

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Second Judicial District Court

Parishes of Bienville, Claiborne and Jackson

Chapter: 2

Chapter Title: Dates of Court

Appendix 2.0

Rule No: 2.0

Annual Mtg of LA State Bar Assn - 1st or 2nd week in June; Opening Ceremony of LA Supreme Court and Judges Fall Conference - 1st Monday and Tuesday of October; No court held last 2 weeks in Dec.

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 3.1

Rule No: 3.1

This Court shall sit in three divisions, denominated as "Division A", "Division B" and "Division C".

Divisions or Sections of Court

The judges of the divisions of the Court shall sit on a rotating basis between the three parishes of the district according to a schedule to be fixed by them.

SITTING OF JUDGES

The three Judges now sitting in the Second Judicial District, and/or their successors in office shall sit in each of the respective parishes of the District as follows:

MONTH	WEEK	BIENVILLE PARISH	CLAIBORNE PARISH	JACKSON PARISH
JANUARY	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION A	DIVISION B	DIVISION C
	3	DIVISION C	DIVISION A	DIVISION B
FEBRUARY	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION B	DIVISION C	DIVISION A
	3	DIVISION C	DIVISION A	DIVISION B
MARCH	1	DIVISION A	DIVISION B	DIVISION C
	2	DIVISION C	DIVISION A	DIVISION B
	3	DIVISION A	DIVISION B	DIVISION C
APRIL	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION B	DIVISION C	DIVISION A

	3	DIVISION C	DIVISION A	DIVISION B
MAY	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION A	DIVISION B	DIVISION C
	3	DIVISION C	DIVISION A	DIVISION B
JUNE	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION B	DIVISION C	DIVISION A
	3	DIVISION C	DIVISION A	DIVISION B
JULYAS ORDERED.....				
AUGUSTAS ORDERED.....				
SEPTEMBER	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION A	DIVISION B	DIVISION C
	3	DIVISION C	DIVISION A	DIVISION B
OCTOBER	1	DIVISION B	DIVISION C	DIVISION A
	2	DIVISION C	DIVISION A	DIVISION B
	3	DIVISION B	DIVISION C	DIVISION A
NOVEMBER	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION A	DIVISION B	DIVISION C
	3	DIVISION C	DIVISION A	DIVISION B
DECEMBER	1	DIVISION C	DIVISION A	DIVISION B
	2	DIVISION B	DIVISION C	DIVISION A

Appendix 3.2

Rule No: 3.2

Duty Judges

Amended effective April 29, 2009

Weekly rotation except for 4th week (opinion week) and any 5th week - set for civil jury trials.

Cases requiring a trial on the merits are assigned to a division when the parties to the lawsuit certify that the case is ready for trial according to the pretrial certification procedure stated in the Second Judicial District Court's Appendix 9.14 to Uniform Rule 9.14. The Clerk of Court shall assign the case to a division in the order of the date of receipt of the pretrial certification, with the resident judge being assigned two cases to each one case assigned to a non-resident judge.

Pleadings that require the signature of a judge in cases which have not been assigned a division shall be filed with the Clerk of Court, who will present such pleadings to the judge then available for signing orders.

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. James “Jim” W. Martin
Clerk of Court
Parish of Bienville
100 Courthouse Drive, Room 100
Arcadia, LA 71001
Telephone: (318) 263-2123
Facsimile: (318) 263-7426
E-Mail: jimmartin@bienvilleparish.org

www.bienvilleparish.org/judges/judges2nd.asp

www.bienvilleparish.org/clerk

Hon. James Patrick Gladney
Clerk of Court
Parish of Claiborne
P.O. Box 330
Homer, LA 71040
Telephone: (318) 927-9601
Facsimile: (318) 927-2345
E-Mail: claib212@bellsouth.net

Hon. Ann Walsworth
Clerk of Court
Parish of Jackson
P.O. Box 730
Jonesboro, LA 71251
Telephone: (318) 259-2424
Facsimile: (318) 395-0386
E-Mail: awalsworth@jacksonparishclerk.org

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>

Clerk of Court who shall file same in the suit record. After such a request has been made, the Court shall immediately be notified if, for any reason, the conference is no longer necessary.

2. The request shall certify that all pertinent information relative to the proceedings has been verified by examining the suit record and contacting all counsel; that all issues have been joined; that there are no contemplated or pending rules, motions, exceptions or any type of discovery proceedings, formal or otherwise; that all known third party demands, interventions and amendments have been made; that all possible consolidations have been effected; that all trial depositions have been taken and filed, and, that the case is ready for trial. A copy of the pre-trial request shall be sent to all counsel of record and the request shall contain the names and current addresses of all counsel or other parties to be notified. Only one request for a pre-trial conference is to be submitted. Should counsel making the request desire confirmation of receipt by the Court, he shall attach a copy and enclose a self-addressed, stamped envelope. (See Form 1.)

3. In the order in which valid, properly certified requests have been received, the judge shall cause to be scheduled the pre-trial conference and give reasonable notice to counsel for all parties. If a litigant is not represented, notice shall be given to such party, and, in such event, any pre-trial order may be ex parte.

4. All cases shall be scheduled for a pre-trial conference before trial on the merits. Except for action initiated pursuant to R.S. 23:1021, et seq. (Workmen's Compensation), counsel are required to confer in advance of their pre-trial conference for the purpose of arriving at all possible stipulations, exchanging copies of all documents which shall be offered in evidence at the trial, preparing a list of the names and addresses of all witnesses (except those to be used for impeachment) who will or may testify at the trial, and for the further purpose of preparing for submission to the Court the proposed pre-trial order hereinafter described. In workmen's compensation cases, counsel are not required to confer nor prepare a pre-trial order. However, counsel is required to request, and all counsel to attend, the pre-trial conference scheduled by the Court.

5. Except in workmen's compensation cases and upon receipt of notice from the Court that a date for a pre-trial conference has been fixed, it shall be the duty of counsel, who requested the conference, to promptly arrange the conference of all counsel and it shall be the duty of all other counsel involved to facilitate and expedite the holding of such conference. On the basis of the contentions made at the conference of all counsel with respect to the matters required to be covered in the pre-trial order, counsel for plaintiff will prepare and submit a proposed pre-trial order to all other counsel, who shall promptly indicate to plaintiff's counsel any additions or corrections. The final draft of the proposed pre-trial order shall be approved and signed by all counsel and shall be submitted by counsel for the plaintiff to the judge so that he will receive it not later than two full judicial days preceding the day on which the pre-trial conference is to be held. In the event that any attorney disagrees with the proposed pre-trial order, or any part thereof, he shall state his reason therefor and attach his signed statement of opposition to the proposed pre-trial order prior to its submission to the Court, but shall nevertheless sign the proposed pre-trial order which shall under these circumstances be deemed to be approved only to the extent not contemplated in the statement of opposition.

6. The proposed pre-trial order shall set forth:

(A) A brief but comprehensive statement of the plaintiff's contentions. (Subordinate to and controlled by the pleadings.)

(B) A brief but comprehensive statement of the defendant's contentions. (Subordinate to and controlled by the pleadings.)

(C) A brief but comprehensive statement of the claims of any other parties. (Subordinate to

and controlled by the pleadings.)

(D) Facts established by the pleadings or by stipulations or admissions.

(E) A statement setting forth the contested issues of fact.

(F) A statement setting forth the contested issues of law.

(G) A list and brief description of exhibits (except documents for impeachment) to be offered in evidence by the parties.

(H) A statement that the documentary exhibits have been stipulated as to authenticity or that they have not been so stipulated.

(I) A statement as to whether or not there are any anticipated amendments to the pleadings.

(J) A list of witnesses (except those called for impeachment) each party may call and a short statement as to the nature (but not as to the content) of their testimony. Except for the witnesses listed and impeachment witnesses, no other witnesses may be called to testify except for good cause shown.

(K) A statement as to any other matters not coming under the previous headings which may be relevant to a prompt and expeditious disposition of the case.

(L) A statement as to the estimated length of time necessary to try the case.

(M) The following certification:

"We hereby certify that we have conferred for the purpose of preparing this pre-trial order; and, that we shall promptly attend the pre-trial conference as scheduled by the Court."

(N) The following order:

ORDER

IT IS ORDERED that this cause be set for trial (by Jury) at 9:30 o'clock A.M., on the day of , 20 . Trial briefs (special jury charges) are to be submitted to the Court not later than , 20 .

This the day of , 20 .

.....

JUDGE

SECOND JUDICIAL DISTRICT COURT

6A. The pre-trial conference shall be by telephone, unless a personal conference is requested by one of the parties and/or ordered by the Court. It shall be the duty of the party who requested the conference to arrange the necessary phone connections, for the time set by the Court.

No conference shall take place unless the judge has received the proposed pre-trial order not later than two full judicial days preceding the day on which the conference is to be held.

7. Counsel who have certified the pre-trial order as submitted to the Court shall attend the Pre-trial Court conference as fixed by the Court unless permission is granted by the Court for substitute counsel to appear. Any substitute counsel permitted by the Court to attend the conference shall be knowledgeable of all aspects of the case and shall possess the necessary

authority to commit his client as regards changes, stipulations and/or compromise settlement.

8. The trial date selected for the case, where possible, should not be more than fortyfive (45) days from the date of the pre-trial conference except where the months of July and August are involved.

9. In case of failure of any party or counsel for any party to comply with the pre-trial procedure described herein, the judges of the Second Judicial District shall impose uniform penalties as follows: In the case of a plaintiff, dismissal of his suit; and, in the case of a defendant, prohibition against presenting any evidence in chief other than his own testimony.

10. At the conclusion of the pre-trial conference, the judge shall sign the order setting the case for trial (See Form 2) and it shall thereafter be filed in the suit record. Any additional motions or orders pertaining to the litigation, including a judgment of dismissal, shall be presented to the judge setting the case for trial or his successor in office.

FORM 1

(Date)

Honorable
Clerk of Court
Second Judicial District
..... Parish Courthouse
....., Louisiana

Re:

Suit No.
Plaintiff vs. Defendant and Insurer
(Request for Pre-trial Conference)

The above entitled and numbered cause is pending. We request a pre-trial conference in same and hereby certify that all pertinent information relative to the proceedings has been verified by examining the suit record and contacting all counsel; all issues have been joined; there are no contemplated or pending rules, motions, exceptions, or any type of discovery proceedings, formal or otherwise; all known third party demands, interventions and amendments have been made; all possible consolidations have been effected; all trial depositions have been taken and filed; and, the case is ready for trial.

We are sending a copy of this request to all counsel of record and/or other parties who, along with this writer, are to be notified of the conference. Their names and current addresses are:

Mr. John Doe, Attorney
1521 Main Street
Jonesboro, Louisiana 71251

Mrs. Jane Roe
510 Coralee Street
Jonesboro, Louisiana 71251

We acknowledge the obligation for the parties to personally confer in advance of the pre-trial conference. We also acknowledge the obligation of the parties to submit a proposed pre-trial order to the Court two full days in advance of the pre-trial conference.

Please verify receipt of this request on the attached copy and return to us in the self-addressed, stamped envelope enclosed for your convenience. This is (is not) a workmen's

compensation case. This case is (is not) to be tried by jury.

Very truly yours,

Attorney at Law

cc:

cc:

FORM 2. PRE-TRIAL ORDER

PLAINTIFF : NUMBER
VERSUS : SECOND JUDICIAL DISTRICT
 :COURT
DEFENDANT :
AND : PARISH OF
INSURER : STATE OF LOUISIANA

PRE-TRIAL ORDER

Pre-trial conference was held before Honorable at , Louisiana, on the day of, 20, at o'clock M.

Joe Blow For Plaintiff

Jim Blow For Defendants

1. Plaintiff's Claim: That plaintiff was severely injured as the result of an automobile accident which occurred at the intersection of Third and Main Streets in the Town of Jonesboro, on May 15, 1970, said accident being proximately caused by the negligence of the defendant driver in that he ran a red light.

2. Defendants' Claim: Defendants deny negligence proximately causing the accident and, alternatively, plead the contributory negligence of the plaintiff. Defendants further deny that plaintiff was injured except for minor abrasions and contusions.

3. Other Claims: None.

4. Established Facts:

(A) Plaintiff was involved in an automobile accident on May 15, 1970, and received certain injuries.

(B) Plaintiff incurred medical expenses in the amount of \$ 175.00 as a result of injuries sustained in the accident.

5. Contested Facts:

(A) All pertinent to a determination of legal fault as well as the nature and extent of plaintiff's injuries.

6. Contested Issues of Law: None.

7. Exhibits: Photographs of the scene and respective vehicles.

8. Exhibit Authenticity: Admitted.

9. Amendments: None at this time.

10. Plaintiff's Witnesses:

(A) Himself and wife re facts and disability.

(B) Reverend I. M. Goode, address, re disability.

(C) Dr. Helpful, address, re medical.

(D) Dr. Sympathetic, address, re medical.

(E) Dr. Gettum, address, re medical.

11. Defendants' Witnesses:

(A) Dr. Prejudice, address, re medical.

(B) Dr. Neverhappen, address, re medical.

12. Additional Matters: In the event that there are other witnesses to be called at the trial, their names and addresses and the general subject matter of their testimony will be reported to opposing counsel at least ten days prior to trial. This restriction shall not apply for rebuttal witnesses.

Plaintiff believes he can present his testimony in two and one-half hours.

Defendants believe they can present their testimony in one hour.

"We hereby certify that we have personally appeared at a conference pursuant to Sections 4 and 5 of Rule 22 of the Civil Rules of the Second Judicial District Court for the purpose of preparing this pre-trial order; and, that we shall promptly attend the pre-trial conference as scheduled by the Court."

ATTORNEY FOR PLAINTIFF

ATTORNEY FOR DEFENDANT

ORDER

IT IS ORDERED that this cause be set for trial (by Jury) at o'clock M., on the day of , 20 . Trial briefs (special jury charges) are to be submitted to the Court not later than , 20 .

This the day of , 20 .

Judge, Second Judicial District Court

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 14.0A

PERMANENT ASSIGNMENT OF CRIMINAL MATTERS.

Rule No: 14.0

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

1. In Bienville Parish: The trial, related motions and preliminary matters in all felony prosecutions charging an offense committed between December 15 of any year and January 15 of the following year shall be permanently assigned to Division B. The trial, related motions and preliminary matters in all felony prosecutions charging an offense committed between July 15 and August 15 of any year shall be permanently assigned to Division A. The trial, related motions and preliminary matters in all other felony prosecutions shall be permanently assigned to Division C.

2. In Claiborne Parish: The trial, related motions and preliminary matters in all felony prosecutions charging an offense committed between December 15 of any year and January 15 of the following year shall be permanently assigned to Division C. The trial, related motions and preliminary matters in all felony prosecutions charging an offense committed between July 15 and August 15 of any year shall be permanently assigned to Division B. The trial, related motions and preliminary matters in all other felony prosecutions shall be permanently assigned to Division A.

3. In Jackson Parish: The trial, related motions and preliminary matters in all felony prosecutions charging an offense committed between December 15 of any year and January 15 of the following year shall be permanently assigned to Division A. The trial, related motions and preliminary matters in all felony prosecutions charging an offense committed between July 15 and August 15 of any year shall be permanently assigned to Division C. The trial, related motions and preliminary matters in all other felony prosecutions shall be permanently assigned to Division B.

4. In any case in which a defendant with a pending felony prosecution is subsequently charged with an additional felony or felonies, all felonies shall be permanently assigned to the Division to which the first pending prosecution was assigned.

5. In any case in which a defendant is charged with multiple counts occurring on different dates, the earliest occurrence date shall control the permanent assignment of the case.

Definition of "Preliminary Matters." The terms "related motions" and "preliminary matters" referred to above shall not include arraignment, motions to set or reduce bail bonds, or motions for a preliminary examination.

Appendix 14.0B

Rule No: 14.0

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

Misdemeanor, traffic and wildlife cases are set by citation for the arraignment day next following the issuance of the citation with trials fixed for month following arraignment.

Appendix 14.1

Rule No: 14.1

Allotment - Defendant with More than One Felony Case

Defendant with pending felony prosecution and charged with another shall be assigned to division first charges assigned to.

Multiple offenses on different dates the earliest occurrence date shall control permanent assignment of case.

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 15.0

Rule No: 15.0

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

The present practice is that the judge of the division to which a felony prosecution has been assigned reviews the list of pending felonies with the prosecutors and defense attorneys at least once a month in a status or pretrial conference called an "Omnibus Hearing" in the Second Judicial District Court.

FILING AND DISPOSITION OF MOTIONS,
EXCEPTIONS AND RULES

All motions, exceptions and rules shall be submitted and determined after oral argument, unless the Court, for a good cause shown, orders otherwise. The party filing such a pleading shall serve and file with his motion, exception or rule, a brief written statement of the facts and reasons in support of the same and a memorandum of authorities on which he relies. If the motion, exception or rule requires the consideration of facts not appearing of record, he shall also serve and file copies of all photographs and documentary evidence he intends to present in support of his position. Each party opposing the motion, exception or rule shall serve and file no later than twenty-four hours before the hearing, a brief written statement of the facts and reasons advanced in opposition to the same and a memorandum of authorities on which he relies. If the motion, exception or rule requires the consideration of facts not appearing of record, he shall also serve and file copies of all documentary evidence or photographs which he intends to submit in opposition to the same. Any motion or exception and any opposition thereto which is filed without a memorandum of authorities annexed shall be summarily overruled and/or denied and may be called up by any opponent at any motion hour for this purpose. Attorneys appearing without filing such a memorandum of authorities will not be permitted to argue.

Appendix 15.1

Rule No: 15.1

Appointment of Counsel

Appointment occurs at the 72 hour hearing if defendant is detained or in open court if defendant is free on a bail obligation. Except for Department of Corrections (DOC) prisoners at Camp David Wade Correctional Center (DWCC) or in the parish prisons, all appointments are made to the Second Judicial District Indigent Defender Board which hires indigent defenders. The DOC prisoners charged with new crimes while in prison are represented by attorneys who have a contract with the Louisiana Department of Public Safety and Corrections.

72-HOUR APPEARANCE

In lieu of the Code of Criminal Procedure Article 230.1 personal appearance of the defendant before a Judge of this Court, such appearance may be by telephone or audiovideo electronic equipment.

Appendix 15.2

Rule No: 15.2

Alternative Method of Service on District Attorney

District Attorney's Office accepts service through the Clerk's office.

Appendix 15.3

Rule No: 15.3

Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual

Chapter: 18 **Chapter Title:** Arraignment and Pleas

Appendix 18.0 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

Rule No: 18.0

Waiver of Formal Arraignment

Chapter: 19 **Chapter Title:** Simultaneous Peremptory Challenges

Appendix 19.0 CRIMINAL JURY TRIALS

Rule No: 19.0

Simultaneous Peremptory Challenges

1. After the examination of prospective jurors in accordance with Code of Criminal Procedure Article 786, the Court may tender a prospective juror as provided by the first paragraph of Article 788 or, alternatively, may require simultaneous challenges as hereinafter provided in Sections 2 through 6.

2. When the aforesaid examination of prospective jurors has been completed and all challenges for cause ruled upon, the name of each remaining prospective juror shall be submitted to the state and the defendant, whereupon they shall simultaneously accept or peremptorily challenge each juror submitted.

3. The simultaneous acceptance or peremptory challenge of each juror shall be accomplished by the designation of the state and the defendant, on a written slip supplied to each by the Clerk of Court that each does either accept or challenge the juror.

4. The slips to be provided by the Clerk of Court shall bear the name of the prospective juror, the words "Accepted" and "Challenged, Peremptorily", a place for the parties to check which election they make, and a designation as to which party (state or defendant) is making that election. The slips used shall be filed of record.

5. If both the state and the defendant shall accept, the juror shall be immediately sworn. If either the state or defendant challenges, the prospective juror shall be excused and the use of a peremptory challenge by the appropriate party shall be noted. If the state and defendant both challenge, the prospective juror shall be excused and the use of a peremptory challenge by both the state and the defendant shall be noted.
