

NINETEENTH JUDICIAL DISTRICT COURT
PARISH OF EAST BATON ROUGE
STATE OF LOUISIANA

NO. 780609

DIVISION A

JOHN T. FULLER

VERSUS

STATE OF LOUISIANA; JEFF LANDRY, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF THE STATE OF LOUISIANA; ELIZABETH B. MURRILL, IN HER OFFICIAL CAPACITY AS ATTORNEY GENERAL OF THE STATE OF LOUISIANA; NANCY LANDRY, IN HER OFFICIAL CAPACITY AS SECRETARY OF STATE OF THE STATE OF LOUISIANA; AND CHELSEY RICHARD NAPOLEON, IN HER OFFICIAL CAPACITY AS CLERK OF COURT FOR THE PARISH OF ORLEANS

WRITTEN REASONS

The Court sets forth its reasons for the issuance of Petitioner’s preliminary injunction as follows:

The Criminal District Court for the Parish of Orleans is a district court composed, under the law in force before Act 748, of twelve judges in Sections A through L as set forth in Louisiana Revised Statutes: 13:1335, 13:1343(A), and 13:1383 (2025). The term of a judgeship in Orleans Parish consists of six years, which is set to expire on December 31, 2026. With the upcoming election on November 3, 2026, potential candidates are required to qualify with the Orleans Parish Clerk of Court from August 5th through August 7, 2026.

Senate Bill No. 217 was amended at every stage of its passage. As introduced, it reduced the Civil District Court from fourteen to twelve judges and created a study and attrition mechanism for the Criminal District Court; its official print bears the designation “(2/3 - CA 5s15(D))”. As re-engrossed, it reduced the Criminal District Court from twelve to nine judges through voluntary notice and reverse seniority. The re-engrossed version passed the Senate with a vote of 27 to 9 with 3 absent. The House substituted the designation of specific judgeships and passed its version 66 to 31 with 8 absences. The Senate rejected the House amendments 35 to 0. The conference committee report dated May 29, 2026, selected Sections A, E, and J for the first time and added the uncodified Section 3, which cancels all further elections for the abolished judgeships. The Senate adopted the report 25 to 10 with 4 absences. The House adopted the report by a vote of 62 to 34 with 9 absences. Official Journal of the Senate, May 31, 2026, pp. 16-17; Official Journal of the House, June 1, 2026, p. 12.

During the 2026 Regular Louisiana Legislative Session, Senate Bill No. 217 was brought to the Legislative body, and the following chart illustrates its legislative history:

Legislative action	Date	Vote	Two-thirds of elected members	Result
Senate final passage (Reengrossed bill)	Apr. 20, 2026	27 to 9	26 of 39	Threshold met
House final passage (bill as amended by House)	May 12, 2026	66 to 31	70 of 105	Four votes short
Senate adoption of conference committee report	May 31, 2026	25 to 10	26 of 39	One vote short
House adoption of conference committee report	June 1, 2026	62 to 34	70 of 105	Eight votes short

In each chamber, the yeas, nays, and absences sum to the full elected membership: there were no vacancies. The Governor signed the bill as Act 748 on June 3, 2026, effective immediately.

At issue before this Court is whether Article V, Section 32 of the Louisiana Constitution gives the Louisiana Legislature the ability to eliminate Divisions A, E, and J of the Criminal District Court for the Parish of Orleans by a simple majority vote instead of a two-thirds vote of the elected members of each house as required by Article V, Section 15 (D) of the Louisiana Constitution which applies for all district courts in Louisiana.

“When a constitutional provision is plain and unambiguous its language must be given effect.” *LeBlanc v. Altobello*, 487 So. 2d 1373, 1374-75 (La. 1986).

The two Louisiana Constitutional Articles at issue are as follows in pertinent part:

LA Const. Art. V, Section 15 (D):

“The Legislature may change the number of judges in any judicial district by law enacted by two-thirds of the elected members of each house.”

LA Const. Art. V, Section 32:

“Except for provisions relating to terms of office as provided elsewhere in this Article, and notwithstanding any contrary provision of the constitution, the following courts and officers in Orleans Parish are continued, subject to change by law; the civil and criminal district courts; the city, municipal, traffic, and juvenile courts; the clerks of the civil and criminal district courts; the civil and criminal sheriffs; the constables and the clerks of the first and second city courts; the register of conveyances; and the recorder of mortgages.”

To determine which Article is controlling, this Court must look to the legislative intent of both articles as it relates to the elimination of Divisions A, E and J of the Criminal District Court of Orleans Parish. In analyzing Louisiana Constitution Article V, Section 15(D), the plain language is clear and unambiguous in that the provision provides the mechanism by which the legislature may **change the number of judges in any judicial district**. It is clear that the mechanism is by a two-thirds vote of the elected members of each house...i.e. by a two-thirds vote of the House and a two-thirds vote of the Senate.

Louisiana Constitution Article V, Section 32 sets forth provisions for Orleans Parish Courts and Officials. This article maintains all listed courts and officers in Orleans Parish and sets forth those courts and officers being “subject to change by law.” The question then becomes, is the “change by law” an exception to the two-thirds vote of the elected members of each house as provided in Louisiana Constitution Article V, Section 15.

During the Constitutional Convention of 1973, much discussion was held on the structure of the Court system in Orleans Parish. The discussions and debates held were centered on whether the Courts in the Parish of Orleans would be treated the same as other courts throughout the state of Louisiana. To that extent, the specific discussions regarding the structure of the Orleans Parish Courts occurred on September 17, 1973, of the Constitutional Convention of 1973. Delegate, Gauthier, expressed concerns about the treatment of courts in Orleans Parish being different from the other courts in the state of Louisiana. In his argument for merging the criminal and civil district courts in Orleans, he suggested that one court and its judges should decide among themselves who would handle what type of cases and suggested that the legislature was not trying to force them to build new buildings, but have the judges rotate. Delegate Gauthier went as far as to suggest that one senior criminal court judge at the time, namely Judge Bernard Bagart, and one junior criminal court judge, namely Judge Israel Augustine, being proponents of the merging of the courts.

On the same issue, and before the vote on the merger amendment, Delegate O’Neil questioned Delegate Gauthier on the amendment being “a New Orleans matter” and that the criminal judges in Orleans had a “very heavy case load” and the civil district judges had a “fairly light case load” and they don’t favor merger. Delegate Gauthier responded by suggesting that the two judges he previously spoke to discussed what “hearing criminal cases all day in and day out” does, “to destroy a man’s equilibrium listening to one matter all day.” Thereafter, the vote on said amendment was held and the amendment was rejected by a vote of 46-68.

This Court refers to this debate and subsequent vote to support the fact that the legislative intent during the 1973 Constitutional Convention regarding Orleans Parish Courts was of possible merger. Nowhere in the debate did any delegate discuss adding or reducing the number of judges being made “subject to change by law.” It can be inferred that the issues of the number of judges were not discussed because a provision of the same constitutional article already existed, namely Article V, Section 15 (D). Nowhere in the debate was there an attempt to do a “Orleans Parish Carve Out” as it relates to the number of judges in Orleans Parish. What became Constitution Article V Section 32, only dealt with legislature’s ability to merge Orleans Parish courts and officers. Furthermore, Article V Section 32 sets forth the specific courts and officers that were continued “subject to change by law.” This plain and unambiguous language taken together with the legislative intent of the Constitutional Convention of 1973 shows that no legislative authority outside of merger was contemplated by the enactment of Constitutional Article V Section 32. This argument is supported by a thorough analysis written by the attorney for the Constitutional Convention of 1973, the late Louisiana State University law professor, Lee Hargrave. *See* Lee Hargrave, *The Judiciary of the Louisiana Constitution of 1974*, 37 La.L. Rev. (1977). Professor Hargrave analyzed, “the grant of power to the legislature to ‘change by law’ relates to change in the continuation of the existence of the separate courts, and not a general legislative power to change all aspects of the Orleans district court.” *id.* at 780.

This Court further agrees with Professor Hargrave’s analysis of Article V Section 32 in that “Section 32 can be seen as a specific exception to a uniform district court structure to preserve separate criminal and civil courts in Orleans as separate courts; the Orleans district courts are to be organized and treated uniformly with the other district courts of this state.” *id.* at 781. This is a clear and unambiguous meaning that all other provisions of Article V apply to Orleans Parish Courts, and in this instance the Criminal Court for the Parish of Orleans and any change in the numbers of judges being governed by Article V, Section 15 of the Louisiana Constitution. “To conclude otherwise would be inconsistent with the general purpose of the convention of establishing as much uniformity as possible within the court structure throughout the state; the policy of preventing substantial legislative change of the constitutional structure; and the policy of requiring supermajority votes to effectuate most of those changes in district court structure that are allowed.” *id.* at 781. This means that any changes in the number of judges to any judicial district, including Orleans, needs a supermajority of two-thirds vote as set forth in Article V Section 15(D). Article V Section 32 is only a carve out recognizing the unique structure of Orleans having a separate Civil and Criminal Courts, which may “subject to change by law,” meaning those courts can be merged by a simple majority vote of the legislature. *See* La.Const. Art. V § 32.

Given this analysis, the 2026 Louisiana Legislature failed to properly pass Senate Bill 217 as it purported to change the number of judges in the Criminal District Court for the Parish of Orleans. Louisiana Constitution Article V Section 15(D) was and is the legal article to be applied in making any change to the **number of judges in any judicial district, including Orleans Parish**. By signing Senate Bill 217, making it Act 748 of the 2026 Regular Louisiana Legislative Session, the Governor in fact improperly signed a bill that did not meet the constitutional requirement to become law. *See* La. Const. Art. V §15(D). Therefore, for these reasons, Act 748 of the 2026 Louisiana Regular Legislative Session is hereby null and void and all defendants named are hereby enjoined from enacting any provisions of said Act as set forth in the accompanying order.

DONE IN CHAMBERS, THIS 14th day of July, 2026



Tarvald Anthony Smith, Judge
Division A, 19th Judicial District Court
Parish of East Baton Rouge
State of Louisiana