

LUTHER SPEIGHT & COMPANY, LLC

Certified Public Accountants and Consultants

FUNDS ON DEPOSIT

CLERK OF CIVIL DISTRICT COURT OF ORLEANS PARISH

FINANCIAL STATEMENTS
TOGETHER WITH
INDEPENDENT AUDITOR'S REPORT
AS OF AND FOR THE YEAR ENDED DECEMBER 31, 2013

Under provisions of state law, this report is a public document. A copy of the report has been submitted to the entity and other appropriate public officials. The report is available for public inspection at the Baton Rouge office of the Legislative Auditor and, where appropriate, at the office of the parish clerk of court.

Release Date JUL 1 6 2014

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LUTHER SPEIGHT & COMPANY, LLC

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INDEPENDENT AUDITOR'S REPORT

To the Honorable Dale N. Atkins Clerk of Court for the Parish of Orleans.

Report on the Financial Statements

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the accompanying Statement of Net Position of Funds on Deposit with the Clerk of Civil District Court of Orleans Parish (the Clerk), as of December 31, 2013 and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

Continued.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to above present fairly, in all material respects, the financial position of the Court as of December 31, 2013 in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Other Reporting Required by Government Auditing Standards

In accordance with Government Auditing Standards, we have also issued our report dated June 27, 2014, on our consideration of the Court's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other matters. The purpose of that report is to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the Court's internal control over financial reporting and compliance.

Accounting principles generally accepted in the United States of America require that the management's discussion and analysis on pages 4 through 6 be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

Continued,

Our audit was conducted for the purpose of forming an opinion on the basic financial statements taken as a whole. The Statement of Changes in Fiduciary Net Position of the Registry of the Court/Garnishment Fund and the Appeals Fund as presented on page 18 is presented for purposes of supplementary analysis and is not a required part of the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and, in our opinion, is fairly stated in all material respects in relation to the basic financial statements taken as a whole.

Luther Speight & Company CPAs

New Orleans, Louisiana.

June 27, 2014

CLERK OF CIVIL DISTRICT COURT OF ORLEANS PARISH

MANAGEMENT DISCUSSION AND ANALYSIS FOR THE YEAR ENDED DECEMBER 31, 2013

This management discussion and analysis of the Registry of the Court, Garnishment and the Appeals Fund of the Clerk of Civil District Court of Orleans Parish provides an overview of the financial activities of these funds for the year ended December 31, 2013.

Financial Highlights

Each of these Funds are fiduciary (agency) funds maintained by the Clerk of Civil District Court of Orleans Parish. The assets in each fund equal the liabilities in each fund. Assets consist entirely of cash or cash equivalents in banks and investments. The Funds are custodial in nature and do not involve measurement of the results of operations. The Funds use the modified accrual basis of accounting. There are no budgets prepared for either of the Funds because the changes in assets and liabilities are determined entirely by the legal filings with and deposit requirements determined on a case-by-case basis by the Civil District Court during the year.

Overview of the Financial Statements

The accompanying financial statements consist of a statement of net position for the two funds and a supplementary statement of changes in net position for both funds. It does not present information on the Orleans Parish Judicial Expense Fund nor does it provide a government-wide perspective of the Civil District Court of Orleans Parish.

The statement of financial position provides information only on each of the two funds controlled by the Clerk of the Civil District Court of Orleans Parish and the supplementary information only provides information on each fund.

The Registry of the Court Fund accounts for funds that have been ordered by the court to be held on deposit until judgment has been rendered in court litigation. These funds are withdrawn only upon order of the court to named recipients. The Appeals Fund accounts for deposits with the Clerk's Office from plaintiffs or defendants who have requested an appeal to an Appellate Court. Funds are disbursed after costs are calculated and the information is ready to be transferred to an Appellate Court.

CLERK OF CIVIL DISTRICT COURT OF ORLEANS PARISH

MANAGEMENT DISCUSSION AND ANALYSIS FOR THE YEAR ENDED DECEMBER 31, 2013

Continued,

The cash and investment balance in the Registry of the Court and the Appeals fund at December 31, 2013 were \$53,457,033 and \$1,498,684 respectively. The cash balances were due to litigants and also represented undistributed interest that was due to the Judicial Expense Fund (JEF) and 50% to the litigants. The cash balance in the Appeals Fund also includes cash totaling \$41,456 transferred to the Fund to cover the escrow for pre-1990 litigant deposits. These liability balances are as follows:

| | Registry/ Garnishment Fund | Appeals Fund |
|-------------------------|-------------------------------|--------------|
| Deposits by Litigants & | | |
| Interest Credited | \$ 53,677,575 | \$1,457,228 |
| Unreconciled Litigant | | |
| Balances | (338,464) | |
| Escrow for Pre-1990 | · | |
| Litigant Deposits | 0 | 41,456 |
| Due to Judicial Expense | 117,922 | 0 |
| • | <u>\$ 53.457,033</u> | \$ 1,498,684 |

The total Registry of the Court Fund liability for the year ended December 31, 2013 stated at \$53,457,033 reflected an increase of \$2,751,979 as compared to the prior year. The total Appeals fund liability for the year ended December 31, 2013 stated at \$1,498,684 reflected an increase of \$447,657 as compared to the prior year amount of \$1,051,027. The variations of the fund liabilities are solely driven by orders of the Court and do not reflect financial trends that are subject to analysis.

During the 2007 year the Clerk established an escrow liability to account for litigant deposits that pre-date the present Clerk's tenure, but have not been fully identified as to the amount. The escrow was established at a level of \$41,456 that represented 10% of the reconciled litigant liability for the year ended December 31, 2007. The Clerk has determined that this escrow is adequate and therefore has not increased the amount for the year ended December 31, 2013.

Interest earned on the funds deposited in the Registry of the Court is divided between Judicial Expense Fund and cases with deposits with the Registry of the Court Fund.

CLERK OF CIVIL DISTRICT COURT OF ORLEANS PARISH

MANAGEMENT DISCUSSION AND ANALYSIS FOR THE YEAR ENDED DECEMBER 31, 2013

Continued,

The Notes to the Financial Statements provide additional information that is essential for a full understanding of the data provided in the fund financial statements. This financial report is designed to provide a general overview of the operations of the Registry of the Court Fund and the Appeals Fund of the Clerk of Civil District Court of Orleans Parish for those who have an interest in the finances of these two funds. If you have any questions about this report or need additional information, contact the Honorable Dale N. Atkins, Clerk of Civil District Court, 421 Loyola Avenue, Room 402, New Orleans, Louisiana 70112.

Clerk of Civil District Court of Orleans Parish Funds on Deposit Statement of Net Position As of December 31, 2013

| | Registry/ Garnishment Fund | Appeals Fund | Total |
|---------------------------------------|----------------------------------|-----------------|--------------|
| Assets | | | |
| Cash and Cash Equivalents | \$53,457,033 | \$1,498,684 | \$54,955,717 |
| Total Assets | 53,457,033 | 1,498,684 | 54,955,717 |
| L'iabilities . | | | |
| Deposits by Litigants and | | | |
| Interest Credited | \$ 53,677,575 | 1,457,228 | 55,134,803 |
| Unreconciled Litigant Balances | \$ (338,464) | - | (338,464) |
| Escrow for Pre 1990 Litigant Deposits | | 41,456 | 41,456 |
| Due to Judicial Expense Fund | 117,922 | | 117,922 |
| Total Liabilities | 53,457,033 | 1,498,684 | 54,955,717 |
| Net Position | <u> </u> | \$ - | <u> </u> |

NOTE 1: SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

General- The Civil District Court of Orleans Parish was created by LSA-R.S. 13:1136. The Registry of Court fund of the Civil District Court (CDC) was created by LSA-R.S.1305.

The Clerk of Civil District Court is the custodian of the Registry of Court Fund and the Appeals Fund. The Clerk is required to receive cash and/or property deposits according to court order, which will remain the cash and/or property of the litigants until the Clerk is court ordered to disburse the cash and/or property. The Registry of Court fund and Appeals funds are distinct responsibilities within the Clerk of Civil District Court. However, these funds do not purport to and do not present the basic financial statements of the Clerk of Civil District Court taken as a whole.

Certain administrative expenses associated with the Registry of Court Fund are paid from a portion of the interest earned from the state authorized investment of these funds while held on deposit.

Basis of Presentation- The accompanying statements of financial position of the Registry of the Court Fund and the Appeals Fund the Funds maintained by the Clerk of Civil District Court of Orleans Parish have been prepared in conformity with U.S. generally accepted accounting principles (GAAP) as applied to governmental units. The Governmental Accounting Standards Board (GASB) is the accepted standard setting body for establishing governmental accounting and financial reporting principles.

Reporting Entity- The Clerk of Civil District Court is an independently elected official. However the Registry of Court fund for which the Clerk of Civil District Court has fiduciary responsibility functions by court order. Because the Registry of Court operates by court order, the Registry was determined to be a component unit of the Orleans Parish Judicial Expense Fund, the financial reporting entity.

Continued,

The accompanying financial statement and supplementary information present information only on the Registry of the Court Fund and the Appeals Fund maintained by the Clerk of Civil District Court of Orleans Parish and do not present information on the Orleans Parish Judicial Expense Fund, the general government services provided by that governmental unit, or any other governmental units that comprise the financial reporting entity.

Fund Accounting and Basis of Accounting- The Clerk of Court uses fund accounting to report on its financial position and changes in fiduciary liabilities. Fund accounting is designed to demonstrate legal compliance and to aid financial management by segregating transactions relating to certain government functions or activities.

A fund is a separate accounting entity with a self-balancing set of accounts. Funds of the Clerk of Court are classified as fiduciary (agency) funds. These funds are described as follows:

Fiduciary Funds—Agency funds—The Registry of the Court Fund and Appeals Fund account for assets held by the Clerk of Civil District Court as an agent for others. Agency funds are custodial in nature (assets equal liabilities) and do not involve measurement of results of operations. Consequently the agency funds have no measurement focus, and use the modified accrual basis of accounting.

Registry of Court Fund - The Registry of Court Fund, as provided by Louisiana Revised Statute 13:475, accounts for funds that have been ordered by the court to be held on deposit until judgment has been rendered in court litigation. These funds are withdrawn only upon order of the court to named recipients. Interest is earned on the funds on deposit with the Registry of the Court. This interest is allocated 50% to the Judicial Expense Fund and 50% to the respective litigant accounts, both stated at \$42,706 respectively.

Appeals Fund - The Appeals Fund, as provided by Louisiana Revised Statute 13:842 consists of estimated appeal payments of cost for filing an appeal with the appellate court. Because the costs are estimated, any funds remaining after the actual costs have been determined are refunded.

Continued,

NOTE 2: CASH AND CASH EOUIVALENTS

Cash and Cash Equivalents- Cash includes amounts in demand deposits, interest-bearing deposits, and time deposits. Under state law, the Clerk of Court may deposit funds in demand deposits, interest-bearing demand deposits, or time deposits with state banks organized under Louisiana law or any other state of the United States, or under the laws of the United States. Cash and cash equivalents include all highly liquid investments.

Investments- Investments are limited by R.S.33:2955 and Clerk of Court's investment policy. Original maturities of investments that exceed 90 days are classified as investments; however, if the original maturities are 90 days or less, they are classified as cash equivalents.

These deposits are stated at cost, which approximates market. As of December 31, 2013 the Clerk of Court recorded collected balances per bank of \$53,928,050 and \$1,499,892 for the registry and appeals funds respectively. The corresponding book balances for these funds were \$53,457,033 and \$1,498,684 respectively. Under state law, these deposits must be secured by federal deposit insurance or the pledge of securities owned by the fiscal agent bank. The market value of the pledged securities plus the federal deposit insurance must at all times equal the amount on deposit with the fiscal agent bank. As of December 31, 2013 bank account balance were insured by federal depository insurance with 100 percent of the excess balance collateralized by pledged securities held in the name of the Clerk of Court.

Louisiana Revised Statutes authorize the Civil District Court to invest in direct United States Treasury obligations, bonds, debentures, notes or other indebtedness issued or guaranteed by U.S. government instrumentalities which are federally sponsored or federal agencies that are backed by the full faith and credit of the United States; short-term repurchase agreements; and time certificates of deposit at financial institutions, state banks and national banks having their principal offices in Louisiana.

Continued,

Credit Risk

Credit risk is defined as the risk that an issuer or other counterparty to an investment will not fulfill its obligations. All of the Clerk of Court's funds were invested in very liquid instruments that were guaranteed by the U.S. Government. Accordingly the Clerk of Court was not subjected to credit risk as of December 31, 2013.

Custodial Credit Risk

Custodial credit risk is defined as the risk that, in the event of the failure of the counterparty, the Clerk of Court will not be able to recover the value of its investment of collateral securities that are in the possession of an outside party.

At December 31, 2013 the Clerk of Court was not exposed to custodial credit risk since the financial instruments are held in the name of the Clerk of Court.

NOTE 3 – UNRECONCILED LITIGANT BALANCES

The Clerk's subsidiary ledger of litigant balances for the registry did not reconcile to the funds on deposit in the registry. The Clerk's procedures for data entry to their litigant database did not include daily balancing to litigant deposits received. The differences may result from data entry errors that were not corrected. The unreconciled differences were recorded at (\$338,464) as of December 31, 2013.



LUTHER SPEIGHT & COMPANY, LLC

Certified Public Accountants and Consultants

INDEPENDENT AUDITOR'S REPORT ON INTERNAL CONTROL
OVER FINANCIAL REPORTING AND ON COMPLIANCE AND OTHER
MATTERS BASED ON AN AUDIT OF FINANCIAL STATEMENTS PERFORMED
IN ACCORDANCE WITH GOVERNMENT AUDITING STANDARDS

To the Honorable Dale N. Atkins

Clerk of Civil Court for the Parish of Orleans

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in Government Auditing Standards issued by the Comptroller General of the United States, the accompanying statement of financial position of Funds on Deposit with the Clerk of Civil District Court of Orleans Parish (the Clerk), as of December 31, 2013 and the related notes to the financial statements, and have issued our report thereon dated June 27, 2014.

Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered the Clerk's internal control over financial reporting (internal control) to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinion on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the Clerk's internal control. Accordingly, we do not express an opinion on the effectiveness of the Clerk's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Our consideration of the internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that were not identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified. We did identify a certain deficiencies in internal control, described in the accompanying schedule of findings and responses that we consider to be significant deficiencies. This finding is listed as 13-1.

Continued,

Compliance and Other Matters

As part of obtaining reasonable assurance about whether the Clerk's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests did not disclose instances of noncompliance or other matters that are required to be reported under Government Auditing Standards:

Management's Response to Findings

The Clerk's response to the findings identified in our audit is described in the accompanying schedule of findings and responses. The Clerk's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

Purpose of this Report

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the organization's internal control or on compliance. This report is an integral part of an audit performed in accordance with Government Auditing Standards in considering the organization's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

Luther Speight & Company CPAs

New Orleans, Louisiana

June 27, 2014

CLERK OF CIVIL DISTRICT COURT OF ORLEANS PARISH SCHEDULE OF FINDINGS AND QUESTIONED COSTS FOR THE YEAR ENDED DECEMBER 31, 2013

Section I - Summary of Auditor's Results

Financial Statements

An unqualified opinion was issued on the financial statements of the auditee.

| Internal Control Over Financial Reporting: | | |
|--|---------|-------|
| Material weakness(es) identified? Significant deficiency(s) identified | yes | X no |
| not considered to be material weaknesses? | _X _yes | no |
| Noncompliance material to financial statements noted? | yes | _X_no |
| Federal Awards (Not Applicable) | | |
| Internal control over major programs: | | |
| Material weakness(es)identified? Significant deficiency(s) identified | yes | oa |
| not considered to be material weaknesses? | yes | no |
| Any audit findings disclosed that are required to be | | |
| Reported in accordance with Circular | | |
| A-133, Section 510(a)? | yes | no |

CLERK OF CIVIL DISTRICT COURT FOR THE PARISH OF ORLEANS SCHEDULE OF FINDINGS AND MANAGEMENT'S RESPONSES DECEMBER 31, 2013

FINDING # 13-01: BANK RECONCILIATION PROCEDURES NOT ADEQUATE

CONDITION:

Our examination of the bank reconciliation procedures at the Clerk's office disclosed that the reconciliations did not fully reconcile the bank account balances to the book balances for the Registry accounts. Further review of the procedures for reconciliation showed that data entry procedures for the litigant database did not include edit checks for accuracy and daily balancing to litigant deposits received. The unreconciled difference as of December totaled \$338,464 as of December 31, 2013.

CAUSE:

Lack of edit checks for accuracy and daily balancing of litigant deposits to data input may be contributing factors to the differences.

EFFECT:

As a result we were unable to determine if all transactions that affected the Clerk's funds on deposit have been accurately recorded in their litigant database (books).

CRITERIA:

Generally accepted accounting principles require proper reconciliation of bank accounts to the books of record to assure that all transactions are properly recorded.

RECOMMENDATION:

We recommend that the Clerk implement daily balancing procedures for litigant deposits to data input in the litigant database. The Clerk should also perform a comprehensive reconciliation of its registry account and litigant database to resolve the unreconciled amount.

MANAGEMENT'S RESPONSE

Prior to this audit process, we had begun to upgrade to a fully computerized process for entering transactions and reconciling the registry account. In 2012, we began the process of developing a database in Peachtree that could perform both the functions of posting transactions and the bank reconciliations.

Continued.

We are still creating that database. Therefore, as we develop the Peachtree database, we are reentering a voluminous amount of information. We are building a database that meets our needs as they exist today and an opportunity for growth, allowing the creation of additional reporting functionality.

In regards to the procedures used during the audit year January 1, 2013 to December 31, 2013, we used a MS Access database for entering deposits into and withdrawals from the registry. We used a computerized MS Excel spreadsheet to perform the bank reconciliations. The finding presented in this report pertained to errors with an unreconciled balance. We continue to correct any error in the bank reconciliations. We have continued to engage the CPA that performs work on the registry account to provide additional assistance as well as a separate CPA firm to perform the bank reconciliations. This is in an effort to provide multiple layers of internal controls.

The Clerk of Court continues to work with a CPA firm to develop the new Peachtree system. We are taking every step and effort necessary to correct the errors and process with the bank reconciliation.

The Clerk of Court will implement daily balancing of the cash collected with the data entry into the database.

CLERK OF-CIVIL DISTRICT COURT OF ORLEANS PARISH UPDATE OF PRIOR YEAR FINDINGS FOR THE YEAR ENDED DECEMBER 31, 2013

| Finding No. | Description of Finding | Resolved / Unresolved | |
|-------------|---|-----------------------|--|
| 12-01 | Bank reconciliation procedures not adequate | X | |

Clerk of Civil District Court of Orleans Parish Funds on Deposit Statement of Changes in Net Position For the Year Ended December of 31, 2013

| Additions: | | Registry/ Garnishment Fund | | Appeals Fund | | Total |
|-----------------------------------|---|----------------------------------|-----------|-----------------|---|------------|
| Addition | 3. | | T unu | <u>DIM 7</u> | | Total |
| | Investment Return | \$ | 235,844 | \$ | · | \$ 235,844 |
| | Subtotals | | 235,844 | <u>.</u> | | 235,844 |
| Decreases | | | | | | |
| | Transfer to Registry Fund | | 117,922 | | _ | 117,922 |
| | Transfer to Judicial Expense Fund | | 117,922 | | - | 117,922 |
| | Changes in Unreconciled Litigant Deposits | | 130,333 | | | - |
| | | | 366,177 | | | 235,843 |
| | | | | | | |
| Net Increase/Decrease | | | (130,333) | | - | (130,333) |
| Net Position At Beginning of Year | | | 130,333 | | | 130,333 |
| Net Position At End of Year | | \$ | | \$ | - | \$ - |