

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-First Judicial District Court

Parishes of Livingston, St. Helena and Tangipahoa

Chapter: 2

Chapter Title: Dates of Court

Appendix 2.0

Current holiday information and specific court schedules may be accessed via the “Court Calendar” link at www.21stjdc.org.

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.

Amended effective November
30, 2011.

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 3.1

MAIN DIVISIONS OF COURT

Rule No: 3.1

Divisions or Sections of Court

The Twenty-First Judicial District Court is comprised of nine divisions of court. Divisions “A” through “H” are courts exercising original jurisdiction and are authorized to hear matters of any nature. Division “I” is a court of limited jurisdiction and hears all juvenile matters and other matters authorized by law. All nine of the judges participate and vote when the court sits en banc, and all matters affecting the court as a whole are decided by en banc decision, including matters involving the juvenile division (including budget and scheduling matters), the hearing officer(s), and any other administrative affairs involving the court. The court is also assisted by one or more hearing officers, whose duties are prescribed by law and assigned by the court sitting en banc. All judicial matters are heard throughout the district in accordance with the official Court Calendar that is adopted each year on or before October 1st .

DRUG COURTS

Drug courts are assigned in Livingston Parish and Tangipahoa Parish by en banc order of the court and presided over by volunteer judges on a seniority system. The election to serve as drug court judge is made on an annual basis at the last regular en banc meeting of the court each year. Any judge sitting on the court may act as a temporary substitute for the assigned drug court judge at the request of said judge or the judicial administrator in the event of conflicts, absence, or emergencies. Drug probationers from St. Helena Parish are assigned primarily to the Tangipahoa Parish Drug Court. Drug court schedules, court procedures, and protocols are set by the presiding drug court judges and are not listed on the official Court Calendar. Criminal probationers who meet the statutory criteria for entry into drug court and are accepted by the drug court are maintained as probationers by the referring division of court and such cases are not reallocated to the drug court division.

JUVENILE AND JUVENILE DRUG COURT

Juvenile court and juvenile drug court are operated by the juvenile judge and are conducted in accordance with procedures and rules adopted pursuant to Title V of the Louisiana District Court Rules or administrative rules established in accordance with District Court Rule 1.0. Local Rules governing the juvenile court must be approved by the court sitting en banc.

Appendix 3.2

Rule No: 3.2

DUTY JUDGES

Duty Judges

Section 1

The judges of this court shall be assigned the responsibility of duty judge on a rotating basis, as set forth on the official Court Calendar. The judge(s) assigned as duty judges on the official Court Calendar shall be the "Primary Duty Judge(s)." The responsibilities of the primary duty judge(s) shall commence at 12:01 A.M. on Monday of the assigned week or day, and shall continue through 12:00 midnight on the assigned week or day. The primary duty judge(s) shall further conduct all criminal and civil matters in the parishes to which they are assigned as set forth on the official Court Calendar. The primary duty judge assigned to Tangipahoa Parish shall further have responsibility for all duty judge matters in St. Helena Parish on the same day as designated for Tangipahoa Parish, and likewise shall have responsibility for all duty judge matters in Tangipahoa Parish on the same day as designated for St. Helena Parish. The primary duty judge assigned to Tangipahoa Parish on Monday as per the official Court Calendar shall have responsibility for all duty judge matters in Tangipahoa and St. Helena Parishes on the following Saturday and Sunday, and the primary duty judge assigned to Livingston Parish on Monday as per the Official Court Calendar shall have responsibility for all duty judge matters in Livingston Parish on the following Saturday and Sunday. The primary duty judge(s) shall be available on a twenty-four hour basis, and shall have primary authority for the signing of all orders, warrants, and other matters including the setting of bail.

Section 2

In addition to the primary duty judge(s), all other judges of this court are further designated as "duty judges," for purposes of the application of Article 253.3 of the Louisiana Code of Civil Procedure, and may sign all such orders as are authorized under that article, or any other applicable provision of law. The Judge for Division "I" shall always be primary duty judge for juvenile matters, but any other Judge in Divisions "A" through "H" may act as alternative duty judge for juvenile matters.

Section 3

In accordance with the provisions of Article 253.3 of the Louisiana Code of Civil Procedure, each judge in this judicial district specifically and expressly authorizes the primary duty judge(s) to sign all orders, and hear all matters, including, specifically, confirmations of default judgments where no answer or other opposition has been filed, in cases which are allotted to the several divisions of this district.

Section 4

The authority conferred in Sections 2 and 3 above shall not extend to the granting of continuances in matters set for trial or hearing, unless specific authority for such action is conferred by the judge to whom the case has been allotted. This authority shall not extend to the hearing of contested trials or other matters in which issue has been joined, unless specific and express authority to hear same is conferred by the judge to whom the matter has been allotted,

and all parties to the litigation agree to such hearing.

Section 5

The authority conferred in Sections 2 and 3 above shall not apply to instances in which an ex parte request for immediate custody is requested. In such instances, the matter must first be presented for review by the judge to whom the case is allotted. If that judge is not available, the matter may then be presented to a primary duty judge for consideration, and the judges hereby grant specific and express authority to the primary duty judge to sign such order in cases deemed to present an emergency situation.

Section 6

The provisions of this rule shall constitute confirmation and ratification of the "specific and express" authority required by Article 253.3 of the Louisiana Code of Civil Procedure.

Chapter: 4	Chapter Title: Court Personnel
Appendix 4.1	Sara Brumfield www.21stjdc.org
Rule No: 4.1	Court Administrator
Judicial Administrators and Clerks of Court	21st Judicial District Court P. O. Box 788 Amite, LA 70422 Telephone: (985) 748-9445 Facsimile: (985) 748-6637 E-Mail: sbrumfield@21stjdc.org
	Hon. Thomas "Tom" Sullivan, Jr. www.livclerk.org/
	Clerk of Court Parish of Livingston P.O. Box 1150 Livingston, LA 70754 Telephone: (225) 686-2216 Facsimile: (225) 686-1867 E-Mail: tsullivan@livclerk.org
	Hon. Beverly A. Gordon Clerk of Court Parish of St. Helena P.O. Box 308 Greensburg, LA 70441 Telephone: (225) 222-4514 Facsimile: (225) 222-3443 E-Mail: beverlyagordon@yahoo.com
	Hon. Julian E. Dufreche www.tangiclerk.org
	Clerk of Court Parish of Tangipahoa P.O. Box 667 Amite, LA 70422 Telephone: (985) 748-4146 Facsimile: (985) 748-6503 E-Mail: jdufreche@tangiclerk.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

ALLOTMENTS: SIGNING OF PLEADINGS IN ALLOTTED AND NON-ALLOTTED
CASES

CIVIL CASES

All civil cases will be allotted as soon as they are filed. For this purpose, the clerks of court, or their appointed representatives, shall utilize either an electronic process or mechanical apparatus approved by the court which will contain an equal number of random chances for each division of the court. As each new petition is filed, the case shall be immediately allotted at random, utilizing the approved method, until all have been exhausted, at which time the electronic apparatus shall reprogram with equal random chances for each division of the court, or the mechanical apparatus shall be refilled with an equal number of random chances, and re-utilized. The method utilized for allotment shall be designed in such a manner that the assignment to divisions will be solely by chance. The drawing or allotment will take place publicly in the office of the clerk of court. The division to which each case is allotted will be inscribed immediately upon the petition and the copy that is to be served. After a civil case has been allotted, it will remain in the division to which it has been allotted unless it is transferred or consolidated in accordance with law.

RECUSAL OF JUDGE IN CIVIL CASES

Section 1

In the event that a motion to recuse the presiding judge to whom a civil case is assigned for a contradictory hearing, one of the other judges in Divisions “A” through “H” shall be assigned to hear the recusation proceedings through a random process.

Section 2

The judicial administrator or the designee of the judicial administrator shall maintain, for purposes of allotment of recusation hearings, a separate mechanical apparatus containing one chance for each division of the court. Once an order is signed granting a recusation hearing, the judicial administrator shall utilize this device to assign a judge to hear the recusation through a blind drawing from the mechanical apparatus a chance representing the division of court to which the recusation hearing shall be assigned. In the event that the chance of the division sought to be recused is drawn, the judicial administrator shall place this chance to the side, and shall then assign another division to the recusation hearing, and then replace the chance of the judge sought to be recused back into the mechanical apparatus.

Section 3.

The judicial administrator or the designee of the judicial administrator shall maintain a record of each chance so expended. When only one division's chance remains unexpended in the mechanical apparatus, one additional chance for each division shall then be redeposited into the mechanical apparatus, and the process of allotment shall continue, utilizing the same method.

Section 4

If the recusation is granted, the case shall be reallocated in accordance with this Appendix.

Section 5

In the event of the recusal of the presiding judge of Division "I," the juvenile division of this court, the clerk of court of the parish in which the case is pending shall re-allot such case to one of the remaining divisions of court, through a random process, which shall be designed to prevent any person from influencing the allotment of any such case. The random process shall, to the extent possible, assure that there is an equal number of cases allotted among each division of the court.

Appendix 9.4
Rule No: 9.4

None.

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

Appendix 9.14
Rule No: 9.14

METHOD OF REQUESTING TRIAL ON MERITS

Section 1

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

Any party wishing to set an ordinary proceeding for trial on the merits shall file a “Motion to Set for Trial” in the allotted division of court. Any special procedures or orders will be communicated by the judge to whom the case is allotted, or his designated court personnel. This

will include the setting of telephonic or chambers status conferences, the necessity and nature of pretrial orders, jury procedures and bonds, and other applicable pre-trial procedures.

Section 2

The testimony of health care providers in trials by bench in civil cases shall be by deposition only. Any party desiring in-court testimony of a health care provider must obtain permission of the trial judge prior to trial. This rule does not apply to the trials of summary proceedings.

Section 3

Summary proceedings, including all domestic relations cases involving summary proceedings shall be set by the judge or the clerk for a rule day in accordance with the official Court Calendar. Domestic relations cases involving ordinary proceedings (such as community property partitions) shall be set in accordance with the procedures outlined in Section 1. With the permission of the judge, and at his or her discretion, summary rules involving protracted testimony or evidence may be set for pre-trial conference and/or set for trial of the rule as in civil bench ordinary proceedings.

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 14.0A

METHOD OF ALLOTMENT OF CRIMINAL CASES (OTHER THAN

Rule No: 14.0

TRAFFIC, WILDLIFE, AND APPEALS FROM LOWER COURTS)

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

NON-CAPITAL CRIMINAL CASES

Amended effective June 1, 2007.

As amended Nov. 20, 2002

All non-capital criminal cases shall be allotted at random, based upon the date of arrest for the particular offense. The judicial administrator shall maintain a mechanical apparatus, into which one chance is placed for each division of the court. The judicial administrator, or his/her designee employed by the court, is to utilize this apparatus to allot particular dates for particular divisions, on an eight-day cycle, for the eight days just preceding each allotment session. This information is to be published to the District Attorney's Office, Indigent Defender's Office, and other affected agencies, and a master calendar is to be maintained indicating the division to which each date has been assigned.

CAPITAL CASES

In all criminal prosecutions of capital cases, indictments will be allotted in open court at the arraignment of the first defendant charged under said indictment to appear at arraignment. This allotment procedure is to include all divisions of the court then hearing adult criminal matters, on a random allotment basis, district-wide, utilizing the following method:

The judicial administrator shall maintain, for purposes of allotment of capital felony cases, a mechanical apparatus containing two chances for each division of the court then hearing adult criminal cases.

The judicial administrator, or the designee of the judicial administrator shall appear in open court at the time of the arraignment of capital cases, and the allotment of such cases shall be at random by a blind drawing from the mechanical apparatus a chance representing to which division the case shall be assigned.

The judicial administrator, or the designee of the judicial administrator, shall keep each chance so expended in a separate box. When only one division's chance remains unexpended in the mechanical apparatus, two additional chances for each division shall then be redeposited into the mechanical apparatus, and the process of allotment shall continue, utilizing this same

method.

In the event that multiple parties are charged with a capital felony under a single indictment, all parties so charged shall be allotted to the same division to which the first co-defendant arraigned is allotted. In the event that a severance is later granted in such cases, the presiding judge to whom the case was thereto allotted shall have the right to direct that all remaining co-defendants, other than the first defendant arraigned, shall be reallocated utilizing the method set forth herein.

In no event shall the state, the defense, or any person, be allowed to influence the allotment of any criminal case.

Appendix 14.0B

Rule No: 14.0

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

RANDOM ALLOTMENT OF TRAFFIC OFFENSES, WILDLIFE OFFENSES

Section 1

All traffic offenses shall be allotted to the arraigning judge.

Section 2

All wildlife offenses shall be allotted in the same manner as other non-capital criminal cases in accordance with Appendix 14.0A.

RANDOM ALLOTMENT OF APPEALS FROM COURTS OF LIMITED JURISDICTION

All appeals from courts of limited jurisdiction in criminal matters shall be allotted in the same manner as other non-capital criminal case in accordance with Appendix 14.0A.

Appendix 14.1A

Rule No: 14.1

Allotment - Defendant with More than One Felony Case

SPECIAL ALLOTMENT RULES

FIRST FELONY RULE

In felony cases, if there is an active felony probation case pending in a division of the court, any new felony or misdemeanor matter shall be allotted to that division. If there is a pending felony prosecution in a division of the court, any new felony or misdemeanor matter shall be allotted to that division. Co-defendants charged under the same indictment or bill shall be allotted to the division of the court to which the pending felony probation or pending felony prosecution is pending. When a defendant has multiple charges under different indictments or bills, all charges shall be allotted based on the date of the first arrest.

FIRST MISDEMEANOR RULE

In misdemeanor cases, if a defendant is on misdemeanor probation or has a pending misdemeanor prosecution and the defendant is thereafter billed or indicted on a felony matter, the felony shall be allotted in accordance with the above rules and the misdemeanor probation or a pending misdemeanor shall be transferred to the division of the court to whom the felony case is allotted. In all other cases, misdemeanors shall be allotted in accordance with the same procedure as set forth above for felony matters.

DISTRICT-WIDE APPLICATION

In applying the rule of first felony/ first misdemeanor, the transfer and allotment of such cases

shall apply district-wide in all of the parishes encompassed by the 21st JDC. It shall be the joint responsibility of the district attorney and the defense attorney to inform the presiding judge at arraignment whether other cases are pending against the same defendant in other parishes, as well as the case number(s) and designation of such pending charges as felonies or misdemeanors. It is the continuing duty of the district attorney to inform the presiding judge of any new developments in cases involving multi-parish prosecution, such as the filing of a felony charge in another parish in a pending misdemeanor case (which will necessitate transfer of all pending cases under the “first felony” rule.) The entering of a “guilty” or “no contest” plea by the defendant shall constitute a waiver of any objection to the proper allotment for any such defendant as relates to the charge or charges for which the plea was entered.

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 15.0

Rule No: 15.0

Pre-trial and status conferences in criminal cases shall be scheduled by the presiding judge upon motion of the state or the defendant.

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

SPECIAL RULES REGARDING SANITY COMMISSION CASES, AND PRE-ALLOTMENT MOTIONS FOR PRELIMINARY EXAMINATION AND MOTIONS TO REDUCE BAIL

Section 1

Motions to reduce bail in cases which have not yet been formally allotted must be filed by Friday at noon in order to be heard the following week, with a copy furnished to the district attorney. These will be scheduled before the assigned duty judge to be heard contradictorily on Wednesdays in Livingston, Thursdays in Tangipahoa, and Fridays in St. Helena Parish.

Section 2

Pre-trial motions for preliminary examination in cases which have not yet been allotted may be heard by the duty judge in accordance with Louisiana District Court Rules 14.2 and 14.4. However, in order that the allotted judge and the assistant district attorney and assistant public defender assigned to allotted judge’s division may become more familiar with the facts of the case, these motions should normally be assigned to the next duty cycle of the allotted judge in accordance with the official Court Calendar.

Section 3

In order to accommodate the schedules of the appointed members of the Sanity Commission, Sanity Commission reports shall be heard contradictorily on the assigned date of the Sanity Commission hearing by the duty judge, regardless of the allotment of the case, and said judge’s findings will be entered into the record.

RECUSAL OF JUDGE IN CRIMINAL CASES

Section 1

In the event that a motion to recuse the presiding judge to whom a criminal case is allotted is assigned for a contradictory hearing, one of the other judges in Divisions “A” through “H” shall be assigned to hear the recusation proceeding through a random selection process.

Section 2

The judicial administrator or the designee of the judicial administrator shall maintain, for purposes of allotment of recusation hearings, a separate mechanical apparatus containing one

chance for each division of the court. Once an order is signed granting a recusal hearing, the judicial administrator shall utilize this device to assign a judge to hear the recusal through a blind drawing from the mechanical apparatus a chance representing the division of court to which the recusal hearing shall be assigned. In the event that the chance of the division sought to be recused is drawn, the judicial administrator shall place this chance to the side, and shall then assign another division to the recusal hearing, and then replace the chance of the judge sought to be recused back into the mechanical apparatus.

Section 3

The judicial administrator or the designee of the judicial administrator shall maintain a record of each chance so expended. When only one division's chance remains unexpended in the mechanical apparatus, one additional chance for each division shall then be redeposited into the mechanical apparatus, and the process of allotment shall continue, utilizing the same method.

Appendix 15.1
Rule No: 15.1

None.

Alternative Method of Service
on District Attorney

Appendix 15.2
Rule No: 15.2
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.

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

SIMULTANEOUS EXERCISE OF PEREMPTORY CHALLENGES

Rule No: 19.0

Simultaneous Peremptory
Challenges

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 to be furnished by the court. 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.
