

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-Sixth Judicial District Court

Parishes of Bossier and Webster

Chapter: 2

Chapter Title: Dates of Court

Appendix 1

Rule No: 2.0

No court during Louisiana State Bar Association Annual Meeting; during the days when the District Judges Association meets; Week that Christmas Day falls.

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

Rule No: 3.1

The 26th JDC is composed of six judges (Divisions A, B, C, D, E, F). Each judge has the same general criminal and civil subject matter assignments. The Court may by en banc order assign one or more of the six judges to preside over the drug court division, and one or more judges to preside over the juvenile court divisions.

Divisions or Sections of Court

As amended December 16,
2004, effective January 1,
2005; Amended effective
January 1, 2008; amended
effective January 1, 2009

BOSSIER PARISH DRUG COURT/JUVENILE DIVISION

1. Effective March 1, 2009, the Drug Court Division shall be designated in accordance with the following rules. All drug cases will be allotted at random by the Clerk of Court's office to each of the divisions of Court. Cases determined to be eligible for Drug Court will be transferred to the Drug Court Division. The drug treatment and probation program shall be established in accordance with the provisions of LSA R.S. 13:5301-5304.

2. The Drug Court Division will be presided over by one of the district court judges.

3. The Drug Court will preside over all juvenile and adult drug cases which are determined to be eligible for this program in Bossier Parish.

4. Drug Court will be held every Monday in Bossier Parish, except when the Drug Court judge is scheduled for vacation or jury terms in either parish. On Tuesdays, when the Drug Court judge is Duty Judge in Webster Parish, he will preside over regular motion hour, sign orders and carry out other duties incumbent upon Duty Judges until 12:00 p.m. He will then preside over Drug Court in Bossier Parish at the designated times set forth below.

5. Juvenile Drug Court will convene at 3:00 p.m., and Adult Drug Court will convene at 3:30 p.m. in Bossier Parish.

6. The Drug Court judge will no longer hear contested domestic matters in Webster Parish.

Those matters will be randomly reassigned to the remaining five judges not presiding over drug court. There will be no contested civil trials in Bossier Parish on Mondays for the Drug Court judge.

7. While recognizing that each judge of this District Court has original juvenile jurisdiction for the parishes comprising this District, the Court, by local court rule, is comprised of one or more primary juvenile divisions for Bossier Parish.

8. Effective March 1, 2009, the Juvenile Court Division shall be designated in accordance with the following rules.

9. The Juvenile Court Division will be presided over by one of the district court judges

10. The Juvenile Court will preside over all juvenile cases in Bossier Parish.

11. Juvenile Court will convene at 9:30 a.m. and will be held every Monday in Bossier Parish, except when the Juvenile Court judge is scheduled for vacation or jury terms in either parish or when he is Duty Judge in Webster Parish. On those days the judge acting as Duty Judge will preside over uncontested juvenile matters.

12. The choice to serve as Drug Court/Juvenile division will be on the basis of seniority.

SCHEDULE OF JUDGES

Grand Juries will be impaneled, Petit and Civil Jury terms held, and Criminal Court Sessions held in accordance with the Schedule of Judges filed at least once each year with the Clerk of Court in each parish to be posted in the Clerk of Courts' offices and copies available upon request to attorneys practicing before the Court. The Schedule of Judges may be changed at any time by order of the Judge or Judges affected by the change.

Appendix 3

Rule No: 3.2 and 9.3

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

(as amended December 16,
2004, effective March 1,
2005); Amended Effective
January 1, 2008.

I. BOSSIER PARISH

"A" Functions – Civil Duty Judge on Non-Jury Weeks

Monday - Civil Motion Hour; Civil Motions and Exceptions; Juvenile Court; Adoptions;
Minor's Settlements (Except Jury Weeks)

Tuesday - Felony Arraignments; Criminal Motions and Remands; 72-Hour Hearings;
Revocation Hearings @ 1:30 P.M. (Except Jury Weeks)

Wednesday - Traffic and Misdemeanor Arraignments; 72-Hour Hearings; Remands and
Trials (Except Jury Weeks)

Thursday - Civil Motion Hour and Civil Rules (Except Jury Weeks)

Friday - Civil Motion Hour and Civil Trials; 72-Hour Hearings (Except Jury Weeks)

"B" Functions – Criminal Duty Judge on Non-Jury Weeks

Monday - Civil Motion Hour and Civil Trials (Except Jury Weeks)

Tuesday - Felony Arraignments; Criminal Motions and Remands; Revocation Hearings @
1:30 P.M. (Except Jury Weeks)

Wednesday - Traffic and Misdemeanor Arraignments; Remands and Trials (Except Jury
Weeks)

Thursday - Civil Motion Hour and Civil Rules (Except Jury Weeks)

Friday - Civil Motion Hour and Civil Trials; (Except Jury Weeks)

"C" Functions – Duty Judge on Jury Weeks

Monday - Civil Motion Hour and Civil Trials; 72-Hour Hearing @ 9:00 a.m. and Juvenile Court (during jury weeks and NO Civil Trials during Jury Weeks)

Tuesday - Felony Arraignments; Criminal Motions and Remands; Revocation Hearings @ 1:30 P.M.; 72-Hour Hearings @ 9:00 a.m. (during jury weeks)

Wednesday - Traffic and Misdemeanor Arraignments; Remands and Trials on Non-Jury Weeks; Jury Weeks - Civil Motion Hour and Limited Traffic & Felony Arraignments, Felony Remands, No Misdemeanor Trials; 72-Hour Hearings @ 9:00 a.m.

Thursday - Civil Motion Hour and Civil Rules; 72-Hour Hearings @ 9:00 a.m. (during jury weeks)

Friday - Civil Motion Hour and Civil Trials during Non-Jury Weeks; Assigned □Traffic and Misdemeanor Trials and 72-Hour Hearings @ 9:00 a.m. during Jury Weeks.

"D" Functions – Criminal Duty Judge on Jury Weeks When Scheduled in Bossier Parish

Monday - Civil Motion Hour and Civil Trials

Tuesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

Wednesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

Thursday - Civil Motion Hour and Civil Rules

Friday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

"E" Functions

Monday - Civil Motion Hour and Civil Trials

Tuesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

Wednesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

Thursday - Civil Motion Hour and Civil Rules

Friday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

II. WEBSTER PARISH

"A" Functions

Civil Motion Hour at 9:30 A.M. on Tuesday, Wednesday & Fridays
(Confirmation of Defaults on Tuesday and Friday only)

Monday- Felony Arraignments, Criminal Motions, 72-Hour Hearings; Revocations, Remands, Adoptions; Juvenile Court @ 1:30

Tuesday - Civil Motion Hour, Motions, Exceptions and Civil Rules

Wednesday - Civil Motion Hour and Civil Trials; 72-Hour Hearings

Thursday - Civil Trials

Friday - Civil Motion Hour, followed by Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings

"B" Functions

Monday - Felony Arraignments, Criminal Motions, Revocations, Remands; Occasional Civil

Trials

Tuesday - Civil Motion Hour and Civil Rules
Wednesday - Civil Trials
Thursday - Civil Trials
Friday - Civil Motion Hour; followed by Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings (Jury Weeks Only)

“C” Functions

Tuesday - Civil Motion Hour and Civil Rules
Wednesday - Civil Motion Hour and Civil Trials
Friday - Civil Motion Hour, followed by Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings (Jury Weeks Only)

III. BOTH PARISHES

The Parish Duty Judge for each week will be available until 3:00 P.M. each work day to sign orders. All orders not requiring personal contact with the Duty Judge should be left in the Office of the Clerk of Court before 3:00 P.M. for signature by the Duty Judge each regular court day.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Suzanne H. Stinson
Court Administrator
26th Judicial District Court
P. O. Box 310
Benton, LA 71006
Telephone: (318) 965-2217
Facsimile: (318) 965-3765
E-Mail: sstinson@26jdc.com

Hon. Cindy Johnston www.bossierclerk.com
Clerk of Court
Parish of Bossier
P.O. Box 430
Benton, LA 71006
Telephone: (318) 965-2336
Facsimile: (318) 965-1299
E-Mail: bpecchief1@yahoo.com

Hon. Holli Vining www.websterclerk.org/
Clerk of Court
Parish of Webster
P.O. Box 370
Minden, LA 71058-0370
Telephone: (318) 371-0366
Facsimile: (318) 371-0226
E-Mail: hollivining@yahoo.com

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

None.

Rule No: 9.4

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

Appendix 8

PRETRIAL CONFERENCES

Rule No: 9.14

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

Amended effective October 1,
2007.

Pretrial conferences may be ordered by the Court in any contested case upon the written request of an attorney in such case or upon the Court's own motion. The attorneys for each party shall prepare for the court a pretrial order setting forth the pertinent facts of the case, contentions of the parties, contested issues of fact or law, and all matters necessary to the orderly progress of the conference.

DOCKETING OF NON JURY CIVIL CASES

No case will be fixed for trial until an answer has been filed.

Any counsel of record in a civil case in which a jury trial has not been ordered may set that case for trial by requesting the Clerk of Court of that Parish in which the case is pending to set the case for trial on a particular date or upon the best available date at that time, by making such request to the Clerk of Court not later than 4:30 o'clock P.M. on the Thursday immediately

before the second Friday of the month preceding the month of the requested trial. This request may be submitted to the Clerk of Court during the six month period preceding the trial, or subject to the foregoing limitations, during the month immediately preceding the month in which the trial is requested. The request shall be made by letter. Upon inquiry by counsel, the Clerk of Court shall advise counsel, upon request, whether there is an allocation available on a certain date, but shall not make known the name nor number of any other cases previously requested to be set on that date.

On the third Friday of the month immediately preceding the month in which a request for trial has been made, the Clerk of Court will set the requested cases for trial, upon the date requested, in the order of the lowest numbered cases, subject to the preferences provided by law and the rules of this Court. The clerk shall set a maximum of four (4) cases per civil courtroom. The Clerk of Court shall publish the cases so fixed for trial on the third Friday of the month preceding the month in which the cases are fixed for trial.

Any party or counsel requesting the setting of a case for trial, shall, by so doing, certify that all other parties have agreed to the requested date or that his desire to set the case for trial on the requested date has been made known, in writing, to every other party, or his counsel. All letters of request shall show that a copy has been sent to all counsel, (showing address). Failure of any other party to object to the requested setting, in writing, to the Clerk of Court, within five (5) days of the receipt of the request, shall be deemed acquiescence in the requested date by all parties not objecting. Objection to the request for setting shall be made in writing, in the form of a contradictory motion, served upon opposing counsel by certified mail within five (5) days of the receipt of notice of request for trial date. Any case, including summary proceedings, which is not completed may be continued to the next available trial date by the Trial Judge. Any case, having announced ready, but not heard on the assigned trial date may be set by preference by the trial Judge at any future date.

When a non jury civil case is fixed for trial on the merits, the Clerk of Court shall immediately mail to all counsel of record, and to all parties not represented by counsel, written notice of the trial date assigned.

Counsel, or all parties not represented by counsel, shall notify the Clerk of Court immediately when a case previously set for trial has been settled or upset by agreement.

SETTING CIVIL JURY CASES FOR TRIAL

Before a case may be set for trial on a civil jury term, a party must request, in writing, a scheduling conference with the assigned judge or judicial law clerk. The request shall contain a statement that answers have been filed or issue joined as to all parties; that there are no pending motions or exceptions and that the case will be ready for trial at the next Civil Jury term. The scheduling conference may be held by any appropriate means, including in person, by telephone, or teleconference. Once a scheduling conference has been held, the court will prepare, or cause to be prepared, a Scheduling Order setting the matter for trial as well as setting any discovery deadlines as may be deemed appropriate.

Three months before the commencement of a Civil Jury term, the Clerk shall prepare a docket of cases for trial during that term, in accordance with the following procedure:

1. The first cases on the docket shall be those in which the clerk has received a Scheduling Order approved by the assigned judge setting the matter for trial. These cases shall be placed on the docket in the order in which each is received by the Clerk.

2. The second group of cases on the docket shall be those cases that were filed more than fifteen (15) months prior to the date the jury docket is prepared and in which issue has been joined as to all parties. These cases shall be placed on the docket after those in which a

Scheduling Order was received, as provided in paragraph 1 above. The order of the cases in the second group shall be determined by the date issue was joined as to all parties.

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 CASES

Rule No: 14.0

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

Criminal Cases. Criminal Cases shall be divided into five (5) classes which shall be designated as follows:

Class I - Capital cases

Class II - Felonies requiring a jury of twelve persons

Class III - DWI and Possession of Marijuana

Class IV - All other felonies

Class V - Misdemeanor cases and Juvenile cases

Amended effective July 31,
2008

The classification of the offense shall be determined by the charge in the Bill of Information or Indictment. However, if a motion is filed by the defense prior to the District Attorney's filing, the classification shall be determined by the motion filed.

Method of Allotment of Criminal Cases. Criminal Cases falling within Class I will be allotted to the different divisions of the court in the following manner. Six (6) balls of equal size and consistency shall be placed in a container with one (1) of said balls designated as Division A, one (1) designated as Division B, one (1) as Division C, one (1) as Division D, one (1) and Division E, and one (1) ball designated as Division F. The container should be of an opaque material so that the contents may not be seen. When a case is to be allotted, the contents of the case should be thoroughly mixed and a ball drawn from the container. The case is then allotted to the Judge whose division is represented by the letter on the ball drawn. The ball so drawn shall be returned to the container with the other balls and the process repeated for further allotments.

The allotment of criminal cases falling within classes II, III, and IV as above shall be by the same method as the allotment of civil cases. The Clerk shall obtain three containers and notate one as Class II, one as Class III, and one as Class IV. The Clerk will then place sixty (60) balls in each container with ten (10) balls in each container marked as Division A, ten (10) as Division B, ten (10) as Division C, ten (10) as Division D, ten (10) as Division E, and ten (10) balls marked as Division F. The drawing of the balls and allocation of the cases shall be made at the time the District Attorney files the Bill of Information or Indictment, or when a motion is filed by the defense prior to the District Attorney's filing, whichever occurs first, or as soon thereafter as practical. At the time of filing, the District Attorney shall classify each case and note on the top right corner of the Bill of Information or Indictment the class of the violation.

Misdemeanor and Juvenile cases, described as class V cases shall not be allotted, but shall be heard by any Judge hearing such matters as they arise.

As each Bill of Information or Indictment is filed, it will be assigned at random to a Division of this court. If a contradictory motion (other than a bond reduction or discovery motion) is filed prior to the Bill of Information, then the case shall be assigned at the time of the filing of the motion. Should there be multiple charges other than capital against an individual, and these charges arise out of the same criminal investigation, or series of events, or if they occur within a one hundred eighty (180) day period, then it is the intent of these rules that all such cases be handled by one Division. In this event, the Division having the Bill of Information or Indictment with the lowest number shall handle all the matters. Capital cases shall not be transferred pursuant to this section.

Notwithstanding the above, if a defendant is on active supervised probation and is charged with a subsequent crime during the probationary period, the case relative to the subsequent charge will automatically be assigned to the division in which the probationary matter is pending.

Considering the time limitations imposed by the Code of Criminal Procedure relating to arraignments, and the necessity that bond reduction hearings be conducted promptly, an in order to protect those rights of the defendants, the court will allow arraignments, bond reduction hearings, and discovery motions to be taken up before any Division of the Court regardless of Division assignment.

Transfer of Criminal Cases. Upon the written motion of the state, the defense, or by the Court on its own motion, and for good cause, any case may be transferred from one division of the court to another by written order signed by both Judges.

In the event a Judge recuses himself from a particular case, the case shall be allotted at random to another Division and the recused Judge shall be assigned an additional case of equal class to offset such loss.

All Indictments or Bills of Information dismissed or quashed and subsequently refiled shall be assigned to the Division of original assignment only if the refilings are for the same offense or one of the same or lower class. Otherwise, such case shall be placed in the regular allotment and the Division losing the initial case will be assigned an extra case at the next allotment of equal class to counterbalance such loss.

APPEALS FROM LOWER COURTS

All cases appealed to this Court from lower Courts shall be fixed in the same manner as cases originating in this Court.

JURY DOCKETING

Pursuant to Articles 17 and 702 of the Louisiana Code of Criminal Procedure, it is hereby

ordered that criminal petit jury trials be docketed as follows:

A. Except for good cause shown, all petit jury cases shall be set for trial by written order. Not later than 30 days prior to the commencement of a petit jury term, the District Attorney shall request the setting of up to a maximum of 30 priority cases for each division which is scheduled for the next petit jury term. The cases shall be contained on a separate docket for each corresponding division and shall set forth cases to be called for that division, but not necessarily in the order in which the cases will be called for trial. The District Attorney shall file a signed copy of each written docket and order in the office of the Clerk of Court, simultaneously furnishing a signed copy of same to the trial judge assigned to preside over that jury term, and further furnishing a signed copy to the Indigent Defender Board and to all privately employed attorneys representing defendants on the docket.

B. As defendants contained on the original list of 30 cases for each division holding a petit jury plead guilty, or are otherwise removed from the docket for good cause shown, additional cases may be added to the end of the priority docket, up to two weeks before trial, but in no case shall more than 30 cases be set for a particular division's petit jury term. In other words, the District Attorney may at all times have up to 30 cases set and docketed for each division scheduled for the upcoming petit jury term.

C. Not later than noon of the seventh day prior to any criminal jury term, the District Attorney shall file a separate trial docket for each division scheduled for a petit jury term showing the order in which the cases on the original docket will be called for trial with:

1. The Trial Judge assigned for that jury term by delivering a copy to his office.
2. The Clerk of Court of the Parish where that jury term will be held by delivering a copy to her office.
3. The Indigent Defender Board of the Parish where that jury term will be held by delivering a copy to that office.
4. All defense attorneys, except attorneys with the Indigent Defender Board Office, by mailing by postmark no later than noon.

These dockets must contain all the cases on the original dockets, less any deletions or additions made pursuant to the subsection "B" above, and must also contain any cases carried over from previous dockets.

D. A case may not be removed or continued from a docket except upon motion filed by the State or the Defendant showing good cause for the removal or continuance. Any such motion shall be filed and ruled upon by the Court at least ten days before the jury term commences, except for good cause shown.

E. Any case not tried during the jury term, whether because of a continuance granted by the Court or because the case was not reached during the term, must be carried over to that division's next jury term which is at least three weeks away. It shall be added to the docket, if the docket has been prepared. If the docket has not been prepared, the case or cases carried over shall be included in those 30 cases on the 30 day docket.

F. Preliminary motions, other than arraignments, preliminary examinations, bond reduction hearings and discovery motions, must be scheduled before the judge to which the case has been assigned pursuant to Rule 34.

G. Any guilty plea must be completed no later than the 10th day (Friday) before the day the jury term commences. After that time, no plea bargains will be accepted, and the defendant must

either plead guilty "straight up" or go to trial.

H. Guilty pleas must be taken before the judge to whom the case has been assigned.

BOSSIER PARISH DRUG COURT DIVISION

1. Effective January 1, 2005 the Drug Court Division shall be designated in accordance with the following rules. All drug cases will be allotted at random by the Clerk of Court's office to each of the divisions of Court. Cases determined to be eligible for Drug Court will be transferred to the Drug Court Division. The drug treatment and probation program shall be established in accordance with the provisions of LSA R.S. 13:5301 5304.

2. The Drug Court Division will be presided over by one or more of the district court judges.

3. The Drug Court will preside over all juvenile and adult drug cases which are determined to be eligible for this program in Bossier Parish.

4. Drug Court will be held every Monday in Bossier Parish, except when the Drug Court judges are scheduled for vacation or jury terms in either parish.

5. Juvenile Drug Court will convene at 3:00 p.m., and Adult Drug Court will convene at 3:30 p.m. in Bossier Parish.

Appendix 12

Rule No: 14.0

See Appendix 11.

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

Should there be multiple charges against an individual, and these charges arise out of the same criminal investigation, or series of events, or if they occur within a one hundred eighty (180) day period, then it is the intent of these rules that all such cases be handled by one Division. In this event, the Division having the Bill of Information or Indictment with the lowest number shall handle all the matters.

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 status conferences may be ordered by the Court in any criminal matter.

Appendix 15

Rule No: 15.1

None.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2
Appointment of Counsel

All indigent criminal defendants are referred to the IDB for representation.

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

Rule No: 19.0

In jury trials, both civil and criminal, peremptory challenges shall be exercised by all parties simultaneously.

Simultaneous Peremptory
Challenges

All challenges shall be in writing and signed by the attorney or party if unrepresented.