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Orleans City Council

Via Email to:

Council Chairman J.P. Morrell

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Dear Chairman Morrell and Members of the Council:

I have received a copy of a letter dated May 7, 2026, to the New Orleans City Council from Orleans District Attorney Jason Williams urging the Council to call a special meeting and appoint an “interim clerk.” It is my understanding that the Mayor has now also made a similar request and that the Council plans to have a special meeting as early as Monday, May 11.

The District Attorney’s analysis (and the Mayor’s to the extent she has adopted his analysis) is plainly wrong. It is not only legally misguided but irresponsible. He has provided a partial explanation of the law and, importantly, left out the most important parts. Acting upon this advice will create the very uncertainty he incorrectly claims now exists. In short, the instability the District Attorney describes does *not* now exist, but the Council will *create* instability and generate further litigation if it follows his advice. Moreover, if the Council engages in *ultra vires* acts and attempts to install an “interim clerk” and additionally to call an illegal election, I will certainly be required to act pursuant to La. R.S. 42:76 to prevent the Council and its purported appointee from interfering with the lawful officeholder’s exercise of her duties. I am prepared to carry out my duties to ensure the continued functioning of the Clerk’s office.

The Legislature did *not* create a new office for which there is no incumbent. To the contrary, the Legislature in 2026 La. Acts 15 eliminated one (the criminal clerk) and consolidated those duties into the other clerk’s office, then renamed that office. Specifically, the Act “abolish[es]” the “office of clerk of criminal district court for the parish of Orleans ... at the end of May 3, 2026, and before the term of any other criminal clerk of court begins.” Act 15, § 4. At that point, the abolished office of the criminal clerk’s “authority, functions, duties, and responsibilities,” along with its records, money, actions, and property, *transfer to the Orleans Parish civil-district-court clerk, “who shall thereafter be referred to as the clerk of court for the parish of Orleans.” Id.*

Act 15 and several other reform bills this session are part of a long-running legislative pattern of streamlining Orleans Parish’s unusually fragmented court system. *See, e.g.*, SB645 of the 2006 Regular Session by Senator Willie Landry Mount, La. State Legislature, t.ly/44M8b (consolidating Orleans civil and criminal sheriffs); HB607 of the 2013 Regular Session by Representative Helena Moreno, La. State Legislature, t.ly/IU7DI (providing for the elimination

of two Orleans juvenile court judgeships); HB600 of the 2016 Regular Session by Representative Walt Leger, III, La. State Legislature, t.ly/lznrE (combining Orleans traffic and municipal courts and eliminating a judgeship). Indeed, this conversation started long ago—it was front and center during the debates at the 1973 Constitutional Convention where a bargain was struck that permitted the Legislature to determine by law whether these exact offices would exist, what duties would be assigned to them, and what the terms of office would be.

The Louisiana Constitution expressly vests in the Legislature the power to abolish “clerks of the civil and criminal district courts” in Orleans Parish with a “change by law.” *See* La. Const. art. V, § 32. The Legislature likewise has the power to transfer those duties to the Civil Clerk and change the title of that office to reflect one consolidated office.

Article V, § 32 also forecloses the argument that the law created a new office. Separate from other clerks of court statewide, the Orleans “clerks of the civil and criminal district courts” were “continued” in the 1974 Constitution only “*subject to change by law*,” “notwithstanding any other contrary provision of this constitution.” *See also Davenport v. Hardy*, 349 So. 2d 858, 862–63 (La. 1977) (recognizing the Legislature’s exclusive power under Article V, § 32). The District Attorney is therefore wrong to suggest that the Louisiana Constitution requires a new election.

The District Attorney’s letter also flatly *ignores* applicable provisions of the State Constitution relative to clerks. Article VI, Section 13, from which he quotes, states from the outset that section applies to vacancies “*except as otherwise provided by this constitution*.” He *neglects* to cite Article V, section 32, which *specifically covers Orleans clerks of civil and criminal district courts and makes them expressly “subject to change by law.”* The District Attorney therefore selectively omits the actual primary legal point: whether a vacancy exists is determined by the manner in which the Legislature exercises its power. And here, Act 15 does not create a new office – it simply transfers duties from one to another. No vacancy exists because it did not create a new office. Should the Council purport to assign an “interim clerk” to anyone other than the Civil Clerk it will be usurping the office and interfering with her ability to carry out her new duties.

The District Attorney’s advice to the Council is irresponsible. He assumes uncertainty where there is in fact none and further suggests this fictional uncertainty creates “immediate legal risk.” He intentionally fails to advise the Council that a stay was issued blocking the federal court ruling and therefore *Act 15 is in effect and the business of that office has continued unimpeded*. Indeed, because the Clerk is part of the Judicial Branch of government, the Louisiana Supreme Court could act to ensure the integrity of the judicial process is maintained. At this time, nothing has impeded the operations or integrity of the records, the office, or its legitimacy. District Attorney Williams’ statement that “[c]riminal defendants and their counsel will almost certainly argue that records central to their prosecutions and convictions were maintained by an official exercising authority without constitutional legitimacy” *invites* frivolous litigation that purports to undermine *the very cases he prosecutes*. The chaos he describes does not exist, yet he *invites* it into existence. This Council should not add fuel to this flame by acting upon this flawed legal advice and appointing an “interim clerk” to a fictional office.

I believe the Council will obtain legal certainty on this matter shortly. My office will be asking the Louisiana Supreme Court to exercise its plenary supervisory jurisdiction on a case now

pending in the 19th JDC which would decide the matter once and for all. As opposed to creating the very chaos the District Attorney describes, I would urge this Council to exercise restraint while the Louisiana Supreme Court addresses the very legal questions he appears to presume decided.

Sincerely,

A handwritten signature in blue ink that reads "Liz Murrill". The signature is written in a cursive style with a large initial "L" and "M".

Liz Murrill
Attorney General

cc: Helena Moreno, New Orleans Mayor
helena.moreno@nola.gov