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U.S. DISTRICT COURT

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LORETTA WHITE
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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF LOUISIANA
NEW ORLEANS DIVISION

RONALD CHISOM, et al.,
Plaintiffs,
UNITED STATES OF AMERICA,
Plaintiff-intervenor,
v.
EDWIN W. EDWARDS, et al.,
Defendants,
PASCAL F. CALOGERO, JR., et al.
Intervenors.

Civil Action No.
86-4075

Section A

CONSENT JUDGMENT

The current apportionment of the Louisiana Supreme Court is governed by La. Const. Art. V, Section 4 and La. Rev. Stat. Section 13:101. Under Section 13:101, Orleans Parish is contained within the multimember First Supreme Court district along with Jefferson, Plaquemines, and St. Bernard Parishes.

The Chisom plaintiffs and the United States claim that the multimember district system for electing justices of the Louisiana Supreme Court in the First Supreme Court District [first district] dilutes black voting strength in violation of Section 2 of the Voting Rights Act of 1965 as amended, 42 U.S.C. 1973 [Section 2], because black citizens have less opportunity than other members of the electorate to participate in the political process and elect justices of their choice. In June

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1992, the Louisiana Legislature passed and the Governor signed Act No. 512 (S.B. 1255) (1992), which provides, inter alia, for a change in the method of electing the Louisiana Supreme Court; for the assignment of the judge elected to the newly-created position from the first district (Orleans Parish) of the Fourth Circuit Court of Appeal to the Louisiana Supreme Court; and for the assigned judge to participate and share equally in the cases and duties of the justices of the Supreme Court during this period of assignment. The Chisom plaintiffs and the United States contend that the provisions contained in Act No. 512 (1992) and in this Consent Judgment are necessary to bring the system for electing the Louisiana Supreme Court into compliance with Section 2. While the defendants do not agree with this contention and only enter into this compromise agreement to resolve extensive and costly litigation, they believe that the relief contained in this consent judgment will ensure that the system for electing the Louisiana Supreme Court is in compliance with Section 2 of the Voting Rights Act.

Accordingly, the parties to this litigation desire to effect a settlement of the issues raised by the complaint and subsequent proceedings without the necessity of further litigation, and therefore consent to entry of the following final and binding judgment as dispositive of all issues raised in this case:

It is hereby ORDERED, ADJUDGED, & DECREED:

A. The Court has jurisdiction over the parties and claims in the complaint, under 28 U.S.C. 1331, 1343(3), and 1343(4).

B. The relief contained in this consent judgment will ensure that the system for electing the Louisiana Supreme Court is in compliance with Section 2 of the Voting Rights Act.

C. Consistent with Louisiana Act No. 512 (1992) and the remedial objectives of the Voting Rights Act, the defendants shall take the following actions:

1. There shall be a Supreme Court district comprised solely of Orleans Parish, for the purpose of electing a Supreme Court justice from that district when and if a vacancy occurs in the present First Supreme Court District prior to January 1, 2000.

2. There shall be one new Fourth Circuit Court of Appeal judicial position. This additional judge shall be elected from the first district of the Fourth Circuit, which is comprised of Orleans Parish. The initial election to fill this position will be held on the congressional primary election date of October 3, 1992, and, if necessary, a runoff election shall be held on November 3, 1992. The candidate filing period for this election shall be set by the Governor of Louisiana. The term of office shall commence on January 1, 1993. The Louisiana Supreme Court shall assign the judge elected to fill this new position

immediately to the Louisiana Supreme Court pursuant to its authority under La. Const. Art. V, Section 5(A).

3. The Fourth Circuit Court of Appeal judge assigned to serve on the Supreme Court shall receive the same compensation, benefits, expenses, and emoluments of offices as now or hereafter are provided by law for a justice of the Louisiana Supreme Court.

4. The Fourth Circuit Court of Appeal judge assigned to serve on the Supreme Court shall participate and share equally in the cases, duties, and powers of the Louisiana Supreme Court. Specifically, the assigned judge and the seven Supreme Court justices shall be assigned on a rotating basis to panels of seven judges, and the Court's cases shall be assigned randomly to the seven-judge panels for decision. The assigned judge and the seven Supreme Court justices shall participate fully and share equally in all other duties and powers of the Supreme Court, including, but not limited to, those powers set forth by the Louisiana Constitution, the laws of Louisiana, and the Louisiana Rules of Court.

5. The additional judicial position for the Fourth Circuit Court of Appeal described in paragraphs C.2.-C.4. of this Consent Judgment shall expire automatically on the date that a justice takes office subsequent to being elected in any election called from a Supreme Court district composed

of Orleans Parish in accordance with paragraphs C.1. and C.7. of this Consent Judgment.

6. If the additional judicial position for the Fourth Circuit Court of Appeal described in paragraphs C.2.-C.4. of this Consent Judgment becomes vacant for any reasons prior to the expiration of that seat in accordance with paragraph C.5. of this judgment, the Governor shall call a special election to fill that position so that the special election coincides with the next regularly scheduled presidential, gubernatorial, congressional, New Orleans mayoral, state legislative, New Orleans city council, or Orleans Parish school board election that occurs within 12 months following the date on which the vacancy occurs, provided that there shall be a minimum of 60 days between the call of the election and the election date. The Louisiana Supreme Court shall assign the judge elected to fill a vacancy in this judicial position immediately to the Louisiana Supreme Court pursuant to its authority under La. Const. Art. V, Section 5(A), and the provisions of paragraphs C.3.-C.5. of this Consent Judgment shall govern the judge's tenure on the Louisiana Supreme Court.

7. If a vacancy occurs in the presently existing First Supreme Court District for any reason prior to January 1, 2000, the vacant first district Supreme Court position shall be assigned immediately to the Supreme Court district described in paragraph C.1. of this Consent Judgment that is

composed solely of Orleans Parish. The Governor shall call a special election to fill the vacant position to coincide with the next regularly scheduled presidential, gubernatorial, congressional, New Orleans mayoral, state legislative, New Orleans city council, or Orleans Parish school board election that occurs within 12 months following the date on which the vacancy occurs, provided that there shall be a minimum of 60 days between the call of the election and the election date.

8. Legislation will be enacted in the 1998 regular session of the Louisiana Legislature which provides for the reapportionment of the seven districts of the Louisiana Supreme Court in a manner that complies with the applicable federal voting law, taking into account the most recent census data available. The reapportionment will provide for a single-member district that is majority black in voting age population that includes Orleans Parish in its entirety. The reapportionment shall be effective on January 1, 2000, and future Supreme Court elections after the effective date shall take place in the newly reapportioned districts.

D. The State of Louisiana agrees to seek preclearance from the Attorney General, pursuant to Section 5 of the Voting Rights Act of 1965, 42 U.S.C. 1973c, in a timely manner for all changes affecting voting covered by Section 5 that are necessary to effectuate a full remedy and comply with this consent judgment.

E. Defendants agree that, in order to comply with the Voting Rights Act, and in order to ensure black voters in the Parish of Orleans have an equal opportunity to participate in the political process and to elect candidates of their choice, the Chisom plaintiffs and the United States are to be considered the prevailing parties in this litigation. However, attorneys fees and costs of litigation shall not be awarded in this matter against parties who have intervened at any point in the litigation.

F. This judgment is a restructuring of the Supreme Court of Louisiana by federal court order within the meaning of Act No. 1063 of 1991 (R.S. 11:558(A)(5)), and the benefits of R.S. 11:558(A)(5)(a)(ii) shall be available to the current members of the Court.

G. The Chisom plaintiffs' constitutional claims under the Fourteenth and Fifteenth Amendments, as well as their statutory claim alleging that the present electoral system violates Section 2 because it was intentionally enacted or maintained for discriminatory reasons, are hereby dismissed with prejudice.

H. This consent judgment constitutes a final judgment of all claims raised in this action by the Chisom plaintiffs and the United States, and is binding on all parties and their successors in office.

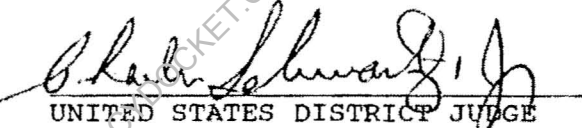
I. This consent judgment shall not take effect unless and until all changes affecting voting contained in Act No. 512

(1992) receive the requisite preclearance, pursuant to Section 5 of the Voting Rights Act.

J. The parties agree to take all steps necessary to effectuate this decree.

K. The Court shall retain jurisdiction over this case until the complete implementation of the final remedy has been accomplished.

This Consent Judgment is approved and entered this 21st day of August, 1992.


UNITED STATES DISTRICT JUDGE

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The parties agree to entry of this Consent Judgment by the
Court.

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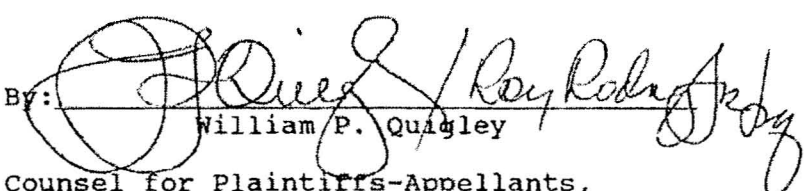
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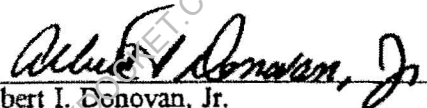

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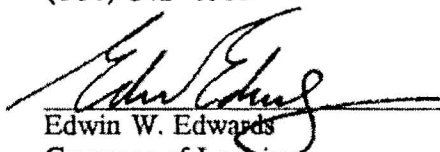


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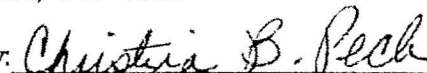


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