

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Seventeenth Judicial District Court

Parish of Lafourche

Chapter: 2 **Chapter Title:** Dates of Court

Appendix 1 None.

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.

Chapter: 3 **Chapter Title:** Judges and Facsimile Transmissions to the Court

Appendix 2 DIVISIONS OF COURT

Rule No: 3.1

Divisions or Sections of Court

There shall be five (5) divisions of this Court, designated as Divisions A, B, C, D & E, and each division shall have its own docket and calendar. Each judge shall preside in the division to which he or she has been elected. No later than September 1 of each year, the judge of each division shall prepare and publish a docket calendar for the coming year, which calendar shall include days designated for criminal jury trials, criminal pre trial conferences and misdemeanor trials. The judge may amend the calendar at any time, as required to accomplish the business of the Court.

Appendix 3 ALLOTMENT OF CASES

Rule No: 3.2 and 9.3

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

Allotment of Civil Cases: Upon filing, all civil matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby civil cases shall be equally divided among the divisions of court.

DUTY JUDGE

Each division of court shall serve as civil duty judge, with a daily rotation in alphabetical, sequential order, commencing with Division "A" on the first day court is in session in September of each year. Division "A" shall be the next division in alphabetical sequence of Division "E". The civil duty judge shall have the authority specified in Louisiana Code of Civil Procedure Article 253.3.

In the event the civil duty judge is absent from the court house located in Thibodaux, Louisiana, the judge of the next division of court in alphabetical sequence who is present in the courthouse located in Thibodaux, Louisiana, shall serve as civil duty judge.

Default Judgments: A judgment by default must be obtained and a judgment by default must be confirmed before the judge of the division of the court to which it has been allotted, or before the civil duty judge authorized by Article 253.3. of the Louisiana Code of Civil Procedure.

In criminal matters, the duty judge conducts arraignments and magistrate hearings daily, sets bonds, and generally responds to matters involving criminal cases. However, the criminal duty judge has no authority to sign any pleadings or orders in cases not allotted to that judge's division.

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| Chapter: 4 | Chapter Title: Court Personnel |
| Appendix 4 | Hon. Vernon H. Rodrigue www.17thjdc.com |
| Rule No: 4.1 | Clerk of Court |
| Judicial Administrators and Clerks of Court | Parish of Lafourche www.lafourcheclerk.com/ P.O. Box 818 Thibodaux, LA 70302-0818 Telephone: (985) 447-4841 Facsimile: (985) 447-5800 E-Mail: vautin@lafourcheclerk.com |

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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 | |

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| Appendix 5B | http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5b.PDF |
| Rule No: 5.2 | |
| Request for Interpreter and Order | |

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| Appendix 5C | http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5C.PDF |
| Rule No: 5.1 | |
| Interpreters Oath | |

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| 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

PRETRIAL PROCEDURE

Rule No: 9.14

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

(A) Unless otherwise provided by law, or unless waived by the Court, no suit requiring a trial on the merits may be assigned or fixed except at or after a pretrial conference. Any party desiring to assign a case for trial shall, after all issues have been joined and after disposition of all completed or pending rules, motions, exceptions, interrogatories, requests for admissions, depositions, or other discovery proceedings, make a written request for a pretrial conference of the Judge presiding in the division to which the case has been allotted. After such a request has been made and a conference has been scheduled, the court shall be notified immediately if, for any reason, the conference is no longer necessary.

(B) The request for a pretrial conference shall certify that all issues have been joined; that there are no contemplated or pending rules, motions, exceptions or any type of discovery proceedings, formal or otherwise; that all known third party demands, interventions and amendments have been effected; and that the case is ready for trial. A copy of the pretrial request shall be sent to all counsel of record and the request shall contain the names and current addresses of all counsel or other parties to be notified.

(C) In the order in which valid, properly certified requests have been received, the Judge shall cause to be scheduled the pretrial conference and give reasonable notice to counsel for all parties.

(D) Upon the receipt by each party of the notice that the requested pretrial conference has been scheduled, each party shall submit to the presiding Judge before whom the conference is to be held a pretrial statement which shall set forth:

(1) A brief but comprehensive statement of the party's contention.

(2) A statement setting forth facts established by pleadings or by stipulations, agreement or admissions.

(3) A statement setting forth the contested issues of law.

(4) A statement setting forth the contested issues of fact.

(5) A list and brief description of exhibits which party plans to offer in evidence.

(6) A list of witnesses which party plans to call (except those which may be called for impeachment or rebuttal), and a short statement as to the nature (but not as to the content) of their testimony. Unless allowed by the Judge at the pretrial conference, no other witnesses may be called to testify except for good cause shown.

(7) A statement as to any other matters not coming under the previous headings which may be relevant to a prompt and expeditious disposition of the case.

(8) A statement as to the estimated length of time necessary to try the case.

(9) A certificate shall follow the said statement:

"I hereby certify that I will be present at the pretrial conference scheduled for _____, 20___, at ___ o'clock __.M. That I will have in my possession at the conference all available documents and exhibits that I plan to introduce at the trial, that I will be the trial attorney in this matter, and that I will also have my trial calendar so that a mutually acceptable trial date may be selected at the conference."

(E) Counsel who have certified the pretrial statements as submitted to the court shall attend the conference and subsequent trial of case, unless permission is granted by the Court for substitute counsel to appear. Any substitute counsel permitted by the Court to attend the conference shall be knowledgeable of all aspects of the case and shall possess the necessary authority to commit his client as regards changes, stipulations and/or compromise settlement.

(F) At or after the conclusion of the pretrial conference the Judge shall sign an order setting the case for trial, which shall be filed in the suit record. Any agreements entered into at the conference shall be reduced to writing at the direction of the presiding Judge.

(G) The Court may refuse to permit any witness to testify or exhibit introduced into evidence which is not listed on the pre trial order or a court approved supplemental list timely filed.

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

Rule No: 14.0

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

There is no provision for a judge to sign pleadings in a criminal matter not allotted to that judge, except that the criminal duty judge may hear motions for preliminary examination and motions to reduce bond in all cases. All other motions and orders in criminal matters must be submitted to and signed by the allotted judge.

ALLOTMENT OF CRIMINAL CASES

Allotment of Criminal Cases: At arraignment, or upon the filing of any contradictory motion, all criminal matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby felony criminal cases shall be equally divided among the

divisions of court. The Clerk of Court shall further devise a system whereby misdemeanor criminal cases shall be equally divided among the divisions of court, but excluding the division designated by order of the Court as the "Drug Treatment Court." Whenever more than one bill of information or indictment is filed against a defendant, or against multiple defendants in a related incident, they shall be allotted to the same division based upon the first matter allotted.

Motions for preliminary examination or to reduce bail may be heard by the criminal duty judge then sitting or, at his discretion, by the succeeding criminal duty judge, or these matters may be heard by the judge of the division to which the case is allotted.

If a defendant in a felony or misdemeanor matter is accepted into the Drug Treatment Court, that case and any other criminal matter pending against that defendant shall be reallocated to the division of Court then designated as the Drug Court. This rule shall not cause any other matter to be allotted to the Drug Court solely because of this reallocation, such as a companion case. If the Court by en banc order changes the designation of the Drug Court to another division, the cases of all defendants then participating in the Drug Court program shall be reallocated to the newly designated division of Court in accordance with this rule.

Appendix 12
Rule No: 14.0 See Appendix 11.

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

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
Rule No: 15.0

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

Allotment of Criminal Cases: At arraignment, or upon the filing of any contradictory motion, all criminal matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby felony criminal cases shall be equally divided among the divisions of court. The Clerk of Court shall further devise a system whereby misdemeanor criminal cases shall be equally divided among the divisions of court, but excluding the division designated by order of the Court as the "Drug Treatment Court." Whenever more than one bill of information or indictment is filed against a defendant, or against multiple defendants in a related incident, they shall be allotted to the same division based upon the first matter allotted.

Motions for preliminary examination or to reduce bail may be heard by the criminal duty judge then sitting or, at his discretion, by the succeeding criminal duty judge, or these matters may be heard by the judge of the division to which the case is allotted.

If a defendant in a felony or misdemeanor matter is accepted into the Drug Treatment Court, that case and any other criminal matter pending against that defendant shall be reallocated to the division of Court then designated as the Drug Court. This rule shall not cause any other matter to be allotted to the Drug Court solely because of this reallocation, such as a companion case. If the Court by en banc order changes the designation of the Drug Court to another division, the cases of all defendants then participating in the Drug Court program shall be reallocated to the newly

designated division of Court in accordance with this rule.

CRIMINAL MATTERS

Each division of Court shall conduct magistrate hearings and arraignments every fifth (5th) month, commencing with Division A on January 1, 2002, and continuing thereafter in alphabetical order. Arraignments shall be scheduled for 9:00 a.m. and magistrate hearings shall be scheduled at the discretion of the presiding judge.

Each division of Court shall conduct pre trial conferences each month in all criminal matters allotted to that division. Each division of Court, except the Drug Court, shall assign at least one day each calendar month to conduct trials in misdemeanor cases.

Appendix 15
Rule No: 15.1

None.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2

At the magistrate hearing conducted pursuant to La. C.Cr.P. Art. 230.1, the Court will appoint counsel for defendants who request counsel and who are determined by the Court to be indigent. In cases where the defendant is not incarcerated, the appointment of counsel will be made at arraignment or at such other time as the defendant may request counsel and the Court determines that the defendant is indigent.

Appointment of Counsel

An arrested person brought before a judge of the Seventeenth Judicial District Court for the purpose of appointment of counsel in conformity with Louisiana Code of Criminal Procedure Article 230.1 may make an appearance by telephone or audio-video equipment.

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
Rule No: 19.0

This Court does not permit the system of simultaneous peremptory challenges in criminal jury trials.

Simultaneous Peremptory
Challenges
