

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 2.0 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 3.1 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 3.2 DUTY JUDGE

Rule No: 3.2

Duty Judges

Amended effective August 1,
2017.

Each division of Court shall serve as civil duty judge on a biweekly basis to coincide with the criminal duty judge rotation provided for in Appendix 15 – Assignment of Cases, effective August 1, 2017. 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.

Appendix 3.4

Rule No: 3.4

Court-Specific Rules
Concerning Judges' Use of
Electronic Signatures

Effective July 29, 2016;
amended effective October 23,
2017.

Any presiding judge of this court may electronically sign court orders, notices, official court documents, judgments and other writings if the electronic signature consists of a computer data compilation of any symbol or series of symbols executed, adopted or authorized by the judge to be the legally binding equivalent of the judge's handwritten signature.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4.1

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Amended effective July 1,
2016.

Hon. Annette Fontana
Clerk of Court

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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

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.

Amended effective January 1, 2015.

In any pending Civil Matter that requires reallocation due to recusal of the sitting judge of the division in which said matter is pending, a ball and/or marker for the division in which the matter was pending prior to recusal shall be returned to the box at the time of recusal and reallocation. This paragraph shall apply to recusal and reallocation of matters at any stage of said proceedings.

Appendix 9.4

None.

Rule No: 9.4

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

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

PRETRIAL PROCEDURE

Rule No: 9.14

Fixing for Trial or Hearing; Scheduling Orders; Contact

(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

with Jurors

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: 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)

Amended effective July 10, 2009; amended effective November 1, 2013; amended effective January 1, 2015.

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. Any post-conviction motion filed in a case not previously allotted shall be allotted to the division of court where sentence was rendered.

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.

Notwithstanding any provision of this rule to the contrary, the Clerk of Court shall maintain a separate box for the allotment of capital cases, which box shall be kept by the Clerk in his office in a secure place. The box shall contain two balls or markers for each judge of the Court. Each time a capital case is allotted, the ball or marker drawn shall not be returned to the box until only one ball or marker is left in the box, and then all balls or markers shall be returned to the box. The allotment shall be done by the Clerk of Court or his designee in open court on the day of arraignment of the defendant, by a random drawing of one ball or marker from the box. If more than one person is charged with a capital offense arising out of the same event, all defendants shall be allotted to the judge to whom the first allotment was made and the other ball or marker for that judge, if it remains in the box, shall be removed from the box.

When an allotment is made pursuant to this article, no pending cases for any defendant charged with a capital offense shall be re-allotted to the judge who is assigned the capital offense. If the District Attorney amends the charged capital offense to a lesser non-capital offense or if the District Attorney announces that he is not seeking the death penalty in the charged capital offense, the allotment done in accordance with this rule shall remain in effect, and the ball or

marker drawn for that judge shall not be returned to the box until all balls and markers are returned as stated above. The foregoing capital allotment procedure shall supersede any previous allotment in the case, arising out of a previous arraignment on a lesser charge or the filing of any contradictory motions, as stated in the first paragraph above.

In any pending criminal matter (including capital, felony, misdemeanor, traffic, or other) that requires reallocation due to recusal of the sitting judge of the division in which said matter is pending, a ball and/or marker for the division in which the matter was pending prior to recusal shall be returned to the box at the time of recusal and reallocation. This paragraph shall apply to recusal and reallocation of matters at any stage of said proceedings, whether preconviction or post conviction.

Appendix 14.0B
Rule No: 14.0 See Appendix 14.0A.

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

Appendix 14.1
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 15.0
Rule No: 15.0

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

Amended effective January 1,
2009.

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 on a bi-weekly basis,

commencing with Division A on January 1, 2009, 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 15.1
Rule No: 15.1
Appointment of Counsel

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.

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.

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
Appearance by a Party or
Witness by Audio-Visual
Transmission
Effective October 30, 2017.

A defendant's appearance at the following proceedings may, at the discretion of the presiding judge, be made by simultaneous transmission through audio-visual electronic equipment:

1. Seventy-two hour hearing;
2. Initial setting of bond;
3. Any pretrial Motion;
4. Any hearing on Pretrial Motion;
5. Arraignment;
6. Any post-conviction proceeding; and
7. 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

Rule No: 19.0

SIMULTANEOUS EXERCISE OF PEREMPTORY CHALLENGES

Simultaneous Peremptory Challenges

Amended effective January 22, 2016.

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.

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 which identifies, as to each panel, each juror by name and number and indicates whether each juror is accepted, peremptorily challenged and/or challenged for cause. 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.
