

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-Fifth Judicial District Court

Parish of Plaquemines Parish

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

Appendix 1 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 2 Two Divisions: A and B.

Rule No: 3.1

Divisions or Sections of Court

1. Cases shall be equally allotted among the divisions of Court as hereinafter provided.
2. Until a case has been allotted, orders may be issued by, and motions, rules, exceptions and other pleadings urged before and ruled upon by a Judge of any division, in open Court, or in chambers, as the law may permit.
3. Each Monday through Friday at 10:00 o'clock A.M., in the office of the Clerk of Court, all civil cases filed prior to said time shall be allotted in the manner herein prescribed. The docket number of each case ready for allotment shall be written on separate slips of paper. The slips shall then be placed in a suitable container and shaken so as to thoroughly mix them. The first slip drawn shall be allotted to the division next in order at the conclusion of the last drawing; the second slip drawn shall be allotted to the next division in alphabetical order and so on in the same order thereafter, until all such cases have been assigned. Any case filed after 10:00 o'clock A.M. shall be allotted on the next allotment day.
4. The Clerk of Court or his designated Deputy shall conduct the drawing for allotment.
5. After any case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record, and in the docket book.
6. In cases of recusal for any cause, or where the docket of any division is carrying more than its equal share of cases, or otherwise, in the discretion of the Judges, any case may be transferred from one division to another by order approved by both Judges concerned; provided, however, that when two cases are consolidated for the purpose of trial, the case having the highest docket number shall be transferred to the division to which the case having the lowest

docket number has been allotted.

7. In the event of an emergency, including prolonged absence of the Judge of any division, or the anticipation thereof, the remaining Judge may order that no case shall be allotted to said division until there is a Judge available to conduct the Court's business. In such absence or anticipated absence, due to death, resignation, incapacity or otherwise, the remaining Judge may likewise order re allotment of all pending cases, or of such of them as the interest of justice may require, and the remaining Judge is empowered in such event to transfer to the other division, from such division then vacant, any particular case in which a party is entitled under the law to a speedy hearing or any such particular case in which the interest of justice call for such transfer and hearing.

Appendix 3
Rule No: 3.2 and 9.3
Duty judge rotates monthly and presides over defaults and confirmations during that duty month.
Duty Judges; Allotments;
Signing of Pleadings in
Allotted and Non-Allotted
Cases

Chapter: 4
Chapter Title: Court Personnel
Appendix 4
Rule No: 4.1
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Clerks of Court

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

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

None.

Rule No: 9.4

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

Appendix: 8

FIXING FOR TRIAL

Rule No: 9.14

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

When a matter is contested and all issues have been joined, either party may by written motion move to have the matter set for trial. The clerk initiates a telephone conference call with counsel for all parties at which time a trial date and cut off dates are selected.

All motions and other matters are set, upon written motion of either party, on the next available rule date for which notice can be effectuated.

CIVIL PRE TRIALS

Upon request of counsel or in the discretion of the Judge, a pre trial conference may be fixed. All attorneys of record and unrepresented parties shall be notified by mail of the date and time of the pre trial conference. The attorneys shall furnish the Court pre trial inserts at least five (5) days prior to the pre trial conference. After the pre trial conference, the Judge, in his discretion, may prepare a trial order setting forth the trial date, cut off dates for discovery and all necessary orders governing pleadings, motions, etc.

At any time after the pre trial conference if the case is compromised or otherwise settled it is the duty of plaintiff's counsel to promptly notify the Court.

CIVIL JURY TRIALS

In the event of settlement or compromise of a jury case, before or during trial, the party upon whose order the jury trial was granted shall be responsible for payment of all accrued costs and expenses of said jury which are taxable under the law. The parties ordering the jury trial shall be responsible in order of their position on the Jury Trial calendar for the cost of the jury. If a party settles or compromises the case and notifies the Court or Clerk of Court thirty (30) days prior to the jury trial date, he shall not be responsible for the cost of the jury. If, after the thirty (30) days prior to trial, a party cancels the jury trial, the party next in order on the docket shall be responsible for the cost of the jury. The party utilizing the jury or the last person to cancel the jury shall be responsible for the cost of the jury.

Chapter: 13

Chapter Title: Civil Litigation Filed by Inmates

Appendix 9

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.PDF>

Rule No: 13.2

In Forma Pauperis Application;
Civil Litigation Filed by Inmate
in District Court

Appendix 10

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX10.PDF>

Rule No: 13.2

In Forma Pauperis Application;
Civil Litigation Filed by
Inmate - Appeal

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 11

ALLOTMENT OF CRIMINAL CASES

Rule No: 14.0

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

1. All criminal offenses will be allotted on an alternate monthly basis to each Division of Court, in order. However when the Judges concur a criminal case may be transferred from one division to another division.

2. If a criminal defendant has a felony case pending and previously allotted, any new felony arrests of that same defendant shall be allotted to the division in which the pending felony charge is pending. This method of allotment shall also apply to any subsequent arrests of any co-defendants of the original defendant.

3. Each Division of Court shall establish at least two arraignment days per month and shall notify the Sheriff and District Attorney of same. All alleged criminal offenses committed during the first fifteen (15) days of the month preceding shall be fixed for arraignment on the first arraignment day in the month following. All alleged criminal offenses committed in the last half of the month preceding shall be fixed for arraignment on the second arraignment day in the month following.

4. Magistrate court shall alternate monthly between the divisions of court.

In case of the disability of the Judge to whom a case has been assigned, or in case of a vacancy in his office, or his absence for any reason, any other Judge shall be empowered to act in said case as fully as if it had been originally allotted to him.

Appendix 12

See Appendix 11.

Rule No: 14.0

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

Appendix 13
Rule No: 14.1

Rule 14.1 is hereby adopted.

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14
Rule No: 15.0

MOTIONS AND HEARINGS ON MOTIONS, PRE TRIAL
CONFERENCES AND TRIALS IN CRIMINAL CASES

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

1. All Pre trial Motions shall be filed in accordance with C.Cr.P. Art. 521 or any amendments thereto.
2. The hearing dates for the motions and for the pre trial conference shall be fixed at the time of arraignment of defendant.
3. The trial of all felony cases shall be set on motion of the District Attorney at the pre trial conference, at which time both defendant and his attorney shall be present.
4. Written notice of hearings, pre trial conference and trials shall not be required when an order fixing hearings, pre trial conferences and trials is given in open Court, when the defendant and his attorney are present.
5. All Motions for Continuances in criminal cases shall be submitted in writing not later than one (1) week before the date fixed for hearing and shall state the reason(s) therefor.
6. All requests for transcripts of court proceedings in criminal matters shall be in writing addressed and delivered to the court reporter in a timely fashion. A copy of such request shall be attached to all motions to continue or delay a trial or motion of a matter based upon a lack of such a transcript. Failure to attach a copy of such a request, and to demonstrate a timely request for a transcript may result in a denial of the request for a continuance or delay.
7. A defendant in a non capital felony case may waive formal arraignment and enter a plea of not guilty without appearing in person. The motion must be in writing and comply substantially with the form provided for and on file with the Clerk of Court.

GRAND JURY

A new Grand Jury shall be impaneled during the month of March and during the month of September of each year, or at such other time as the Court may order.

Appendix 15
Rule No: 15.1

Personal service acceptable alternative.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2

The judge shall order a review of the defendant's financial status by a representative of the Indigent Defender Board. Upon certification of indigency, the judge will order representation by the Indigent Defender Board.

Appointment of Counsel

Chapter: 18

Chapter Title: Arraignment

Appendix 17

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

Rule No: 18.0

Waiver of Formal Arraignment

Chapter: 19

Chapter Title: Simultaneous Peremptory Challenges

Appendix 18

Simultaneous peremptory challenges not allowed. Court alternates challenges.

Rule No: 19.0

Simultaneous Peremptory
Challenges
