



Amendment 13 increases judges' qualifications

September 24, 2006

Editor's note: Louisiana voters will be asked to make decisions on 13 proposed constitutional amendments on the Sept. 30 ballot. In order to help our readers better understand the possible impact of these proposed changes to our Louisiana Constitution, each day we will publish one of the proposed amendments from the Public Affairs Research Council of Louisiana's Guide to the Constitutional Amendments.

No. 13 -- Judges' Qualifications

CURRENT SITUATION: The Constitution establishes minimum qualifications and residency requirements for state judges. All candidates for state supreme court, court of appeals, district court, family court, parish court and juvenile court judgeships must have been admitted to practice law in Louisiana for at least five years prior to election.

Additionally, these candidates must be domiciled in their respective districts, circuits or parishes for at least two years prior to election.

PROPOSED CHANGE: The amendment would increase the minimum qualifications for certain judges.

Candidates for state supreme court and court of appeals judgeships would be required to have been admitted to the practice of law in Louisiana for at least 10 years prior to election. Candidates for state district court, family court, parish court and juvenile court judgeships would be required to have been admitted to practice law in Louisiana for at least eight years prior to election.

The amendment would also reduce the residency requirements for certain judicial candidates. All candidates for state supreme court, court of appeals, district court, family court, parish court and juvenile court judgeships would be required to be domiciled in their respective districts, circuits or parishes for at least one year prior to election.

The amendment would not apply to city and municipal courts, mayor's courts or justices of the peace.

The amendment would not take effect until January 2008 and would not apply to candidates for judicial elections in the interim.

COMMENT: Passage of this amendment would place Louisiana among those states with stronger minimum qualification requirements for judges. A survey of state laws regulating minimum qualifications and residency requirements for state judges indicates that over 20 states currently require more than five years of admission to the practice of law before eligibility to serve as judge for state court of appeals, supreme court or both. Over half of these states require at least 10 years to serve on those courts. Nine states require more than five years admission to the practice of law before a candidate is eligible to serve as a lower court judge. Five of these states require eight or more years to serve on those courts.

Approximately 20 states have residency requirements at least as long as Louisiana for judges of supreme courts, courts of appeals and district courts.

Proponents argue that Louisiana is among states with the lowest qualifications for judges. Proponents also argue that judges need life experience as well as legal expertise. Requiring candidates to wait longer between admission to the practice of law and running for judicial election would provide them with more of the skills and knowledge that come from experience. Proponents also note that the proposal would not require attorneys to practice law for eight or ten years but simply to be admitted to the practice of law for that time. They also argue that reducing the residency requirement would ease the impact of the proposal in rural areas where there are fewer candidates for office.

Opponents argue that the amendment places undue restrictions on democratic participation in the selection of judges. The amendment would limit the candidates who can run for office and therefore limit voters' choices.

Opponents also argue that the current system is working and that many successful judges today began their judicial career with fewer than eight years of admission to the practice of law.

LEGAL CITATION: Act 860 (Representative Greene) of the 2006 Regular Session, amending Article V, Section 24.

The complete guide to the proposed constitutional amendments that will be on the Sept. 30 ballot can be viewed at www.la-par.org. The Town Talk's daily look at each individual proposed amendment can be found online at www.thetowntalk.com/opinions, then click on Past Editions. The series began on Tuesday, Sept. 12.