

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Nineteenth Judicial District Court

Parish of East Baton Rouge

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

Appendix 2.0

Rule No: 2.0

The court holidays will be set each year by the Chief 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.

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 3.1

Rule No: 3.1

The Nineteenth Judicial District Court is divided into Divisions which either handle civil matters as their primary duty and are known as the Civil Court, or which handle criminal matters as their primary duty and are known as the Criminal Court.

Divisions or Sections of Court
As amended through April 29,
2005

Appendix 3.2

Rule No: 3.2

Duty Judges

Amended effective September
27, 2013; amended effective
June 24, 2015.

The Civil Duty Judge shall be assigned to handle all uncontested civil orders, entry of preliminary defaults, confirmation of defaults, probate of testaments, examination of judgment debtors, writs of habeas corpus not involving a criminal statute or germane to a criminal proceeding, commitments under the Mental Health Law, and, in general, to handle all routine matters not involving a contest between the parties and in which no contest is indicated. These matters shall not include: a temporary restraining order, an order setting a matter for hearing on rule day, an amended pleading, or a motion for extension of time.

DUTY JUDGE-JURISDICTION

Counsel shall not present to the Duty Judge any matter which is related to, bears upon, or affects a contested hearing already docketed in the case. Such additional matters must be presented to the judge to whom it is assigned.

Any motion to amend, vacate or nullify a final judgment or for a new trial in a case heard by the Duty Judge upon confirmation of default shall be presented to and heard by the judge who signed the original default judgment. If a new trial is granted as to any party upon any issue and a contradictory hearing on the merits thereby becomes necessary, the case shall not thereafter be heard by the Duty Judge but shall be heard by the judge regularly presiding over the Division to

which the case is allotted.

The Criminal Duty Judge or a Commissioner of the Court, where the Commissioner has been granted such authority, shall have the following responsibilities: hear all matters relating to persons in custody except trials, hearings and motions; authorize all search and arrest warrants; act on all extradition matters including hearings; act on all matters submitted to the Court by the Coroner, other than those arising under the Mental Health Law and not relating to the commitment of a prisoner; fix bail and appoint counsel when appropriate; preside at all trials of traffic offenses and all appeals from the City Court; hear all petitions for Writs of Mandamus relative to prisoners and criminal matters; and consider all petitions for Writs of Habeas Corpus filed by a person not incarcerated by virtue of a judicial order.

LAW ENFORCEMENT OFFICERS' DUTY TO INFORM

If an application for arrest, search, or seizure warrant is denied by a judge, the law enforcement officer who is aware of that fact, and who presents the application in the same matter to a different judge or commissioner, shall verbally inform that judge or commissioner of the previous judicial officer's refusal to sign the application for a warrant. If the law enforcement official has made amendment or additions to the original warrant, the official shall present the original warrant and the amended warrant to the next judge or commissioner.

ELECTRONIC WARRANTS APPROVED

If an application for arrest, search or seizure warrant is submitted to or approved by the judges of this Court using an electronic system in compliance with R.S. 9:2603.1, that warrant shall be received by this Court when entered into the records of the electronic warrant system.

Appendix 3.4

Rule No: 3.4

Court-Specific Rules
Concerning Judges' Use of
Electronic Signatures

Effective December 21, 2018.

Any judge or commissioner of the Nineteenth Judicial District Court may electronically sign court orders, notices, official court documents, judgments and other writings, whether civil or criminal, 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

Ann McCrory
Judicial Administrator
19th Judicial District Court
300 North Boulevard, Suite 3602
Baton Rouge, LA 70801
Telephone: (225) 389-4744
Facsimile: (225) 389-4774
E-Mail: amccrory@brgov.com

Hon. J. Douglas "Doug" Welborn
Clerk of Court
Parish of East Baton Rouge
P.O. Box 1991
Baton Rouge, LA 70821-1991
Telephone: (225) 389-7642

www.ebrclerkofcourt.org

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

Rule No: 9.3

Allotments: Signing of
Pleadings in Allotted and Non-
Allotted Cases
Amended effective February 8,
2018.

ALLOTMENTS

The Clerk of Court, or a person designated by him and under his immediate supervision, shall, upon the filing of any new civil proceeding and the payment of all costs chargeable thereto, immediately and publicly allot same to a Division of the Civil Court in a manner and by the use of a mechanical or electronic device to insure the equal assignment by chance and by lot, among the Divisions of the Civil Court, of all such civil filings of whatever nature or character. The method of allotment shall be subject to the direct supervision of the Clerk of Court and shall at all times protect the integrity of the mandate that over any given period of time each judge of the Civil Court shall be assigned an equal number of cases of the same type and the individual allotment shall be by pure chance among all the Civil Divisions, without any exceptions whatsoever.

No case shall be allotted which has not been regularly filed and docketed.

Suits or proceedings not in their nature original, but growing out of suits or proceedings previously pending, such as actions of nullity of judgment, or to restrain or regulate the

execution of process, mesne or final, in suits previously pending, shall not be docketed as separate suits, but shall be treated as parts of the original suits out of which they arise, shall be docketed and numbered as parts of such suits, and shall follow the prior allotment or assignment to the respective Division of the Court. Whenever, by error or oversight, this rule shall be violated, the Judge to whom the matter shall have been allotted shall have power to order same transferred to the proper Division, there to be consolidated with the original suit.

Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court. Section Referral of Matters to Commissioners See R.S. 13:713.

In addition to the duties and authority stated in R.S. 13:713, once one of the following pleadings is filed and allotted in compliance with this section, it shall be alternately referred to a commissioner for initial screening and further action in accordance with law:

(A) An ordinary suit filed by an offender/prisoner, as defined in Title 15, against the Department of Corrections or Sheriff of East Baton Rouge or any employee thereof, when based on a cause of action that arose while the Plaintiff was incarcerated in the custody of the Department of Public Safety and Corrections or the Sheriff of East Baton Rouge. Ordinary suits that require a jury trial and have been allotted to a commissioner will be referred to the divisional judge for further action/proceedings.

(B) A suit for Judicial Review of an Administrative Decision, including but not limited to Prison Administrative Remedy Requests, Disciplinary Board Appeals, Lost Property claims that do not involve tortious conduct, Time Calculation or Good Time complaints, even if urged as a writ of habeas corpus, Duty Status Complaints, or other complaints involving an internal prison grievance;

(C) An Application for Post-Conviction Relief except PCR applications involving 1st degree murder convictions.

(D) A suit challenging a parole revocation.

(E) Any other pleading/complaint filed by an offender/prisoner that is specifically referred in writing by a Judge to a Commissioner.

Appendix 9.4

Rule No: 9.4

All pleadings are to be filed with the Clerk of Court, and memoranda in support of or in opposition to rules, motions and exceptions are to be filed in the Judge's office.

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

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

No suit requiring a trial on the merits may be assigned except at pretrial conference.

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

CRIMINAL CASES

The docket of each Criminal Division is divided into seven consecutive weekly periods, three of which are for jury trials; three of which are devoted to the trial of misdemeanors, the trial of bond forfeiture suits, arraignments and the hearing of pre trial and post trial motions; and the remaining week the Judge of each division serves as Duty Judge, with alteration of this schedule at each Judge's discretion. Within the procedures set forth in this rule, motions to fix for trial are set at arraignment or upon a motion to do so.

CIVIL CASES:

PRETRIAL PROCEDURE

1. Unless otherwise provided herein or by law, no suit requiring a trial on the merits may be assigned except at pretrial conference. 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 admission, discovery depositions, or other discovery proceedings, make a written request for a pretrial conference of the judge presiding over the Division to which the case has been allotted. (See Form 1)

2. (A) The attorney making the pretrial request shall certify verification of all information required by 1 hereinabove, by examining the suit record and communicating with counsel and that the case is ready for trial. Counsel shall also certify that there are no pending or contemplated rules, motions, or exceptions; that all discovery, both formal and informal and including all discovery depositions, is complete; that all known third party demands, interventions, or other pleadings, including all amended pleadings have been filed and appear of record; and that all possible consolidations and transfers have been effected. The request shall be accompanied by a completed proposed Pretrial Order approved and signed by all counsel of record. In the event that any counsel disagrees with the proposed Pretrial Order, or any part thereof, he shall attach to the proposed Pretrial Order a signed statement of his opposition and reasons therefor, but shall nevertheless sign the proposed Pretrial Order which shall under those circumstances be deemed to be approved in all respects except those covered in the statement of opposition. In the order in which properly certified requests, accompanied by the completed Pretrial Order, have been received, the judge shall cause to be scheduled the pretrial 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 case, the submitted Pretrial Order need only include portions prepared by counsel of record.

(B) An attorney seeking a pretrial conference shall request in writing from all other attorneys of record submission of their portion of the pretrial order to requesting counsel within ten (10) days. If any attorney fails to provide requested pretrial inserts, the attorney seeking the pretrial

conference shall request a status conference in writing, stating the purpose of the request is to have a deadline set for the completion of the pretrial order, or request immediate entry of an order. Either request shall be accompanied by a copy of the original letter(s) requesting pretrial inserts to the attorneys who have failed to comply.

3. The proposed Pretrial Order (See Form 2) shall set forth:

(A) A brief but comprehensive statement of the plaintiff's contentions, including a list of the legal authorities (Statutes, Code Articles, Cases) to be relied upon at the trial in support of the plaintiff's legal position.

(B) A brief but comprehensive statement of the defendant's contentions, including a list of the legal authorities (Statutes, Code Articles, Cases) to be relied upon at the trial in support of the defendant's legal position.

(C) A brief but comprehensive statement of the contentions of all other parties, including a list of the legal authorities (Statutes, Code Articles, Cases) to be relied upon at the trial in support of each party's legal position.

(D) A detailed itemization of all pertinent facts established by the pleadings, by stipulations, and by admissions.

(E) A detailed itemization of the contested issues of fact.

(F) A detailed itemization of the contested issues of law.

(G) A list and brief description of all exhibits to be offered in evidence by all parties, identified by the exhibit number to be used at trial. Exhibits to be used for impeachment or rebuttal need not be included on the list. Stipulations as to exhibit authenticity and/or admissibility shall be noted on the exhibit list.

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

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

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

(K) The following certification:

"We hereby certify that we have conferred pursuant to Rule VII of the Civil Rules of the Nineteenth Judicial District Court for the purpose of preparing this pretrial order; and, that we shall promptly attend the Court conference to be assigned in this case."

(L) The following order:

"IT IS ORDERED that this cause be set for trial (by jury) at ___ o'clock ___.m. on the ___ day of _____, 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__ by the requesting party or not later than _____, 20__ by the non requesting party, with a true or certified copy of same to be delivered to the Jury System Coordinator on the date filed.

"TRIAL BRIEFS/SPECIAL JURY CHARGES AND VERDICT FORMS are to be submitted to the Court not later than _____, 20 __, Baton Rouge, Louisiana, this ___ day of _____, 20 __.

JUDGE, NINETEENTH JUDICIAL DISTRICT COURT"

4. Counsel who have certified the Pretrial 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 or associate regarding changes, stipulations, compromise/settlement, and trial dates.

5. The trial date selected for the case should not be more than six months from the date of the pretrial conference.

6. At the conclusion of the pretrial 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. No amendments to the filed Pretrial Order shall be made except by signed consent of all counsel or after contradictory hearing.

7. 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 provision and assign a case for trial upon the merits.

8. In the event there is any impediment to the holding of a pretrial conference or a dispute between or among counsel relative to whether or not a case qualifies for a pretrial 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.

9. In case of failure of any party or counsel for any party to comply with the pretrial 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.

RULE, MOTION, EXCEPTION AND ARGUMENT DAY

1. Monday of each week shall be rule, motion, exception and argument day in the Civil Divisions of this Court. When Monday is a legal holiday, Tuesday shall be rule, motion, exception and argument day.

2. (A) Exceptor or mover is required to furnish the trial judge concurrently with the filing of his injunction, exception, motion, rule, or other summary proceeding a memorandum of authorities in support thereof which shall include a declaration that evidence will or will not be taken at the hearing, together with a copy of the pleading, and shall also furnish opposing counsel, if any, with a copy of same. It is not to be filed with the Clerk of Court but is to be mailed or hand delivered directly to the office of the trial judge who is to hear the matter. Opposing counsel may furnish a memorandum of authorities, but to be considered it must be received in the office of the judge at least five (5) working days prior to the hearing. An additional copy of any such memorandum of authorities may be filed by exceptor or mover or by opposing counsel with the Clerk of Court but same is not required.

(B) No exception, motion, or rule shall be assigned for a hearing until the above required memorandum of authorities, copy of the pleading, and a list of the names, addresses, and telephone numbers of all counsel to be notified have been furnished the trial judge by exceptor or mover.

(C) In those instances where exceptor or mover has failed to comply with the requirements of either Section 2(A) or Section 2(B), the Court ex proprio motu may, or on ex parte motion of opposing counsel shall, issue an order dismissing the pending motion or exception or vacating and recalling the pending rule.

(D) The memorandum submitted in support of a motion for summary judgment shall contain:

(1) a list of the essential legal elements necessary for mover to be entitled to judgment;

(2) a list of the uncontested facts which prove those elements;

(3) as to each fact above, a copy of the document or portion thereof wherein is contained proof of the fact.

(E) The memorandum submitted in opposition to a motion for summary judgment shall contain:

(1) a list of the material facts which it is contended are in dispute;

(2) as to each fact above, a copy of the document or portion thereof containing the contradictory information.

3. (A) Responses to interrogatories shall comply with the requirements of L.C.C.P. 1458.

(B) If a motion to compel is filed pursuant to L.C.C.P. 1469, said motion shall identify as a ground either (1) that no responses have been timely filed, or (2) that the answers are insufficient or nonresponsive. In the latter case, the motion shall specify each response to which the motion is directed.

4. On rule, motion, exception and argument day, at the conclusion of the hearing of injunctions, exceptions, motions and rules, or other summary proceedings, cases fixed for argument shall be heard.

5. In advance of the date set for the hearing of an exception, motion or rule, any counsel may notify the Court that he waives his appearance and is willing to submit the matter. At the time set for the hearing, any counsel may waive oral argument.

JUDICIAL REVIEWS AND APPEALS

Whenever a matter is 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.

Appeals and judicial reviews shall generally be handled by the various divisions in accordance with the following schedule: Upon receipt of the above mentioned notice, the trial judge may establish a hearing date and a briefing schedule. The hearing date shall be established in accordance with the governing statutes of the agency, commission, or board from which judicial review or appeal is taken, or if no specific statute is applicable, it shall be in accordance with the Administrative Procedures Act.

FORM 1
PRETRIAL CONFERENCE REQUEST

Honorable
Judge, Division
Nineteenth Judicial District Court
Governmental Building
222 St. Louis Street
Baton Rouge, Louisiana 70801

Re: Suit No. ____, Division

Plaintiff v. Defendant and Insurer

(Request for Pretrial Conference)

Dear Judge:

The above entitled and numbered cause is pending in your division. We request a pretrial conference in same and hereby certify that all pertinent information relative to the proceedings has been verified by examining the suit record and contacting all counsel; all issues have been joined; there are no contemplated or pending rules, motions, exceptions, or any type of discovery proceedings, formal or otherwise; all known third party demands, interventions and amendments have been made; all possible consolidations have been effected; and the case is ready for trial.

There are no outstanding depositions to be taken, for trial purposes or otherwise.

We are sending a copy of this request to all counsel of record and/or other parties who, along with this writer, are to be notified of the conference. Their names and current addresses are:

Mr. A.T. Lawyer, Attorney
1521 Main Street
Baton Rouge, Louisiana 70802

Mrs. Jane Doe
510 Coralee Street
Baton Rouge, Louisiana 70815

Attached is the completed pretrial order. In addition, we are forwarding a duplicate original of this request to the Clerk of Court to be filed in the suit record.

Please verify receipt of this request on the attached copy and return to us in the self addressed, stamped envelope enclosed for your convenience. This is (is not) a workers' compensation case.

Very truly yours,

Attorney at Law

cc:

Duplicate original: Clerk of Court

FORM 2
PRETRIAL ORDER

PLAINTIFF) NUMBER
) DIVISION
VERSUS) 19TH JUDICIAL DISTRICT
DEFENDANT) COURT
AND) PARISH OF EAST BATON ROUGE
INSURER) STATE OF LOUISIANA

PRETRIAL ORDER

Pretrial conference was held before Honorable _____, on the ___ day of _____, 20___, at ___ o'clock ___ M.

John Doe _____ For Plaintiff

Jim Doe _____ For Defendants

1. Plaintiff's claim and supporting legal authorities (code articles, statutes, cases): That plaintiff was severely injured as a result of an automobile accident which occurred at the intersection of Third and Main Streets in the City of Baton Rouge, on September 1, 1977, said accident being proximately caused by the negligence of the defendant driver in that he ran a red light. Civil Code Article 2315. Jones v. Smith, 396 So.2d 434 (1986).

2. Defendants' claim and supporting legal authorities (code articles, statutes, cases): Defendants deny negligence proximately causing the accident, and alternatively, plead the contributory negligence of the plaintiff. Defendants further deny that plaintiff was injured except for minor abrasions and contusions. Civil Code Articles 2320 and 2315. Jones v. Johnson, 223 So.2d 223 (1st Circuit, 1983).

3. Claims of other parties (Identify by status and name, i.e. third party defendant Bob Brown) and supporting legal authorities (code articles, statutes, cases):

4. Established Facts:

(A) Plaintiff was involved in an automobile accident on September 1, 1977 and received certain injuries.

(B) Plaintiff incurred medical expense in the amount of \$ 175.00 as a result of injuries sustained in the accident.

5. Contested Facts: (To be listed individually)

6. Contested Issues of Law: (To be listed individually)

7. Exhibits: (To be listed individually and assigned the exhibit designation to be used at trial)
8. Exhibit Authenticity: (Admitted or denied as to each exhibit above)
9. Plaintiff's Witnesses:
 - (A) Himself and wife re: facts and disability.
 - (B) Reverend I.M. Goode, address, re: disability.
 - (C) Dr. X, address, re: medical.
 - (D) Dr. Y, address, re: medical.
 - (E) Dr. Z, address, re: medical.
10. Defendants' Witnesses:
 - (A) Dr. A, address, re: medical.
 - (B) Dr. B, address, re: medical.
11. Additional Matters: (Here include any matter not covered in any other category)
12. Estimated Trial Time:
 - (A) Plaintiff believes he can present his testimony in two and one half hours.
 - (B) Defendant(s) believe(s) testimony can be presented in one hour.
 - (C) Other parties

CERTIFICATE

We hereby certify to the court that we have conferred pursuant to Rule VII of the Civil Rules of the Nineteenth Judicial District Court for the purpose of preparing this pretrial order; and that we shall promptly attend the pretrial conference at the time assigned by the Court.

Respectfully submitted:

Joe Doe, Trial Attorney

Jim Doe, Trial Attorney

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 \$ ___ and is to be filed not later than _____, 20 __, by the requesting party or _____, 20 __, by a non requesting party, with a true or certified copy of same to be delivered to the Jury System Coordinator on the date filed.

Trial Briefs/special jury charges and verdict forms are to be submitted to the Court not later than _____, 20__.

Baton Rouge, Louisiana, this ___ day of _____, 20__.

Judge, Nineteenth Judicial District

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 14.0A

Felonies and Misdemeanors Not Involving Traffic or City Appeals

Rule No: 14.0

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

As amended through April 29, 2005

A. Other Than City Court Appeals and Title 32 & 47 Traffic Cases:

Except as stated in sections B – F below, all felonies and misdemeanors shall be assigned to the section of court on duty at the time the offense was committed. If the date of the offense is not determinable, a judge shall notify the Clerk of Court, in writing to randomly allot, the case to a criminal section of court (which may be accomplished by filing with the Clerk of Court a copy of the bond order signed by the duty judge, with the affidavit of probable cause attached and notice to the Clerk initialed or signed by the duty judge to randomly allot the matter.)

If a specific date is later determined to exist, any party may file a motion to transfer the case to the section of court on duty on the determined date. (For the purpose of these appendices, the word “duty judge” also includes judicial commissioners, when assigned duty for a criminal section of court.)

B. Misdemeanors: If a defendant has a felony case pending, all subsequent misdemeanor arrests for that defendant (and any co-defendant) shall be allotted to the section of court to which the pending felony was allotted. If a defendant has only a misdemeanor case(s) pending and previously allotted, any new misdemeanor arrest or summons for that defendant shall be allotted to the division to which the pending misdemeanor was allotted. This misdemeanors-following-misdemeanors rule also applies to any pending misdemeanor for a co-defendant with a new arrest or summons and billed as a co-defendant.

C. All other offenses, not provided for herein, shall be randomly allotted to a criminal section of court simultaneously with the filing of formal charges by the District Attorney or upon written motion filed by counsel for the accused, whichever occurs first. Civil asset forfeitures shall be assigned to the same criminal section of court as is assigned the related criminal case.

D. If there are multiple dates of one or more offenses that culminate in a single arrest, such that a single date of offense is not applicable or is undeterminable, the case will be allotted to the criminal section on duty as of the date of the first or earliest offense noted in the warrant or affidavit of probable cause. If the District Attorney fails to charge that initial offense (date), the case will remain in the section it was previously allotted to, unless Rule 14.3 of the Uniform Rules is applicable.

E. For Multiple Felonies – Defendant with more than one felony case (See Uniform Rule 14.1 and appendix 14.1 herein).

F. For Title 32 and 47 Traffic cases and City Court Appeal (See Appendix 14.0B herein).

DRUG COURT

By majority vote, the Court authorized the establishment of a “Drug Court” on January 1, 1993.

Effective April 30, 2004, the Drug Court is hereby redesignated as a treatment court only, and is hereby designated as a drug division as defined and provided for Chapter 33 of Title 13. (R.S. 13:5303 et seq.) The treatment court shall be presided over by a judge so appointed by the judges en banc, with the appointed judge's approval and in addition to his regularly allotted docket. The previously authorized rapid prosecution drug court is dissolved effective April 30, 2004; Section 6 of the criminal sections of court shall resume participation in ordinary criminal duty rotation as of that date; and all felony drug cases, the date of offense for which occurred prior to or on April 30, 2004, shall be allotted to Section 6.

Appendix 14.0B

Rule No: 14.0

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

As amended through April 29, 2005; amended effective March 31, 2016.

A. Traffic Offenses: Traffic charges filed pursuant to Title 32 and Title 47 shall be assigned by a deputy clerk of court to a section of criminal court based on the date of offense and all docketing and notices shall be the responsibility of the Coordinator of Traffic Court. All traffic charges shall be adjudicated by the judge assigned to preside over the traffic court, or in his or her absence, the Criminal Duty Judge.

B. Wildlife Offenses: Wildlife offenses under Title 56 shall be randomly allotted as any other felony or misdemeanor, as stated in Appendix 14.0A herein.

C. City Court Appeals: Appeals from City Court shall be allotted to the criminal section on duty on the date the appeal is lodged/filed in the 19th Judicial District Court pursuant to the authority of Rule 17.2 herein.

Appendix 14.1

Rule No: 14.1

Allotment - Defendant with More than One Felony Case

As amended through April 29, 2005

Multiple Homicides and Rapes: Homicides and rapes are allotted to the section of criminal court on duty at the time of the offense. However, homicides and rapes do not follow the prior-pending-felony rule of 14.1. When multiple homicides or rapes are joined for trial in a single indictment, the case will be allotted to the section of court on duty on the date of the earliest offense. Should an offense be severed from the original indictment for trial, the case severed shall be allotted to the section of the court on duty when the severed offense occurred.

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

As amended through April 29, 2005

The docket of each criminal section is divided into eight consecutive weekly periods, regardless of holidays, three of which are for jury trials; four of which are devoted to the trial of misdemeanors, the trial of bond forfeiture suits, arraignments and the hearing of pre-trial and post-trial motions; and the remaining week the judge of each section serves as duty judge, with alteration of this schedule at each judge's discretion. Further, pre-trial conferences may be assigned during any week at the discretion of the presiding judge, and are set upon court motion and order or upon the motion of either party and the Court's approval. Nothing herein shall be interpreted to prohibit the criminal judges from varying the aforementioned schedule according to the demands of their respective caseloads or court-sanctioned and authorized holidays.

Appendix 15.1

Rule No: 15.1

Appointment of Counsel

Counsel for indigent defendants may be appointed at jail call-out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

Appendix 15.2

Rule No: 15.2

Alternative Method of Service
on District Attorney

Each of the Criminal Divisions of the Nineteenth Judicial District Court provide a tray into which is placed a copy of each subpoena return and motions and pleadings filed for the purpose of service upon the district attorney.

Appendix 15.3

Rule No: 15.3

Court-Specific Rules
Concerning Simultaneous
Appearance by a Party or
Witness by 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

State and defense challenges of the same juror are to be considered an exercise of a challenge by both the state and defense as authorized by C.Cr.P. Art. 788.

Simultaneous Peremptory
Challenges
