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ANNOTATED

REVISED STATUTES
Official Classification
Sections 13:1 to 13:3040

Volume 6
Cumulative Annual Pocket Part
For Use In 1981

Replacing prior pocket part in back of volume

Includes laws through the 1980 Regular and Extraordinary Sessions

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1980 P.P.

I A N 2 8 1 9 8 1
EXPLANATION


Under Constitution 1974, Art. 3, § 19, all laws shall take effect on the sixtieth day after final adjournment of the session in which they were enacted, and shall be published prior thereto in the official journal of the state as provided by law. However, any bill may specify an earlier or later effective date.

The general effective date of laws enacted from 1951 to the present is shown in the specially prepared Table, post. Special effective dates varying from the general effective dates are included in the credits at the end of the laws affected.

The arrangement and classification of the laws conform in every respect to the official allocations supplied through the courtesy and cooperation of the Louisiana State Law Institute.

Informative Law Review articles and comments are covered by references under sections to which they are pertinent.

The annotations from the decisions of the State and Federal Courts in Louisiana construing the laws close with the cases reported in:

- Louisiana Reports 263 La.
- Southern Reporter, Second Series 386 So.2d 1132
- Supreme Court Reporter 100 S.Ct. 3058
- United States Reports 445 U.S. (part)
- Lawyers' Edition, Second Series 63 L.Ed.2d (part)
- Federal Reporter, Second Series 625 F.2d 1016
- Federal Supplement 493 F.Supp. 160
- Federal Rules Decisions 86 F.R.D. 772
- Bankruptcy Reporter 4 B.R. 827
- Other Standard Reports

For subsequent judicial constructions, pending the publication of the next supplementary service, see Table of Statutes Construed
CHAPTER 3. COURTS OF APPEAL

PART I. JUDGES

§ 312. Courts of appeal; circuits and districts

There shall be four court of appeal circuits, which shall each be subdivided into districts as follows:

1. (a) First circuit. The parishes of Ascension, Assumption, East Baton Rouge, Lafayette, Pointe Coupee, Iberville, St. Martin, and St. Tammany shall compose the first circuit.

2. (b) District of first circuit. The parishes of Ascension, Assumption, Iberville, Pointe Coupee, St. Mary, Terrebonne, and West Baton Rouge shall compose the second district of the first circuit; the parishes of East Baton Rouge shall compose the third district of the first circuit; and the parishes of East Feliciana, Livingston, St. Helena, and St. Tammany shall compose the fourth district of the first circuit.

3. (a) Second circuit. The parishes of Bienville, Bossier, Caddo, Caldwell, Claiborne, DeSoto, East Carroll, Franklin, Jackson, Lincoln, Madison, Morehouse, Orleans, Richland, Tensas, Union, Webster, West Carroll, and Winn shall compose the second circuit and the court of appeal for that circuit shall be known as "Court of Appeal, Second Circuit, State of Louisiana."

4. (b) Districts of second circuit. The parishes of East Carroll, Franklin, Madison, Morehouse, Orleans, Richland, Tensas, and West Carroll shall compose the first district of the second circuit; the parishes of Bienville, Bossier, Caldwell, Claiborne, Jackson, Lincoln, Union, Webster, and Winn shall compose the second district of the second circuit; and the parishes of Caddo, DeSoto, and Red River shall compose the third district of the second circuit.

5. (a) Third circuit. The parishes of Acadia, Allen, Avoyelles, Beauregard, Cameron, Calcasieu, Catahoula, Concordia, Evangeline, Grant, Iberia, Jefferson Davis, Lafayette, LaSalle, Natchitoches, Rapides, Sabine, St. Martin, St. Landry, Vermilion, and Vernon shall compose the third circuit and the court of appeal for that circuit shall be known as "Court of Appeal, Third Circuit, State of Louisiana."

6. (b) Districts of third circuit. The parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, and Sabine shall compose the first district of the third circuit; the parishes of Allen, Beauregard, Calcasieu, Cameron, Jefferson Davis, and Vernon shall compose the second district of the third circuit; and the parishes of Acadia, Evangeline, Iberia, Lafayette, St. Martin, St. Landry, and Vermilion shall compose the third district of the third circuit.

7. (a) Fourth circuit. The parishes of Jefferson, Orleans, Plaquemines, St. Bernard, St. Charles, St. James, and St. John the Baptist shall compose the fourth circuit and the court of appeal for that circuit shall be known as "Court of Appeal, Fourth Circuit, State of Louisiana."

8. (b) Districts of fourth circuit. The parish of Jefferson shall compose the first district of the fourth circuit; the parish of Orleans shall compose the second district of the fourth circuit; the parishes of St. Charles, St. James, and St. John the Baptist shall compose the third district of the fourth circuit; and the parishes of Plaquemines and St. Bernard shall compose the fourth district of the fourth circuit.

(b) Districts of second circuit. The parishes of East Carroll, Franklin, Madison, Morehouse, Ouachita, Richland, Tensas, and West Carroll shall compose the first district of the second circuit; the parishes of Bienville, Bossier, Caldwell, Claiborne, Jackson, Lincoln, Union, Webster, and Winn shall compose the second district of the second circuit; and the parishes of Caddo, DeSoto, and Red River shall compose the third district of the second circuit.

3. (a) Third circuit. The parishes of Acadia, Allen, Avoyelles, Beauregard, Cameron, Caddo, Catahoula, Concordia, Evangeline, Grant, Iberia, Jefferson Davis, Lafourche, LaSalle, Natchitoches, Rapides, Sabine, St. Martin, St. Landry, Vermilion, and Vernon shall compose the third circuit and the court of appeal for that circuit shall be known as “Court of Appeal, Third Circuit, State of Louisiana.”

(b) Districts of third circuit. The parishes of Avoyelles, Catahoula, Concordia, Grant, LaSalle, Natchitoches, Rapides, and Sabine shall compose the first district of the third circuit; the parishes of Acadia, Beauregard, Cameron, Jefferson Davis, and Vernon shall compose the second district of the third circuit; and the parishes of Evangeline, Iberia, Lafayette, St. Martin, St. Landry, and Vermilion shall compose the third district of the third circuit.

4. (a) Fourth circuit. The parishes of Orleans, Plaquemines, and St. Bernard shall compose the fourth circuit and the court for appeal for that circuit shall be known as “Court of Appeal, Fourth Circuit, State of Louisiana.”

(b) Districts of the fourth circuit. The parish of Orleans shall compose the first district of the fourth circuit; the parish of Plaquemines shall compose the second district of the Fourth Circuit; and the parish of St. Bernard shall compose the third district of the Fourth Circuit.

5. (a) Fifth circuit. The parishes of Jefferson, St. Charles, St. James, and St. John the Baptist shall compose the fifth circuit and the court of appeal for that circuit shall be known as “Court of Appeal, Fifth Circuit, State of Louisiana.”

(b) Districts of the fifth circuit. The parish of Jefferson shall compose the first district of the fifth circuit. The parishes of St. James and that portion of St. John the Baptist Parish on the East side of the Mississippi River shall compose the second district of the fifth circuit. The parish of St. Charles and that portion of St. John the Baptist Parish on the West side of the Mississippi River shall compose the third district of the fifth circuit.


For text of Section 312 effective until July 1, 1982, see ante.

1 So in enrolled bill.

1980 Legislation

Acts 1980, No. 661, § 7 amended and reenacted the introductory paragraph and subparagraph (b) of Paragraph 4, effective July 24, 1980, upon signature by the governor.

Section 1 of Acts 1980, No. 661 amended and reenacted Paragraph 4 and added Paragraph 5 of this section, effective July 1, 1982, subject to approval by the electorate of the proposed amendment of LSA-Cons. 1974, Art. 5, §§ 5, 8, and 10 (Acts 1980, No. 843). The constitutional amendment was approved by the electorate on November 4, 1980.

Sections 2, 3, 4, and 8 of Acts 1980, No. 661 provided as follows:

Section 2. The judges of the courts of appeal heretofore elected are hereby recognized and confirmed and shall continue in office until December 31 of the year of expiration of the term for which they were respectively elected.

Section 3. A. The effective date of the provisions of this Act which amend R.S. 13:312.1(A), (B) and (D), and enact R.S. 13:312.1(E), R.S. 13:312.4, and R.S. 13:312.5, shall be December 1, 1981, subject to the provisions of Section 4 of this Act. The additional judges provided for in this Act shall have the same qualifications and shall be entitled to the same compensation and expenses payable from the same sources as is now or may hereafter be provided for other court of appeal judges, and shall be elected by the qualified voters of their respective judicial districts as said districts are set forth in Section 1 of this Act at a special election as provided by Article V Section 22 of the Constitution. The judges so elected shall begin their terms on July 1, 1982.

B. The effective date of the provisions of this Act which amend R.S. 13:312.1(B) and (D), and enact R.S. 13:312.5 shall be July 1, 1982, subject to the provisions of Section 4 of this Act.


Section 4. This Act shall expire and become null and void if, as, and when the constitutional amendment to Article V, Sections 5, 8, and 10 introduced by Senator Windhorst as Senate Bill No. 86 (Acts 1980, No. 843) in the 1980 Regular Session of the Legislature is not finally adopted by the electorate or does not become law.

Section 5. (a) The provisions of Section 7 of this Act shall in no way affect or be construed to affect the terms of office, the retirement benefits, or the compensation of any of the present judges of the Court of Appeal for the Fourth Circuit.

(b) Notwithstanding the provisions of Section 4 of this Act, this section and Section 7 of this Act shall become effective upon signature by the governor or, if not signed 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.

C. If any provision or item of this Section or Section 7 of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

"D. All laws or parts of laws in conflict herewith are hereby repealed."

This section was continued as a statute from Const. 1921, Art. 7, § 20.

Amendment: Acts 1980, No. 661, § 7, effective July 24, 1980, upon signature by the governor, deleted “three” preceding “districts” in the introductory paragraph (although the enacting cause of § 7 did not mention the introductory paragraph, it was mentioned in the title of the Act) and, in subpar. (b) of Paragraph 4, designated the parishes of Plaquemines and St. Bernard, previously included in the third district, as the new fourth district of the fourth circuit.

Section 1 of Acts 1980, No. 661, effective July 1, 1982, inserted “at least” into the introductory paragraph and rewrote Paragraph 4 and added Paragraph 5, with the effect of dividing the Fourth Circuit Court of Appeal into the fourth and fifth circuits.

See italicized note above.

Library References
Courts 544.
C.C.R. § 136.

1 In general

The Fourth Circuit Court of Appeal is powerless to review a decision of the Nineteenth Judicial District Court since that court is within the territorial jurisdiction of the Third Circuit Court of Appeal.

Jefferson Parish Democratic Executive Committee v. Capps, 1984, 245 La. 375, 156 So. 2d 712, appeal dismissed 158 So. 2d 800, writ issued 245 La. 40, 156 So. 2d 759, reversed on other grounds, 245 La. 145, 157 So. 2d 713.

The parish committee of East Baton Rouge Parish is the proper committee with jurisdiction to order and conduct the election for the nomination of the circuit judges to be elected in the second district of the First Circuit Court of Appeal under Acts 1956, No. 961, Op. Atty.Gen, 1958-1960, p. 112.

LSA-R.S. 13:312 1980 P.P.
§ 312.1 Circuit courts of appeal; domicile; number of judges; election

Text of section 312.1 effective until Dec. 1, 1981.

A. The Court of Appeal for the First Circuit, domiciled in the city of Baton Rouge, shall have nine judges. Three judges shall be elected from each of the districts of the circuit by the qualified electors of each district, respectively.

B. The Court of Appeal for the Second Circuit, domiciled in the city of Shreveport, shall have five judges. Two judges shall be elected from the circuit at large by the qualified electors thereof, and one judge shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

C. The Court of Appeal for the Third Circuit, domiciled in the city of Lake Charles, shall have nine judges. Three judges shall be elected from the circuit at large by the qualified electors thereof, and two judges shall be elected from each of the three districts composing the circuit by the qualified electors of each district, respectively.

D. The Court of Appeal for the Fourth Circuit, domiciled in the city of New Orleans, shall have ten judges. One judge shall be elected from the combined first, third, and fourth districts of the circuit by the qualified electors thereof. Two judges shall be elected from the first district of the circuit by the qualified electors thereof. Five judges shall be elected from the second district of the circuit by the qualified electors thereof. One judge shall be elected from the third district of the circuit by the qualified electors thereof.


For text of section 312.1 effective Dec. 1, 1981, see ante.

1980 Legislation


Sections 2, 3, 4, and 8 of Acts 1980, No. 661 provided as follows:

"Section 2. The judges of the courts of appeal herefore elected are hereby recognized and confirmed and shall continue in office until December 31 of the year of expiration of the term for which they were respectively elected.

"Section 3. A. The effective date of the provisions of this Act which amend R.S. 13:312.1(A), (B) and (D), and enact R.S. 13:312.1(E), R.S. 13:312.4, and R.S. 13:312.5, shall be December 1, 1981, subject to the provisions of Section 4 of this Act. The additional judges provided for in this Act shall have the same qualifications and shall be entitled to the same compensation and expenses payable from the same sources as is now or may hereafter be provided for other court of appeal judges, and shall be elected by the qualified voters of their respective judicial districts as said districts are set forth in Section 1 of this Act at a special election as provided by Article V Section 22 of the Constitution. The judges so elected shall begin their terms on July 1, 1982.

"B. The effective date of the provisions of this Act which amend R.S. 13:312.1(b) and (c), and R.S. 13:312.5, shall be July 1, 1982, subject to the provisions of Section 4 of this Act.

So in enrolled bill. Act 661 contained no amendment of subpar. (1) (b) of R.S. 13:312.

"Section 4. This Act shall expire and become null and void if, as, and when the proposed constitutional amendment to Article V, Sections 5, 8, and 10 introduced by Senator Windhorst as Senate Bill No. 86 in the 1980 Regular Session of the Legislature is not finally adopted by the electorate or does not become law.

"Section 8. A. The provisions of Section 7 of this Act shall in no way affect or be construed to affect the terms of office, the retirement benefits, or the compensation of any of the present judges of the Court of Appeal for the Fourth Circuit.

"B. Notwithstanding the provisions of Section 4 of this Act, this Section and Section 7 of this Act shall become effective upon signature by the governor or, if not signed 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.

"C. If any provision or item of this Section or Section 7 of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

"D. All laws or parts of laws in conflict herewith are hereby repealed."

Acts 1977, No. 620, § 16 provides as follows:

"Section 16. The election of the judges to fill each of the additional judgeships established by Acts 1977, No. 620 shall be called by the governor to coincide with the regular elections for congressmen to be held in 1978."

This section was continued as a statute from Const.1921, Art. 7, § 21.

80 Amendments: Acts 1980, No. 661, § 17, effective July 24, 1980 upon signature by the governor, increased the number of judges from nine to ten and added the references to the fourth district in subsec. D.

Section 1 of Acts 1980, No. 661, effective as to this section on December 1, 1981, in subsec. A. increased the number of judges from nine to ten and added
the language calling for the at large
election of the additional judge; in
subsec. D, added language calling for a judge to be elected from
the combined first, third, and fourth
districts and calling for another judge to be elected from the
fourth district. In subsec. E, relative to the
Court of Appeal for the Fifth Circuit,
See italicized note above.
Law Review Commentaries
Louisiana appellate reorganization.
Richard F. Knight. 8 La.Bar J. 107
(August, 1966).

Library References
C.J.S. Courts 11 et seq.
C.J.S. Judges 11 et seq.

§ 312.2 Additional judges for the first circuit; term; election; compensation

A. There are hereby established three additional offices of judges for the
court of appeal of the first circuit, to increase the number of judges for the
court of appeal for said circuit from six to nine judges.

B. One additional judge shall be elected from each of the districts of the
circuit by the qualified electors of each district, respectively. The initial term
of office of each of the additional judges shall begin on March 1, 1976 and
shall expire on December 31, 1984.

C. The first judges to be elected to the three additional offices shall be
elected at a special election as provided by Article V, Section 22 of the constitution.

§ 312.3. Additional judges for the third circuit; term; election; compensation

A. There are hereby established three additional offices of judges for the
Court of Appeal for the Third Circuit, to increase the number of judges for the
court of appeal for said circuit from six to nine judges.

B. One additional judge shall be elected from each of the three districts of the
circuit by the qualified electors of each district, respectively. The initial
term of office of each of the additional judges shall begin on January 1, 1979. The initial term of office for the newly elected judge of the first
district of the third circuit shall expire on December 31, 1986. The initial
term of office for the newly elected judge of the second district of the
third circuit shall expire on December 31, 1982. The initial term of office for the newly
elected judge of the third district of the third circuit shall expire on December 31, 1984.

C. The first judges to be elected to the three additional offices shall be
elected at a special election as provided by Article V, Section 22 of the constitution.

D. The successors to the additional offices of judges herein provided, after
the initial terms of office, shall be elected for terms of ten years.

E. The additional judges shall receive the same compensation, expenses
and emoluments of office as are now or hereafter provided by law for judges of the Court of Appeal for the Third Circuit.


Acts 1977, No. 620, § 16 provides as follows:

“Section 16. The election of the
judges to fill each of the additional
judgeships established by Acts 1977, No.
C.J.S. Judges § 12, 13, 15 et seq., 15
shall be called by the governor to

§ 312.4. Additional judge for the fourth circuit; term; election; compensation

Text of Section 312.4 effective until Dec. 1, 1981.

A. There is hereby established one additional office of judge for the Court of Appeal for the Fourth Circuit, to increase the number of judges for the
court of appeal for said circuit from nine to ten judges.

B. The additional judge shall be elected from the fourth district of the circuit
by the qualified electors thereof. The initial term of office of the additional
judge shall begin on January 1, 1981. The initial term of office for the newly
elected judge of the fourth district of the fourth circuit shall expire on December 31, 1990.

C. The first judge to be elected to the additional office shall be elected at
a special election as provided by Article V, Section 22 of the Constitution.

D. The successor to the additional office of judge herein provided, after
the initial term of office, shall be elected for terms of ten years.

E. The additional judge shall receive the same compensation, expenses, and
emoluments of office as are now or hereafter provided by law for judges of the Court of Appeal for the Fourth Circuit.


For text of section 312.4 effective Dec. 1, 1981, see ante.

§ 312.4. Additional judge for the second circuit; term; election; compensation

Text of Section 312.4 effective Dec. 1, 1981.

A. There is hereby established one additional office of judge for the Court of Appeal for the Second Circuit, to increase the number of judges for the
court of appeal for said circuit from five to six judges.

B. The additional judge shall be elected at large from the second circuit
by the qualified electors of the circuit. The initial term of office of the judge shall begin on July 1, 1982. The initial term of office shall expire on December 31, 1990.

C. The first judge to be elected to the additional office shall be elected at
a special election as provided by Article V, Section 22 of the Constitution.

D. The successor to the additional office of judge herein provided, after
the initial term of office, shall be elected for terms of ten years.

E. The additional judge shall receive the same compensation, expenses, and
emoluments of office as are now or hereafter provided by law for judges of the Court of Appeal for the Second Circuit.


For text of section 312.4 effective Dec. 1, 1981, see ante.

Acts 1980, No. 661, § 7 added this section, relative to an additional
judge for the Fourth Circuit Court of Appeal, effective July 24, 1980
upon signature of the governor.

Section 1 of Acts 1980, No. 661 amends this section, effective
December 1, 1981, to relate to an additional judge for the Second Circuit
Court of Appeal. The amendment by § 1 of Act 661 was dependent
upon approval by the electorate of the proposed amendment of LSA-
Const. Art. 5, §§ 5, 8, and 10 (Acts 1980, No. 833). The constitutional
amendment was approved by the electorate on November 4, 1980.
Sections 2, 3, 4, and 8 of Acts 1980, No. 661 provided as follows:

"Section 2. The judges of the courts of appeal heretofore elected are hereby recognized and confirmed and shall continue in office until December 31 of the year of expiration of the term for which they were respectively elected.

"Section 3. A. The effective date of the provisions of this Act which amend R.S. 13:312, and (d), and enact R.S. 13:312.5, shall be December 1, 1981, subject to the provisions of Section 4 of this Act. The additional judges provided for in this Act shall have the same qualifications and shall be entitled to the same compensation and expenses payable from the same sources as is now or may hereafter be provided for other court of appeal judges, and shall be elected by the qualified voters of their respective judicial districts as said districts are set forth in Section 1 of this Act at a special election as provided by Article V Section 22 of the Constitution. The judges so elected shall begin their terms on July 1, 1982.

"B. The effective date of the provisions of this Act which amend R.S. 13:312(4) and (5), and R.S. 13:353(B), and which enact R.S. 13:312.5 shall be July 1, 1982, subject to the provisions of Section 4 of this Act.


"Section 4. This Act shall expire and become null and void if, as, and when the proposed constitutional amendment to Article V, Sections 5, 8, and 10 introduced by Senator Windhorst as Senate Bill No. 86 in the 1980 Regular Session of the Legislature is not finally adopted by the electorate or does not become law.

"Section 8. A. The provisions of Section 7 of this Act shall in no way affect or be construed to affect the terms of office, the retirement benefits, or the compensation of any of the present judges of the Court of Appeal for the Fourth Circuit.

B. Notwithstanding the provisions of Section 4 of this Act, this Section and Section 7 of this Act shall become effective upon signature by the governor or, if not signed 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.

"C. If any provision or item of this Section or Section 7 of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

"D. All laws or parts of laws in conflict herewith are hereby repealed."

1980 Amendment: As enacted by Acts 1980, No. 661, § 1, eff. July 24, 1980, this section provided for an additional judge for the Court of Appeal for the Fourth Circuit. The amendment by Acts 1980, No. 661, § 1, eff. December 1, 1980, reworded the section to provide for an additional judge for the Court of Appeal for the Second Circuit.

Library References
Judges C-97
C.J.S. Judges § 20 et seq.

§ 312.5 Additional judge for the first circuit; term; election; compensation

A. There is hereby established one additional office of judge for the Court of Appeal for the First Circuit, to increase the number of judges for the court of appeal for said circuit from nine to ten judges.

B. The additional judge shall be elected at large from the first circuit by the qualified electors of the circuit. The initial term of the judge shall begin on July 1, 1982. The initial term of office shall expire on December 31, 1980.

C. The first judge to be elected to the additional office shall be elected at a special election as provided by Article V, Section 22 of the Constitution.

D. The successor to the additional office of judge herein provided, after the initial term of office, shall be elected for terms of ten years.

E. The additional judge shall receive the same compensation, expenses, and emoluments of office as are now or hereafter provided by law for judges of the Court of Appeal of the First Circuit.


Effective date—Election and terms of judges

Acts 1980, No. 661, § 1 enacted this section, effective December 1, 1981, subject to approval by the electorate of the proposed amendment of LSA-Const. Art. V, §§ 5, 8, and 10 (Acts 1980, No. 243). The constitutional amendment was approved by the electorate on November 4, 1980.


Sections 2, 3, 4, and 8 of Acts 1980, No. 61 provided as follows:

"Section 2. The judges of the courts of appeal heretofore elected are hereby recognized and confirmed and shall continue in office until December 31 of the year of expiration of the term for which they were respectively elected.

"Section 3. A. The effective date of the provisions of this Act which amend R.S. 13.312(4) and (5), and R.S. 13.353(B), and which enact R.S. 13.312.5 shall be July 1, 1982, subject to the provisions of Section 4 of this Act.


"Section 4. This Act shall expire and become null and void if, as, and when the proposed constitutional amendment to Article V, Sections 5, 8, and 10 introduced by Senator Windhorst as Senate Bill No. 86 in the 1980 Regular Session of the Legislature is not finally adopted by the electorate or does not become law.

"Section 8. A. The provisions of Section 7 of this Act shall in no way affect or be construed to affect the terms of office, the retirement benefits, or the compensation of any of the present judges of the Court of Appeal for the Fourth Circuit.

B. Notwithstanding the provisions of Section 4 of this Act, this Section and Section 7 of this Act shall become effective upon signature by the governor or, if not signed 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.

C. If any provision or item of this Section or Section 7 of this Act or the application thereof is held invalid, such invalidity shall not affect other provisions, items, or applications of this Act which can be given effect without the invalid provisions, items, or applications, and to this end the provisions of this Act are hereby declared severable.

"D. All laws or parts of laws in conflict herewith are hereby repealed."

1980 Amendment: As enacted by Acts 1980, No. 661, § 7, eff. July 24, 1980, this section provided for an additional judge for the Court of Appeal for the Second Circuit. The amendment by Acts 1980, No. 661, § 1, eff. December 1, 1980, reworded the section to provide for an additional judge for the Court of Appeal for the Fourth Circuit.

Library References
Judges C-97
C.J.S. Judges § 20 et seq.
§ 321. Divisions; first circuit

For the purposes of nomination and election only, each district of the court of appeal of the first circuit shall have three divisions which shall be designated as Divisions A, B, and C. The judges elected from the same district in office on August 1, 1975 shall occupy Divisions A and B and the additional judge provided for by R.S. 13:312.2 shall occupy Division C. The judge having the greatest seniority shall occupy Division A, and the judge having the next greater seniority shall occupy Division B. Each candidate for judges of the court of appeal of the first circuit shall be required to qualify for and be a candidate for a division within the district for which he is a candidate.


§ 351. Salaries, oats of office, bonds

A. The clerk of each court of appeal shall receive from the state an annual salary of thirty thousand three hundred seventy-nine dollars, payable monthly on his own warrant.

B. The deputy clerk of each court of appeal shall receive from the state an annual salary of twenty-five thousand nine hundred thirty-seven dollars, payable monthly on his own warrant.

C. Each of these officers shall take the constitutional oath of office and shall furnish bond in favor of the state in the sum of ten thousand dollars, conditioned upon the faithful performance of his duties. The surety on these bonds shall be a surety company authorized to do business in this state.


1978 Amendment: Raised the clerk’s salary from twenty-two thousand five hundred dollars to twenty-five thousand five hundred dollars, and raised the deputy clerk’s salary from nineteen thousand five hundred dollars to twenty-one thousand five hundred dollars.

1979 Amendment: In amending subsec. A and B, raised the clerk’s salary from twenty thousand five hundred dollars to twenty-seven thousand dollars and raised the deputy clerk’s salary from twenty thousand five hundred dollars to twenty-three thousand six hundred fifty dollars.

1980 Amendment: In subsec. A, substituted “thirty thousand three hundred seventy-nine” for “twenty-seven thousand seven hundred ninety” in subsec. B and substituted “twenty-five thousand nine hundred thirty-seven” for “twenty thousand nine hundred thirty-seven” in subsec. C.

2. Failure to pay fees

Where appellant did not deposit filing fee for appeal until after last legally effective return date, appeal was dismissed. Shreveport Wholesale Credit Men’s Assoc’ns, Inc. v. Seaburg, App. 1975, 300 So.2d 673.

Where trial court found that failure to pay filing fee on appeal was not imputable to appellant, order was reversed. Cobb v. Bergerson, App. 1975, 257 So.2d 473.

Where party to appeal had failed to cause appeal to be docketed for trial, order was reversed. Cobb v. Bergerson, App. 1975, 244 So.2d 522.

Where party to appeal had failed to cause appeal to be docketed for trial, order was reversed. Cobb v. Bergerson, App. 1975, 234 So.2d 528.

Where party to appeal had failed to cause appeal to be docketed for trial, order was reversed. Cobb v. Bergerson, App. 1975, 228 So.2d 522.