

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

First Judicial District Court

Parish of Caddo

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

Rule No: 3.1

Divisions or Sections of Court

The Court shall consist of three divisions: (a) civil; (b) family law; (c) criminal. Each division shall be divided into sections so that the total number of sections equal the number of judges authorized by law for the First Judicial District Court. Each section shall be numbered or lettered.

One judge shall be assigned to each section of each division of the court. All assignments shall be done on the basis of seniority as a district judge in the First Judicial District Court. Assignments will be done by separate order of the court.

If two or more judges are elected or appointed at the same time, the older shall be senior. Assignments shall be made every two years, running from the effective date of the last assignment. Two judges may agree by written order to exchange assignments at any time. A judge may not choose to be assigned to another section of the same division in which he is then serving.

Appendix 3.2

Rule No: 3.2

Duty Judges

CRIMINAL

There shall be five sections of the Criminal Division to be designated as Sections 1, 2, 3, 4 and 5. All cases shall be assigned to one of these sections in the manner set forth below:

DESIGNATION OF DUTIES

General. Each judge in the Criminal Division, except the judge assigned to Section 5, shall have duty weeks, bench trial weeks and jury trial weeks on a schedule approved by a majority of the judges of the court and placed on file in the office of the Clerk of Court. The judges in the Criminal Division shall be referred to during a given week of responsibility pursuant to the schedule as the "duty judge," "bench trials judge" and "jury trials judge."

DUTY JUDGE

In addition to presiding at the first appearance of persons confined in jail each morning, Monday through Friday, and receiving assignments during his term as duty judge as set forth in these rules, the schedule for the week of the duty judge shall generally be as follows:

- (a) Mondays--ARGUMENTS ON MOTIONS, SANITY HEARINGS, AND TRIAL OF CASE IN WHICH THE JURY HAS BEEN WAIVED.
- (b) Tuesdays--FELONY ARRAIGNMENTS.
- (c) Wednesdays--MISDEMEANOR ARRAIGNMENTS.
- (d) Thursdays--MISDEMEANOR ARRAIGNMENTS.
- (e) Fridays--FELONY ARRAIGNMENTS.

The period of the duty judge's assignments begins at 9:30 a.m. on the Friday preceding the Monday of his scheduled duty week as scheduled, and runs through 9:29 a.m. on the Friday of said duty week.

Except in matters assigned to Section 5 or which will be assigned to Section 5 pursuant to these Rules, arrest warrants, search warrants and the initial fixing of bonds shall normally be presented to the duty judge for action. A schedule showing the duty judge and the other judges of the Criminal Division shall be posted in the Caddo Parish jail and the second floor bulletin board at all times. Whenever the duty judge is unavailable, it is suggested that the arrest warrant, search warrant, or bond matter first be presented to another judge in Criminal Divisions 1, 2, 3, or 4 before contacting a judge of any other division.

There are no civil or family law duty judges. All pleadings, orders or judgments are signed by the judge to whom the case is assigned, except that in that judge's absence each judge shall make arrangements for another to sign his orders. The assigned judge is to be notified immediately of any civil orders of an emergency nature. If the assigned judge is unavailable, such orders shall be taken to an available Civil Division Judge.

Appendix 3.4

Rule No: 3.4

Court-Specific Rules
Concerning Judges' Use of
Electronic Signatures

Chapter: 4

Chapter Title: Court Personnel

Appendix 4.1

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Judge Eugene Bryson, Jr., Retired
Court Administrator
1st Judicial District Court
501 Texas Street, Suite 300 D
Shreveport, LA 71101
Telephone: (318) 226-6821
Facsimile: (318) 629-1126
E-Mail: jbryson@firstjdcla.org

June Miller
Deputy Court Administrator
1st Judicial District Court

501 Texas Street, Room G12
Shreveport, LA 71101
Telephone: (318) 226-6553
Facsimile: (318) 429-7645
E-mail: jmillier@firstjdcla.org

Hon. Gary Loftin
Clerk of Court
1st Judicial District Court
501 Texas Street Room 103
Shreveport, LA 71101
Telephone: (318) 226-6793
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E-Mail: clerk@caddoclerk.com

www.caddoclerk.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

Rule No: 9.3

Allotments: Signing of
Pleadings in Allotted and Non-

Appendix 9.4

Rule No: 9.4

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

All pleadings shall be taken to the clerk of court's office for filing. Initial filings, including all succession matters and minor's settlements, shall be filed with the clerk, randomly assigned a docket number, and assigned to a section of the court. The clerk shall then deliver all filings which have an attached order or judgment to the assigned judge. After acting on the requested relief, the assigned judge shall return the original filing to the clerk.

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

All civil cases shall be fixed for trial by order of the assigned judge following a pre-trial conference. Whenever a motion is made to fix a family law case for trial, the judge may call a pre-trial conference. After it is concluded, the judge may then set the case for trial. If a judge believes a pre-trial conference is unnecessary, he may set the case for trial without a conference.

Trials for family law cases shall be fixed at least two weeks in advance. Cases shall be docketed for trial during Monday motion hour. Cases will be docketed and heard in the order they are fixed for trial.

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 May 1,

All criminal cases shall be assigned to the sections of the Criminal Division as follows:

(a) Homicide and Rape Cases. All homicide (except negligent homicide, vehicular homicide) and rape cases shall be assigned to the section of court on duty at the time the offense was allegedly committed.

(b) Defendants not Booked. All cases in which a law enforcement officer issues a summons in lieu of arrest (and the defendant is not booked) shall be assigned to the section on duty at the

time the offense allegedly occurred, except all Title 40 Controlled Dangerous Substances cases will be assigned to Criminal Section 5 pursuant to these rules.

(c) Other Cases. All other cases shall be assigned to the section of Court on duty at the time the defendant is booked in the Caddo Parish jail. However, when multiple arrests occur essentially simultaneously as a result of long-term investigation, insurrection, etc., irrespective of any other rules herein to the contrary, these cases shall be assigned equally and at random by the clerk of court in consultation with a majority of the judges sitting in the Criminal Division. This rule shall not apply to Controlled Dangerous Substances cases, which are assigned to Criminal Section 5 pursuant to these rules.

MULTIPLE CASES

When a defendant has a pending criminal charge or is on probation and the defendant is charged with one or more additional crimes, then such new case or cases shall be assigned to the section of original assignment, except that new charges that would be assigned to Criminal Section 5 if the defendant was not otherwise on probation or with pending charges, shall be assigned to Criminal Section 5.

MULTIPLE DEFENDANTS

Where there are multiple defendants in the same case, all defendants are assigned to the section receiving the assignment of the first booked defendant, unless one of the subsequently booked defendants has a case pending, or is on probation. In this circumstance, the case is reassigned according to the Multiple Cases paragraph.

DISPUTES AND TRANSFERS OF ASSIGNMENTS

Cases may be permanently reassigned from one criminal section to another only by majority vote of the judges of the Criminal Division. In case of a tie, the issue will be resolved by a majority vote of all judges of the court. Cases may be temporarily reassigned for the purpose of any proceeding, hearing or trial by consent of the judges affected by the change.

RECUSALS

When a judge is recused, the clerk shall reassign the case by lot.

“BACKUP” JUDGES

In the interests of judicial economy and the efficient administration of justice, when a section of the Criminal Division has more than one case ready to proceed to jury trial during a particular jury term, the judge of that section and any other judge, elected, appointed or pro tempore, of the First Judicial District Court, hereinafter the “backup” judge, may agree that the backup judge may preside over any additional trials during that jury term.

If either the District Attorney or defendant objects to the case being heard by the backup judge, the section judge shall determine whether or not to permit the backup judge to hear the case and may conduct a hearing to assist in that determination. The section judge shall base his or her determination on the following factors:

- 1) Whether the assistance of the backup judge would compromise the principle of random allotment of criminal cases in a manner inconsistent with Due Process;
- 2) Whether the interest in a speedy trial is best served by employing the assistance of the backup judge;

3)Whether the nature or complexity of the procedural history of the case would hinder the backup judge in making rulings consistent with that procedural history;

4)Any other consideration relevant to the interests of justice.

Appendix 14.0B

Rule No: 14.0

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

All cases in which a law enforcement officer issues a summons in lieu of arrest (and the defendant is not booked) shall be assigned to the section on duty at the time the offense allegedly occurred, except all Title 40 Controlled Dangerous Substances cases will be assigned to Criminal Section 5.

Appendix 14.1

Rule No: 14.1

Allotment - Defendant with More than One Felony Case

When a defendant has a pending criminal charge or is on probation and the defendant is charged with one or more additional crimes, then such new case or cases shall be assigned to the section of original assignment, except that new charges that would be assigned to Criminal Section 5 if the defendant was not otherwise on probation or with pending charges, shall be assigned to criminal Section 5.

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 15.0

SETTINGS

Rule No: 15.0

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

All pleadings shall be taken to the Clerk of Court's office for filing. The Clerk shall then deliver all filings which have an attached order or judgment to the assigned judge. After acting on the requested relief, the assigned judge shall return the original filing to the Clerk.

The judge assigned to each criminal section of the Court shall sign all orders and judgments in cases assigned to that section, except that in his/her absence, each judge shall make arrangements for another judge to sign his/her orders.

1. Motions, Hearings and Bench Trials. All motions, hearings and bench trials shall be set by approval of the court on motion of the district attorney, defense counsel, the court or other appropriate party. Other appearances may be scheduled as provided by law. No later than 4:00 p.m. on the judicial day preceding a session of the Criminal Division, the district attorney shall prepare and distribute to the sheriff, the court and the clerk of court an informational list for each section of the Criminal Division, showing the matters scheduled for the following session of each section. The district attorney shall also have available in his office for any other interested parties copies of the list by 4:00 p.m. of said day.

The list shall be posted by the sheriff on the outside of each criminal courtroom no later than 9:00 a.m. on the day covered by the list and should contain at least the following information:

- (a) Date applicable;
- (b) Section number and name of presiding judge;
- (c) Designation of courtroom; and
- (d) The defendant's name, the initials of the district attorney or his assistant handling the case, the defense attorney's name, the race and sex of the defendant, charges filed against the defendant or to be filed against him, why the defendant's case is on the docket, and if the defendant is on bond.

The district attorney does not have to include the above information on the list for any "duty" section with respect to defendants appearing for the first time in court after arrest. The order in which matters are listed on said informational list in no way binds the district attorney or the court as to the order in which matters may be taken up during the day.

The above described informational list is not the official docket of the court, but is prepared and posted to give the public, the court, attorneys and any other interested persons a general schedule of the matters to come before the court.

2. Jury Trials. The foregoing provision shall also apply to the setting of jury trials, except:

(a) the informational list with regard to jury trials in a section of the Criminal Division shall be prepared, distributed, and made available by 4:00 p.m. on the first judicial day of the week preceding the jury trial week for that section of the Criminal Division; and

(b) the informational list with regard to jury trials which is posted on the outside of each criminal courtroom shall not contain any reference to race or sex of the defendant and shall not contain the charges pending against him.

3. Joint Motions to Obtain Settings. The presence of defense counsel is not required in court when a setting for a motion, hearing or trial is obtained by the district attorney, provided the district attorney and defense counsel have signed a joint motion to obtain a setting on a form approved by the court which specifies the matter to be set and the date of the hearing. The joint motion shall be filed in the record at the time of or prior to the district attorney's appearance in court to obtain the setting.

The presence of the defendant shall not be required when a setting is obtained pursuant to a written joint motion. It is defense counsel's responsibility to notify his client of the setting. It is the responsibility of the district attorney to notify those defendants on bond through the sheriff of the next date the defendant is required to be in court, and to notify the sheriff, jail and prison personnel that the presence of the defendant in custody is not required and of the next date when his presence in court is necessary.

Appendix 15.1

Rule No: 15.1

Appointment of Counsel

REVISED PROCEDURE - -
ADOPTED MARCH 19,
2003; AMENDED
EFFECTIVE APRIL 1, 2003

Appointment of Counsel Amended Procedure for Court Appointed Counsel –First Judicial District

1. Application for Representation. Each person asserting indigency and requesting representation by the Indigent Defender or a conflict attorney shall complete an application for those services which shall include accurate current financial information as provided in Section 9 below.

2. Application for Continued Representation. Each person, on and after the effective date of these amended procedures, asserting indigency and requesting continuing representation by the Indigent Defender or a conflict attorney shall complete an application for those services which shall include accurate current financial information as provided in Section 9 below.

3. Service and Facilities Fee. Pursuant to R.S.15:148, to help defray the cost of necessary services and facilities of the Indigent Defender Office, at the time of the application for services mentioned in Sections 1 and 2 hereinabove the applicant shall pay a Service and Facilities Fee of \$40.00 if the person faces pending felony charges and \$25.00 if the person faces only misdemeanor charges. In the event payment as provided herein is not made at the time of application, payment is to be made within 7 days of said application. All payments are to be made at the Indigent Defender's Office by cash, money order or other certified funds.

4. Special Condition of Bail. In all cases in which the accused has posted bail (whether cash, surety, property, or release on recognizance) and is not incarcerated, completion of the application for representation/continued representation and payment of the Service and Facilities Fee provided in Section 3 in full shall be a special conditions of bail. Payment of the Service and Facilities Fee is due and payable within 7 days of posting bail or within 7 days of appointment of the Indigent Defender or a conflict attorney, whichever is later.

5. Deferred Payment. After application is made, in the event the Indigent Defender Office determines that the person is so indigent that payment of the Service and Facilities Fee cannot be made timely, then and in that event the court, after review of the application and financial information affidavit, may defer the payment of the fee until a later time. If unpaid at the time of any sentencing of that defendant on any charge, whether reduced from the original charge or not, payment of the unpaid Service and Facilities Fee shall be made a special condition of any probation and any defendant placed on probation shall be placed on supervised probation at least until such time as the fee is paid in full.

6. Incarcerated Defendant - Waiver of Service and Facilities Fee. If a person asserting indigency is incarcerated and requesting representation/continued representation by the Indigent Defender or a conflict attorney, a complete application for services including financial information shall be made. Payment of the Service and Facilities Fee may only be waived if the court finds that the accused is so indigent that payment is impossible or if the accused is sentenced to hard labor and no portion of the sentence is suspended in any fashion.

7. Credit Toward Contract for Services. Payment of the Service and Facilities Fee provided herein shall be credited toward any contract for services subsequently entered into between the accused and the Indigent Defenders Office / Indigent Defender Board arising out of the criminal charges existing at the time of application.

8. Enforcement. Enforcement of these procedures may be instituted by the Indigent Defender Board, by the Indigent Defender Office, or by the Court on its own motion.

9. Penalties for False Reporting of Financial Information. The financial information in the application shall be as required by the Indigent Defender Office and shall be in affidavit form, subject to penalties of perjury and/or contempt of court. The form shall include all income and assets and shall include the following statements: "I agree to report in writing any change in my financial situation to the Indigent Defender Office."

10. Effective Date. The effective date of these procedures shall be APRIL 1, 2003.

Appendix 15.2

Rule No: 15.2

In addition to mailing a copy to the District Attorney, service may be made by hand delivering a copy to the District Attorney's 5th floor Reception Desk located in the Caddo Parish Courthouse.

Alternative Method of Service
on 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

Simultaneous Peremptory
Challenges

Pursuant to Code of Criminal Procedure Article 788, the court adopts this rule to provide for a system of simultaneous exercise of peremptory challenges. At the conclusion of the examination of prospective jurors as provided in Article 786, those prospective jurors who have not been excused pursuant to a challenge for cause shall be tendered to the state and the defendant(s) for simultaneous exercise of peremptory challenge in writing in a manner to be determined by the court.
