
MANDAMUS - LOUISIANA

Pineville City Court v. City of Pineville

Supreme Court of Louisiana - January 27, 2023 - So.3d - 2023 WL 534255 - 2022-00336 (La. 1/27/23)

City court and city court judge petitioned for writ of mandamus against city and its mayor, seeking order requiring city to fully fund court clerks' salaries and benefits associated with their employment.

The District Court granted defendants' peremptory exception of no cause of action and dismissed petition. Plaintiffs appealed. The Court of Appeal reversed and remanded. Defendants sought writ of certiorari, which was granted.

The Supreme Court held that:

- Payment by city of amounts exceeding statutory minimum was not purely ministerial act that could be compelled by mandamus, and
- Amendment of mandamus petition was not warranted.

Payment by city of amounts exceeding minimum in statute governing salary of city court clerks and deputy clerks was not purely ministerial in nature, but discretionary, and thus, mandamus action was inappropriate vehicle for city court and city court judge to seek order requiring city to fully fund clerks' salaries and benefits associated with their employment; statute did not expressly provide any compulsory language for payments exceeding statutory minimums, nor did it clearly define any amounts exceeding minimums for which governing authorities were mandated responsibility, and issue of whether statutory minimums set in 1960 were no longer reasonable was policy concern involving discretion exercised by legislative branch of government.

Amendment of mandamus petition by city court and city court judge seeking order requiring city to fully fund clerks' salaries and benefits associated with their employment was not warranted under statute governing amendment after a peremptory exception of no cause of action was sustained, although city and judge could properly seek mandamus to fund minimum set forth in statute governing salary of city court clerks and deputy clerks, where city was currently funding above statutory minimum, and statutory language concerning amounts above statutory minimum, and nature of demand by city court, clearly had elements left to governing authorities' discretion.

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