

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 1 Mardi Gras.

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 The 21st Judicial District Court has two of its eight divisions assigned, on a rotating basis, on
Rule No: 3.1 various calendar years, to hear all juvenile delinquency and child protection cases arising under
Divisions or Sections of Court the Children's Code, in addition to other civil and adult criminal cases assigned to those
divisions.

During the year(s) in which a division is assigned to hear juvenile delinquency and child
protection cases, that division's caseload of other civil cases and adult criminal cases is each
reduced by five (5%) percent of cases allotted during the year.

Appendix 3 **DUTY JUDGES**

Rule No: 3.2 and 9.3

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

Amended effective November
20, 2002

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 8:00 a.m. on Monday of the assigned week, and shall continue through 8:00 a.m. the following Monday. 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. The primary duty judge(s) shall further conduct all criminal and civil matters as set forth on the Official Court Calendar.

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.

3. In accordance with the provision 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.

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.

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.

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.

7. Successions will not be allotted unless a contest arises.

CIVIL CASES

1. All civil cases will be allotted as soon as they are filed. For this purpose, the clerks of Court, or the 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 reutilized. 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 clerks of Court's offices. 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 by joint order of both the judge of the division to which the case is allotted and the judge of the division to which the case is being transferred, when authorized by law.

2. In all civil cases filed prior to August 3, 1998, in which there has been a previous request to assign the matter for trial, the case shall remain allotted to the same division to which it was originally allotted.

In all civil cases filed prior to August 3, 1998, in which no request to assign for trial has been filed prior to that date, but in which a request to assign for trial is filed subsequent to that date, the case shall be reallocated, one time only, among all divisions of this Court, and thereafter, shall remain permanently allotted to the new division to which it is assigned.

3. Successions will not be allotted unless a contest arises.

RECUSAL OF JUDGE

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 shall be assigned to hear the recusation proceedings through a random process.

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.

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.

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

FAMILY AND DOMESTIC CASES

1. In domestic cases, all pleadings involving the same family units shall be allotted to the same division of court, under the process set forth in Section 1, above. When a petition in a civil divorce action, protective order case under Title 46 of the Revised Statutes, or a rule for support initiated by the State of Louisiana is filed, that matter shall be immediately allotted, and any subsequent filing in any of these types of proceedings shall be filed in the same proceeding as the pleading first filed.

2. In family or domestic cases originally filed prior to August 3, 1998, and wherein as of that date there is a pending rule or trial, the case shall remain in the assigned division until the pending rule or trial has been completed and a judgment or order rendered. Thereafter, or if there is no pending rule or trial as of August 3, 1998, and a new rule is filed after that date, the case shall be reallocated, one time only.

Chapter: 4

Appendix 4

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Chapter Title: Court Personnel

Sara Brumfield www.21stjdc.org
Court Administrator
21st Judicial District Court
P. O. Box 788
Amite, LA 70422
Telephone: (985) 748-9445; 1-800-768-6791
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
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

www.tangiclerk.org

Chapter: 5 **Chapter Title:** Courtroom Use, Accessibility and Security

Appendix 5A <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5A.PDF>

Rule No: 5.1

Americans with Disabilities
Form

Appendix 5B <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5b.PDF>

Rule No: 5.2

Request for Interpreter and
Order

Appendix 5C <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5C.PDF>

Rule No: 5.1

Interpreters Oath

Chapter: 8 **Chapter Title:** Indigents and In Forma Pauperis

Appendix 6 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX6.PDF>

Rule No: 8.0

In Forma Pauperis Affidavit

Chapter: 9 **Chapter Title:** Procedure

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

METHOD OF REQUESTING TRIAL ON MERITS

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

1. Any party requesting assignment of a civil case for trial on the merits shall file a written request for a telephone status conference. The request shall contain the correct name, address, and telephone number of all counsel of record. At the conference the matter will be set for trial only if the matter is ready to be heard. An appropriate form for requesting trial on the merits, approved by the Court is found below:

REQUEST FOR TRIAL

TWENTY- FIRST JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

NUMBER:

DIVISION:

PLAINTIFF

VERSUS

DEFENDANT

FILED: _____ DY. CLERK: _____

REQUEST FOR TRIAL

NOW INTO COURT, through undersigned counsel comes _____, made plaintiff/defendant in the above captioned matter and represents the following:

A.

That he/she is plaintiff/defendant in the above captioned matter. This is a suit for _____. There are no incidental demands.

B.

That all issues have been joined.

C.

That all depositions, interrogatories and other discoveries have been completed.

D.

That all exceptions and motions for summary judgment filed, except those which have been referred to the merits, have been disposed.

E.

That the parties have seriously discussed a settlement or compromise of the action without avail.

F.

That the case is ready for trial on the merits.

G.

That this case is/is not a civil jury trial, requested by plaintiff/defendant.

H.

That the estimated time for the trial of the case is ___ hours/days.

I.

That the names, addresses and telephone numbers of all attorneys of record of the case are as follows:

John Doe
Attorney for Plaintiff
Centerville, LA
000 1111

Thomas Tom
111 First Avenue
Home Town, LA
444 5555

JOHN DOE, ATTORNEY FOR PLAINTIFF

ORDER

Considering the above and foregoing order, let the captioned matter be assigned for telephone status conference on the ___ day of _____, 20 ___, at ___ o'clock _____ .m., and that all counsel be notified. _____, Louisiana this ___ day of _____, 20 ____.

JUDGE, DIVISION " _____ " _____
21ST JUDICIAL DISTRICT COURT

PRE TRIAL ORDERS

Each judge shall set out his/her own requirements for a Pre Trial Order, a sample of which may be found below:

TWENTY- FIRST JUDICIAL DISTRICT COURT

PARISH OF _____

STATE OF LOUISIANA

NUMBER:

DIVISION:

PLAINTIFF

VERSUS

DEFENDANT

FILED: _____

DY. CLERK: _____

PRE TRIAL ORDER

A status conference was held before the Honorable _____, at _____, Louisiana, on _____, 20 ____.

Joe Blow..... For Plaintiff

Tom Thomas..... For Defendant(s)

1. PLAINTIFF'S CLAIM: Plaintiff contends that on or about July 1, 2000, a collision occurred in the Parish of Tangipahoa between a 1997 Ford Truck owned and operated by defendant, Larry Lowe, and insured by ABC Insurance Company and a 1999 GMC Truck owned and operated by plaintiff, Cheryl Carroll. The collision caused plaintiff serious injuries necessitating extensive medical treatment and causing her to incur medical bills.

2. DEFENDANT'S CLAIM: Defendants admit that a motor vehicle accident occurred on July 1, 2000, but contend that said accident was caused in whole or in part by the fault of the plaintiff.

3. OTHER CLAIMS: None.

4. ESTABLISHED FACTS: Date, time and location of accident.

5. CONTESTED FACTS:

(A) Liability of defendant;

(B) Damages;

(C) Quantum.

6. CONTESTED ISSUES OF LAW: None.

7. EXHIBITS: None.

8. EXHIBITS AUTHENTICITY: Not Applicable.

9. AMENDMENTS: None at this time.

10. WITNESSES:

Plaintiff may call the following witnesses:

- (A) Plaintiff, Cheryl Carroll;
- (B) Dr. A. B. Parish;
- (C) Any witness listed or called by any other party.

Defendant may call the following witnesses:

- (A) Defendant, Larry Lowe;
- (B) Officer R. Tool;
- (C) Any witness listed or called by any other party.

11. ADDITIONAL MATTERS: In the event that there are other witnesses to be called at the trial, their names and addresses and the general subject matter of their testimony will be reported to opposing counsel at least ten days prior to trial. This restriction shall not apply for rebuttal witnesses.

Plaintiff believes he/she can present his/her testimony in ___ hours.

Defendants believe they can present their testimony in ___ hours.

Respectfully submitted:

JOE BLOW, Trial Attorney

TOM THOMAS, Trial Attorney

ORDER

IT IS ORDERED that this matter be set for trial on the ___ day of _____, 20 ___, at ___ o'clock _____ .m./the week of _____, 20 ___, with a final pre trial conference on the ___ day of _____, 20 ___, at ___ o'clock _____ .m. _____, Louisiana this ___ day of _____, 20 ___.

JUDGE, DIVISION " _____ " _____
21ST JUDICIAL DISTRICT COURT

2. All civil matters set for trial shall be set for "the week of" settings unless specifically set by the Trial judge. Unless otherwise ordered, all trial counsel shall attend a final pre trial conference at 1:00 p.m. on the first day of the set trial week.

Chapter: 13

Chapter Title: Civil Litigation Filed by Inmates

Appendix 9A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9a.PDF>

Rule No: 13.0

Petition for Judicial Review

Appendix 9B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9b.PDF>

Rule No: 13.0

Pro Se Prisoner-Plaintiff's
Portion of the Pre-Trial Order

Appendix 9C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9c.PDF>

Rule No: 13.3

Application to Proceed In
Forma Pauperis Filed in
District Court

Appendix 9D

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9d.PDF>

Rule No: 13.3

Motion to Proceed In Forma
Pauperis on Appeals/Writs

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

METHOD OF ALLOTMENT OF CASES

Rule No: 14.0

CRIMINAL CASES

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

Amended effective June 1,
2007.

As amended Nov. 20, 2002

1. All noncapital 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.

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.

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.

2. 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 said arraignment. This allotment procedure is to include all divisions of the court then hearing criminal matters by local rule, 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 separate squirrel cage containing balls inscribed with the letters of each division of the court then hearing criminal cases. Two balls from each division shall be placed into the squirrel cage. 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 squirrel cage of a ball to which division the case shall be assigned.

The judicial administrator or the designee of the judicial administrator shall keep each ball so expended in a separate box. When only one ball remains in the squirrel cage, all other previously expended balls shall be redeposited in the squirrel cage, 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 defendants in the case, other than the first defendant arraigned, shall be reallocated utilizing the method above set forth.

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

3. In criminal matters, the preliminary motions for reduction of bond, preliminary examination, and sanity commission evaluations may be heard by the primary duty judge(s).

4. 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 above.

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

RECUSAL OF JUDGE

1. In the event that a motion, to recuse the presiding judge to whom a criminal case, is assigned for a contradictory hearing, one of the other judges shall be assigned to hear the recusation proceeding through a random process.

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.

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.

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

Appendix 12
Rule No: 14.0

All traffic offenses and wildlife offenses shall be allotted when set for trial to the primary duty judge presiding during the trial week.

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

Appendix 13

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

METHOD OF ALLOTMENT OF CASES

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.

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 shall be scheduled by the presiding judge upon motion of the state or the defendant.

Appendix 15

Rule No: 15.1

Alternative Method of Service
on District Attorney

None.

Appendix 16

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

Appendix 17

Rule No: 18.0

Waiver of Formal Arraignment

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX17.PDF>

Chapter: 19

Chapter Title: Simultaneous Peremptory Challenges

Appendix 18

Rule No: 19.0

Simultaneous Peremptory
Challenges

RULE #XIX Section 2 OF THE 21ST JUDICIAL DISTRICT COURT

SIMULTANEOUS EXERCISE OF PEREMPTORY CHALLENGES

Section A. 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 B. 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 C. The judge shall require the State and the Defendant to complete a form similar to Appendix 13 of these rules. The completed form shall be presented at side bar at the time jurors are tendered.

Section D. 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 E. 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.
