

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Fifteenth Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

Chapter: 2

Chapter Title: Dates of Court

Appendix 1

Mardi Gras (Monday and Tuesday)

Rule No: 2.0

Court may be held on a legal holiday when so ordered by the presiding Judge.

Local Holidays in Addition to
Legal Holidays

Current information and specific court schedules can be accessed at www.15thjdc.org.

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.

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,
2005; amended effective April
1, 2009

The Court shall be divided into thirteen (13) divisions, "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L" and "M", and each judge shall preside in the divisions to which the Judge has been elected, as provided in R.S. 13:582. This rule is adopted pursuant to the authority granted Divisions or Sections of Court in R.S. 13:472. All divisions shall be allotted adoption matters randomly by the Clerk of Court in the Parishes where the Judges' respective chambers are located. Cases assigned to the therapeutic drug court are allotted to Division D. Cases assigned to Juvenile Drug Court are allotted to Division I. Suits for annulment, divorce and separation where there are no minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105, including a request for protective order instituted after the filing of the suit, and the community property partitions associated with the dissolution of said marriages shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L". Matters assigned to the Family Docket are allotted to Divisions H and M.

Any document filed with the Court or sent to a judge's chambers must be sent to all counsel by the same method used (hand-delivered, mail, email, fax).

Appendix 3

DUTY JUDGE

Rule No: 3.2 and 9.3

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

(1) There shall be a Duty Judge in each Parish, on each Judicial Day, from 10:00 to 12:00 Noon in Acadia and Vermilion, and 10:00 A.M. until 3:00 P.M. in Lafayette Parish. No duty Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge. In addition, all motions to withdraw as counsel must be presented to the judge of the division in which the case is pending.

As amended March 6, 2002,
April 30, 2004 and April 1,
2009

JUDICIAL COMMITMENTS

Judicial commitments will be heard by the duty or backup Judge. Otherwise, a Judge from the Parish of Venue shall take up the matter.

DUTY COMMISSIONER- See R.S. 13:714, et seq.

Sign the duty basket with the exception of the following; to wit:

- (1) motions for new trial;
- (2) motions for a continuance;
- (3) motions for withdrawal of counsel (unless the motion states that opposing counsel has no opposition);
- (4) motions for appeal and,
- (5) judgments, (including "Orders" of an adjudicatory nature).

Motions for continuances and/or withdrawal of counsel shall be subject to the provisions under civil and criminal rules.

Fix bail and hear related matters, as follows: (1) The commissioner shall be primarily responsible for fixing bail. Bail shall be fixed in accordance with policies established by the commissioner, having due regard for constitutional and statutory requirements.

Hold 72 hour hearings in Lafayette Parish on such dates and times as set by the Commissioner in keeping with the time requirements set forth in C.Cr.P. Art. 230.1.

In Lafayette Parish, make probable cause determinations in accordance with the requirements of C.Cr.P. Art. 232.

In Lafayette Parish, hear writs of habeas corpus filed under C.Cr.P. Art. 701B (failure to timely bill).

In Lafayette Parish, act in misdemeanor and traffic charges, including hearing preliminary motions, accepting pleas, conducting trials and adjudicating any matter pending before the Court

In Acadia and Vermilion Parishes, conduct trials and adjudicate criminal neglect of family cases (R.S. 14:74), if the defendant or his attorney do not consent to the Hearing Officer hearing the trial.

In Lafayette Parish, qualify the jury pool, grant exemptions and hear and determine excuses.

Act as arbitrator for Small Claims.

Handle such other miscellaneous duties as may be assigned by the Judges, including, but not limited to, receiving the report of the Grand Jury, signing search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

Perform ministerial duties including but not limited to, certifying notarial candidates for appointment, officiate at marriage ceremonies, and such other duties as may be assigned by the District Court Judges.

JUDICIAL REVIEW AND APPEALS

Whenever a matter filed with this court, whether on judicial review or appeal, it shall be the duty of both the clerk and the attorney filing the matter to immediately notify the judge of the division to which the case has been allotted in writing of that fact.

In matters before the Court on judicial review or appeal, when an answer has been filed and/or

the record to be reviewed is complete, it shall be the duty of the Clerk to immediately transmit the record to the judge of the division to which the case has been allotted.

ALLOTMENT OF CASES

Before allotment any judge may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders, and in his discretion, grant an extension of time in which to plead. In any non family docket suit in which there is a request for a Temporary Restraining Order, the suit must be filed and assigned to a division before any Order may be submitted to a Judge for signature. Orders in such cases should be signed by the assigned Judge only. A Judge may enter an order granting a TRO outside his or her division only in an emergency situation where the assigned Judge cannot be contacted. Once the case has been allotted, all preliminary matters and trial on the merits shall be taken up by the judge of the division to which the case is allotted. Any matter which requires expedited hearing by virtue of specified legal delays may be heard by any judge who will be sitting in the parish where the suit is pending, within the period of the legal delays, by consent of the judge who has been allotted the case. Any uncontested matter, preliminary default or confirmation of default may be taken up before any division.

Once a case has been consolidated, that case shall remain in the newly designated division to which it was transferred by virtue of the consolidation, regardless of whether any of the other matters with which it has been consolidated are settled, dismissed, or otherwise resolved.

CONTINUANCES

No Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge.

EX PARTE APPLICATIONS

Whenever application is made ex parte for an order, counsel presenting it shall state whether any previous application has been made for such order, and if made, to what judge, and what order or decision was made thereon, and what new facts, if any, are claimed to be shown, and why the application is not renewed to the Judge who originally refused the order.

Any motion for an extension of time shall contain a statement as to whether this motion is for the first, second, or subsequent extensions requested.

WITHDRAWAL OF SUIT RECORD

1. Any attorney admitted to practice law in Louisiana and maintaining an office within Lafayette, Vermillion or Acadia Parish may withdraw a court record from the Clerk of the Parish where the attorney maintains his/her office of an open or closed civil case without an order of Court. Paralegals, secretaries, law clerks, investigators and other representatives may withdraw records on behalf of attorneys upon presentation of a written request by the attorney to the Clerk of Court. These representatives shall be subject to all rules treating the subject of withdrawal of records.
2. All other persons must secure a court order for withdrawal of a court record. A written receipt shall be given to the Clerk by the person withdrawing the record.
3. All withdrawn suit records shall be returned to the Clerk's office within five (5) days after withdrawal, subject, however, to the exception set out in this rule.

4. No civil suit record may be withdrawn within ten days of the trial or any hearing in the case without an order of Court.
5. Any person who has withdrawn a suit record shall, upon request of the Clerk of Court, return the suit record to the Clerk's office within twenty-four hours.
6. If a suit record is not timely return as set forth in items 3, 4 or 5 above, the offending attorney and his representatives shall be prohibited from withdrawing any additional suit records. This prohibition shall remain in effect until all suits records checked out to the attorney have been return to the Clerk of Court.
7. All suit records shall be returned intact and without damage. If a suit record is returned in damaged condition, the attorney to whom the suit record was checked out shall pay to the Clerk of Court the cost of repair or, if not repairable, the cost of replacement, of the record.
8. Any member of a judge's staff may withdraw a civil suit at any time without an order of Court.
9. The Clerk of Court, of the Court on its own motion, may institute a Rule for Contempt against anyone who violates these rules concerning withdrawal of civil suits. If found to be in violation, the sanction imposed may, in the discretion of the Court, include the forfeiture of the privilege of withdrawing civil suits in the future as well as any other available contempt sanctions.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Tina LeMaire www.15thjdc.org
 Court Administrator
 15th Judicial District Court
 P. O. Box 3996
 Lafayette, LA 70502-3996
 Telephone: (337) 269-5761
 Facsimile: (337) 261-5123
 E-Mail: tlemaire@15thjdc.org

Hon. Robert "Bobby" Barousse www.acadiaparishclerk.com/
 Clerk of Court
 Parish of Acadia
 P.O. Box 922
 Crowley, LA 70527
 Telephone: (337) 788-8881
 Facsimile: (337) 788-1048

Hon. Louis J. Perret www.lafayetteparishclerk.com
 Clerk of Court
 Parish of Lafayette
 P.O. Box 2009
 Lafayette, LA 70502
 Telephone: (337) 291-6400
 Facsimile: (337) 291-6392
 E-Mail: clerkofcourt@lpclerk.com

Hon. Diane Meaux Broussard www.vermilionparishclerkofcourt.com/

Clerk of Court
Parish of Vermilion
100 North State Street, Suite 101
Abbeville, LA 70510
Telephone: (337) 898-1992
Facsimile: (337) 898-9803
E-Mail: vermilionclerk@cox-internet.com

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 None.

Rule No: 9.4

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

Appendix 8

Rule No: 9.14

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

WITH AMENDMENTS OF
06/09/02 AND 4/30/04

ASSIGNMENT OF CASES FOR TRIAL-- SCHEDULING ORDER--
SCHEDULING CONFERENCES ARE NOT REQUIRED IN THE
15TH JUDICIAL DISTRICT COURT

A. Matters may be fixed for trial or hearings on oral or written motion made in Open Court or in chambers; provided, however, that no motion to fix for trial may be made or filed until 120 days after issue has been joined (with all parties). Return dates for rules nisi shall be fixed by the Court in accordance with law.

B. Upon receiving a request for the fixing of a case on the merits, the Clerk shall immediately forward to all counsel of record and to all unrepresented parties a notice of the trial date of the suit, together with the following scheduling order form:

SCHEDULING ORDER

DEADLINE:

FOR:

120 days prior to trial date

1. JOINDER OF PARTIES

75 days prior to trial date

2. EXPERT WITNESSES

Each part shall file into the record and provide opposing counsel with a list of the name, address, area of testimony and expertise of each expert witness and shall provide a written report prepared and signed by the expert which shall comply with C.C.P. art. 1425(B) and include a list of qualifications of the witness, including all publications authored by the witness within the preceding ten years, the compensation to be paid the witness and a listing of any other cases in which the witness has testified as an expert at trial or by deposition within the preceding four years. Any party may petition the court to modify this requirement, upon good showing, which petition must be filed 10 days prior to the deadline for providing this information.

If the evidence is intended solely to contradict or rebut evidence on the same subject matter identified by another party, the information listed above must be furnished within 30 days after the disclosure made by the other party in compliance with C.C.P. art. 1425(C).

60 days prior to trial date

3. (a) AMENDMENT OF PLEADINGS

(b) FINAL EXCHANGE OF COPIES

REPORTS OF TREATING
PHYSICIANS (It is anticipated that,
throughout discovery, each party
shall Continuously [within five days
of Receipt] exchange copies of said
reports.)

(c) EXCHANGE OF SPECIFIC
WITNESS AND EXHIBIT LISTS

- (i) Each party shall list the name,
address and area of testimony
of each witness. The witness
list shall include rebuttal
witnesses, reasonably
anticipated.
- (ii) The party listing the witness bears
a responsibility of producing that
witness at trial. Opposing parties
may call the said witness to
testify.
- (iii) Each party shall list separately
and with particularity each
exhibit.
- (iv) Should a party fail to introduce
its listed exhibit, an
opposing attorney may
introduce the exhibit.
- (v) Absent good cause, no witness or
exhibits shall be allowed which
are not properly identified and
listed.

Four (4) weeks prior to trial 4. (a) DISCOVERY COMPLETED

(b) DISPOSITIVE MOTIONS
COMPLETED

(c) JURY OR BENCH TRIALS

Pretrial conferences are pre set for jury
trials scheduled in certain divisions.
If pretrial conferences are desired in
any other matter, any party may
schedule same with the judge's office.
Trial counsel for each party shall attend
the conference. No substitutions of
counsel will be allowed without prior
approval by the court. Counsel shall
come to the conference fully
prepared to discuss settlement of
the case and all other preliminary
matters.

5. In the event that a pre trial conference scheduled, then counsel for each party shall file pre trial stipulations which shall be due three working days prior to the pre-trial conference. A copy shall be delivered to the home office of the trial judge.

6. EXPERT DEPOSITIONS COMPLETED

7. MOTIONS IN LIMINE

Eight (8) days prior to trial 8. NON JURY TRIALS

Each party shall prepare a pre-trial memorandum which shall include a statement setting forth the length of the trial. The original memorandum shall be delivered to the home office of the trial judge. Copies shall be provided to all counsel.

9. JURY TRIALS

Each party shall prepare a short and concise statement of the case which shall include an estimate as to the length of the trial. Said statement, together with any requested jury instructions and interrogatories, shall be delivered to the home office of the trial judge. Copies shall be provided to all counsel.

Seven (7) days
prior to trial

10. MARK AND EXCHANGE EXHIBITS
AND DEMONSTRATIVE AIDS

11. EDITING OF TRIAL
DEPOSITIONS/FILING OBJECTIONS

12. NON JURY TRIALS: SUBMIT TRIAL
DEPOSITIONS TO THE JUDGE'S
CHAMBERS

Ten (10) days prior to trial 13. SETTLEMENT NEGOTIATIONS

All counsel shall confer personally at least ten days prior to trial in order to confer stipulations and discuss settlement. of the case.

PRE TRIAL CONFERENCES

Section A. In any civil action, upon request of counsel for plaintiff or defendant, or at its own direction, the Court may order the attorneys for the parties to appear before it, in person or by phone, at the discretion of the court, for a pre trial conference to consider the following:

- (a) The simplification of the issues.
- (b) The necessity or desirability of amendments to the pleadings.
- (c) The possibility of obtaining admission of facts and the document which will avoid unnecessary proof.
- (d) The limitation of the number of expert witnesses.
- (e) Such other matters as may aid in the disposition of the action.

Section B. During such conferences the parties are expected to disclose their respective positions and to stipulate as to all matters not at issue. The Court will have such stipulations noted in order to conserve time at trial. The parties at pre trial conferences will likewise be required to state objections or lack thereof to any exhibit, document, photograph or other such evidence which another party to the suit proposes to offer in evidence.

Section C. At pre trial conferences the Judge, in his discretion, may seek to advise and assist the parties to a voluntary adjustment of their differences.

Section D. The Court should not be expected, at any stage of the proceedings, to force any compromise upon reluctant counsel or parties, but it is the intent of this rule to expedite final and just disposition of all cases. Consequently, counsel will be expected to appear at pre trial conferences knowing what authority, if any, their respective client will grant with respect to resolving the differences between the parties. If there is any reasonable prospect of compromise, counsel are expected to exert reasonable efforts for that end prior to and during pre trial conference, and not wait until it is too late for the Court to otherwise utilize the time set aside for the trial of the case.

PRE TRIAL BRIEFS

Section A. All briefs and memoranda shall set forth the date and place of trial in the first sentence of the first paragraph. All pre trial briefs shall be delivered to the presiding judge at his or her home office.

Section B. Except for good cause shown, a pre trial brief shall be submitted to the presiding judge by both parties to a trial on the merits at least eight (8) working days prior to trial. It will not be necessary to file such a brief in connection with suits on notes or open accounts unless there are unusual or complicated issues of law or fact to be considered. Copies of briefs should set forth the facts expected to be proved, the issues involved, and the law pertaining thereto, in that order. Supplemental briefs may be filed at any time. Failure to file such brief may result in such disciplinary action as the Court may deem necessary.

JURY TRIALS

A. The Clerk of Court shall assign jury trials for hearing in accordance with the instructions of the Court. No case shall be fixed for trial more than one year in advance, except upon express permission of the judge to whom the case is assigned.

B. Requested special jury charges must be submitted to the Court in writing, together with supporting authorities, eight (8) days prior to trial in accordance with the scheduling order set forth herein. However, the Court in its discretion may allow the filing of additional special charges at any time prior to closing arguments.

PREFERENCE: CIVIL & CRIMINAL

A. During the weeks when a Grand Jury or Petit Jury is scheduled to be convened for any parish, criminal matters shall have preference over civil matters even though a jury may not actually be convened during those weeks.

B. In the trial of criminal cases, jury cases shall have preference over non jury cases, unless otherwise ordered by the Court.

EXPROPRIATION

Expropriation suits shall be set as a preferential fixing on the Civil Docket. The Clerk shall consult with the presiding Judge of the Division in which the case is lodged.

DISPOSITION OF CONSOLIDATED CASES

Once a case has been consolidated, that case shall remain in the newly designated division to which it was transferred by virtue of the consolidation, regardless of whether any of the other matters with which it has been consolidated are settled, dismissed or otherwise resolved.

REQUEST FOR INTERPRETER

A. Should any person need an interpreter for purposes of any proceeding before the Court, it shall be the responsibility of such person, either personally or through his or her attorney, to request an interpreter by completing the Interpreter Request Form set forth in Appendix 5B, no later than 20 days prior to the Court proceeding for which the interpreter is needed.

B. The Interpreter Request Form shall be filed with the Clerk of Court and presented to the Judge presiding over the matter in which an interpreter has been requested. If the request is approved, the Clerk of Court shall then secure an interpreter from the list of interpreters approved by the Judges.

C. If the interpreter is needed by a party or witness who is deaf or severely hearing impaired, the setting and payment of fees of such interpreter shall be in accordance with C.C.P. art. 192.1.

D. In all other cases, the cost of an interpreter shall be paid from the Criminal Court Fund, if incurred in conjunction with a criminal proceeding or shall be assessed as court costs and paid by the party or parties cast with court costs if incurred in conjunction with a civil proceeding.

E. If an interpreter is needed for a hearing impaired member of the petit jury venire, the procedure set forth in C.Cr.P. art. 401.1 shall apply.

F. All interpreters providing services in any court proceeding shall:

1. Take an oath or affirmation that he or she will make a true interpretation to the person needing interpretation services of all the proceedings of the case in the language understood by said person and that he or she will repeat, in as literal and exact manner as possible, said person's answers and statements to the Court, counsel or jury, to the best of his or her skill and judgment.

2. Shall not comment to, counsel, advise or make any other statements to the person needing interpretation, other than exact and literal translation of the proceedings.

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

Rule No: 14.0

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

With amendments through
06/11/02; As amended May 1,
2003; April 30, 2004; April 1,
2009

The clerk in each parish shall obtain a mechanical or electronic device which will allot cases on an equal or random basis. Before allotment, any judge may issue orders and grant extension of time to plead.

A Commissioner shall sign the duty basket except for motions for new trial, motions for continuance, motions for withdrawal of counsel (unless no opposition), motions for appeal, and judgments. He shall hear all hearings to reduce or increase bail and can set bail on persons arrested on probation violations. Can sign search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

ALLOTMENT OF CAPITAL CASES

A. Capital cases are randomly allotted among Divisions A, B, C, D, E, F, G, I, J, K and L (Divisions H and M which handle the domestic docket only are excluded), using the following method:

Each of the 11 divisions begins with 3 ping pong balls, for a total of 33. As a capital case is allotted to a Division, that ping pong ball is removed. After a capital case is resolved or if it is reduced to a non-capital offense, a ping pong ball for the division to which that case was allotted is replaced. The Clerk shall keep the bin containing the active ping pong balls and the box containing the removed ping pong balls under lock and key and shall not divulge the contents of either except upon Court order.

B. Whenever a capital case or cases are allotted, and subsequent thereto are dismissed by the state, and the same defendant is re-indicted under substantially the same operative facts, then the allotment of that case will remain with the judge the case was originally allotted to.

C. Whenever one defendant is charged with two or more capital cases arising out of facts that they could have been joined in a single indictment, and the state dismisses the indictments, then subsequently re-indicts the defendant in a single indictment, then the allotment of that case will remain with the judge the original case was allotted to.

D. When multiple defendants are tried together, the first docket case shall determine which divisions shall handle the trial and pretrial motions. If severed, all cases shall be randomly reallocated.

E. Once a capital case has been set for trial, if the state chooses to amend the charge to a lesser

offense, the trial date shall not be set aside solely by reason of the amendment.

ALLOTMENT OF NON-CAPITAL CASES

In Lafayette Parish, all cases charging the offenses of Issuing Worthless Checks are allotted to the IWC track. All drug cases are allotted to Tracks 1 & 3. All drug offenses committed on days 1 through 10 of each month will go to Track 3. All drug offenses committed after the 10th will go to Track 1. If a bill of information charges multiple counts, the date of the commission of the earliest felony count will control allotment. All felony cases, other than first degree murder cases, are allotted to Tracks 2, 3 or 4. All Traffic/Wildlife & Fisheries/Misdemeanor cases are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor docket and judges rotate through the docket. The Judges of all divisions, with the exception of Divisions M and H, hear cases on these dockets, on a rotating basis, with the exception of cases allotted to the Therapeutic Drug Track. All adult cases on the Therapeutic Drug Track are allotted to Division B; all juvenile drug cases are allotted to Division I.

In Acadia and Vermilion parishes, all cases charging felony violations are allotted to the Felony Docket. All Traffic/Wildlife & Fisheries/Misdemeanor cases are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor docket. The judges of all divisions, with the exception of Divisions M and H, hear cases on these dockets, on a rotating basis.

THERAPEUTIC DRUG COURT

Pursuant to the authority provided by Articles 893 and 894 of the Code of Criminal Procedure and LSA R.S. 13:5301 et seq., Division D of the 15th Judicial District Court is authorized to administer a Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention Through Sanctions and Treatment (FIST). This is a post conviction program and its mission is to get the offender sober, employable, and employed by reducing abuse of alcohol and other mind altering chemicals, thus decreasing related criminal activity.

HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction shall be heard by the judge presiding in the division of the Court in which the conviction was obtained. All criminal habeas corpus petitions filed on behalf of a defendant who is not being detained by virtue of a conviction shall be reviewed by the Commissioner, who shall determine whether it meets the requirements for expedited consideration by a judge of the Court. If the Commissioner determines the petition requires such expedited consideration, the Commissioner shall transmit the petition immediately to the Clerk of Court for random allotment of the matter to one of the Divisions of the Court, except Divisions H or M.

Appendix 12

Rule No: 14.0

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

WITH AMENDMENTS OF
3/07/02

In Lafayette Parish, all traffic offenses and wildlife offenses are allotted to the Commissioner.

In Vermilion and Acadia Parishes, all traffic offenses and wildlife offenses are allotted to the traffic/wildlife docket. The Judges of all Divisions, with the exception of Divisions M and H, hear cases on this docket, on a rotating basis.

For handling of appeals from lower Courts, all cases are randomly allotted among the Judges of all divisions, with the exception of Divisions M and H.

APPEALS FROM CITY COURT TO DISTRICT COURT

A. A transcript of the proceedings in City Court must be submitted on the appeal rather than recordings thereof.

B. The following matters and no others shall be considered on appeal:

(1) An error designated in the assignment of errors; and

(2) An error that is discoverable by a mere inspection of the pleadings and proceedings and without inspection of the evidence.

C. Upon the lodging of the appeal, the Clerk of this Court shall notify the appellant and/or his counsel that the appellate record has been lodged with this court and that briefs or memoranda thereon shall be filed within twenty (20) days thereafter.

D. Appellant shall submit a brief or memorandum to this court within twenty (20) days of lodging the appeal. The prosecuting attorney of the court from which the appeal is taken shall have ten (10) days thereafter to submit an answering brief or memorandum. Unless otherwise ordered by the Court, all appeals shall be decided on the briefs submitted.

E. If no assignments of error are included in the record lodged with this court only errors patent on the face of the record will be reviewed.

F. Appeals from City Court shall be subject to random allotment among all Divisions, with the exception of Divisions H and M.

G. A certified copy of the minute entry indicating the final determination made by the reviewing court shall be sent to the Judge and/or Clerk of the City Court from which the appeal was taken. This notice should be sent within fifteen (15) days of rendition of the judgment.

Appendix 13
Rule No: 14.1

Rule 14.1 is hereby adopted.

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14

FIXING AND TRIAL OF CRIMINAL CASES IN
LAFAYETTE PARISH ONLY

Rule No: 15.0

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

The defendant should be notified of the trial date and a pre trial (plea) day at the arraignment. A defendant who is incarcerated on the date of arraignment shall be assigned the earliest available pretrial and trial date for the track to which his case is allotted, regardless of the number of cases already fixed. Except upon special order of the Court, no defendant who has appeared on a pretrial date shall be reset for a subsequent pretrial date.

WITH AMENDMENTS OF
3/07/02

FIXING AND TRIAL OF CRIMINAL CASES IN
ACADIA AND VERMILION PARISHES ONLY

In the Parishes of Acadia and Vermilion, the District Attorney, or his assistant, will certify and send to the Clerk of Court a list of cases ready for trial. The Clerk of Court shall thereafter send a copy of the docketed cases to the District Attorney or his assistant, who will promptly prioritize the cases in accordance with State v. Simpson.

FIXING AND TRIAL OF CRIMINAL CASES IN LAFAYETTE,
ACADIA AND VERMILION PARISHES

The District Attorney, or his assistant, shall submit the prioritized order of trial to the Clerk for notice to counsel within 10 days after the PTC in Lafayette, and at least 30 days prior to trial in Acadia and Vermilion. All defendants shall be given adequate notice of the trial fixing and the order in which felony cases will be called for trial. No additions or deletions, nor any change in the order of cases fixed for trial shall be made to any felony trial docket except by order of the Court, pursuant to joint motion by both the State and the Defense.

Should any Judge dispose of all matters on the felony trial docket to which he has been assigned before the end of the weekly session, he shall notify other Judges holding criminal court during the same week and make himself available to handle any matters which will assist in the disposal of same, priority to be given to the criminal docket in the parish to which he is then assigned.

All scheduled felony cases are to be called for trial on the Monday of each criminal week. Witnesses are to be subpoenaed the same day.

The District Attorney shall advise the Sheriff, through the Chief Bailiff, of which Parish Prisoners or others shall be required for court, reasonably in advance of court.

Preferential fixings in felony cases shall be made only upon good cause shown of critical need due to the age, infirmity or unavailability of a party or material witness. This rule shall not be applicable to first degree murder cases.

DISCOVERY

In Lafayette Parish, those Assistant District Attorneys handling discovery through an open file procedure will complete that process prior to the scheduled pre trial conference. Defense lawyers will communicate that information to their clients prior to the pre trial conference. All discovery should be completed prior to the pre trial conference.

All counsel shall dispose of all pending pre trial motions, not requiring evidence or argument, at the time of the pre trial. Counsel urging a pre trial motion requiring evidence or argument should notify opposing counsel, at least 10 days prior to the pre trial, that a specified pre trial motion will require an evidentiary hearing or argument, so as to facilitate the attendance of witnesses and to allow for proper preparation and disposition of such pre trial motion at the pre trial. Otherwise, the Court shall have the discretion to allow pre trial motions to be referred to the date of the trial or to schedule a later specific date for the handling of such pre trial motions. In the case of the latter, and the trial date must be continued to facilitate the evidentiary pre trial motion, the defendant shall be personally notified of the evidentiary pre trial motion date and a new trial date, at the pre trial.

REJECTION OF PLEA BARGAIN

When the Court informs the Clerk that it will not accept a plea bargain proposed, the Clerk shall note that in the record. Counsel in the case shall advise any Judge considering the same plea bargain of the rejection.

Appendix 15

Rule No: 15.1

None.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2

Appointment of Counsel
(AS AMENDED THROUGH
9/10/2002)

After the Court makes the preliminary determination that the accused is or may be indigent, the Court shall refer the accused to the Indigent Defender's Office, which shall inquire further into the accused's economic status and upon determining that the accused is indigent, shall file in the record of the proceeding, a certification of indigency and order appointing counsel. Any oral or written statement made by the accused in the determination of his economic status shall be made under oath or an equivalent affirmation.

Any person whose application is denied may request a hearing to review the matter. A person found "partially indigent" under L.S.A. R.S. 15:148, shall have counsel appointed immediately, without regard to when he makes the payment to partially reimburse the cost of his defense.

APPOINTMENT OF COUNSEL AT 72 HOUR APPEARANCE

When audio visual electronic equipment is not available, a defendant may appear at his seventy two hour hearing by telephone as authorized by La. C.Cr.P Art. 230.1. The judge conducting such hearing by telephone shall insure that the hearing is conducted in the presence and within the hearing of the criminal records minute clerk who shall make a record thereof.

Chapter: 18

Chapter Title: Arraignment

Appendix 17

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

Rule No: 18.0

Waiver of Formal Arraignment

Chapter: 19

Chapter Title: Simultaneous Peremptory Challenges

Appendix 18

The 15th Judicial District Court does not allow a system of simultaneous peremptory challenges.

Rule No: 19.0

Simultaneous Peremptory
Challenges
