

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Eighteenth Judicial District Court

Parishes of Iberville, Pointe Coupee and West Baton Rouge

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

Appendix 1 Mardi Gras (Monday and Tuesday)

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 Court is divided into four divisions (A, B, C and D) for the purpose of allotting Court cases
Rule No: 3.1 within the court's jurisdiction. The court has ordered the three clerks of court of the district to
randomly allot, by computer, each case upon filing.

Divisions or Sections of Court

Appendix 3 No duty judges.

Rule No: 3.2 and 9.3

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

Reduction of Bond. Only the Judge who fixes the criminal bond shall be empowered to reduce this bond without a hearing unless that particular Judge is out of the State for an unreasonable length of time. The felony Judge sitting in the Parish where the crime was committed may reduce the bond after a hearing.

Setting of Bond. Any Judge available to the Sheriff's office may set a criminal bond.

Preliminary Hearings. All preliminary hearings and writs of habeas corpus shall be handled by the assigned Criminal Judge for a particular parish during his criminal term, except when the presiding judge is the sentencing judge in the writ of habeas corpus.

Chapter: 4 **Chapter Title:** Court Personnel

Appendix 4 Hon. J. G. "Bubbie" Dupont, Jr. www.ibervilleclerk.com/

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Clerk of Court
Parish of Iberville
P. O. Box 423
Plaquemine, LA 70764-0423
Telephone: (225) 687-5160
Facsimile: (225) 687-5260

Appendix 7
Rule No: 9.4

None.

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

Appendix 8
Rule No: 9.14

ASSIGNMENTS

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

Motion for Assignments. All assignments shall be made by motion in open court or by written motion transmitted to the court. The motion shall clearly state that issue has been joined and the matter is now procedurally ready for trial. The court will reject any motion where the contrary is shown to be evident. Motions for reassignments shall be by written motion or, orally, in open court. In cases of extreme emergency, or where all counsel and the court have agreed on a reassignment, requests may be by letter or by telephone, in which event the agreement shall be followed through with a written motion.

PRE TRIAL PROCEDURE

1. This District desires to have a pre trial procedure. Unless otherwise provided herein or by law, all suits requiring a trial on the merits, shall first be pre tried in accordance with this rule. Any party desiring to assign a case for trial shall, after all issues have been joined and after disposition of all contemplated or pending rules, motions, exceptions, interrogatories, requests for admissions, depositions, or other discovery proceedings, file a written motion accompanied with an order for a pre trial conference with the judge presiding over the Division to which the case has been allotted. A duplicate original of the request shall be mailed or delivered to the Clerk of Court who shall file same in the suit record. After such a request has been made, the Court shall immediately be notified if, for any reason, the conference is no longer necessary.

2. The request shall certify that all pertinent information relative to the proceedings has been verified by examining the suit record and contacting all counsel; 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 made; that all possible consolidations have been effected; and, that the case is ready for trial. A copy of the pre trial 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. Only one request for a pre trial conference is to be submitted. Should counsel making the request desire confirmation of receipt by the Court, he shall attach a copy and enclose a self addressed, stamped envelope.

3. In the order in which valid, properly certified requests have been received, the judge shall cause to be scheduled the pre trial conference and give reasonable notice to counsel for all parties. If a litigant is not represented, notice shall be given to such party, and, in such event, any pre trial order may be ex parte.

4. Except for action initiated pursuant to R.S. 23:1021, et seq. (Workmen's Compensation), and domestic relations cases in all cases scheduled for pre trial conference, counsel for all parties are required to confer in advance of the said conference for the purpose of arriving at all possible stipulations, exchanging copies of all documents which shall be offered in evidence at the trial, preparing a list of the names and addresses of all witnesses (except those to be used for impeachment or rebuttal) who will or may testify at the trial, and for the further purpose of preparing for submission to the Court the proposed pre trial order hereinafter described. In workmen's compensation cases, counsel are not required to confer nor prepare the proposed pre trial order. Counsel are, however, required to attend any pre trial conference scheduled by the

Court.

5. Except in workmen's compensation cases and domestic relations cases and upon receipt of notice from the Court, it shall be the duty of counsel for the plaintiff to promptly arrange the conference of all counsel and it shall be the duty of all other counsel involved to facilitate and expedite the holding of such conference. On the basis of the contentions made at the conference of all counsel with respect to the matters required to be covered in the pre trial order, counsel for plaintiff will prepare and submit a proposed pre trial order to all other counsel, who shall promptly indicate to plaintiff's counsel any additions or corrections. The final draft of the proposed pre trial order shall be approved and signed by all counsel and shall be submitted by counsel for the plaintiff to the judge on the day on which the pre trial conference is to be held. In the event that any attorney disagrees with the proposed pre trial order, or any part thereof, he shall state his reason therefor and attach his signed statement of opposition to the proposed pre trial order prior to its submission to the Court, but shall nevertheless sign the proposed pre trial order which shall under these circumstances be deemed to be approved only to the extent not contemplated in the statement of opposition.

6. The proposed pre trial order shall set forth:

(A) A brief but comprehensive statement of the plaintiff's contentions. (Subordinate to and controlled by the pleadings.)

(B) A brief but comprehensive statement of the defendant's contentions. (Subordinate to and controlled by the pleadings.)

(C) A brief but comprehensive statement of the claims of any other parties. (Subordinate to and controlled by the pleadings.)

(D) Facts established by the pleadings or by stipulations or admissions.

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

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

(G) A list and brief description of exhibits (except documents for impeachment) to be offered in evidence by the parties.

(H) A statement that the documentary exhibits have been stipulated as to authenticity or that they have not been so stipulated.

(I) A statement as to whether or not there are any anticipated amendments to the pleadings.

(J) A list of witnesses (except those called for impeachment or rebuttal) each party may call and a short statement as to the nature (but not as to the content) of their testimony. Except for the witnesses listed, and impeachment and rebuttal witnesses, no other witnesses may be called to testify except for good cause shown.

(K) 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.

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

(M) The following certification:

"We hereby certify that we have conferred pursuant to Rule 10.2 of the Civil Rules of the Eighteenth Judicial District Court for the purpose of preparing this pre trial order; and, that we

shall promptly attend the Court conference to be held on the ___ day of _____, 20___, at ___ o'clock __.M." (Date and time as shown on notice to be stated.)

(N) The following order:

"IT IS ORDERED that this cause be set for trial (by jury) at ___ o'clock __.M., on the ___ day of _____, 20___. Trial briefs (special jury charges) are to be submitted to the court not later than _____, 20___."

"IT IS FURTHER ORDERED that the jury bond is fixed in the amount of _____ Dollars and is to be filed not later than _____, 20___, with the Clerk of Court."

"_____, Louisiana, this ___ day of _____, 20___."

"Judge, Eighteenth Judicial District Court"

7. Counsel who have certified the pre trial order as submitted to the Court shall attend the Court conference 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.

8. The trial date selected for the case should not be more than six (6) months from the date of the pre trial conference.

9. At the conclusion of the pre trial conference, the judge shall sign the order setting the case for trial and it shall thereafter be filed in the suit record. Any additional motions or orders pertaining to the litigation, including a judgment of dismissal, shall be presented to the judge setting the case for trial or his successor in office.

10. The Court, upon its own motion, or upon the request of any party and for good cause shown, may waive all or any part of the requirements of this Rule and assign a case for trial upon the merits.

11. In the event there is any impediment to the holding of a pre trial conference or a dispute between or among counsel relative to whether or not a case qualifies for a pre trial conference under this Rule, a status conference may be requested for the purpose of resolving the matter and/or rendition of an appropriate order to expedite the processing of the case and, if necessary, the Court will grant same with due notice to all parties.

12. In case of failure of any party or counsel for any party to comply with the pre trial procedure described herein, any other party or counsel therefor may rule him into Court to show cause why he should not be adjudged in contempt. The inherent power of the Court to cite for contempt is unaffected by this provision.

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)

Division A is seated in Pointe Coupee Parish. All criminal cases in Pointe Coupee Parish are allotted to Division A. In case of recusal, the Pointe Coupee Parish Clerk of Court will randomly allot the case to Division B, C, or D.

Division B is seated in West Baton Rouge Parish. All criminal cases in West Baton Rouge Parish are allotted to Division B. In case of recusal, the West Baton Rouge Parish Clerk of Court will randomly allot the case to Division A, C, or D.

Divisions C and D are seated in Iberville Parish. All criminal cases in Iberville Parish are randomly allotted by a computer supplied by the Louisiana Supreme Court between Divisions C and D. In case of recusal of Division C, the Iberville Parish Clerk of Court shall randomly re allot the case to Division A, B, or D. In case of recusal of Division D, the Iberville Parish Clerk of Court shall randomly allot the case to Division A, B, or C.

DRUG COURT

The Eighteenth Judicial District Court authorized the establishment of a "Drug Court" effective July 1, 2001, for a period of one year or any other duration as determined by en banc order of the Court. The Drug Court shall be designated as Division "E" of the Eighteenth Judicial District Court. Judge Jack T. Marionneaux is hereby designated as Division "E" Judge, in addition to his regular duties as Division "C" judge.

Felony drug cases shall be allotted to the Drug Court upon recommendation of the District Attorney of the Eighteenth Judicial District Court and acceptance by the Drug Court judge. The Drug Court shall operate in accordance with R.S. 13:5301 et seq., and in accordance with Louisiana Supreme Court guidelines.

The Drug Court will be established in Iberville Parish initially and expanded to West Baton Rouge and Pointe Coupee Parishes.

CRIMINAL MATTERS

Empaneling of Grand Jury. Grand Juries will be empaneled in each parish of the district in September and March of each year. The Grand Juries will be empaneled as follows: West Baton Rouge-- First Tuesday in September and First Monday in March; Iberville Parish--Third Monday of September and March; and Pointe Coupee Parish--Fourth Monday of September and March.

Appendix 12

Rule No: 14.0

Random Allotment Traffic
Offenses, Wildlife Offenses,

See Appendix 11.

Appendix 13

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

Division A is seated in Pointe Coupee Parish. All criminal cases in Pointe Coupee Parish are allotted to Division A.

Division B is seated in West Baton Rouge Parish. All criminal cases in West Baton Rouge Parish are allotted to Division B.

Divisions C and D are seated in Iberville Parish. All new felonies in Iberville parish are randomly allotted by a computer supplied by the Louisiana Supreme Court between Divisions C and D. Multiple billings of a defendant resulting from the same incident will be assigned to the division to which the lowest bill number has been allotted. In cases of multiple defendants who are to be tried together, all cases will be consolidated into the division to which the lowest bill number has been allotted.

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14

Rule No: 15.0

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

Pre trial and status conferences in criminal cases are set on arraignment day or motion day in open court.

Defendants requesting a special setting may do so by filing a written motion and order.

Appendix 15

Rule No: 15.1

Alternative Method of Service
on District Attorney

None.

Appendix 16

Rule No: 15.2

Appointment of Counsel

When the defendant first appears before the court without counsel, the court shall inform him of his right to counsel and of his right to have the court appoint counsel to defend him if he is financially unable to procure counsel. If an individual is determined to be indigent, the court shall appoint an attorney employed by the 18th Judicial District Public Defender's Office.

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

Simultaneous Peremptory

Simultaneous peremptory challenges are allowed.

