of the exceptions upon which he intends to rely.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4913 - Record of the Case; Subsequent Entries:

Where no written pleadings are required, the clerk of court shall record in a permanent book the title of the case, the docket number, the name and address of all parties, a brief statement of the nature and amount of the claim, the issuance and service of citation, the defenses pleaded, motions and other pleas made, the names of witnesses who testified, a list of the documents offered at the trial, the rendition of judgment and any appeal therefrom.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 4917 - Notice of Judgment:

A. Notice of judgment must be given when:

(1) The defendant was not served personally and made no appearance in the proceedings;

(2) The case has been taken under advisement; or

(3) The case is not taken under advisement but the court does not sign a judgment at the time, and a party makes a request of record for notice.

B. Where the party who is entitled to notice of judgment does not have counsel of record, the notice shall be served by a proper officer upon the party, either personally or at his domicile.

C. Where the party who is entitled to notice of judgment has counsel of record, notice of judgment shall be given by mailing or delivering a copy of the judgment to the counsel of record.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 5002 - Appeals from Justice of the Peace Courts

A. Appeal from a judgment rendered by a justice of the peace court shall be taken to the parish court or, if there is no parish court, to the district court of the parish in which the justice of the peace court is situated.

B. The case is tried de novo on appeal.

C. No further appeal from the judgment of the parish or district court is allowed.

D. Supervisory jurisdiction of the proceedings in the parish or district court may be exercised by the court of appeal which otherwise would have had appellate jurisdiction.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

C.C.P. Art. 5011 - Procedure:

The rules provided in Articles 4912 through 4920 apply to a suit in a district court, when the justice of the peace would have concurrent jurisdiction thereof.

Acts 1979, No. 46, § 1, eff. Jan. 1, 1980.

APPENDIX D

Interviewee_____.

Position_____.

INTERVIEW QUESTIONNAIRE

A. Funding of the Court

1. What is your annual budget?_____.

2. Who is your local governing authority?_____.

3. Per cent or dollar amount of annual budget provided by local governing authorities?_____.

4. Other sources of funding?_____.

5. Per cent or dollar amount provided by other funding?_____.

6. Does your court have a Judicial Expense Fund?_____.

If yes, how are revenues generated?_____.

B. Disbursement of Funds

1. How do you disburse fees and court costs collected?_____.

2. How do you disburse fines?_____.

C. Effect of Parish court on District Court (answer only those questions applicable to your court.)

1. How long did it take to process a case from filing to disposition, before the Parish Court was created? Civil _____, Criminal _____.
2. What is current processing time? Civil _____, Criminal _____.
3. Do you use the office of Constable _____.
If so how? _____.
4. Do you still use Justices of the Peace? _____.
If yes, how are they used? _____.
5. When misdemeanor/traffic cases were transferred to Parish Court, how did it impact District Court financially? _____.
Budget? _____.
Personnel? _____.
6. What concrete evidences could you give to support the opinion that the Parish Court within your district is working effectively or ineffectively? _____.
_____.
7. Do you feel that in matters of limited jurisdiction the public/litigants are served more effectively by a Parish Court? _____.
Why? _____.
Why not? _____.

APPENDIX E

CHAPTER 8-A. PARISH COURTS

PART I. FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

- 2561.1. Creation; territorial boundaries.
- 2561.2. Civil jurisdiction.
- 2561.3. Criminal jurisdiction.
- 2561.4. Limitations on civil jurisdiction.
- 2561.5. Judges; qualifications and salary; election of additional judges.
- 2561.6. Election of judge; terms.
- 2561.7. Powers of judge.
- 2561.8. Traffic offenses.
- 2561.9. Annual vacation.
- 2561.10. Applicability of Code of Civil Procedure.
- 2561.11. Repealed.
- 2561.12. Clerk; seal.
- 2561.13. Sheriff as executive officer.
- 2561.14. Prosecution of criminal cases.
- 2561.15. Court reporter.
- 2561.16. Office space.
- 2561.17. Appellate jurisdiction.

PART II. SECOND PARISH COURT FOR THE PARISH OF JEFFERSON

- 2562.1. Creation; territorial boundaries.
- 2562.2. Civil jurisdiction.
- 2562.3. Criminal jurisdiction.
- 2562.4. Limitations on civil jurisdiction.
- 2562.5. Judges; election; qualifications; salary; division.
- 2562.6. Election of judge; terms.
- 2562.7. Powers of judge.
- 2562.8. Traffic offenses.
- 2562.9. Annual vacation.
- 2562.10. Code of Civil Procedure; applicability.
- 2562.11. Repealed.
- 2562.12. Clerk; seal.
- 2562.13. Sheriff as executive officer.
- 2562.14. Prosecution of criminal cases.
- 2562.15. Court reporter.
- 2562.16. Office space.
- 2562.17. Appellate jurisdiction.

PART II-A. PROVISIONS APPLICABLE TO THE FIRST AND SECOND PARISH COURTS, JEFFERSON PARISH

- 2562.21. Traffic hearing officers; qualifications; duties.
- 2562.22. Judicial expense fund; traffic case management and accident reporting system.

PART III. PARISH COURT FOR THE PARISH OF ASCENSION

- 2563.1. Creation; territorial boundaries.
- 2563.2. Civil jurisdiction; limitations.
- 2563.3. Criminal jurisdiction.
- 2563.4. Parish court judge as judge of juvenile court; jurisdiction; clerk; sessions and records.
- 2563.5. Judge; qualifications and salary.
- 2563.6. Holding court in municipalities.
- 2563.7. Powers of judge.

**PARISH OF JEFFERSON
Ch. 8-A**

R.S. 13:2561.1

- 2563.8. Traffic offenses.
- 2563.9. Annual vacation.
- 2563.10. Applicability of Code of Civil Procedure.
- 2563.11. Clerk; seal.
- 2563.12. Sheriff as executive officer; municipal officers.
- 2563.13. Prosecution of criminal cases.
- 2563.14. Court reporter.
- 2563.15. Office space.
- 2563.16. Disposition of fines and forfeitures.
- 2563.17. Judicial expense fund; established.

PART IV. GENERAL PROVISIONS

- 2564.1. Compensation of parish court judges; maximum.
- 2564.2. Parish court judges; reimbursement for travel and hotel expenses.

**PART I. FIRST PARISH COURT FOR THE PARISH
OF JEFFERSON**

Acts 1975, No. 88, repealing Constitution 1921, Art. 7, § 51(a), relating to parish courts in Jefferson Parish, provides in part that this repeal shall not affect the provisions of R.S. 13:2561.1 to 13:2562.16.

§ 2561.1. Creation; territorial boundaries

There is hereby created a court to be known and designated as the First Parish Court for the Parish of Jefferson, State of Louisiana the territorial boundaries of which shall be Wards 7, 8, 9 and 10, of the parish of Jefferson, which is composed of all of that territory in the parish of Jefferson lying east of the Mississippi River.

Added by Acts 1962, No. 484, § 1.

History and Source of Law

Acts 1962, No. 484, creating the First Parish Court for the Parish of Jefferson, provided in § 17 that the act should take effect and become operative if and when a proposed amendment adding new § 51(a) to Article VII of the 1921 Constitution was adopted. The proposed amendment was adopted at the general election on November 6, 1962.

Title of Act:

An Act creating a court to be known as "The First Parish Court for the Parish of Jefferson, State of Louisiana"; fixing the territorial boundaries thereof; providing its civil and criminal jurisdiction; providing for

a judge, his qualifications, salary, appointment and election, term of office and powers; designating a clerk, the executive officer of the court and a prosecuting attorney; providing for the fixing by the judge of a schedule of traffic fines for traffic violations; designating a court seal and providing for a court reporter; providing for trial procedures and appeals; and providing that this act shall become effective if, and when, the amendment to Article VII of the Louisiana Constitution, by adding a new section thereto to be designated as 51(a), proposed by House Bill No. 934 is duly adopted at the general election to be held in November, 1962. Acts 1962, No. 484.

Library References

Courts ~~41~~.
C.J.S. Courts § 120 et seq.

§ 2561.2. Civil jurisdiction

This court has civil jurisdiction concurrent with that of the district court, within its territorial boundaries, where the amount in dispute, or the value of the property involved, does not exceed two thousand dollars, exclusive of interest, costs and attorney fees, including suits for possession of leased premises; and in case of any reconventional demand, intervention or third party opposition filed in the court and necessarily connected with or growing out of the main demand, the court shall be divested of jurisdiction over the main demand and all of the incidental demands where the amount in dispute or the value of the property involved in any reconventional demand, intervention or third party opposition exceeds two thousand dollars, exclusive of interest, costs and attorney fees and the case shall be removed to the twenty-fourth judicial district court.

Added by Acts 1962, No. 484, § 2. Amended by Acts 1977, No. 298, § 1.

History and Source of Law

The 1977 amendment rewrote the section, which previously read:

"This court has civil jurisdiction concurrent with that of the district court, within its territorial boundaries, where the amount in dispute, or the value of the property involved, does not exceed \$1,000.00, exclusive of interest, costs and attorney fees,

including suits for possession of leased premises; and in case of reconventional demands, interventions and third party oppositions filed in the court and necessarily connected with or growing out of the main demand, the court shall retain jurisdiction irrespective of the amount in dispute or the value of the property involved."

Cross References

Civil jurisdiction of parish courts, amount in controversy, see LSA-C.C.P. art. 4842.

Library References

Courts ~~183~~.
C.J.S. Courts § 265.

Notes of Decisions

1. Ejectment

The First Parish Court for the Parish of Jefferson, which had civil jurisdiction in disputes or ejectments where the monetary amount at issue does not exceed \$1,000, had jurisdiction of suit for eviction of occupant who allegedly either converted plaintiff's property to his own use by misrepresenting that he would subsequently execute a lease or who occupied on a month-to-month lease basis at a stipulated rental of \$155, since in case of conversion, there was no criterion for setting a monetary damage demand absent a prayer for damages as well as for eviction, while in a month-to-month lease, the monthly rental of \$155 was the control-

ling monetary sum for purposes of the jurisdictional limitation. *Krieg v. Sciortino*, App.1977, 343 So.2d 1216.

In summary ejectment proceedings, jurisdiction of court of origin, in courts of limited jurisdiction throughout state, other than First City Court of City of New Orleans, is determined by monthly rental, if it is month-to-month rental agreement, but if there is lease for year or other term it is yearly or unexpired rent due at time of proceeding which fixes jurisdiction. *Tete v. Hardy*, Sup.1973, 283 So.2d 252.

First City Court for City of New Orleans has exclusive jurisdiction in cases of eviction where monthly rental is less than \$100

PARISH OF JEFFERSON

R.S. 13:2561.4

Ch. 8-A

even though it is provided for in yearly lease and accumulated monthly rent for year or unexpired term would exceed \$100. Id.

§ 2561.3. Criminal jurisdiction

This court has criminal jurisdiction concurrent with that of the district court, for the trial of all persons charged with offenses or crimes committed within its territorial boundaries, but not including capital crimes or those crimes or offenses which are punishable by imprisonment at hard labor under the laws of this state.

Added by Acts 1962, No. 484, § 3.

Library References

Criminal Law ¶87.
C.J.S. Criminal Law § 122.

Notes of Decisions

Appeals 2
Prior law 1

1. Prior law

Words "municipal court" as used in LSA-Const. 1921 Art. 7, § 36 (see, now, LSA-Const. Art. 5, § 16) giving district courts appellate jurisdiction of all appeals from sentences imposing fine or imprisonment by mayor's court or by city or municipal court included parish court, and former R.S. 13:2561.11 providing appeal from parish court of Jefferson Parish to 24th Judicial District Court was thus not in conflict with constitutional provision fixing appellate jurisdiction of district courts. *State v. Cumming*, 1967, 251 La. 416, 204 So.2d 769.

2. Appeals

Appeal from conviction before the First Parish Court of Jefferson Parish of resisting an officer was properly lodged in the Supreme Court rather than the Twenty-

Fourth Judicial District Court of Jefferson Parish where defendant was sentenced to pay fine of \$450 and serve four months in parish jail, with additional four months' sentence contingent on failure to pay fine. *State v. Greff*, Sup.1969, 230 So.2d 81.

LSA-Const. 1921 Art. 7, § 36 (see, now, LSA-Const. Art. 5, § 16), which provided that district courts shall have appellate jurisdiction, except as otherwise provided, over all appeals from sentences imposing fine or imprisonment by mayor's court or by city or municipal court was not applicable to appeals in criminal cases tried in parish courts where fines imposed were in excess of \$300. *State v. Seals*, 1969, 254 La. 904, 228 So.2d 310.

District court had no jurisdiction to hear appeal of defendant who had been convicted in parish court of illegal carrying of weapons where sentence imposed included fine of \$450. Id.

§ 2561.4. Limitations on civil jurisdiction

This court shall not have jurisdiction in civil matters involving successions or probate matters; where a succession is the defendant; in divorce or separation proceedings; in matters concerned with adoption, emancipation, interdiction or legitimacy of persons; when the state, parish or other political subdivision is a party defendant; where title to real estate is involved; in election contests; in a case where a state, parish or other public official is involved in his official capacity; or where a federal or state law or a parish or municipal ordinance is sought to be invalidated; or any matters which under the laws of this state are under the jurisdiction of the juvenile court.

Added by Acts 1962, No. 484, § 4.

R.S. 13:2561.4

**PARISH COURTS
Ch. 8-A**

Cross References

Juvenile jurisdiction of courts, see LSA-C.J.P. art. 14 et seq.

Library References

Courts ⇐162.

C.J.S. Courts § 244.

§ 2561.5. Judges; qualifications and salary; election of additional judges

A. This court shall have two judges whose term of office shall be six years each, and who shall be elected by the qualified electors residing within the territorial boundaries of the court; provided that the additional judge to be elected hereunder shall be elected initially and shall serve an initial term as provided in Subsection (B). Each judge shall possess the same qualifications that are required of district judges and shall receive an annual salary of not less than seventeen thousand five hundred dollars each, but shall be less than the salary paid; from all sources, to the district court judges of the Twenty-fourth Judicial District Court, in and for the Parish of Jefferson, State of Louisiana, payable monthly on his own warrant, and the governing authority of Jefferson Parish shall determine the salary paid and shall provide for the entire salary of each judge in its annual budget. Each judge shall be a qualified, resident elector of the territorial jurisdiction of the court for at least two years prior to his election or appointment.

B. For the purpose of nomination and election only, there is created in the First Parish Court for the Parish of Jefferson two divisions to be known as Division "A" and Division "B". Division "A" shall be occupied by the judge of the court who is holding office on June 30, 1969, and Division "B" shall be occupied by the additional judge created by this section. The additional judge for the First Parish Court for the Parish of Jefferson shall have the same qualifications and shall be elected at the same time and in the same manner, shall serve the same term of office and shall be entitled to the same compensation and expenses, payable from the same sources, as is now or may be hereafter provided for the other judge of the First Parish Court for the Parish of Jefferson, except that the first judge to fill the additional judgeship herein created may be appointed by the governor until a special election can be held for the position, which election shall be called by the governor, and the judge so elected shall serve a term to expire at the same time as the term of the other judge of the said parish court. Thereafter, the judge shall serve a six-year term concurrent with that of the judges of the Twenty-fourth Judicial District Court. Each candidate for nomination or election for judge of court in the First Parish Court for the Parish of Jefferson, at the time of his qualification therefor, shall specify the division from which he seeks nomination or election. No candidate shall qualify for nomination or election from more than one division.

Added by Acts 1962, No. 484, § 5. Amended by Acts 1965, No. 74, § 1; Acts 1967, No. 85, § 1; Acts 1968, Ex.Sess., No. 43, § 1; Acts 1969, No. 156, § 1.

PARISH OF JEFFERSON
Ch. 8-A

R.S. 13:2561.7

History and Source of Law

The 1965 and 1967 amendments made salary adjustments.

The 1968 amendment added "; election of additional judges" to the section heading and rewrote the section, which previously read:

"This court shall have one judge, whose term of office shall be six years, and who shall be elected by the qualified electors residing within the territorial boundaries of the court. He shall possess the same qualifications as required of district judges and he shall receive an annual salary of not less than \$17,500.00, but shall be less than the salary of the district judges paid, from all sources, to the district court judges of the Twenty-fourth Judicial District Court, in and for the Parish of Jefferson, State of Louisiana, payable monthly on his own warrant, and the governing authority of Jefferson Parish shall determine the salary paid and shall provide for his entire salary in its annual budget. He shall be a qualified, resident elector of the territorial jurisdiction of the court for at least two years prior to his election or appointment."

Acts 1968, Ex.Sess., No. 43 became law without Governor's approval.

The 1969 amendment substituted in the first sentence of subsection B "divisions" for "sections"; substituted in the second sentence of subsection B "section" for "Act" and "June 30, 1969" for "the effective date of this Act"; rewrote the third sentence of subsection B, which previously read: "The additional judge for the First Parish Court for the Parish of Jefferson shall have the same qualifications and shall be elected at the same time and in the same manner, shall serve the same term of office and shall be entitled to the same compensation and expenses, payable from the same sources, as is now or may be hereafter provided for the other judge of the First Parish Court for the Parish of Jefferson, except that the first judge to be elected to fill the additional judgeship herein created shall be elected at a special election which shall be called by the governor within ninety days after the effective date of this Act, and the judge so elected shall serve a term to expire at the same time as the term of the other judge of the said parish court."; and added the last two sentences of subsection B.

Acts 1969, No. 156, § 1, "confirmed, ratified and validated" as well as "amended and reenacted" the above section.

Library References

Judges ⇨ 5, 7, 22(5).
C.J.S. Judges §§ 14, 34.

§ 2561.6. Election of judge; terms

The first judge of this court shall be elected at the state general election to be held in 1964 and he shall serve until the next election for judges of the 24th Judicial District Court, and thereafter, shall be elected, take office and serve a six year term concurrently with that of the judges of the 24th Judicial District Court.

Added by Acts 1962, No. 484, § 6.

Library References

Judges ⇨ 3.
C.J.S. Judges §§ 12 to 14.

§ 2561.7. Powers of judge

The judge of this court may perform marriage ceremonies, require bonds to keep the peace, issue warrants of arrest; examine, commit, and admit to bail and discharge; and hold preliminary examinations in all cases not capital, and shall have all the powers of a district judge within the limits of the jurisdiction of this court. He also has the authority to issue the necessary writs in all cases in order to carry into effect the jurisdiction of the court, irrespective of the value of the property seized.

Added by Acts 1962, No. 484, § 7.

R.S. 13:2561.7

PARISH COURTS

Ch. 8-A

Library References

Judges ~~¶~~24.
C.J.S. Judges § 40.

§ 2561.8. Traffic offenses

The judge of this court shall have the power to fix a schedule of fines, including costs, for the various traffic offenses, and any person charged with such an offense may plead guilty before the clerk, who shall make an entry thereof, and pay the fine and cost for such offense as fixed by the judge in his schedule of fines for the particular offense to the sheriff. All fines and forfeitures collected shall be paid by the sheriff into the general fund of the parish of Jefferson provided that the sheriff shall retain twelve per cent of the amount of fines collected or the amount of bonds forfeited to go into the sheriff's salary and expense fund.

Added by Acts 1962, No. 484, § 8. Amended by Acts 1964, No. 428, § 1; Acts 1974, No. 357, § 1.

History and Source of Law

Prior to the 1964 amendment, fines were collected by the clerk and paid by him into the general fund.	The 1974 amendment increased from 10% to 12% the amount retained for purposes of the sheriff's salary and expense fund.
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Library References

Automobiles ~~¶~~350.
C.J.S. Motor Vehicles § 592.

§ 2561.9. Annual vacation

The judge of this court may take an annual vacation of one month. He may appoint an attorney residing within the territorial boundaries of this Court, which attorney shall possess the same qualifications as that required of the judge, to sit during the month of his vacation. Such attorney shall be paid a sum by the parish of Jefferson equal to one month's salary of the regular judge, and he shall have the powers and duties of a regular judge while sitting as such.

Added by Acts 1962, No. 484, § 9. Amended by Acts 1967, No. 85, § 1.

History and Source of Law

Prior to the 1967 amendment, the vacation was required to be taken during the month of August.

Library References

Judges ~~¶~~22(1).
C.J.S. Judges § 35.

§ 2561.10. Applicability of Code of Civil Procedure

The provisions of the Louisiana Code of Civil Procedure with reference to city courts, shall be applicable to this court in all civil cases.

Added by Acts 1962, No. 484, § 10.

PARISH OF JEFFERSON
Ch. 8-A

R.S. 13:2561.13

Cross References

Trial courts of limited jurisdiction, see LSA-C.C.P. art. 4831 et seq.

Library References

Courts \Leftrightarrow 184.
C.J.S. Courts § 265.

Notes of Decisions

In general 1
Review 2

yearly or unexpired rent due at time of proceeding which fixes jurisdiction. *Tete v. Hardy*, Sup.1973, 283 So.2d 252.

1. In general

In summary ejectment proceedings, jurisdiction of court of origin, in courts of limited jurisdiction throughout state, other than First City Court of City of New Orleans, is determined by monthly rental, if it is month-to-month rental agreement, but if there is lease for year or other term it is

2. Review

Delay for taking appeal from judgment of first parish court is ten days from expiration of three-day period allowed for filing of application for new trial. *Alford v. Delta Airlines, Inc.*, App.1978, 363 So.2d 78.

§ 2561.11. Repealed by Acts 1975, Ex.Sess., No. 51, § 1, eff. Feb. 20, 1975

History and Source of Law

The repealed section, added by Acts 1962, No. 484, § 11, provided for appeal to the 24th Judicial District Court. See, now, generally, LSA-C.C.P. art. 5001 and LSA-C.Cr.P. art. 911 et seq.

§ 2561.12. Clerk; seal

The clerk of court for the parish of Jefferson shall be ex-officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. He shall be entitled to charge the fees as set forth in Section 1986 of Title 13, Louisiana Revised Statutes of 1950. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the First Parish Court for the Parish of Jefferson", which shall be used on all orders, writs and processes issuing from the court. However, the absence of the seal shall not affect the validity of such documents.

Added by Acts 1962, No. 484, § 12.

Library References

Clerks of Courts \Leftrightarrow 3, 11 et seq.
C.J.S. Clerks of Courts §§ 3, 9 et seq.

§ 2561.13. Sheriff as executive officer

The executive officer of this court shall be the sheriff of the parish of Jefferson. All writs and processes in either criminal or civil matters issued by this court, shall be served by the sheriff or his deputy. The sheriff shall receive the fees provided by law, applicable to the 24th Judicial District Court.

Added by Acts 1962, No. 484, § 13.

R.S. 13:2561.13

PARISH COURTS Ch. 8-A

Library References

Courts 55.

Sheriffs and Constables 1, 77.

C.J.S. Courts § 140.

C.J.S. Sheriffs and Constables §§ 1, 35 et seq.

§ 2561.14. Prosecution of criminal cases

All criminal cases shall be prosecuted by the district attorney for the parish of Jefferson, or through an assistant appointed by him.

Added by Acts 1962, No. 484, § 14.

Library References

District and Prosecuting Attorneys 8.

C.J.S. District and Prosecuting Attorneys
§§ 10, 14.

§ 2561.15. Court reporter

The judge shall appoint a competent court reporter to take the evidence in any case in which it is necessary to do so under the laws applicable to district courts, unless the parties waive the appointment of the reporter. At the request of any party, the judge shall order the transcription of the testimony of the court reporter. Except in pauper cases, the fees of the court reporter in civil cases shall be charged as costs in the litigation, and shall be paid primarily by the party requesting the transcription. However, the reporter is not required to file the transcript before payment.

The governing authority of the parish of Jefferson shall fix and pay the salary of the court reporter.

Added by Acts 1962, No. 484, § 15.

Library References

Courts 57(1, 2).

C.J.S. Stenographers §§ 5, 12.

§ 2561.16. Office space

The governing authority for the parish of Jefferson shall provide suitable space, within the territorial boundaries of this court, for the operation thereof.

Added by Acts 1962, No. 484, § 16.

Library References

Courts 72.

C.J.S. Courts § 166.

§ 2561.17. Appellate jurisdiction

Any other law to the contrary notwithstanding, all appeals allowed by law from justice of the peace courts to district courts in civil and criminal matters shall, in the parish of Jefferson for justice of the peace courts east of the Mississippi River, be to the First Parish Court for the Parish of Jefferson instead of to the district court.

Added by Acts 1977, No. 295, § 1. 794

Library References

Justices of the Peace ¶182.
C.J.S. Justices of the Peace § 213.

**PART II. SECOND PARISH COURT FOR THE PARISH
OF JEFFERSON**

§ 2562.1. Creation; territorial boundaries

There is hereby created a court to be known and designated as "The Second Parish Court for the Parish of Jefferson, State of Louisiana," the territorial boundaries of which shall be Wards 1, 2, 3, 4, 5, 6 and 11 of the Parish of Jefferson, which is composed of all of that territory in the Parish of Jefferson lying west of the Mississippi River.

Added by Acts 1966, No. 5, § 1, eff. June 9, 1966, at 1:45 P.M.

History and Source of Law

Title of Act:

An Act to create a court to be known as "The Second Parish Court for the Parish of Jefferson, State of Louisiana"; fixing the territorial boundaries thereof; providing its civil and criminal jurisdiction; providing for a judge, his qualifications, salary, appointment and election, term of office and pow-

ers; designating a clerk, the executive officer of the court and a prosecuting attorney; providing for the fixing by the judge of a schedule of traffic fines for traffic violations; designating a court seal and providing for a court reporter; and providing for trial procedures and appeals. Acts 1966, No. 5.

Library References

Courts ¶41.
C.J.S. Courts § 120 et seq.

§ 2562.2. Civil jurisdiction

This court has civil jurisdiction concurrent with that of the district court, within its territorial boundaries, where the amount in dispute, or the value of the property involved, does not exceed two thousand dollars, exclusive of interest, costs and attorney fees, including suits for possession of leased premises; and in case of any reconventional demand, intervention or third party opposition filed in the court and necessarily connected with or growing out of the main demand, the court shall be divested of jurisdiction over the main demand and all of the incidental demands where the amount in dispute or the value of the property involved in any reconventional demand, intervention or third party opposition exceeds two thousand dollars, exclusive of interest, costs and attorney fees and the case shall be removed to the twenty-fourth judicial district court.

Added by Acts 1966, No. 5, § 2, eff. June 9, 1966, at 1:45 P.M. Amended by Acts 1977, No. 297, § 1.

R.S. 13:2562.2

PARISH COURTS Ch. 8-A

History and Source of Law

The 1977 amendment rewrote the section, which previously read:

"This court shall have civil jurisdiction concurrent with that of the district court, within its territorial boundaries, where the amount in dispute, or the value of the property involved, does not exceed \$1,000.00, exclusive of interest, costs and attorney

fees, including suits for possession of leased premises; and in case of interventions and third party oppositions filed in the court and necessarily connected with or growing out of the main demand and in case of reconventional demands, the court shall retain jurisdiction irrespective of the amount in dispute or the value of the property involved."

Cross References

Civil jurisdiction of parish courts, amount in controversy, see LSA-C.C.P. art. 4842.

Library References

Courts ¶159.

C.J.S. Courts § 244 et seq.

Notes of Decisions

Appeals 2
Mandamus 1

1. Mandamus

An applicant for a writ of mandamus must first exhaust his remedies below by invoking supervisory jurisdiction of court having appellate jurisdiction in the premises before invoking supervisory jurisdiction of the Supreme Court. *Walker v. Allen*, Sup. 1973, 281 So.2d 693.

Where applicant for writ of mandate had invoked supervisory jurisdiction of court having appellate jurisdiction in premises and such court had denied supervisory juris-

diction in matter. Supreme Court would grant application for writ and request such court to consider petition for mandamus under its supervisory jurisdiction or to show cause to contrary. *Id.*

2. Appeals

Fourth Circuit Court of Appeal had no appellate jurisdiction of case in Second Parish Court for Parish of Jefferson involving recovery of deposit required by defendant in connection with proposed sale of boat to plaintiff, where deposit was exactly \$100 and case would be transferred to the 24th judicial district court. *Evans v. Temento*, App.1971, 244 So.2d 308.

§ 2562.3. Criminal jurisdiction

This court shall have criminal jurisdiction concurrent with that of the district court, for the trial of all persons charged with offenses or crimes committed within its territorial boundaries, but shall not include capital crimes or those crimes or offenses which are punishable by imprisonment at hard labor under the laws of this state.

Added by Acts 1966, No. 5, § 3, eff. June 9, 1966, at 1:45 P.M.

Library References

Criminal Law ¶87.

C.J.S. Criminal Law § 122.

§ 2562.4. Limitations on civil jurisdiction

This court shall not have jurisdiction in civil matters involving successions or probate matters; where a succession is the defendant; in divorce or separation proceedings; in matters concerned with adoption, emancipation, interdiction or legitimacy of persons; when the state, parish or other political subdivision is a party defendant; where title to real estate is involved; in election contests; in a case where a state.

PARISH OF JEFFERSON
Ch. 8-A

R.S. 13:2562.5

parish, or other public official is involved in his official capacity, or where a federal or state law or a parish or municipal ordinance is sought to be invalidated; or any matters which under the laws of this state are under the jurisdiction of the juvenile court.

Added by Acts 1966, No. 5, § 4, eff. June 9, 1966, at 1:45 P.M.

Cross References

Juvenile jurisdiction of courts, see LSA-C.J.P. art. 14 et seq.

Library References

Courts —87.

C.J.S. Courts § 30.

§ 2562.5. Judges; election; qualifications; salary; division

A. This court shall have two judges, whose term of office shall be six years each, and who shall be elected by the qualified voters residing within the territorial boundaries of the court, provided that the additional judge elected hereunder shall be initially elected for the term provided in Subsection B hereof. Each judge shall possess the same qualifications that are required of a district judge and shall receive an annual salary equal to that of the judge of the First Parish Court for the parish of Jefferson. The salary shall be payable monthly on his own warrant. The governing authority of Jefferson Parish shall determine the salary paid and shall provide for the entire salary of each judge in its annual budget. Each judge shall be a qualified, resident voter of the territorial jurisdiction of the court for at least two years prior to his election or appointment.

B. For the purpose of nomination and election only, there are created two divisions of the Second Parish Court for the Parish of Jefferson, Division "A" and Division "B". Division "A" shall be occupied by the judge of this court who is in office on the effective date of this Subsection. The additional judge provided for herein shall preside over Division "B". The first judge elected to the judgeship of Division "B" shall be elected at the same election provided for by law for the election of all judges in the Twenty-Fourth Judicial District Court and shall take office on January 1, 1979. Said judge shall serve for a term which shall expire at the same time as is provided by law for the present judge of the Second Parish Court for the parish of Jefferson. Thereafter, the successor to the additional judgeship shall be elected at the same time and in the manner, and shall serve the same term as is now or may be hereafter provided for the judges of the Twenty-Fourth Judicial District Court. Each candidate for nomination or election for judge of the court in the Second Parish Court for the parish of Jefferson, at the time of his qualification therefor, shall specify the division for which he seeks nomination or election. No candidate shall qualify for nomination or election for more than one division.

Added by Acts 1966, No. 5, § 5, eff. June 9, 1966, at 1:45 P.M. Amended by Acts 1976, No. 209, § 1; Acts 1978, No. 63, § 1, eff. June 15, 1978.

R.S. 13:2562.5

PARISH COURTS

Ch. 8-A

History and Source of Law

The 1976 amendment rewrote the section, which previously read:

"§ 2562.5. Judge; tenure; qualifications and salary

"This court shall have one judge, whose term of office shall be six years, and who shall be elected by the qualified electors residing within the territorial boundaries of the court. He shall possess the same qualifications as required of district judges and shall receive a salary equal to the same salary paid to the judge of the First Parish Court for the Parish of Jefferson, payable monthly on his own warrant, and the governing authority of Jefferson Parish shall provide for his salary in its annual budget. He shall be a qualified, resident elector of the territorial jurisdiction of the court for at least two years prior to his election or appointment."

The 1978 amendment rewrote subsection B, which had provided:

"B. For the purpose of nomination and election only, there are created two divisions of the Second Parish Court for the parish of Jefferson, Division A and Division B. Division A shall be occupied by the judge of this court who is in office on the effective date of this Section, and Division B shall be occupied by the additional judge elected under this Section. The governor shall call a special election after December 1, 1976, to elect an additional judge. The judge so elected shall serve a term to expire at the same time as the term of the present judge of this court. Thereafter, the judge shall serve a six-year term concurrent with that of the judges of the Twenty-Fourth Judicial District Court."

Library References

Judges §§ 5, 7, 22(1).

C.J.S. Judges §§ 19, 75.

§ 2562.6. Election of judge; terms

The first judge of this court shall be elected at the next general election following the enactment of this Part and he shall serve until the next election for judges of the Twenty-Fourth Judicial District Court, and thereafter, shall be elected, take office and serve a six year term concurrently with that of the judges of the Twenty-Fourth Judicial District Court.

Added by Acts 1966, No. 5, § 6, eff. June 9, 1966, at 1:45 P.M.

Library References

Judges §§ 3, 7.

C.J.S. Judges §§ 12, 21.

§ 2562.7. Powers of judge

The judge of this court may perform marriage ceremonies, require bonds to keep the peace, issue warrants of arrest; examine, commit, and admit to bail and discharge; and hold preliminary examinations in all cases not capital, and shall have all the powers of a district judge within the limits of the jurisdiction of this court. He shall also have the authority to issue the necessary writs in all cases in order to carry into effect the jurisdiction of the court, irrespective of the value of the property seized.

Added by Acts 1966, No. 5, § 7, eff. June 9, 1966, at 1:45 P.M.

PARISH OF JEFFERSON
Ch. 8-A

R.S. 13:2562.10

Library References

Judges ~~24~~.
C.J.S. Judges § 54.

§ 2562.8. Traffic offenses

The judge of this court shall have the power to fix a schedule of fines, including costs, for the various traffic offenses, and any person charged with such an offense may plead guilty before the clerk, who shall make an entry thereof, and pay the fine and cost for such offense as fixed by the judge in his schedule of fines for the particular offense to the sheriff. All fines and forfeitures collected shall be paid by the sheriff into the general fund of the parish of Jefferson provided that the sheriff shall retain twelve per cent of the amount of fines collected or the amount of bonds forfeited to go into the sheriff's salary and expense fund.

Added by Acts 1966, No. 5, § 8, eff. June 9, 1966, at 1:45 P.M. Amended by Acts 1974, No. 368, § 1.

History and Source of Law

The 1974 amendment increased from 10% to 12% the amount retained for the sheriff's salary and expense fund.

Library References

Automobiles ~~350~~.
C.J.S. Motor Vehicles § 592.

§ 2562.9. Annual vacation

The judge of this court may take an annual vacation of one month. He may appoint an attorney residing within the territorial boundaries of this court, which attorney shall possess the same qualifications as that required of the judge, to sit during the month of vacation. Such attorney shall be paid a sum equivalent to one month's salary of the regular judge by the Parish of Jefferson, and shall have the same powers and duties while sitting as the regular judge.

Added by Acts 1966, No. 5, § 9, eff. June 9, 1966, at 1:45 P.M.

Library References

Judges ~~22~~(1).
C.J.S. Judges § 75.

§ 2562.10. Code of Civil Procedure; applicability

The provisions of the Louisiana Code of Civil Procedure Book 8, shall be applicable to this court in all civil cases except as otherwise herein provided.

Added by Acts 1966, No. 5, § 10, eff. June 9, 1966, at 1:45 P.M.

R.S. 13:2562.10

PARISH COURTS Ch. 8-A

Cross References

Book 8 of the Louisiana Code of Civil Procedure, trial courts of limited jurisdiction, see LSA-C.C.P. art. 4831 et seq.

Library References

Courts ¶78.
C.J.S. Courts § 170.

Notes of Decisions

1. In general

LSA-Const. 1921, Art. 7, § 51(a) [continued as a statute on authority of LSA-Const. 1974, Art. 14, § 16], authorizing legislature to create parish courts for Parish of Jefferson and providing that the legislature shall make such other provisions as may be considered necessary to establish and operate such courts, constituted ample authority for legislature to enact this section making the Louisiana Code of Civil Procedure applicable to proceedings in those courts including provision of LSA-C.C.P. art. 5002 (prior to 1979 revision; see, now, LSA-C.C.P. art. 5003) relating to time in which to petition for appeal. *Ritter v. Washington*, App. 1975, 317 So.2d 204, writ denied 321 So.2d 367.

Where matter before court which issued a judgment annulling a default judgment and granting a new trial was a rule to show cause why preliminary injunction should not issue enjoining execution of judgment sought to be annulled until such time as trial could be had on plaintiff's action to annul judgment, the ambiguous judgment could not be construed as a final judgment disposing of action of nullity on its merits but rather as one vacating default judgment and granting a new trial in damage suit, and judgment was improvidently granted since time for applying for new trial had expired. *Rodrigue v. Ziifle*, Sup. 1974, 288 So.2d 630, appeal after remand 297 So.2d 793.

§ 2562.11. Repealed by Acts 1975, Ex.Sess., No. 51, § 1, eff. Feb. 20, 1975

History and Source of Law

The repealed section, added by Acts 1966, No. 5, § 11, specified those cases in which an appeal would lie.

See, now, generally, LSA-C.C.P. art. 5001 and LSA-C.Cr.P. art. 911 et seq.

§ 2562.12. Clerk; seal

The clerk of court for the Parish of Jefferson shall be ex-officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. The clerk of court shall be entitled to fix his fees, but in no event shall those fees exceed the fees chargeable in the 24th Judicial District Court. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the Second Parish Court for the Parish of Jefferson", which shall be used on all orders, writs and processes issuing from the court. However, the absence of the seal shall not affect the validity of such documents.

Added by Acts 1966, No. 5, § 12, eff. June 9, 1966, at 1:45 P.M.

PARISH OF JEFFERSON
Ch. 8-A

R.S. 13:2562.15

Library References

Clerks of Courts ~~¶~~1.
C.J.S. Clerks of Courts § 1.

§ 2562.13. Sheriff as executive officer

The executive officer of this court shall be the sheriff of the Parish of Jefferson. All writs and processes in either criminal or civil matters issued by this court shall be served by the sheriff or his deputy. The sheriff shall charge and receive fees as provided for by law, not to exceed those applicable to the 24th Judicial District Court.

Added by Acts 1966, No. 5, § 13, eff. June 9, 1966, at 1:45 P.M.

Library References

Sheriffs and Constables ~~¶~~87.
C.J.S. Sheriffs and Constables § 44.

§ 2562.14. Prosecution of criminal cases

All criminal cases shall be prosecuted by the district attorney for the Parish of Jefferson, or through an assistant appointed by him.

Added by Acts 1966, No. 5, § 14, eff. June 9, 1966, at 1:45 P.M.

Library References

District and Prosecuting Attorneys ~~¶~~8.
C.J.S. District and Prosecuting Attorneys
§§ 10, 14(1).

§ 2562.15. Court reporter

The judge shall appoint a competent court reporter to take the evidence in any case in which it is necessary to do so under the laws applicable to district courts, unless the parties waive the appointment of the reporter. At the request of any party, the judge shall order the transcription of the testimony of the court reporter. Except in pauper cases, the fees of the court reporter in civil cases shall be charged as costs in the litigation, and shall be paid primarily by the party requesting the transcription. Provided, however, the reporter is not required to file the transcript before payment.

The governing authority of the Parish of Jefferson shall fix and pay the salary of the court reporter.

Added by Acts 1966, No. 5, § 15, eff. June 9, 1966, at 1:45 P.M.

Library References

Courts ~~¶~~57(1).
C.J.S. Stenographers § 5.

R.S. 13:2562.16

**PARISH COURTS
Ch. 8-A**

§ 2562.16. Office space

The governing authority for the Parish of Jefferson shall provide suitable space, within the territorial boundaries of this court, for the operation thereof.

Added by Acts 1966, No. 5, § 16, eff. June 9, 1966, at 1:45 P.M.

Library References

Courts ⇐72.

C.J.S. Courts § 166.

§ 2562.17. Appellate jurisdiction

Any other law to the contrary notwithstanding, all appeals allowed by law from justice of the peace courts to district courts in civil and criminal matters shall, in the Parish of Jefferson for justice of the peace courts west of the Mississippi River, be to the Second Parish Court for the Parish of Jefferson instead of to the district court.

Added by Acts 1977, No. 296, § 1.

Library References

Justices of the Peace ⇐182.

C.J.S. Justices of the Peace § 213.

**PART II-A. PROVISIONS APPLICABLE TO THE FIRST AND
SECOND PARISH COURTS, JEFFERSON PARISH**

§ 2562.21. Traffic hearing officers; qualifications; duties

A. The offices of Traffic Hearing Officer of the First and Second Parish Courts of Jefferson Parish are hereby created. The judges in each said court may appoint a traffic hearing officer for their court as provided in this Section.

B. Each such traffic hearing officer shall be selected by the duly elected judges for each parish court, to serve at the pleasure, discretion, and direction of the appointing judges for a period of six months. He may be reappointed.

C. Each traffic hearing officer shall possess the same qualifications for office as a parish court judge.

D. The salary of each traffic hearing officer shall be set by the Jefferson Parish Council.

E. A traffic hearing officer may engage in the practice of law and in any other business, occupation, or employment not inconsistent with the expeditious, proper, and impartial performance of his duties as judicial officer. Any questions regarding the propriety of other business, occupation, or employment by a traffic hearing officer shall be determined by the appointing parish court judges.

F. Office space necessary for the conduct of the office of traffic hearing officer shall be provided by the Jefferson Parish Council, or

**PARISH OF JEFFERSON
Ch. 8-A**

R.S. 13:2562.22

otherwise provided from funds available to the judges of the said parish courts.

G. Equipment, supplies, and the salaries and related benefits of employees of the traffic hearing officers shall be payable by the Jefferson Parish Council. Funds for such purpose shall be appropriated to the respective Parish Court's operating budget. All employees of the office of traffic hearing officer shall be hired only upon the prior approval of employment by the appointing parish court judges of the respective parish court. The employees shall not be employees of the state and shall not be members of the State Employee's Retirement System.

H. The traffic hearing officer shall have criminal jurisdiction over traffic violations of state laws and parish or municipal ordinances committed within the territorial boundaries of the appointing parish court which are punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or both. This jurisdiction shall be concurrent with any jurisdiction, pertaining to traffic violations only, conferred by law upon the parish court.

Added by Acts 1981, No. 648, § 1, eff. July 20, 1981.

History and Source of Law

Title of Act:

An Act to amend Chapter 8A of Title 13 of the Louisiana Revised Statutes of 1950 by adding thereto a new Part, to be designated as Part II-A thereof, comprised of R.S. 13:2562.21, to provide for the office of

Traffic Hearing Officer in Jefferson Parish Courts; to provide for payment of salary, method of selection, term of service, office space, other employment, related expenses and employees, jurisdiction, and otherwise to provide with respect thereto. Acts 1981, No. 648.

Library References

Automobiles § 350.
C.J.S. Motor Vehicles § 592.

§ 2562.22. Judicial expense fund; traffic case management and accident reporting system

A. In all criminal cases over which the First and Second Parish Courts of Jefferson Parish have jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after plea of guilty or who forfeits his bond, a sum likewise determined but which shall not exceed fifteen dollars, which shall be in addition to all other fines, costs, or forfeitures lawfully imposed, and which shall be transmitted to the said clerk for further disposition in accordance herewith.

B. All sums collected or received under this Section shall be placed in a separate account, to be designated as the Judicial Expense Fund for the First and Second Parish Courts of Jefferson Parish. The judges, en banc, of the courts shall have control over the fund and all disbursements made therefrom. They shall cause to be conducted annually an audit of the fund and the books and accounts relating thereto, and shall file the same with the office of the legislative auditor where it shall be available for public inspection.

C. The judges, en banc, of the First and Second Parish Courts of Jefferson Parish may, in addition to salaries otherwise provided, autho-

R.S. 13:2562.22**PARISH COURTS**

Ch. 8-A

rized, or established by law, fix and pay each of their court reporters a salary from the judicial expense fund. The judges, en banc, may appoint such secretarial, clerical, research, administrative, or other personnel as they deem necessary to expedite the business and functions of the court, and fix and pay all or any part of the salaries of such personnel out of the monies in the judicial expense fund. In like manner, the judges, en banc, may utilize the monies in the judicial expense fund to pay all or any part of the cost of establishing and/or maintaining a law library for the court, or implementing and operating a traffic case management and accident reporting system, or for buying and/or maintaining any type of equipment, supplies, or other items consistent with or germane to the efficient operation of the court. In general, the judicial expense fund is established and may be used for any purpose or purposes connected with, incidental to, or related to the proper administration or function of the said court or the offices of the individual judges; and, is in addition to any and all other funds, salaries, expenses, and other monies that are now or hereafter provided, authorized, or established by law for any of the aforesaid purposes.

D. No salary shall be paid from the judicial expense fund for the parish courts to any of the judges of the courts except as may be paid for administering the said fund, and then only after prior legislative approval.

Added by Acts 1982, No. 340, § 1, eff. July 18, 1982.

History and Source of Law

In the last sentence of subsection C of this section as enacted by Acts 1982, No. 340, "or" was substituted for "of" following "administration" and a comma was inserted following "salaries" on authority of R.S. 24:253.

Library References

Costs 284.
C.J.S. Costs § 435.

PART III. PARISH COURT FOR THE PARISH OF ASCENSION**§ 2563.1. Creation; territorial boundaries**

There is hereby established a court to be known and designated as the Parish Court for the Parish of Ascension, state of Louisiana, which is hereinafter referred to as "the court." The territorial boundaries of the court shall extend throughout the entire parish of Ascension and shall include all territory within the boundaries of municipalities of the parish.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

Acts 1976, No. 307, §§ 2, 3, and 6 provide as follows:

"Section 2. The mayors' courts of the municipalities of Donaldsonville, Gonzales and Sorrento are hereby abolished.

"Section 3. The justice of the peace courts of the parish of Ascension are hereby retained, and the justices of the peace and their constables in office on the effective date of this Section and their succe-

R.S. 13:2512

COURTS AND JUDICIAL PROCEDURE

The affidavit shall consist of the sworn statement of the complainant, or the police officer, filed with the court on a form approved by the respective court. The city council of the city of New Orleans may designate by ordinance certain police officials who shall have the power to take oaths, and verify affidavits filed by other members of the New Orleans police department. The city attorney of the city of New Orleans or any of his assistants may also initiate prosecutions by affidavit or bill of information on information and belief in the municipal and traffic courts of New Orleans.

Amended by Acts 1986, No. 665, § 1.

1986 Legislation

The 1986 amendment in the section heading inserted "or by bill of information"; inserted "Notwithstanding Code of Criminal Procedure Art. 382, all" preceding "proceedings in the mu-

nicipal", substituted "or bill of information. The affidavit" for "which shall", and inserted "or bill of information" following "initiate prosecutions by affidavit".

CHAPTER 8-A. PARISH COURTS

PART II—A. PROVISIONS APPLICABLE TO THE FIRST AND SECOND PARISH COURTS, JEFFERSON PARISH

Sec.

2562.23. Additional court costs; automatic case reporting system.

PART I. FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

§ 2561.1. Creation; territorial boundaries

Notes of Decisions

Prior law 1/2

which govern court employees were subject to prior laws. Appeal on Behalf of First Parish Court Employees from Personnel Bd. Order Terminating Civil Service Status of First Parish Court, App. 5 Cir.1984, 454 So.2d 1190.

1/2. Prior law

Parish court employees who were employed prior to effective date of R.S. 13:2561.1 et seq.

§ 2561.2. Civil jurisdiction

This court has civil jurisdiction concurrent with that of the district court, within its territorial boundaries, when the amount in dispute, or the value of the property involved, does not exceed five thousand dollars, exclusive of interest, costs, and attorney fees and in suits for possession of leased premises where the amount of the rental does not exceed the jurisdictional amounts provided in Code of Civil Procedure Article 4844(A); and in case of any reconventional demand, intervention, or third party opposition filed in the court and necessarily connected with or growing out of the main demand, the court shall be divested of jurisdiction over the main demand and all of the incidental demands where the amount in dispute or the value of the property involved in the reconventional demand, intervention, or third party opposition exceeds five thousand dollars, exclusive of interest, costs, and attorney fees and the case shall be removed to the Twenty-Fourth Judicial District Court.

Amended by Acts 1986, No. 1088, § 2.

1986 Legislation

The 1986 amendment increased the amount in dispute necessary for civil jurisdiction to exist from "two thousand dollars" to "five thousand dollars", inserted commas following "costs" and "intervention", substituted "and in" for "including", inserted "where the amount of the

rental does not exceed the jurisdictional amounts provided in Code of Civil Procedure Article 4845(A)" following "possession of leased premises" and substituted "Twenty-Fourth Judicial District Court" for "twenty-fourth judicial district court".

COURTS AND JUDICIAL PROCEDURE

R.S. 13:2562.7

Note 1

The substitutions of "4844(A)" for "4845(A)" and of "when" for "where" in the first sentence of this section as amended in 1986 were made on authority of R.S. 24:253.

§ 2561.7. Powers of judge

Notes of Decisions

1. In general

Judges are empowered to make court rules not in violation of statutory or constitutional law.

Appeal on Behalf of First Parish Court Employees from Personnel Bd. Order Terminating Civil Service Status of First Parish Court, App. 5 Cir. 1984, 454 So.2d 1190.

PART II. SECOND PARISH COURT FOR THE PARISH OF JEFFERSON

§ 2562.1. Creation; territorial boundaries

Notes of Decisions

Prior law $\frac{1}{2}$

$\frac{1}{2}$ Prior law

Parish court employees who were employed prior to effective date of R.S. 13:2561.1 et seq.

which govern court employees were subject to prior laws. Appeal on Behalf of First Parish Court Employees from Personnel Bd. Order Terminating Civil Service Status of First Parish Court, App. 5 Cir. 1984, 454 So.2d 1190.

§ 2562.2. Civil jurisdiction

This court has civil jurisdiction concurrent with that of the district court, within its territorial boundaries, where the amount in dispute, or the value of the property involved, does not exceed five thousand dollars, exclusive of interest, costs, and attorney fees and in suits for possession of leased premises when the amount of the rental does not exceed the jurisdictional amounts provided in Code of Civil Procedure Article 4844(A); and in case of any reconventional demand, intervention, or third party opposition filed in the court and necessarily connected with or growing out of the main demand, the court shall be divested of jurisdiction over the main demand and all of the incidental demands when the amount in dispute or the value of the property involved in the reconventional demand, intervention, or third party opposition exceeds five thousand dollars, exclusive of interest, costs, and attorney fees and the case shall be removed to the Twenty-Fourth Judicial District Court.

Amended by Acts 1986, No. 1038, § 2.

1986 Legislation

The 1986 amendment increased the amount in dispute necessary for civil court jurisdiction to "five thousand dollars" from "two thousand dollars", inserted commas following "cost" and "intervention", inserted "where the amount of the rental does not exceed the jurisdictional amounts provided in Code of Civil Procedure Article

4845(A)" following "possession of leased premises", and substituted "the reconventional", for "any reconventional", and "Twenty-Fourth Judicial District Court" for "twenty-fourth judicial district court".

The substitutions of "4844(A)" for "4845(A)" and of "when" for "where" in this section as amended in 1986 were made on authority of R.S. 24:253.

§ 2562.7. Powers of judge

Notes of Decisions

1. In general

Judges are empowered to make court rules not in violation of statutory or constitutional law.

Appeal on Behalf of First Parish Court Employees from Personnel Bd. Order Terminating Civil Service Status of First Parish Court, App. 5 Cir. 1984, 454 So.2d 1190.

APPENDIX F

CHAPTER 5-C. UNIFORM PARISH COURT JURISDICTION AND PROCEDURE ACT

- Sec.**
1441. Declaration of purpose.
1442. Civil jurisdiction; in general.
1443. Civil jurisdiction; amount in controversy; eviction suits.
1444. Civil jurisdiction; limitations.
1445. Juvenile jurisdiction.
1446. Criminal jurisdiction.
1447. Powers; contempt; marriage ceremonies.
1448. Jurisdiction over persons and property.
1449. Venue.
1450. No trial by jury.
1451. Civil procedure.
1452. Appeals in civil cases.
1453. Criminal procedure.
1454. Review of criminal proceedings.
1455. Application; preexisting parish courts.
1456. Citation of Chapter.
1457. Bailiffs of parish courts.
1458. Minute clerks of parish courts.

§ 1441. Declaration of purpose

The purpose of this Chapter is to provide for uniform subject matter jurisdiction and procedure for parish courts. This Chapter is intended to implement the constitutional requirement that such courts shall have parishwide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state, all as provided by Article V, Section 15(A) of the Louisiana Constitution of 1974.

Added by Acts 1979, No. 328, § 1, eff. Jan. 1, 1980.

History and Source of Law

Title of Act:

An Act to amend Title 13 of the Louisiana Revised Statutes of 1950 by adding thereto a new Chapter, to be designated as Chapter 5-C thereof, entitled the "Uniform Parish Court Jurisdiction and Procedure Act" and

to consist of R.S. 13:1441 through R.S. 13:1456, to provide with respect to uniform jurisdiction and procedure in parish courts, and otherwise to provide with respect to matters related thereto. Acts 1979, No. 328.

Constitutional Provisions

Section 15(A) of Article 5 provides in part: "The legislature by law may establish trial courts of limited jurisdiction with parish-

wide territorial jurisdiction and subject matter jurisdiction which shall be uniform throughout the state."

Library References

Courts — 136.
C.J.S. Courts § 265.

R.S. 13:1442 PARISH COURT JURISDICTION & PROCEDURE
Ch. 5-C

§ 1442. Civil jurisdiction; in general

The civil jurisdiction of a parish court is limited by the amount in dispute and by the nature of the proceeding, as set forth in R.S. 13:1443 and R.S. 13:1444.

Added by Acts 1979, No. 328, § 1, eff. Jan. 1, 1980.

§ 1443. Civil jurisdiction; amount in controversy; eviction suits

A. The civil jurisdiction of a parish court is concurrent with the district court in cases where the amount in dispute or the value of the property involved does not exceed five thousand dollars.

B. A parish court shall have jurisdiction, concurrent with the district court, over suits by owners and landlords for the possession of leased premises within its territorial jurisdiction, as follows:

(1) Where the lease is by the day and the daily rental is fifty dollars or less.

(2) Where the lease is by the week, and the weekly rental is one hundred twenty-five dollars or less.

(3) Where the lease is by the month, and the monthly rental is five hundred dollars or less.

(4) Where the lease is by the year, and the annual rental is six thousand dollars or less.

(5) Where the suit is to evict an occupant, as defined by Article 4704 of the Code of Civil Procedure, if the annual value of the right of occupancy does not exceed the amount in dispute to which the jurisdiction of the court is limited by Subsection A of this Section.

In computing the jurisdictional amount for purposes of eviction suits, the daily, weekly, monthly, annual, or other rental provided by the lease, exclusive of interest, penalties, or attorney fees shall determine the amount in dispute.

C. When a parish court has subject matter jurisdiction over the principal demand, it may exercise subject matter jurisdiction over any incidental demand properly instituted in connection with the principal demand, regardless of the amount in dispute in the incidental demand.

Added by Acts 1979, No. 328, § 1, eff. Jan. 1, 1980.

Library References

Courts 183.

C.J.S. Courts § 265.

§ 1444. Civil jurisdiction; limitations

A parish court has no jurisdiction in any of the following cases or proceedings:

(1) A claim of title to immovable property.

(2) A case involving the right to public office or position.

Appendix G

R.S. 13:2562.22

PARISH COURTS

Ch. 8-A

rized, or established by law, fix and pay each of their court reporters a salary from the judicial expense fund. The judges, en banc, may appoint such secretarial, clerical, research, administrative, or other personnel as they deem necessary to expedite the business and functions of the court, and fix and pay all or any part of the salaries of such personnel out of the monies in the judicial expense fund. In like manner, the judges, en banc, may utilize the monies in the judicial expense fund to pay all or any part of the cost of establishing and/or maintaining a law library for the court, or implementing and operating a traffic case management and accident reporting system, or for buying and/or maintaining any type of equipment, supplies, or other items consistent with or germane to the efficient operation of the court. In general, the judicial expense fund is established and may be used for any purpose or purposes connected with, incidental to, or related to the proper administration or function of the said court or the offices of the individual judges; and, is in addition to any and all other funds, salaries, expenses, and other monies that are now or hereafter provided, authorized, or established by law for any of the aforesaid purposes.

D. No salary shall be paid from the judicial expense fund for the parish courts to any of the judges of the courts except as may be paid for administering the said fund, and then only after prior legislative approval.

Added by Acts 1982, No. 840, § 1, eff. July 18, 1982.

History and Source of Law

In the last sentence of subsection C of this section as enacted by Acts 1982, No. 840, "or" was substituted for "of" following "administration" and a comma was inserted following "salaries" on authority of R.S. 24:253.

Library References

Costa 284.

C.J.S. Costa § 435.

PART III. PARISH COURT FOR THE PARISH OF ASCENSION

§ 2563.1. Creation; territorial boundaries

There is hereby established a court to be known and designated as the Parish Court for the Parish of Ascension, state of Louisiana, which is hereinafter referred to as "the court." The territorial boundaries of the court shall extend throughout the entire parish of Ascension and shall include all territory within the boundaries of municipalities of the parish.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

Acts 1976, No. 307, §§ 2, 3, and 6 provide as follows:

"Section 2. The mayors' courts of the municipalities of Donaldsonville, Gonzales and Sorrento are hereby abolished.

"Section 3. The justice of the peace courts of the parish of Ascension are hereby retained, and the justices of the peace and their constables in office on the effective date of this Section and their successors

**PARISH OF ASCENSION
Ch. 8-A**

R.S. 13:2563.2

persons in office shall continue to exercise their powers and perform their duties, functions and responsibilities of their offices."

"Section 6. Sections 3, 4, 6, 7, and 8 and the provisions of R.S. 13:2563.5 as enacted in Section 1 shall become effective upon signature by the governor, or if not signed or vetoed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the constitution. Sections 2 and 5 and the provisions of R.S. 13:2563.1 through R.S. 13:2563.4 and R.S. 13:2563.6 through R.S. 13:2563.17 as enacted in Section 1 shall become effective on January 8, 1977."

Act 307 was approved by the governor on July 31, 1976.

Title of Act:

An Act to amend Chapter 8A of Title 13 of the Louisiana Revised Statutes of 1950 by adding thereto a new Part, to be designated as Part III thereof and consisting of R.S. 13:2563.1 through R.S. 2563.17, both inclusive to amend and reenact Paragraph (23) of Section 51 and Section 513 of Title 16 of the Louisiana Revised Statutes of 1950 and to enact Subsection C of Section 514 of said Title 16, to establish the Parish Court for the Parish of Ascension, state of Louisiana; to provide for its territorial boundaries, civil, criminal, and juvenile jurisdiction, and limitations on civil jurisdiction; to provide for a judge, his election, qualifications,

term, compensation, vacation, powers, authority, duties and functions; to provide for appointment of a court reporter; to provide relative to the functions and duties of certain officials with respect to the court including the district attorney, sheriff and clerk of the district court, and to create the office of third assistant district attorney for the twenty-third judicial district and provide therefor in particular with respect to the parish court; to provide office space for the court; to provide for the collection and disposition of fines and forfeitures, fees and other costs, and to provide for the sheriff's commission on certain of such funds; to establish a judicial expense fund and provide relative to disbursements from such fund; to abolish the mayors' courts of the municipalities of Donaldsonville, Gonzales and Sorrento; to provide for the duties and functions of those municipalities and the parish of Ascension and the state in connection with the parish court; to provide for financing the court; to retain the justice of the peace courts and their officers; to provide for the effectiveness of the Act; and generally and specifically to provide with respect to matters related to the establishment and functions of the Parish Court for the Parish of Ascension, state of Louisiana. Notice of intention to introduce this Act has been published as provided by Article III, Section 13 of the constitution of Louisiana. Acts 1976, No. 307, § 1.

§ 2563.2. Civil jurisdiction; limitations

A. The court shall have civil jurisdiction concurrent with that of the district court, within its territorial boundaries, where the amount in dispute, or the value of the property involved, exceeds three hundred dollars but does not exceed two thousand dollars, exclusive of interest, costs and attorney fees, including suits for possession of leased premises; and in case of reconventional demands, interventions and third party oppositions filed in the court and necessarily connected with or growing out of the main demand, the court shall retain jurisdiction irrespective of the amount in dispute or the value of the property involved.

B. The court shall not have jurisdiction in civil matters involving successions or probate matters; where a succession is the defendant; in divorce or separation proceedings; in matters concerned with adoption, emancipation, interdiction or legitimacy of persons; when the state, political corporation, parish or other political subdivision is a party defendant; where title to immovable property is involved; in election contests; in a case where a state, parish or other public official is involved in his official capacity, or where the right to office or other public position is involved; over civil or political rights; or where a federal or state law or a parish or municipal ordinance is sought to be

R.S. 13:2563.2

PARISH COURTS Ch. 8-A

invalidated, or cases involving the appointment of receivers or liquidators for corporations or partnerships.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Cross References

Civil jurisdiction of parish courts, amount in controversy, see LSA-C.C.P. art. 4842.

Library References

Courts ¶188(1).

C.J.S. Courts § 249 et seq.

§ 2563.3. Criminal jurisdiction

The court shall have criminal jurisdiction concurrent with that of the district court, for the trial of all persons charged with offenses or crimes committed within its territorial boundaries, but not including capital crimes or those crimes or offenses which are punishable by imprisonment at hard labor under the laws of this state. It shall have jurisdiction over violations and enforcement of municipal ordinances, and over violations and enforcement of parish ordinances concurrent with the district court.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Library References

Criminal Law ¶87.

C.J.S. Criminal Law § 122.

§ 2563.4. Parish court judge as judge of juvenile court; jurisdiction; clerk; sessions and records

A. The parish court, when in session under the provisions of laws applicable to juvenile courts, shall be known as the parish juvenile court.

B. The judge of the court shall be ex officio judge of the juvenile court within his jurisdiction. The judge shall have jurisdiction concurrent with that of the district court and shall have all powers conferred on judges of the district court as judges of the juvenile court.

C. The clerk of the district court for the parish of Ascension, or a deputy clerk assigned by him, shall be ex officio clerk of the juvenile court for the parish.

D. The sessions of the parish court when sitting as juvenile court shall be held apart from all sessions of the parish court, and its records shall be kept separately. The court may sit in chambers and may hold its session irrespective of terms of court.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

**PARISH OF ASCENSION
Ch. 8-A**

R.S. 13:2563.5

History and Source of Law

For effective date, see History and
Source of Law note under R.S. 13:2563.1.

Cross References

Juvenile jurisdiction of courts, see LSA-C.J.P. art. 14 et seq.

§ 2563.5. Judge; qualifications and salary

The office of judge of the court is hereby established. The judge shall be elected by the qualified electors of the parish of Ascension. The term of office of the judge shall be six years. He shall possess the same qualifications that are required of district judges. He shall receive an annual salary of not less than forty thousand three hundred fifteen dollars, payable monthly on his own warrant by the state of Louisiana, the parish of Ascension and the municipalities of Donaldsonville, Gonzales and Sorrento, apportioned as follows: The state of Louisiana shall pay the sum of twenty-six thousand fifty-eight dollars per annum; the parish of Ascension shall pay the sum of four thousand two hundred seventy-seven dollars per annum; the municipalities of Donaldsonville and Gonzales shall each pay the sum of four thousand two hundred seventy-seven dollars per annum; and the municipality of Sorrento shall pay the sum of one thousand four hundred twenty-six dollars per annum.

Added by Acts 1976, No. 307, § 1, eff. July 31, 1976. Amended by Acts 1979, No. 236, § 2, eff. Sept. 1, 1979; Acts 1979, No. 243, § 1; Acts 1980, No. 169, § 1, eff. Sept. 1, 1980; Acts 1981, No. 636, § 1, eff. Sept. 1, 1981.

History and Source of Law

For effective date of Acts 1976, No. 307, see History and Source of Law note under R.S. 13:2563.1.

Acts 1976, No. 307, § 4 provides as follows:

"The first judge elected to this judgeship shall be elected as provided by Article V, Section 22 of the constitution, shall take office on January 3, 1977, and shall serve for a term of six years. Thereafter, the successors to the judge of the parish court shall be elected every six years for terms of six years."

Acts 1976, No. 307, § 6 provides in part that Section 4 shall become effective upon signature by the governor, or if not signed or vetoed by the governor, upon expiration of the time for bills to become law without signature by the governor, as provided by Article III, Section 18 of the constitution.

Acts 1976, No. 307 was approved by the governor on July 31, 1976.

R.S. 13:2563.5 was amended by Acts 1979, Nos. 236, § 2, effective September 1, 1979, and 243, § 1, effective September 7, 1979. The provisions were substantively identical. Pursuant to R.S. 24:251 et seq. R.S. 13:2563.5 was printed as provided by Act 243.

Both Acts 1979, No. 236, § 2 and Acts 1979, No. 243, § 1 raised the salary from thirty thousand to thirty-five thousand dollars; raised the state contribution from twenty thousand to twenty-two thousand dollars; raised the contributions of the parish, Donaldsonville and Gonzales from three thousand to three thousand nine hundred dollars each; and raised the contribution of Sorrento from one thousand to one thousand three hundred dollars.

Acts 1979, No. 243, § 1, also substituted "The judge shall be elected by the qualified electors of the parish of Ascension. The term of office of the judge shall be six years" for "His term of office shall be six years, and he shall be elected by the qualified electors of the parish of Ascension".

The 1980 amendment substituted "that" for "as" following "qualifications"; substituted "shall each" for "each shall"; raised the salary from thirty-five thousand dollars to thirty-eight thousand three hundred eighty-five dollars; raised the state contribution from twenty-two thousand to twenty-four thousand one hundred twenty-eight dollars; raised the contributions of the parish, Donaldsonville and Gonzales from three thousand nine hundred to four thousand two hundred seventy-seven dollars each;

R.S. 13:2563.5

PARISH COURTS

Ch. 8-A

and raised the contribution of Sorrento from one thousand, three hundred to one thousand four hundred twenty-six dollars.

Section 8 of Acts 1980, No. 169, provided:

"The provisions of this Act and the salary adjustments herein provided shall become effective on and after September 1, 1980."

The 1981 amendment substituted "forty thousand three hundred fifteen" for "thirty-

eight thousand three hundred eighty-five", and "twenty-six thousand fifty-eight" for "twenty-four thousand one hundred twenty-eight".

Section 10 of Acts 1981, No. 636, provided:

"The provisions of this Act and the salary increases herein provided shall be effective on and after September 1, 1981."

Library References

Judges ¶5, 22(5).

C.J.S. Judges §§ 15 to 20, 77, 80.

§ 2563.6. Holding court in municipalities

The judge shall sit and hold court a minimum of one day per week in each of the municipalities of Donaldsonville, Gonzales and Sorrento for the purpose of hearing any matter within the jurisdiction of the court.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

§ 2563.7. Powers of judge

The judge of the court may perform marriage ceremonies, require bonds to keep the peace, issue warrants of arrest; examine, commit, and admit to bail and discharge; and hold preliminary examinations in all cases not capital, and shall have all the powers of a district judge within the limits of the jurisdiction of the court. He also has the authority to issue the necessary writs in all cases in order to carry into effect the jurisdiction of the court, irrespective of the value of the property seized.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Library References

Judges ¶24.

C.J.S. Judges §§ 35, 53 to 56, 59 to 65.

§ 2563.8. Traffic offenses

The judge of the court shall have the power to fix a schedule of fines, including costs, for the various traffic offenses, and any person charged with such an offense may plead guilty before the appropriate law enforcement officer, being the sheriff or his deputy or the chief law enforcement officer or his assistant of the particular municipality depending upon where the offense occurred, who shall make a record of the plea, and the person so pleading shall pay to such officer the fine and cost for such offense as fixed by the judge in his schedule of fines for

PARISH OF ASCENSION

R.S. 13:2563.10

Ch. 8-A

the particular offense. The law enforcement officer shall notify the clerk of the plea and the clerk shall make an entry of the plea.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977. Amended by Acts 1978, No. 620, § 1.

History and Source of Law

For effective date of 1976 Act, see History and Source of Law note under R.S. 13:2563.1.

The 1978 amendment added all references to law enforcement officers other than the reference to the sheriff or his deputy.

Library References

Automobiles § 350.

C.J.S. Motor Vehicles § 592.

§ 2563.9. Annual vacation

The judge of this court may take an annual vacation of one month. He may appoint an attorney residing within the territorial boundaries of the court to sit and hold court when the judge is absent from the territorial jurisdiction of the court while on vacation. The attorney shall possess the same qualifications as those required of the judge. Such attorney shall be paid from the judicial expense fund established by R.S. 13:2563-17, a sum equal to the proportionate amount of the judge's salary for the period of time for which the appointee serves as judge of the court, and he shall have the powers and duties of a regular judge while sitting as such.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Library References

Judges § 20.

C.J.S. Judges § 39.

§ 2563.10. Applicability of Code of Civil Procedure

The provisions of Book VIII of the Louisiana Code of Civil Procedure shall be applicable to the court in all civil cases except as otherwise herein provided.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Cross References

Book VIII of the Louisiana Code of Civil Procedure, trial courts of limited jurisdiction, see LSA-C.C.P. art. 4831 et seq.

R.S. 13:2563.10**PARISH COURTS
Ch. 8-A****Library References**

Courts ¶184.
C.J.S. Courts § 249 et seq.

§ 2563.11. Clerk; seal

The clerk of the district court for the parish of Ascension shall be ex officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. The clerk of court shall be entitled to fix his fees, but in no event shall those fees exceed the fees chargeable in the Twenty-Third Judicial District Court. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the Parish Court for the Parish of Ascension", which shall be used on all orders, writs and processes issuing from the court. However, the absence of the seal shall not affect the validity of such documents.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and
Source of Law note under R.S. 13:2563.1.

Library References

Clerks of Courts ¶65.	C.J.S. Clerks of Courts § 33 et seq.
Seals ¶1.	C.J.S. Seals §§ 1, 2.

§ 2563.12. Sheriff as executive officer; municipal officers

The executive officer of the court shall be the sheriff of the parish of Ascension. All writs and processes in civil matters issued by the court, and writs and processes in criminal matters issued by the court which require service outside the territorial limits of the municipalities of Donaldsonville, Gonzales or Sorrento, shall be served by the sheriff or his deputy. The sheriff for such service shall receive the fees provided by law, applicable to the Twenty-Third Judicial District Court. Writs and processes in criminal matters issued by the court which require service within the territorial limits of the municipalities of Donaldsonville, Gonzales or Sorrento shall be served by the chief law enforcement officer or his assistant of the particular municipality wherein service is required. The fees for such service shall be the same as the fees provided by law applicable to the Twenty-Third Judicial District Court, and such fees shall be paid into the general fund of the municipality wherein service is required to be made.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977. Amended by Acts 1978, No. 620, § 1.

**PARISH OF ASCENSION
Ch. 8-A**

R.S. 13:2563.14

History and Source of Law

For effective date of the 1976 Act, see History and Source of Law note under R.S. 13:2563.1.

The 1978 amendment rewrote this section, which had previously read:

"The executive officer of the court shall be the sheriff of the parish of Ascension.

All writs and processes in either criminal or civil matters issued by the court, shall be served by the sheriff or his deputy. The sheriff shall receive the fees provided by law, applicable to the Twenty-Third Judicial District Court."

The 1978 amendment also added "municipal officers" to the section heading.

Library References

Sheriffs and Constables 47.
C.J.S. Sheriffs and Constables 44.

§ 2563.13. Prosecution of criminal cases

All criminal cases shall be prosecuted by the district attorney for the Twenty-Third Judicial District, or through an assistant appointed by him.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Library References

District and Prosecuting Attorneys 8.
C.J.S. District and Prosecuting Attorneys
§§ 10, 14(1).

§ 2563.14. Court reporter

The judge shall appoint a competent court reporter to take the evidence in any case in which it is necessary to do so under the laws applicable to district courts, unless the parties waive the appointment of the reporter. At the request of any party, the judge shall order the transcription of the testimony of the court reporter. Except in pauper cases, the fees of the court reporter in civil cases shall be charged as costs in the litigation, and shall be paid primarily by the party requesting the transcription. However, the reporter is not required to file the transcript before payment.

The governing authority of the parish of Ascension shall fix and pay the salary of the court reporter.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Library References

Courts 57(1, 2).
C.J.S. Stenographers § 5 et seq.

R.S. 13:2563.15

**PARISH COURTS
Ch. 8-A**

§ 2563.15. Office space

Each governing authority of the municipalities of Donaldsonville, Gonzales and Sorrento shall provide suitable space within each municipality, respectively, for the operation of the court.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

§ 2563.16. Disposition of fines and forfeitures

When the offense occurred within the territorial limits of the municipalities of Donaldsonville, Gonzales or Sorrento, the chief law enforcement officer or his assistant of the particular municipality wherein the offense occurred shall collect all fines, forfeitures, penalties, and costs imposed by the court. When the offense occurred outside the territorial limits of said municipalities, the sheriff or his deputy shall collect all fines, forfeitures, penalties, and costs imposed by the court. All funds so collected, excluding costs, shall be paid into the general fund of the particular municipality when the offense occurred within the municipality of Donaldsonville, Gonzales or Sorrento, as the case may be, and all such funds, excluding cost, shall be paid into the general fund of the parish when the offense occurred outside the territorial limits of said municipalities.

With respect to such funds, excluding costs, collected for offenses which occurred outside the territorial limits of said municipalities, the sheriff shall deduct and dispose of a commission in the same manner, for the same purposes and in the same amount as is provided by law with respect to fines, forfeitures and penalties imposed in the district court.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977. Amended by Acts 1978, No. 620, § 1.

History and Source of Law

For effective date of the 1976 Act, see History and Source of Law note under R.S. 13:2563.1.

The 1978 amendment added the provision concerning collection by municipal law enforcement officers; added "When the offense occurred outside the territorial limits of said municipalities"; and substituted "court. All" for "court, and all".

Library References

Fines —20.

Forfeitures —10.

C.J.S. Fines § 19.

C.J.S. Forfeitures § 8.

§ 2563.17. Judicial expense fund; established

A. In all criminal cases over which the court has jurisdiction, there shall be taxed as costs against every defendant who is convicted after trial or after a plea of guilty or who forfeits his bond, a sum determined by the judge of the parish court, which sum shall not exceed five dollars, which shall be in addition to all other fines, costs or forfeitures lawfully

GENERAL PROVISIONS

R.S. 13:2564.1

Ch. 8-A

imposed and which shall be transmitted to the clerk of court for further disposition in accordance herewith.

B. The clerk of court shall place all sums collected or received under this Section in a separate account to be designated as the Judicial Expense Fund for the Parish Court for the Parish of Ascension. The judge of the parish court shall have control over the fund and all disbursements made therefrom. He shall cause to be conducted annually an audit of the fund and the books and accounts relating thereto, and shall file the same with the office of the legislative auditor where it shall be available for public inspection.

C. The judicial expense fund is established and may be used for any purpose or purposes connected with, incidental to, or related to the proper administration or function of the said court or the offices of the judge, and is in addition to any and all other funds, salaries, expenses, or other monies that are now or hereafter provided, authorized or established by law for any of the aforesaid purposes. However, no salary shall be paid from the judicial expense fund to the judge, except the judge appointed temporarily under the provisions of R.S. 13:2563.9.

Added by Acts 1976, No. 307, § 1, eff. Jan. 3, 1977.

History and Source of Law

For effective date, see History and Source of Law note under R.S. 13:2563.1.

Library References

Costs ~~286~~.
C.J.S. Costs § 447.

PART IV. GENERAL PROVISIONS

§ 2564.1. Compensation of parish court judges; maximum

A. The salary of a judge of a parish court shall in no case exceed the salary of a district court judge of the judicial district in which the parish court is located.

B. If, on the effective date of this Section, a parish court judge is receiving a salary in excess of that permitted by Subsection A of this Section, his salary shall not be reduced during the term of office for which he was elected; provided, however, that upon the expiration of said term of office, or in case a vacancy occurs in said office, the salary for said office shall thereafter conform to the provisions of Subsection A of this Section.

C. The term "salary" as used in this Section means the total annual compensation paid directly or indirectly from all sources for services as judge.

Added by Acts 1977, No. 366, § 2.

R.S. 13:2564.1

PARISH COURTS

Ch. 8-A

History and Source of Law

Title of Act:

An Act to amend Title 13 of the Louisiana Revised Statutes of 1950 by adding thereto new Sections, to be designated as R.S. 13:1874.1 and R.S. 13:2152.2, and to amend Chapter 8A of said Title 13 by adding thereto a new Part to be designated as Part IV, to consist of R.S. 13:2564.1, relative to the salaries of judges of city courts and parish courts, to provide that the salary of a city

court or parish court judge shall not exceed that of a district court judge, to provide that the salary of a city court judge in the parish of Orleans shall not exceed that of a civil or criminal district court judge, to provide with respect to city court judges and parish court judges who on the effective date of this Act receive greater salaries, to define the term "salary" and otherwise to provide with respect thereto. Acts 1977, No. 366.

Library References

Judges \Leftrightarrow 22(5).

C.J.S. Judges §§ 77, 80.

§ 2564.2. Parish court judges; reimbursement for travel and hotel expenses

A. A parish court judge of any parish court which has or hereafter has a judicial expense fund, may be reimbursed actual traveling and hotel expenses incurred in the discharge of his official duties from such fund upon the warrant of the judge alone, provided that sufficient monies are available in the fund to provide for such reimbursement. The supreme court, by rule, shall define the conditions under which such reimbursements will be made. No reimbursement shall be made for round trips of less than ten miles from the judge's bona fide residence to the place or places where he performs the official duties of his office.

B. The provisions of Subsection A of this Section shall apply to any parish court presently in existence or hereafter established.

Added by Acts 1980, No. 472, § 1.

Library References

Judges \Leftrightarrow 22(10).

C.J.S. Judges § 80.

Appendix H

19TH JUDICIAL DISTRICT COURT

JUDICIAL EXPENSE FUND REVENUES & EXPENDITURES

	<u>REVENUES</u>	<u>EXPENDITURES</u>
<u>1982</u>	\$ 298,442	\$ 322,168
<u>1983</u>	300,708	296,994
<u>1984</u>	314,509	357,646
<u>1985</u>	543,458	546,847
<u>1986</u>	544,107	452,360

INVESTMENTS

Between 1982 and 1986 Investments in Time Certificates of Deposits ranged between a low of \$150,000 to a high of \$300,000 with an average of approximately \$210,000.

ANNUAL BUDGET

1982 BUDGET

DEPARTMENT, AGENCY, OR FUND NAME				DIVISION OR ACTIVITY		DEPT. NO.		
DISTRICT COURT						401210		
FUND TYPE				MAJOR FUNCTION				
GENERAL FUND				GENERAL GOVERNMENT				
DEPARTMENTAL SUMMARY								
SUB. OBJ.	EXPENDITURE CLASSIFICATION			PRIOR YEAR	CURRENT BUDGET	AGENCY REQUEST	PROPOSED BY MAYOR	FINAL BUDGET
100	PERSONAL SERVICES			948,940	1,115,610	1,256,310	1,328,665	1,328,665
200	SUPPLIES			50,390	55,340	56,500	55,550	55,550
300	CONTRACTUAL SERVICES			154,800	181,690	200,850	195,290	195,290
400	CAPITAL OUTLAY			680	920	18,400	9,040	9,040
500	DEBT SERVICE							
TOTAL APPROPRIATION				1,154,810	1,353,560	1,532,060	1,588,545	1,588,545
PERSONNEL				84	84	89	89	89
CITY BUDGET		%	%					
PARISH BUDGET		100 %	100 %	1,154,810	1,353,560	1,532,060	1,588,545	1,588,545

FUNCTION, COMMENTS AND PERFORMANCE DATA

FUNCTION

This is a constitutional office embodying the trial level of our State's Judicial branch of government. The Court is of unlimited jurisdiction as regards subject matter, amount in controversy and criminal offenses against the State of Louisiana. The Court also serves as an appellate tribunal for appeals from the City Court of Baton Rouge and from administrative agencies of the State of Louisiana, including the Louisiana Public Service Commission. Further, due to the fact that the Parish of East Baton Rouge is the situs of state government, practically all of the suits against state officials and departments of state government are filed in this Court. The Court is unique among other districts of the state in that a large part of its workload involves appellate review of state administrative decisions, suits of a political nature, and trial of automobile accident cases and other damage suits arising outside the Parish due to the Secretary of State being the agent for service of process on foreign insurance companies. It is estimated that a substantial portion of the total load of the Court pertains to matters having no direct bearing on the Parish of East Baton Rouge. Such matters are extremely important and most time consuming. During a span of approximately twenty years, the Court has grown from two Judges to thirteen permanent Judges and two Commissioners.

ANNUAL BUDGET

1983 BUDGET

DEPARTMENT, AGENCY, OR FUND NAME				DIVISION OR ACTIVITY		DEPT. NO.		
DISTRICT COURT						401210		
FUND TYPE				MAJOR FUNCTION				
GENERAL FUND				GENERAL GOVERNMENT				
DEPARTMENTAL SUMMARY								
SUB. OBJ.	EXPENDITURE CLASSIFICATION			PRIOR YEAR	CURRENT BUDGET	AGENCY REQUEST	PROPOSED BY MAYOR	FINAL BUDGET
100	PERSONAL SERVICES			1,112,020	1,328,660	1,588,540	1,358,284	1,358,284
200	SUPPLIES			55,950	55,550	60,200	59,061	59,061
300	CONTRACTUAL SERVICES			178,890	195,290	229,530	206,916	206,916
400	CAPITAL OUTLAY			9,230	9,040	14,550	853	853
500	DEBT SERVICE							
TOTAL APPROPRIATION				1,356,080	1,588,540	1,892,820	1,625,114	1,625,114
PERSONNEL				84	89	93	89	89
CITY BUDGET		%	%					
PARISH BUDGET		100 %	100 %	1,356,080	1,588,540	1,892,820	1,625,114	1,625,114

FUNCTION, COMMENTS AND PERFORMANCE DATA

FUNCTION

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ANNUAL BUDGET

1984 BUDGET

DEPARTMENT, AGENCY, OR FUND NAME				DIVISION OR ACTIVITY		DEPT. NO.	
DISTRICT COURT						401210	
FUND TYPE				MAJOR FUNCTION			
GENERAL FUND				GENERAL GOVERNMENT			
DEPARTMENTAL SUMMARY							
SUB. OBJ.	EXPENDITURE CLASSIFICATION		PRIOR YEAR	CURRENT BUDGET	AGENCY REQUEST	PROPOSED BY MAYOR	FINAL BUDGET
100	PERSONAL SERVICES		1,328,670	1,340,100	1,676,030	1,529,730	1,529,730
200	SUPPLIES		56,050	58,230	62,080	71,130	71,130
300	CONTRACTUAL SERVICES		188,160	224,430	218,950	233,510	233,510
400	CAPITAL OUTLAY		8,790	-0-	6,160	-0-	-0-
500	DEBT SERVICE						
TOTAL APPROPRIATION			1,581,670	1,622,760	1,963,220	1,834,370	1,834,370
PERSONNEL			89	89	94	89	89
CITY BUDGET		%	%				
PARISH BUDGET		100 %	100 %	1,581,670	1,622,760	1,963,220	1,834,370

FUNCTION, COMMENTS AND PERFORMANCE DATA

FUNCTION

This is a constitutional office embodying the trial level of our State's Judicial branch of government. The Court is of unlimited jurisdiction as regards subject matter, amount in controversy and criminal offenses against the State of Louisiana. The Court also serves as an appellate tribunal for appeals from the City Court of Baton Rouge and from administrative agencies of the State of Louisiana, including the Louisiana Public Service Commission. Further, due to the fact that the Parish of East Baton Rouge is the situs of state government, practically all of the suits against state officials and departments of state government are filed in this Court. The Court is unique among other districts of the state in that a large part of its workload involves appellate review of state administrative decisions, suits of a political nature, and trial of automobile accident cases and other damage suits arising outside the Parish due to the Secretary of State being the agent for service of process on foreign insurance companies. It is estimated that a substantial portion of the total load of the Court pertains to matters having no direct bearing on the Parish of East Baton Rouge. Such matters are extremely important and most time consuming. During a span of approximately twenty years, the Court has grown from two Judges to thirteen permanent Judges and two Commissioners.

ANNUAL BUDGET

1985 BUDGET

DEPARTMENT, AGENCY, OR FUND NAME				DIVISION OR ACTIVITY		DEPT NO	
DISTRICT COURT						401210	
FUND TYPE				MAJOR FUNCTION			
GENERAL FUND				GENERAL GOVERNMENT			
DEPARTMENTAL SUMMARY							
SUB OBJ	EXPENDITURE CLASSIFICATION		PRIOR YEAR	CURRENT BUDGET	AGENCY REQUEST	PROPOSED BY MAYOR	FINAL BUDGET
100	PERSONAL SERVICES		1,358,280	1,529,730	1,836,990	1,426,351	1,426,351
200	SUPPLIES		59,060	62,080	70,080	68,803	68,803
300	CONTRACTUAL SERVICES		206,920	233,510	284,100	267,236	267,236
400	CAPITAL OUTLAY		850	0	8,250	0	0
500	DEBT SERVICE						
TOTAL APPROPRIATION			1,625,110	1,825,320	2,199,420	1,762,390	1,762,390
PERSONNEL			89	89	95	89	89
CITY BUDGET		%	%				
PARISH BUDGET		100 %	100 %	1,625,110	1,825,320	2,199,420	1,762,390
						1,762,390	1,762,390

FUNCTION, COMMENTS AND PERFORMANCE DATA

FUNCTION

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ANNUAL BUDGET

1986 BUDGET

DEPARTMENT, AGENCY, OR FUND NAME				DIVISION OR ACTIVITY		DEPT. NO.	
DISTRICT COURT						401210	
FUND TYPE				MAJOR FUNCTION			
GENERAL FUND				GENERAL GOVERNMENT			
DEPARTMENTAL SUMMARY							
SUB. OBJ.	EXPENDITURE CLASSIFICATION		PRIOR YEAR	CURRENT BUDGET	AGENCY REQUEST	PROPOSED BY MAYOR	FINAL BUDGET
100	PERSONAL SERVICES		1,531,500	1,405,680	1,787,890	1,620,852	1,620,852
200	SUPPLIES		68,270	53,940	67,880	57,920	57,920
300	CONTRACTUAL SERVICES		234,590	302,770	307,800	270,485	270,485
400	CAPITAL OUTLAY		0	0	0	20,184	20,184
500	DEBT SERVICE						
TOTAL APPROPRIATION			1,834,360	1,762,390	2,163,570	1,969,441	1,969,441
PERSONNEL			89	89	94	89	89
CITY BUDGET		%	%				
PARISH BUDGET		100 %	100 %	1,834,360	1,762,390	2,163,570	1,969,441

FUNCTION, COMMENTS AND PERFORMANCE DATA**FUNCTION**

This is a constitutional office embodying the trial level of our State's Judicial branch of government. The Court is of unlimited jurisdiction as regards to subject matter, amount in controversy and criminal offenses against the State of Louisiana. The Court also serves as an appellate tribunal for appeals from the City Court of Baton Rouge and from administrative agencies of the State of Louisiana, including the Louisiana Public Service Commission. Further, due to the fact that the Parish of East Baton Rouge is the situs of state government, practically all of the suits against state officials and departments of state government are filed in this Court. The Court is unique among other districts of the state in that a large part of its workload involves appellate review of state administrative decisions, suits of a political nature, and trial of automobile accident cases and other damage suits arising outside the Parish due to the Secretary of State being the agent for service of process on foreign insurance companies. It is estimated that a substantial portion of the total load of the Court pertains to matters having no direct bearing on the Parish of East Baton Rouge. Such matters are extremely important and most time consuming. During a span of approximately twenty years, the Court has grown from two Judges to thirteen permanent Judges and two Commissioners.