

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-Seventh Judicial District Court

Parish of St. Landry

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 COMPOSITION OF COURT-DIVISIONS

Rule No: 3.1

Divisions or Sections of Court

District Court

With Amendments of June 2,
2003; Effective July 1, 2003

1. The 27th Judicial shall be composed of four (4) divisions designated A, B, C, and D.

2. These rules and the designation of separate divisions shall not prevent the judges of the several divisions from assisting each other with their respective duties, and this may be accomplished by agreement of the judges affected.

SESSIONS OF COURT

Court commences and ends in each division at the time designated by the presiding judge of the respective division.

Judges of the several divisions shall conduct annual civil and criminal sessions as follows:

DIVISION A. Criminal sessions shall be held during the months of January, May and September. Civil sessions shall be held during all other months each year.

DIVISION B. Criminal sessions shall be held during the months of February, June and October. Civil sessions shall be held during all other months of each year.

DIVISION C. Criminal sessions shall be held during the months of March, July and November. Civil sessions shall be held during all other months of each year.

DIVISION D. Criminal sessions shall be held during the months of April, August and December. Civil sessions shall be held in all other months of each year.

Nothing in these rules shall prevent the individual judges from scheduling civil matters during the criminal sessions and criminal matters during the civil sessions.

Appendix 3

Rule No: 3.2 and 9.3

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

(as amended June 2, 2003,
effective July 1, 2003)

Allotted in accordance with Code of Civil Procedure Article 253.1. All cases in the 27th Judicial District Court, criminal and civil alike, are randomly allotted equally between the four (4) judges. However, an exception exists for traffic, non support, protective order and juvenile matters, which shall be assigned month to month to the criminal judge on the criminal bench at the time of said allotment.

Once a case has been allotted to a particular division, all proceedings in that case shall be conducted by the judge to whom it is allotted, unless the case is consolidated into another division in accordance with these rules or the judge is recused. This rule shall not prevent a judge from conducting a hearing confirming a default judgment or hearing an uncontested matter in a civil matter allotted to another division.

The Clerk of Court shall develop a system of allotment that shall be open to public viewing.

When a motion to recuse is filed, a judge recuses himself, or a judge has been recused on the motion of any party, the case shall be referred to the appropriate judge under the following allotment procedure:

REFERRAL OF RECUSAL

Recusal Involving Judge of Division A

Cases with Docket Number Ending	Judge to Whom Referred
1- 3	Div. B
4- 6	Div. C
7-10	Div. D

Recusal Involving Judge of Division B

Cases with Docket Number Ending	Judge to Whom Referred
1-3	Div. C
4-6	Div. D
7-10	Div.A

Recusal Involving Judge of Division C

Cases with Docket Number Ending	Judge to Whom Referred
1-3	Div. D
4-6	Div. B
7-10	Div. A

Recusal Involving Judge of Division D

Cases with Docket Number Ending	Judge to Whom Referred
1-3	Div. A
4-6	Div. B
7-10	Div. C

WITHDRAWAL OF RECORDS

1. Any attorney admitted to practice law in Louisiana may withdraw any court record of an open or closed case without an order of Court. All other persons must secure a court order for withdrawal of a court record. A written receipt shall be given to the Clerk by the person withdrawing the record.
2. All court records that are withdrawn shall be returned to the Clerk's office within five (5) days after withdrawal, subject, however, to the exception set out in this rule.
3. Only an attorney of record may withdraw a civil suit within ten days of the trial or any hearing in the case without an order of Court. The phrase "attorney of record" includes any member of the law firm of an attorney of record.
4. Paralegals, secretaries, law clerks, investigators and other representatives may withdraw records on behalf of attorneys upon presentation of a written request by the attorney to the Clerk of Court. These representatives shall be subject to all rules treating the subject of withdrawal of records.
5. Any civil law suit that is withdrawn within ten days of the trial or a hearing in the case must be returned to the Clerk's office within twenty four hours after withdrawal.
6. A civil suit cannot be withdrawn within twenty four hours of the trial or the hearing of the case except on written order of the Court.
7. Court reporters, docket clerks, and minute clerks may withdraw a civil suit at any time without an order of Court by giving a written receipt for it.
8. Anyone who violates the rules concerning withdrawal of civil suits may, in the discretion of the judges, forfeit his or her privilege of withdrawing civil suits in the future.
9. Records of allotted criminal cases shall not be withdrawn from the Clerk of Court's office without written authorization of a judge.
10. In non allotted cases, the criminal duty judge shall be empowered to grant the authorization for removal, and in his absence, any judge may grant the authorization.
11. The above provisions notwithstanding, those court records which have been ordered sealed by the Court pursuant to Louisiana Code of Civil Procedure 1426 or any other applicable law shall be so identified and are not to be unsealed, withdrawn or viewed without a written court order. The Clerk of Court shall designate a specific location as the repository of sealed court records and have the legal responsibility for the security and maintenance of the records as provided by Louisiana Code of Civil Procedure 251.

TRANSFER AND CONSOLIDATION OF CASES

When cases are consolidated, the cases shall be consolidated into the division bearing the lowest docket number. If the judge in whose division the cases are allotted should be recused, then it shall be consolidated into the next lowest number.

Chapter: 4

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Chapter Title: Court Personnel

Hon. Charles Jagneaux www.stlandry.org
 Clerk of Court
 Parish of St. Landry
 P. O. Box 750
 Opelousas, LA 70571

the litigation shall appear in person, if not represented by counsel, or by counsel, or any party designated by counsel, who has the authority to agree to scheduling dates on counsel's behalf. A scheduling conference may also be set by rule therefor.

2. At the scheduling conference, the Court will:

- i. Fix a trial date;
- ii. Fix a date for jury selection in jury cases;
- iii. Fix a date for a pretrial conference;
- iv. Fix the deadline for discovery; and
- v. Schedule any future status conference desired by the parties. This provision shall not be construed as foreclosing future requests for status conferences.

3. Subsequent to any scheduling conference, the court will prepare a Scheduling Conference Order and deliver same to the Clerk of Court who shall mail a copy to all parties who are unrepresented and all counsel of record for represented parties.

4. Pretrials shall be held in all civil cases, except when the presiding judge in any given case specifically dispenses with it.

5. The pretrial conference shall attempt to:

- i. Simplify issues, including the elimination of frivolous claims and defenses,
- ii. Consider amendments to pleadings,
- iii. Consider admission of facts and authenticity of documents,
- iv. Exchange lists of witnesses and exhibits, unless ordered to do so at an earlier or later date,
- v. Consider any and all matters which may lead to the expeditious use of judicial time and ultimate disposition of the case,
- vi. Secure advance rulings on the admissibility of evidence, and
- vii. Consider the regulation of expert testimony.

6. The presiding judge may schedule one or more status conferences in addition to the pretrial conference.

7. Only the judges of the four divisions may dispense with the pretrial and status conference from the trial process.

The party will then be given instructions on how to set up the scheduling conference.

CONFIRMATIONS

Attorneys or pro se litigations seeking confirmation of a preliminary default are to contact the office of the judge to whom the case is assigned and the said case will be promptly given a special confirmation fixing agreeable to all concerned.

MOTION AND RULE DAY

a. Friday of each week shall be motion and rule day for all divisions, unless the judge affected fixes a different date.

b. Motion and rule day shall begin promptly at 9:00 a. m. unless a different time is fixed by the presiding judge.

PETIT JURY LISTS IN CIVIL CASES

a. Petit jury lists in civil cases are to be considered confidential until the date of jury selection.

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

Amended June 2, 2003, effective July 1, 2003; Amended May 31, 2005; Amended Jan. 9, 2006, effective June 1, 2006

FIXING CRIMINAL CASES FOR TRIAL

1. Criminal cases shall be fixed for trial at arraignment, status hearings or on written motion of the district attorney.
2. A case may be fixed for trial by the court if an accused establishes in a contradictory hearing with the district attorney that he has been deprived of a speedy trial.
3. Criminal cases allotted to the several divisions of court shall be heard in the month that the judge affected is sitting on the criminal bench as provided for in Appendix 2, Rule 3.1; however, special fixings may be obtained by request and with court approval.
4. By 9:00 A.M. on the first working day of each month, the district attorney shall prepare and file with the Clerk of Court, and with a copy to the court, a document reflecting the order in which cases on the felony trial docket will be called for trial that month. Upon receipt of the document from the district attorney, the Clerk of Court shall make a copy of the document available to defense counsel of record in those cases contained on the order of trial. But in no event shall the list be filed later than five (5) days prior to the commencement of jury selection for the month affected.

There shall be no additions, deletions or changes in the order of the prepared list as filed by the district attorney, except by an order of court pursuant to the joint motion of the State and defense, or upon a showing that exceptional circumstances, beyond the control of either the State or the defense, could materially impact the rights of the accused or impair the State's ability to present a case.

FIXING BAIL

1. Bail shall be fixed by the criminal duty judge at the time the accused is arrested and in his absence, by any other judge.
2. The Sheriff of St. Landry Parish and all police departments that book an accused shall make the following information available to the judge fixing bail:
 - (a) The seriousness of the offense charged, including but not limited to whether the offense is a crime of violence or involves a controlled dangerous substance.
 - (b) The weight of the evidence against the defendant.
 - (c) The previous criminal record of the defendant.
 - (d) The ability of the defendant to give bail.
 - (e) The nature and seriousness of the danger to any other person or the community that would be posed by the defendant's release.
 - (f) The defendant's voluntary participation in a pretrial drug testing program.
 - (g) The absence or presence of any controlled dangerous substance in the defendant's blood at the time of arrest.
 - (h) Whether the defendant is currently out on bond on a previous felony arrest for which he is awaiting institution of prosecution, arraignment, trial, or sentencing.
 - (i) Any other circumstances affecting the probability of defendant's appearance.

- (j) The type or form of bail.

BAIL REDUCTION HEARINGS

1. Any and all Bond Reduction Motions filed subsequent to original bail being fixed at magistrate's hearing shall be heard by the judge of the division to whom the case is assigned at said magistrate's hearing.
2. If a judge at the magistrate's hearing orders formal application for bail, then formal application for bail must be made to the judge of the division the case has been assigned to at said magistrate's hearing.

MAGISTRATE'S HEARING

1. A magistrate's hearing shall be conducted each judicial day or days when the courts are open unless the judge on the criminal bench at that time directs otherwise.
2. The general purpose of the magistrate's hearing is to fix bail (if bail has not been previously fixed), appoint counsel to designated indigents, schedule arraignments for those brought before the court, and to consider any other appropriate matters.
3. Each person who has been booked by the sheriff or any police department within the jurisdiction of this court shall be brought before the court at a magistrate's hearing on the first judicial or court's working day after booking.
4. The sheriff or police department having custody of a person brought before the court at the magistrate's hearing shall furnish in duplicate for each accused the court's designated magistrate's hearing form.
5. At the court's option, a party may appear for the magistrate's hearing in person, through the telephone, or by audio-video electronic equipment.

APPEARANCE OF COUNSEL ON PLEA DATES, DOCKET SOUNDING AND JURY SELECTION

1. In all divisions where criminal cases are to be heard, all prosecutors and defense attorneys, having cases on the priority list that is prepared by the district attorney, shall timely appear in person for:
 - a. Jury Selection--only trial counsel may select the trial jury,
 - b. Trial,
 - c. Verdict,
 - d. Sentencing,
 - e. Plea Day,
 - f. Docket Sounding, and
 - g. Pretrials.
2. There shall be no exception to this rule without the written permission of the judge affected.

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
(Amended June 2, 2003,
effective July 1, 2003)

When a new felony arrest occurs, that new case is allotted to a new division by allotment between the four (4) divisions. The District Attorney may elect to consolidate into one division at a later date.

When a new felony arrest occurs, and said new felony arrest is allotted to a new or different division, upon motion of the District Attorney, said new arrest may be transferred to the division of any pre existing felony arrest and, if indigent, said defendant shall be represented by pre existing court appointed counsel.

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

Amended June 2, 2003,
effective July 1, 2003;
Amended May 31, 2005;
Amended Jan. 9, 2006,
effective June 1, 2006

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- d. Sentencing,
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- f. Docket Sounding, and
- g. Pretrials.

2. There shall be no exception to this rule without the written permission of the judge affected.

Appendix 15
Rule No: 15.1 None.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2 A preliminary determination of indigency shall be made by the Court at magistrate's hearing. The preliminary focus shall be on the accused's resources, liabilities, and ability to pay.

Appointment of Counsel
WITH AMENDMENTS OF
JUNE 2, 2003; EFFECTIVE
JULY 1, 2003

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 Simultaneous peremptory challenges are allowed.

Simultaneous Peremptory
Challenges
