

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 2.0

Monday before Mardi Gras.

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
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.

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

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 3.1

Rule No: 3.1

Divisions or Sections of Court
Amended effective April 1,
2005; amended effective April
1, 2009; amended effective
January 1, 2010; amended
effective February 24 and
October 1, 2015; amended
effective January 1, 2017.

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, Re-entry Court, and Mental Health Court are allotted to Division "B". Cases assigned to Juvenile Drug Court are allotted to Division "E". Sobriety Court and Family Preservation 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 by married and non-married parties where there are no minor children born of, adopted or legitimated by the parties, 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".

The following matters shall be allotted to Divisions "H" and "M" and referred to as the Family Docket:

(a) Suits for annulment, divorce and separation where there are minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105 and the community property partitions associated with the dissolution of said marriages. However, if the divorce and/or separation proceeding was pending in a Family Docket division and the case has been abandoned, the case shall be reallocated to a non-Family Docket division of the court if there are no longer any minor children born of, adopted or legitimated by the marriage.

(b) All child-related issues such as the establishment or disavowal of the paternity of children, filiation, custody, visitation, and support in non-marital cases, name changes for minor children, emancipations, or any other such matters as may be designated by the District Judges.

(c) All protective orders filed in accordance with R.S. 46:2131, et seq., and R.S. 46:2151 et seq., where there are minor children born of, adopted or legitimated by the parties.

Pursuant to R.S. 46:236.5, this Court, hereby implements an expedited process for the establishment, modification and enforcement of support obligations by authorizing and directing Judges assigned to the Family Docket to nominate one or more Hearing Officers, with the approval of a majority of Judges of the Fifteenth Judicial District Court, to hear support related matters, and to hire and employ any and all such other personnel deemed necessary to implement this procedure, all of whom shall serve at the pleasure of the Court.

Said Hearing Officer(s) shall be prohibited from appearing or practicing before the Fifteenth Judicial District Court. The entire Court, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired or employed to implement this procedure.

The entire Court, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired or employed to implement this procedure. There shall be such number of Hearing Officers for the Family Docket of the 15th Judicial District Court as authorized by the District Judges.

Criminal matters shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K", and "L" in the manner set forth in Appendix 14.0A.

Appendix 3.2

Rule No: 3.2

DUTY JUDGE

Duty Judges

As amended March 6, 2002, April 30, 2004 and April 1, 2009; amended effective February 24, 2015; amended effective February 5, 2019.

(1) There shall be a Duty Judge in each Parish, on each Judicial Day, from 10:00 A.M. until 3:00 P.M. However, the Duty Judge in Acadia and Vermilion Parishes must be physically present until noon; thereafter, the Duty Judge shall have the option to be physically present or be available by electronic method for affixing signatures until 3:00 P.M. 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.

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.

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 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.

Appendix 3.4

Rule No: 3.4

Court-Specific Rules
Concerning Judges' Use of
Electronic Signatures

Amended effective January 1,
2017.

Court orders, notices, official court documents, and other writings required to be executed in connection with court proceedings and judgments may be signed electronically by the Judges of this Court. Said electronic signatures shall be in PDF format, in accordance with standards set by federal ESIGN Act.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4.1
Rule No: 4.1
Judicial Administrators and
Clerks of Court

Tina LeMaire
Court Administrator
15th Judicial District Court
P. O. Box 3996
Lafayette, LA 70502-3996
Telephone: (337) 269-5761
Facsimile: (337) 261-5123
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Hon. Robert “Bobby” Barousse
Clerk of Court
Parish of Acadia
P.O. Box 922
Crowley, LA 70527
Telephone: (337) 788-8881
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www.acadiaparishclerk.com/

Hon. Louis J. Perret
Clerk of Court
Parish of Lafayette
P.O. Box 2009
Lafayette, LA 70502
Telephone: (337) 291-6400
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Hon. Diane Meaux Broussard
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

www.vermilionparishclerkofcourt.com/

Chapter: 5

Chapter Title: Courtroom Use, Accessibility and Security

Appendix 5.1A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF>

Rule No: 5.1

Americans with Disabilities
Form

Appendix 5.1B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1B.PDF>

Rule No: 5.1

Request for Interpreter and
Order

Appendix 5.1C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.PDF>

Rule No: 5.1

Interpreters Oath

Chapter: 8

Chapter Title: Indigents and In Forma Pauperis

Appendix 8.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX8.0.PDF>

Rule No: 8.0

In Forma Pauperis Affidavit

Chapter: 9

Chapter Title: Procedure

Appendix 9.3

ALLOTMENT OF CASES

Rule No: 9.3

Allotments: Signing of Pleadings in Allotted and Non-Allotted Cases

Amended effective July 14, 2015; amended effective January 1, 2017.

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.

Appendix 9.4

Rule No: 9.4

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

Amended effective January 1, 2017.

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).

CLERK'S CERTIFICATE OF PAYMENT OF COSTS

No motion to dismiss shall be presented for signing unless a certificate of payment of costs is attached to it at time of submission, certifying that the Clerk has received payment for costs of the matter.

Appendix 9.6

http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf

Rule No: 9.6

Civil Case Cover Sheet Form

Appendix 9.12A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf>

Rule No: 9.12

Notice of Limited Appearance -
Family Law Cases

Appendix 9.12B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf>

Rule No: 9.12

Notice of Limited Appearance -
Non-Family Law Cases

Appendix 9.14

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 confect 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 5.1B, 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.

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 14.0A

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; January 1, 2010; amended effective June 1, 2011; amended effective February 7, 2012; amended effective April 19, 2013; amended effective May 21, 2013; amended effective February 24, May 19 and October 1, 2015.

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:

To maintain parity between the 11 divisions, the computer uses allocations similar to a "Bucket" System. All divisions have the same bucket size of 3 for a total of 33 slots. This means that 3 cases can be assigned to a division (bucket) before it is empty. Only divisions whose buckets are not yet empty are available to be randomly selected to a case. As cases are assigned to a division, an available slot is removed from that division's bucket. After a capital case is resolved or if it is reduced to a non-capital offense or removed from a division due to recusal or otherwise, the division to which that case was allotted is incremented by one slot.

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, if more than one case remains as a capital case, the division to which the case was originally allotted shall retain the case of the defendant whose name would fall first in an alphabetical listing, by last name first. All other cases (defendants) shall be randomly re-allotted. If, after severance, only one case remains as a capital case, the division to which the case was originally allotted shall retain the capital case.

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 NON-CAPITAL CRIMINAL CASES

LAFAYETTE PARISH

All Lafayette Parish juvenile matters (including Child in Need of Care cases) will be allotted to two judges.

These sections shall be known as Juvenile 1 and Juvenile 2. On or before March 25, 2015, all pending Child in Need of Care cases in J-2 (Division "E") will be reassigned to J-1 (Division "I"), and all new Child in Need of Care cases will be allotted to J-1.

On or before March 25, 2015, all delinquent matters pending in J-1 will be reallocated to J-2, and all future juvenile matters will be allotted to J-2.

Any pending delinquent matters where a conflict exists with J-2, those cases will remain with J-1

If a matter must be heard on an expedited basis (72 hour hearings) and the allotted judge is not available, the other Lafayette juvenile judge or the Lafayette duty judge will handle those matters.

All adult felony criminal cases in Lafayette Parish shall be allotted to Tracks 1, 2, 3, 4, and 5. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. All cases in which the offender is charged with Issuing Worthless checks shall be allotted to Track 4. All pending IWC cases will be moved to Track 4, effective June 1, 2011. Felony drug cases will be allotted to Track One. However, if an incident results in a drug offense, along with other felony offenses, those non-drug felonies alleged to have been committed at the same time and as part of the same incident will follow the felony drug case and are allotted to Track 1. The allotment of non-drug non-IWC felonies will be based upon date of offense, with a rotation which runs on a Sunday through Saturday schedule. Under the current system, which will continue, and will add Track 5 beginning with JUNE 1, 2011, the rotation FOR NON-DRUG FELONIES WILL BE as follows:

May 29—June 4—Track 4
June 5—June 11—Track 5
June 12—June 18—Track 2
June 19—June 25—Track 3
June 26—July 2—Track 4
And so on in rotation.

The allotment system will continue utilizing this four week rotation. For cases allotted to Track 5 between August 14, 2011 and December 31, 2011, each will be assigned randomly to Track 2 or 4 as a secondary Track. Each will be given a pretrial date in that secondary Track and a Trial date in Track 5. The secondary track will have full authority to act in those cases until January 1, 2012. BEGINNING JUNE 1, 2011, ALL DRUG CASES, REGARDLESS OF DATE OF COMMISSION, WILL BE ALLOTTED TO TRACK 1. All pending drug cases allotted to Track 3 prior to June 1, 2011, will remain in Track 3 through resolution.

If a Defendant is simultaneously charged with multiple offenses committed over the course of more than one date, the date of commission of the earliest offense shall govern the allotment. If a Defendant has a pending case in a track and commits a new offense resulting in new charges, those new charges, whether felony or misdemeanor, shall be transferred to the felony track where charges are already pending.

All Traffic/Wildlife & Fisheries/Misdemeanor cases in Lafayette Parish are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor Docket. The judge sitting in Lafayette Track 1 shall have 10 weeks of felony and 2 weeks of misdemeanor each year. The judges sitting in Lafayette Tracks 2, 3, 4 and 5 shall have 11 weeks of felony and 1 week of misdemeanor each year. Tracks 2, 3, 4 and 5 and Juvenile 1 and Juvenile 2 will also have an extra week of criminal every other year, during which week they shall preside over Lafayette misdemeanor cases. The judges assigned to Acadia tracks A-2 and A-3 shall preside over one week of Lafayette misdemeanor cases every other year. The judges assigned to Vermilion tracks V-1 and V-2 shall preside over one week of Lafayette misdemeanor cases every other year.

SPECIALTY COURTS

Cases assigned to the Therapeutic Drug Court, Re-entry Court, and Mental Health Court are allotted to Division "B". Cases assigned to Juvenile Drug Court are allotted to Division "E". Cases assigned to Sobriety Court and Family Preservation Court are allotted to Division "I".

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 "B" of the 15th Judicial District Court is authorized to administer an Adult Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention through Sanctions and Treatment (F.I.S.T.).

VERMILION PARISH

All adult felony criminal cases in Vermilion Parish shall be randomly allotted to Tracks V-1 or V-2. Cases shall be randomly allotted based upon date of offense. A single judge shall be assigned to each track and will, herefore, be allotted the cases in that track. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges shall be transferred to the track where charges are already pending. The judges assigned to Tracks V-1 and V-2 will also preside over all misdemeanor and juvenile matters in Vermilion Parish.

ACADIA PARISH

All adult felony criminal cases in Acadia Parish shall be randomly allotted to Tracks A-1 or A-2, using the clerk of court's random allotment software. Cases shall be randomly allotted at the time of filing of the bill of information. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. Cases still pending in Track A-1 as of December 31, 2011 shall be randomly allotted to Track A-2 or A-3, which shall be re-designated as Tract A-1 and A-2. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges shall be transferred to the track where charges are already pending. The judges assigned to Tracks A-2 and A-3 will also preside over all misdemeanor and juvenile matters in Acadia parish.

BACK UP JUDGES IN ALL PARISHES (Effective 1/1/2012)

In Lafayette Parish, all cases assigned to Track 3 shall be secondarily assigned to Track 5 and vice versa, for purposes of assistance with the trial docket. All cases assigned to Track 4 shall be secondarily assigned to Track 2 and vice versa, for purposes of assistance with the trial docket. In Vermilion Parish, all cases assigned to Track V-1 shall be secondarily assigned to Track V-2 and vice versa, for purposes of assistance with the trial docket. In Acadia Parish, all cases assigned to Track A-2 shall be secondarily assigned to Track A-3 and vice versa, for purposes of assistance with the trial docket. When multiple cases are ready for trial on a trial docket, the judge of the track secondarily assigned to that docket may preside over the jury trial of any cases remaining on the docket after the primary judge has commenced jury selection/trial of the first priority case. In such case, the secondarily assigned judge shall not reconsider any pretrial ruling previously rendered by the primary judge.

RECUSAL

If a motion to recuse, containing a valid ground for recusation, is filed in a criminal proceeding, and if the judge does not recuse himself or herself, then the recusal hearing shall be randomly allotted to one of the remaining 12 judges, including the Family Court judges. If a motion to recuse is granted pursuant to the Code of Criminal Procedure, then the case shall be randomly reallocated to another criminal track within the same parish in which the case is pending. If all judges in a parish have been recused, the case will be randomly reallocated among all judges

sitting in criminal felony tracks.

In all parishes, if both juvenile judges must recuse themselves from a case, the case will be reallocated among all judges who preside over criminal cases.

HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction or the filing of a Bill of Information or Indictment shall be heard by the judge presiding in the division of the Court in which the matter is pending or 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 or the filing of a Bill of Information or Indictment shall be heard by the judge having the next scheduled writ docket in the parish in which the Defendant is detained.

Appendix 14.0B

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 14.1

Rule 14.1 is hereby adopted.

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 15.0

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

WITH AMENDMENTS OF
3/07/02; amended effective
June 30, 2009; amended
effective June 1, 2011;
amended effective January 1,
2016.

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, at least 45 days prior to the trial date, 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 Clerk of Court shall, at least 45 days prior to the trial date, 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.

The District Attorney, or his assistant, shall submit the prioritized order of trial to the Clerk for notice to counsel at least 30 days prior to trial. 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. 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.

USE OF AUDIO/VISUAL ELECTRONIC EQUIPMENT

Please see new Appendix 15.3 (“Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission”).

Appendix 15.1

Rule No: 15.1

Appointment of Counsel

Amended through September 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.

Appendix 15.2

Rule No: 15.2

Alternative Method of Service on District Attorney

None.

Appendix 15.3

Rule No: 15.3

Court-Specific Rules Concerning Simultaneous

A defendant's appearance at the following pre-trial matters may be by simultaneous transmission through audio-visual electronic equipment:

- (1) Seventy-two hour hearing
- (2) Initial setting of bail

Appearance by a Party or
Witness by Audio-Visual
Transmission
Effective January 1, 2016.

- (3) Any pre-trial motion
- (4) Any hearing on pre-trial motion
- (5) Arraignment
- (6) Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous audio-visual transmission.

Chapter: 18

Chapter Title: Arraignment and Pleas

Appendix 18.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

Rule No: 18.0

Waiver of Formal Arraignment

Chapter: 19

Chapter Title: Simultaneous Peremptory Challenges

Appendix 19.0

SIMULTANEOUS EXERCISE OF PEREMPTORY CHALLENGES

Rule No: 19.0

Simultaneous Peremptory
Challenges

Section 1: In any felony jury trial conducted in this Judicial District, the presiding judge may, in the judge's discretion, order the simultaneous exercise of peremptory challenges.

Amended effective February
19, 2013.

Section 2: If the judge elects to order simultaneous exercise of peremptory challenges, the judge shall inform the State and the defendant of this election prior to the seating of the first panel of prospective jurors.

Section 3: The judge shall require the State and the defendant to complete a form similar to the Juror Table which follows. The completed form shall be presented at side bar at the time jurors are tendered.

Section 4: If a prospective juror is challenged under both a challenge for cause and a peremptory challenge, and the court grants the challenge for cause, the challenging party shall not be deemed to have expended a peremptory challenge.

Section 5: If both the State and the defendant exercise a peremptory challenge as to a particular prospective juror, both sides shall be deemed to have expended a peremptory challenge.
