



Summary of Act 621 of 2006  
The Consolidation of the Orleans Civil and Criminal Courts

**Section 1(A) (Legislative Intent):**

"The structure of the judiciary in Orleans Parish is fragmented and inefficient and must be fundamentally changed if the city/Orleans Parish is to flourish in the post-Katrina world. The costs of operating one district court, one clerk of court, and one sheriff will inherently be less due to economies of scale."

"The consolidation of the courts ... is critical to the future financial stability of the city....."

"The legislature recognizes that a judicial system founded 200 years ago is unrealistic and not viable in the 21<sup>st</sup> century."

**Section 1 (B) (One District Court):**

"It is the intent of the legislature that there be one district court for the parish of Orleans - the Forty-First Judicial District Court. The consolidation of the civil, criminal and juvenile courts of the parish of Orleans ... is required for judicial efficiency and the timely administration of justice and will ultimately provide financial stability for all of the courts."

**Section 1 (C) (One Clerk of Court)**

**Section 1 (D) (One Sheriff)**

**Section 1 (E) (Legislative action required now):**

Although provisions of this Act will not effect a consolidation until 2009, 2010, and 2015, "the legislature declares, however, that the process must begin now so that the elected officials covered by this Act as well as their employees and the citizens of New Orleans can plan for the future and know that the district court, clerk and sheriff are structured in the most efficient manner....."

**Section 2:**

Forty-First Judicial District Court is created as of January 1, 2009. Court shall have twenty-six judges and one magistrate judge.

The Forty-First JDC shall have the same jurisdiction as the district courts throughout the state, as fixed by the constitution, as provided by this section, or as provided by law.

The judges of the Forty-First JDC by rule adopted by a majority vote of the judges sitting en banc, with the consent of the judge of the respective division, may assign certain divisions of the court to a criminal section and certain divisions of the court to a civil, domestic relations, or other section of the court.

Notwithstanding any principal assignments to divisions, all divisions of the court shall retain general jurisdiction to hear all matters.

Court shall be comprised of divisions A through Z and the magistrate judge over the magistrate section.

Present Civil District judges in Divisions A through N of CDC will preside over Divisions A through N of the new 41<sup>st</sup> JDC.

Present Criminal District judges in Divisions A through L of Criminal District Court will preside over Divisions O through Z of the new 41<sup>st</sup> JDC.

Judges shall continue to serve until December 31 of the year in which their terms expire.

New 41<sup>st</sup> JDC shall have general supervisory jurisdiction over the municipal and traffic courts and appellate jurisdiction of all misdemeanor cases tried in municipal and traffic court.

Court shall also have appellate jurisdiction over all cases tried in the city courts of said court where the amount in dispute does not exceed one hundred dollars.

### **Elections:**

All judges of the 41<sup>st</sup> JDC shall be elected ...for terms of six years at the congressional election immediately preceding the expiration of their terms, and every six years thereafter.

Each judge shall take office on January 1<sup>st</sup> of the year following election, and shall serve through December 31 of the last year of his term.

Any candidate for election to the office of judge of this court must designate the division for which he is a candidate, and if elected, shall succeed to the office of judge of the division for which he was a candidate.

The judge oldest in continuous service in each division of the district court shall preside, and in the event two or more judges shall have served the same length of time, the judge oldest in years shall preside.

**Domestic Relations Section:**

There shall be a Domestic Relations Section, composed of three judges from the divisions of the 41<sup>st</sup> JDC designated.....

**Magistrate Section:**

In addition to the judges provided for [in the Act], there shall be one additional judgeship who shall be assigned to the Magistrate Section of the 41<sup>st</sup> JDC. The judge shall be known as the Magistrate and shall preside over the Magistrate Section.

**Commissioners:**

There shall be four commissioners appointed to the Magistrate Section of the 41<sup>st</sup> JDC. The commissioners shall serve a term of six years. No commissioner shall practice law before the 41<sup>st</sup> JDC.

**CLERK OF THE 41<sup>ST</sup> JUDICIAL DISTRICT COURT:**

There shall be one clerk of the 41<sup>st</sup> JDC.

Clerk shall be elected at the election for parochial and municipal officers in Orleans Parish, shall serve a term of four years, and shall take office on the first Monday in May following election.

Beginning on the date that the judges elected to serve on the 41<sup>st</sup> JDC take office on January 1, 2009, [and until the 2010 municipal elections], the Clerk of CDC shall serve as clerk of the 41<sup>st</sup> JDC Civil Section; and the Clerk of Criminal Court shall serve as the clerk of the 41<sup>st</sup> JDC Criminal Section. [Note: In every other judicial district, the clerk of court is elected at the gubernatorial election.]

Clerk of the 41<sup>st</sup> JDC shall collect court fees and deposit "no less than 60% of the amounts collected into the Clerk's Operational Fund. The remaining funds shall be deposited into the Consolidated Judicial Expense Fund.

Effective January 1, 2009, there is created a fund for the 41<sup>st</sup> JDC, the juvenile court for the Parish of Orleans, and the First and Second City Courts of the city of New Orleans, which shall be known as the "Consolidated Judicial Expense Fund."

Committee to oversee fund: 3 judges from CDC, 3 judges from Criminal Court, one Juvenile Court judge, and One City Court judge.

Beginning on January 1, 2007, the committee shall review, audit and recommend how to consolidate existing court funds and accounts.

Effective January 1, 2009, all monies, deposits or accounts shall be transferred to the new Consolidate Judicial Expense Fund.

Judges, en banc, may utilize monies in Judicial Expense Fund to pay all or any part of

the cost of planning, designing and constructing a new courthouse for the parish, which may house the following courts and all related support offices: District Court, City Courts, and Juvenile Courts.

**Sheriffs:**

Criminal and Civil Sheriffs are abolished and one Sheriff for the Parish of Orleans is elected at 2010 municipal elections.

**Recorder of Mortgages, Registrar of Conveyances and Custodian of Notarial Archives:**

Recorder of Mortgages, Registrar of Conveyances and Custodian of Notarial Archives are abolished as of January 1, 2009, and duties merged into Clerk of 41<sup>st</sup> JDC. After that date, and until new clerk of 41<sup>st</sup> JDC is elected at 2010 municipal elections, duties are assumed by Clerk of Civil District Court.

**Orleans Parish Juvenile Court:**

Orleans Parish Juvenile Court is abolished effective December 31, 2014. Terms of office of the judges of juvenile court now in office are extended until December 31, 2014.

Effective January 1, 2015, all pending cases filed in Juvenile Court are transferred to the 41<sup>st</sup> JDC. At that time, six new additional judgeships are created. Initial judges shall be elected for a six year term at the congressional election in 2014, and take office on January 1, 2015.

Judges of 41<sup>st</sup> JDC shall en banc create the Juvenile Section of the court, and shall designate not less than six judges who shall be assigned all cases involving juvenile matters.

**Vacancy:**

If a vacancy occurs in civil or criminal courts, clerk of court, or sheriff, no special election shall be held to fill the vacancy.