

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-Ninth Judicial District Court

Parish of St. Charles

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 Court divides into 3 divisions (C, D and E) for purposes of randomly allotting matters.

Rule No: 3.1

Divisions or Sections of Court

Appendix 3 Rotates monthly.

Rule No: 3.2 and 9.3

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

The Duty Judge shall:

1. Serve as the Committing Magistrate for all criminal matters, including the following responsibilities:

- a. All weekend and holiday emergencies.
- b. Fixing bail.
- c. Appointment of attorneys to represent indigent defendants.
- d. All other matters relating to persons in custody, except when the case has been allotted to another judge and that judge is available.
- e. Authorization of all search and arrest warrants.
- f. Authorization of expenditures from the Fines and Forfeitures and Criminal Courts funds.

2. Handle all civil matters not referable to the allotted judge, including:

- a. Default judgments, if the allotted judge is unavailable.
- b. Actions such as civil commitments, injunctions, habeas corpus or other summary proceedings in emergency cases when the judge to whom the matter is allotted cannot be located after diligent effort.

3. It shall be the responsibility of the duty judge to provide for his replacement during times

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

Rule No: 9.14

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

At pre trial or scheduling conference or upon motion to set for trial in the event no pre trial or scheduling conference held.

JURY TRIALS

1. A juror may be excused from duty only by the judge of the division for which he has been summoned.
2. Neither prospective jurors nor jurors shall be contacted, either directly or through any member of the immediate family of any juror.
3. Absent an order of court, no juror shall be interviewed by anyone at any time concerning the deliberations of the jury.
4. A jury venire shall be drawn by the Clerk of Court and the jury commissioners 30 days before the date assigned for trial.

The cost of drawing the jury venire and subpoenaing the prospective jurors shall be assessed and paid as court costs, in the manner provided by law. If the party requesting jury trial is not cast for all of the court costs, he is entitled to a full (or proportionate) refund of the deposit required by this rule when the court costs are paid in full by the party cast.

5. In a civil case, a party requesting trial by jury shall deposit with the Clerk of Court the sum of \$2,000 cash, to be posted at least 30 days before trial. In the event that this deposit is fully depleted during the trial, the Clerk of Court shall notify the party requesting the jury of the remaining costs required, and said party shall promptly pay the same.

The request for a jury trial shall include the following order:

IT IS HEREBY ORDERED that this cause be tried by jury upon applicant's depositing into the registry of court the sum of \$2,000 cash, to be posted at least 30 days prior to trial.

Within one hour before the commencement of court on each day that the trial continues, the party requesting jury trial shall verify with the Clerk of Court that the amount of the cash deposit is sufficient to cover jury costs. If it is insufficient, an additional deposit must be made.

6. Every motion to set for trial shall include an estimate of the number of days required for trial. If the motion fails to state a number of days, the judge will assign an estimate of ten days. The cash deposit shall be computed accordingly.

7. No trial by jury shall commence until this rule is complied with. Failure to comply with this rule shall constitute a waiver of the request for jury trial and a consent to trial of the case before the judge alone.

The funds disbursed from the cash deposit for payment of jury costs shall be assessed as costs of court.

After payment of all jury costs, any unexpended amounts remaining in the cash deposit shall be refunded by the Clerk of Court to the party filing the cash deposit. If the party requesting jury trial is not cast for all of the court costs, he is entitled to a full (or proportionate) refund of the deposit after the court costs have been paid in full by the party cast.

When the funds are made available through the provisions of this rule, the Clerk of Court shall pay each juror the fees and costs to which he is entitled no later than upon completion of the trial

8. The party requesting a trial by jury shall be responsible on a daily basis for all jury food expenses.

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

Rule No: 14.0

All cases (except homicides), felonies and misdemeanors shall be allotted to the judge serving as duty judge on the date of arrest.

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

When felony matters have been allotted, all subsequent indictments, charges and criminal cases arising out of the same transaction, occurrence, or series of transactions or occurrences shall be allotted to the same division.

All 1st and 2nd degree murder cases and all drug roundups shall be allotted to each division on a rotating basis.

TERMS OF COURT

A grand jury shall be empanelled in the first week of October and the first week in April of each year. The handling of the grand jury matters shall be rotated among the divisions of court.

Appendix 12
Rule No: 14.0
Random Allotment Traffic Offenses, Wildlife Offenses, and Appeals from Courts of Limited Jurisdiction

All traffic cases and misdemeanors where the defendant is not arrested shall be allotted by adherence to a schedule prepared annually by an en banc order of the court and posted in the Office of the Clerk of Court.

Appendix 13
Rule No: 14.1
Allotment - Defendant with More than One Felony Case

Rule 14.1 is hereby adopted

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

Set in open court upon application of state or defense.

Appendix 15
Rule No: 15.1
Alternative Method of Service on District Attorney

Service accomplished by clerk of court placing copy of pleading in District Attorney's box in clerk's office.

Appendix 16
Rule No: 15.2
Appointment of Counsel

1. Three (3) indigent defenders assigned to each division of court.
2. Judges appoint counsel at 72 hour hearing or at arraignment after testing of indigency.

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

Simultaneous peremptory challenges are allowed.
