

Rule 1.3 Amendment of Rules and Updating Appendices

(a) Proposed rules or amendments to existing ~~rules~~ Louisiana Rules for District Courts in Titles I through III or to the numbering systems in Titles IV and V must be approved by the Supreme Court. Proposed amendments may be submitted by any Louisiana judge or licensed member of the Louisiana bar to the Judicial Administrator of the Supreme Court.

(b) Changes to the ~~rules~~ Louisiana Rules for District Courts organized according to the numbering systems in Titles IV and V must be approved by the district court, criminal court, family court or juvenile court that adopted the rule, sitting *en banc*, and a copy must be provided to the Office of the Judicial Administrator of the Supreme Court within 30 days of ~~passage~~ the signing of the Order.

(c) ~~Changes in the information contained in the appendices to these rules shall be transmitted to the office of the Judicial Administrator of the Supreme Court within 30 days of the date of the change. The Office of the Judicial Administrator of the Supreme Court shall update the appendices annually by communication with the Chief Judge and the Clerk of Court for each judicial district, family court or juvenile court.~~ Amendments to the information contained in the appendices to the Louisiana Rules for District Courts shall be made by Court Order attached to the Appendix Amendment Form (Appendix 19) and submitted to the Office of the Judicial Administrator of the Supreme Court within thirty (30) days of the signing of the Order. The Office of the Judicial Administrator of the Supreme Court shall update the appendices annually by communication with the Chief Judge and the Clerk of Court for each judicial district, family court or juvenile court.

(d) The rules and appendices shall be published annually by West Publishing Company and shall be available on the official website of the Supreme Court of Louisiana.

Comment

Amendments to the appendices shall be posted to the Louisiana Supreme Court website as close as possible to the effective date of the amendment.

Adopted April 1, 2002, effective April 1, 2002; amended _____, 2004, effective _____, 2004.

Rule 2.0 Dates of Court

The local holidays observed by each judicial district or court, in addition to legal holidays, are as set forth in Appendix 1 to these rules.

Comment

See La. R.S. 1:55 for a listing of legal holidays.

Adopted April 1, 2002, effective April 1, 2002; amended _____, 2004, effective _____, 2004.

Rule 9.5 Court's Signature; Circulation of Proposed Judgment

All judgments, orders, and rulings requiring the court's signature must either be presented to the judge for signature when rendered or, if presented later, contain the typewritten name of the judge who rendered the judgment, order or ruling.

If presented later, the responsible attorney or the unrepresented party must circulate the proposed judgment, order or ruling to counsel for all parties and to unrepresented parties and allow at least three working days for comment before presentation to the court. When submitted, the proposed judgment, order or ruling must be accompanied by a certificate regarding the date of mailing, hand delivery or other method of delivery of the document to other counsel of record and to unrepresented parties, and stating whether any opposition was received.

This rule does not apply to default judgments.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended _____, 2004, effective _____, 2004.

Rule 9.12 Enrollment as Counsel of Record

All licensed Louisiana attorneys in good standing may enroll as counsel of record by oral **notice made in open court or by filing a written Notice of Enrollment in accordance with** La. Code Civ. Proc. art. 853 with the clerk of court, with ~~date-stamped~~ copies to all other enrolled counsel or unrepresented parties and to the Court.

Comment

Attorneys enrolling *pro hac vice* must comply with Rule XVII, Section 13 Supreme Court.

A Notice of Enrollment must be filed separately in each case.

Adopted April 1, 2002, effective April 1, 2002; amended October 29, 2003, effective January 4, 2004; amended _____, 2004, effective _____, 2004.

Rule 13.0 Form of the Petition

(a) The Court, through the Department of Public Safety and Corrections or the Clerk of Court, shall furnish to incarcerated persons who desire to file a petition, the necessary instructions and forms approved by the court for that purpose.

(b) All inmate petitions must comply with the instructions and forms described in (a) or must be prepared and filed by an attorney at law admitted to practice in the State of Louisiana. **All inmate petitions must contain the allegation that all administrative remedies have been exhausted.**

(c) If an inmate petition does not comply with (b), the Clerk of Court shall not file it, but instead shall return it to its sender.

Adopted April 1, 2002, effective April 1, 2002; amended _____, 2004, effective _____, 2004

Rule 15.0 Assignment of Cases, Filing of Motions, Pre-Trial and Status Conferences

The method of scheduling pre-trial and status conferences, and handling other pretrial matters in criminal cases, shall be determined by each district court as set forth in Appendix 14.

Adopted April 1, 2002, effective April 1, 2002.

Rule 15.1 Filing and Service of Motions

All motions, *ex parte* or otherwise, must be filed with the clerk of court and served on all opposing parties, except as otherwise provided by law. Service on the district attorney shall be accomplished by mailing a copy to the district attorney, unless the court has adopted an alternate method of service. Those courts that have adopted an alternative method of service on the district attorney are listed in Appendix 15.

An indigent defendant may file *ex parte* motions, as allowed by law, to the allotted judge, but must provide notice of the motion to the state. The state may file an opposition to the hearing being held *ex parte* and/or to the substance of the motion.

Adopted April 1, 2002, effective April 1, 2002.

Comment

See State v. Touchet, 642 So.2d 1213 (La. 9/6/94) and Code of Crim. Proc. 739.

Rule 20.0 Withdrawal of Counsel

All motions by defense counsel to be relieved as counsel of record shall be ~~fixed and heard contradictorily with the accused and the state present. at least 10 days before the date fixed for trial, except in extreme circumstances and~~ Ex parte motions to withdraw shall only be heard for good cause shown.

Adopted April 1, 2002, effective April 1, 2002; amended _____, 2004, effective _____, 2004.