

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-Fifth Judicial District Court

Parish of Plaquemines

Chapter: 2

Chapter Title: Dates of Court

Appendix 2.0

Day after New Year's Day, Monday before Mardi Gras, Day before Thanksgiving Day, Day after Christmas Day.

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 September 14, 2017.

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 3.1

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 3.2
Rule No: 3.2
Duty judge rotates monthly and presides over defaults and confirmations during that duty month.
Duty Judges

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

Hon. Dorothy "Dot" Lundin www.clerk25th.com/
Clerk of Court
Parish of Plaquemines
P.O. Box 40
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Belle Chasse, LA 70037
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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

Appendix 9.4 None.

Rule No: 9.4

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

Notice of Limited Appearance -
Family Law Cases

Appendix 9.12B <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf>

Rule No: 9.12

Appendix 9.14

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: 14

Chapter Title: Allotment of Cases

Appendix 14.0A

ALLOTMENT OF CRIMINAL CASES

Rule No: 14.0

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

Amended effective January 26,
2016.

1. All criminal offenses will be allotted on an alternate monthly basis with offenses committed in even-numbered months, i.e. February, April, etc., allotted to Division A and offenses committed in odd-numbered months, i.e. January, March, etc., allotted to Division B. Except when the offense is either 1st Degree Murder, 2nd Degree Murder or Manslaughter, the allotment shall alternate between the divisions of court, in order or in alphabetical order. However, when the Judges concur a criminal case may be transferred from one division to another division.

1a. If the month of the offense is not known, then the month that the offense was first reported to law enforcement will be used to determine what division of court the offense will be allotted.

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 on an alternate monthly basis 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 14.0B

Rule No: 14.0

See Appendix 14.0A.

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

Appendix 14.1

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 15.0

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

Amended effective May 20,
2015; amended effective
January 1, 2016.

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.

USE OF AUDIO-VISUAL EQUIPMENT

Please see new Appendix 15.3 (“Court-Specific Rules on Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission”).

Appendix 15.1
Rule No: 15.1
Appointment of Counsel

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.

Appendix 15.2
Rule No: 15.2
Alternative Method of Service on District Attorney

Personal service acceptable alternative.

Appendix 15.3
Rule No: 15.3
Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission
Effective January 1, 2016.

Pursuant to La. C.Cr.P. Articles 522 and 551, a defendant’s appearance in this Court for the seventy-two (72) hour hearing and the initial setting of bail may be accomplished by simultaneous transmission through audio-visual electronic equipment. The adoption of this local rule shall provide for a law enforcement officer having custody of an arrested person to fulfill the obligation imposed by La. C.Cr.P. Article 230.1(A) through presentation of the arrested person via simultaneous transmission by utilizing audio-visual electronic equipment.

A defendant’s appearance at the following proceedings, may, at the discretion of the judge, be made by simultaneous transmission through audio-visual electronic equipment:

1. Seventy-two hour hearing (included above)
2. Initial setting of bond (included above)
3. Any Pre-trial motion
4. Any hearing on Pre-trial motion
5. Arraignment
6. Any post-conviction proceeding and
7. Any other proceeding where specifically allowed by the Code of Criminal Procedure relative to simultaneous Audio-Visual Transmission.

Chapter: 18
Appendix 18.0
Rule No: 18.0

Chapter Title: Arraignment and Pleas

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

Chapter: 19

Chapter Title: **Simultaneous Peremptory Challenges**

Appendix 19.0

Simultaneous peremptory challenges not allowed. Court alternates challenges.

Rule No: 19.0

Simultaneous Peremptory
Challenges
