

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Fourteenth Judicial District Court

Parish of Calcasieu

Chapter: 2

Chapter Title: Dates of Court

Appendix 1

Rule No: 2.0

Local Holidays in Addition to Legal Holidays Listed in La. R.S. 1:55 See 2004 Amendment to La. R.S. 1:55(E)(1)(b) which, by reference to La. R.S. 1:55(B)(1)(a), adds Mardi Gras Day and General Election Day as legal holidays.

On the following days, offices are open, the duty judge is present, but no court is scheduled:

Louisiana District Judge's Spring Conference

Annual Meeting of the Louisiana State Bar Association

Opening Ceremony, Louisiana Supreme Court

Last 14 calendar days of December.

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 2

Rule No: 3.1

Divisions or Sections of Court Amended Effective April 1, 2008; June 1, 2008; amended effective January 1, 2009

Generally, nine (9) divisions, "A" through "I", each of which was established by legislative act with corresponding election subdistricts. Effective January 1, 2009, three divisions "C", "I" and "H" are assigned pursuant to statute to the Family and Juvenile Court, and all family and juvenile matters are allotted to those divisions. All criminal matters are allotted to Divisions "A", "B", "D", "E", "F" and "G". All civil matters are allotted to Divisions "A", "B", "D", "E", "F", "G", and "H".

1. Division H, upon approval of a new judgeship, will declare its intent to be relieved of Family and Juvenile cases and receive an allotment of Criminal cases.

2. In criminal cases, Orders to Show Cause, any Orders not dispositive of an issue in the case, and any Order expressly and specifically authorized by the judge to whom it is allotted, may be signed by and judge of the district.

3. Generally, arraignments in felony cases should be held in the Division to which a case is allotted, provided that the judge of any division may accept a not guilty plea in any felony or misdemeanor case through not allotted to the division of the judge accepting the not guilty plea; and

4. Bench warrant hearings may be held before any judge unless the judge of the division to whom the case been allotted indicates on the record that the hearing is to be held in his/her division.

Appendix 3

Rule No: 3.2 and 9.3

Duty Judges; Allotments; Signing of Pleadings in Allotted and Non-Allotted Cases

Amended effective January 25, 2005; Amended effective February 12, 2008; amended effective March 9, 2009

DUTY JUDGE

1. The judge of one of the divisions of the court, excluding Divisions C, H & I, shall be randomly assigned each week as duty judge for a period of one week, beginning at 8:30 a.m. Monday and ending at 8:30 a.m. on the following Monday. Judges are authorized to exchange periods of assignment as duty judge, or a duty judge may designate the judge of another division to substitute as duty judge, provided that judge consents to the designations.
2. In civil cases, the duty judge shall exercise all the powers and perform all the duties provided for a duty judge in Article 253.3 of the Code of Civil Procedure, or under any other applicable laws, and shall conduct a general motion hour daily.
3. In criminal matters, the duty judge shall sign warrants, fix bail, and sign all ex parte orders not specifically required by other applicable law to be signed by the judge of another division, provided that the duty judge is not required or expected to fix bail after 11:00 p.m. or before 7:00 a.m.
4. When not conducting general motion hour, the duty judge shall be available each court day from 8:30 a.m. to 12:00 noon and from 1:15 p.m. to 4:30 p.m. to sign ex parte orders as limited by Article 253.3 of the Code of Civil Procedure. The duty judge shall be available on call by phone before and after office hours.
5. The duty judge shall preside over the convening of the central jury pool, and shall consider and act upon any requests for excuse from jury duty by the jurors reporting for service that day; and shall also consider and act upon requests for excuse from jury duty presented while assigned as duty judge.
6. Judicial commitment proceedings will be fixed for hearing only on Wednesdays commencing at 9:00 a.m. and will be heard by the duty judge during Motion Hour.
7. Protective orders not related to Family and Juvenile Court, concerning physical safety, will be fixed for hearing only on Thursdays commencing at 9:00 a.m. and will be heard by the duty judge during Motion Hour.

Chapter: 4

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Chapter Title: Court Personnel

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 Court Administrator
 14th Judicial District Court
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Hon. H. Lynn Jones, II www.calclerkofcourt.com/
 Clerk of Court
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Chapter: 5 **Chapter Title:** Courtroom Use, Accessibility and Security

Appendix 5A <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5A.PDF>

Rule No: 5.1

Americans with Disabilities
Form

Appendix 5B <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5b.PDF>

Rule No: 5.2

Request for Interpreter and
Order

Appendix 5C <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5C.PDF>

Rule No: 5.1

Interpreters Oath

Chapter: 8 **Chapter Title:** Indigents and In Forma Pauperis

Appendix 6 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX6.PDF>

Rule No: 8.0

In Forma Pauperis Affidavit

Chapter: 9 **Chapter Title:** Procedure

Appendix 7

Rule No: 9.4

Presentation of Pleadings to the
Court and Filing with the Clerk
of Court

All initial pleadings must be delivered to the Clerk of Court for filing and allotment prior to presenting any order to a judge, except that initial pleadings with a pauper order should be presented to the duty judge before filing, provided that in Family Court, all initial pleadings and all pleadings requiring signing of an order should be delivered to the judges' chambers.

After allotment, a pleading with an order may be presented prior to filing to the duty judge if applicable or to the judge of the division to which the case is allotted.

Appendix 8

Rule No: 9.14

Fixing for Trial or Hearing;
Scheduling Orders; Contact
with Jurors

Motions or letter requests to fix for trial may be made after all issues have been joined, and must be accompanied by a statement that the record has been checked, all answers have been filed, and the case is in proper posture for trial.

TRIAL DATE CONFLICTS

When cases are assigned for trial on the same date in different divisions involving the same trial attorney or attorneys, the following order of preference will prevail:

1. Criminal jury trials.

2. Civil jury trials.
3. Criminal bench trials and motions.
4. Civil bench trials, with an order of preference determined by the date on which trial notices were mailed.

Chapter: 13

Chapter Title: Civil Litigation Filed by Inmates

Appendix 9

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.PDF>

Rule No: 13.2

In Forma Pauperis Application;
Civil Litigation Filed by Inmate
in District Court

Appendix 10

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX10.PDF>

Rule No: 13.2

In Forma Pauperis Application;
Civil Litigation Filed by
Inmate - Appeal

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 11

CRIMINAL CASES

Rule No: 14.0

System of Random Allotment
of Criminal Cases (Other than
Traffic, Wildlife, and Appeals
from Lower Courts)

1. Definitions

1) "CRIM II" the weeks designated on the court calendar for a particular division for felony, traffic and misdemeanor arraignments, felony motions and bench trials, misdemeanor and traffic trials, any pre indictment hearing, whether by bill of indictment or information, and the answering to bench warrants, except as provided for in Section 6 below.

2) "PETIT JURY" the week(s) designated on the court calendar for a particular division for felony jury trials and the taking of pleas concomitant thereto.

2. Random Assignment of Cases

A) The Clerk of Court shall randomly allot all criminal cases by the computer program now in use, as supplemented by the manual process now in use. A principal purpose of random allotment is to prevent judge shopping or any external influence on the assignment of a case. Therefore, the Clerk shall always conduct the random allotment in a manner which fulfills this purpose. The Clerk shall assure that no one shall assign cases except persons specifically authorized by him to do so.

B) All pending criminal cases which have not been randomly allotted previously shall be randomly allotted pursuant to this rule.

C) New felony cases shall be allotted upon the filing of a bill of information or indictment.

D) Traffic and misdemeanor cases shall be scheduled for arraignment as indicated on the notice or summons received by the defendant. If a plea of not guilty is entered at arraignment, the case shall be randomly allotted by the Clerk in open court.

E) A motion to recuse which is to be referred to another judge pursuant to Article 674 of the Code of Criminal Procedure shall be randomly allotted by the computer program, unless the program appoints the judge to whom the motion to recuse is directed, in which event the manual process shall be employed, using the senior criminal minute clerk's random list.

If the motion to recuse is granted, the Clerk shall randomly allot the case to a new judge.

3. Any motion filed before allotment shall be referred by the duty judge to CRIM II judge for hearing. If allotted before the hearing date, the motion shall be set and heard in the division to which it is allotted.

4. Bench warrant hearings shall be held in CRIM II court unless the judge of the division to whom the case has been allotted indicates on the record that the hearing is to be held in his division. If the case from which the bench warrant arises has not been allotted, after the bench warrant has been answered, it shall be.

5. Once a non capital felony case against a defendant has been allotted, any subsequent filed cases, old felonies not previously allotted, and any misdemeanors with respect to the same defendant will follow the first allotted felony case and be transferred to the division in which the first allotted felony case is pending. Capital cases shall not be transferred pursuant to this section

6. If separate bills are filed arising out of the same nucleus of operative facts, all such cases will be transferred to the division receiving the first case upon motion of the state, defense or court.

7. When a motion for probation violation is filed, all pending or new cases shall follow the probation violation, and be transferred to the division to which the probation violation is allotted.

8. Orders to show cause, any orders not dispositive of an issue in the case, and any order expressly and specifically authorized by the judge to whom it is allotted, may be signed by any judge of the district.

9. Generally, arraignments in felony cases should be held in the division to which the case is assigned, provided that the judge of any division may accept a not guilty plea in any felony or misdemeanor case though not allotted to the division of the judge accepting the not guilty plea.

10. After a case has been allotted to a division of the court, it may not be transferred from one division to another within the same court, unless agreed to by all parties (including relinquishing and accepting judges), or unless it is being transferred pursuant to Sections 5, 6, and 7.

11. Criminal matters will be heard on the days scheduled by the court for the disposition of such matters.

12. Any criminal jury case not taken up on the date fixed for trial shall stand fixed for each subsequent day of that petit jury term, unless otherwise ordered by the court.

13. When two or more criminal cases are fixed for the same day, the District Attorney may call them for trial according to his published priority list.

14. A written plea of NOT GUILTY to criminal charges triable by jury may be ordered filed if presented to the court at the time scheduled for arraignment, by counsel or the Clerk of Court, provided: that the document adequately identifies the charge(s) and acknowledges by counsel and the defendant that the defendant can read the English language; is aware of the nature of the

charge(s); that counsel has advised, and defendant understands, the right to trial by jury and the right to waive trial by jury and be tried by the court; that defendant's election is for trial with or without a jury; the mailing address of counsel and the defendant; that defendant waives formal arraignment in open court or any objections as to informality thereof; and that defendant has read the document and enters a plea of NOT GUILTY to the charge(s). The document shall be signed and dated by defendant and counsel.

15. A plea of NOT GUILTY to charge(s) not triable by jury may be entered in a like manner and without the signature of defendant or the foregoing recitations, provided: the document adequately identifies the charge(s); waives formal arraignment and any objections to the informality thereof; contains the mailing address of defendant and counsel; and is signed and dated by counsel.

16. Such pleas may be delivered to the Clerk of Court, if desired, and will thereafter be presented in open court on the next scheduled date for arraignment. They shall not be considered filed, and may not be entered into or placed in the record of the case until so ordered in open court.

Appendix 12

Rule No: 14.0

Random Allotment Traffic
Offenses, Wildlife Offenses,
and Appeals from Courts of
Limited Jurisdiction

Appeals from lower courts are randomly allotted by computer upon filing. Traffic and wildlife offenses are randomly allotted by the Clerk of Court in the same manner provided for misdemeanors. See Appendix 11.

Appendix 13

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

See Appendix 11.

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14

Rule No: 15.0

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

Pre trials and status conferences are scheduled when requested by the State or defendant.

Appendix 15

Rule No: 15.1

Alternative Method of Service
on District Attorney

The District Attorney may also be served, either in court or by personal delivery.

Appendix 16
Rule No: 15.2
Appointment of Counsel
Amended effective December 12, 2006.

Every Tuesday and Thursday, a right-to-counsel hearing is held via video, in person or by telephone, during which each inmate who has been arrested within the previous 72 hours, not including Saturdays, Sundays, and Legal Holidays, is informed of his right-to-counsel. If the inmate is found indigent, a public defender or other counsel who serves on a voluntary appointment list is appointed. If counsel has not been appointed at the right-to-counsel hearing, then one is appointed at the indigents's first appearance in court.

Chapter: 18
Appendix 17
Rule No: 18.0
Waiver of Formal Arraignment

Chapter Title: Arraignment

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX17.PDF>

Chapter: 19
Appendix 18
Rule No: 19.0
Simultaneous Peremptory Challenges

Chapter Title: Simultaneous Peremptory Challenges

This court has not adopted a rule providing for a system of simultaneous exercise of peremptory challenges.
