

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Thirty-Third Judicial District Court

Parish of Allen

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 DIVISIONS OR SECTIONS OF COURT

Rule No: 3.1

Divisions or Sections of Court
Amended effective April 15,
2003; January 23, 2009

The 33rd Judicial District is composed of two (2) judicial divisions. Judges are elected to Division 'A' and Division 'B'. These court divisions are not allotted any particular subject matter jurisdiction on an exclusive basis.

Appendix 3 All matters subject to random allotment to a particular division shall be made by the Clerk of
Rule No: 3.2 and 9.3 Court in accordance with La. C.C.P. Art. 253.1.

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

All civil pleadings (except those cases filed under Title IV-D Social Security Act) shall be randomly allotted to a particular division before presentation of a pleading to any judge.

Amended effective April 15,
2003; March 3, 2009

When cases assigned to different divisions of Court are consolidated for trial, they shall be consolidated under the lowest docket number and assigned to the division of Court to which said lowest docketed numbered case was assigned. An exception to this rule shall exist when, in the interest of efficient administration of justice and due to extensive pre-trial activity in one of the affected divisions of Court to the exclusion of others, the Judges of each division of Court shall certify the trial of the cases to a particular division of Court, after securing the consent of all parties in compliance with the requirements of LSA C.C.P. article 253.2. Additionally, where a petition for partition of community property is not filed in the divorce record of a case, it shall automatically be consolidated with any previously filed divorce proceeding and heard by the division of court to which the divorce has been assigned.

Juvenile proceedings shall not be randomly allotted to a particular division by the Clerk of Court. The District Attorney shall be responsible for docketing juvenile cases. However, each case shall remain in the division of first appearance. Additionally, every effort shall be made to

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

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

Rule No: 9.14

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

Amended effective March 3, 2009

(1) Civil motions and exceptions may be fixed for hearing on oral motion in open court, by written motion in chambers or by written request directed to the Court by any attorney of record or any party not represented by an attorney. Unless otherwise ordered by the Court, all motions and exceptions shall be fixed for motion hour rule days.

(2) Contested civil cases shall be fixed for trial on the merits by written motion of a party in interest certifying to the Court that:

- a. All issues have joined.
- b. The parties have discussed seriously a settlement or compromise of the action to no avail.
- c. The case is ready for trial on the merits.
- d. In civil jury cases the time for filing of bond for costs and its amount have been set.
- e. The number of days required for trial. The number of days allotted for the trial will be based upon counsel's certificate. In the event that the case is not concluded in the number of days allotted for trial, the case may not be continued to the following day, but may be refixed for additional trial days depending upon the court's docket.

The Clerk of Court is authorized to return to counsel, without filing, any motion to fix for trial in which the above required certification is incomplete.

The motion and certification required in this section shall be made in writing by movant; all opposing parties or their counsel shall be mailed a copy of said motion and certification by the office of the Clerk of Court; any party opposing said motion shall do so within ten days after said mailing. Any opposition shall be in the form of a motion to traverse the trial date and any party not timely filing said motion to traverse within the ten day period shall be deemed to have acquiesced in the trial date and in the fact that the case is ready for trial.

(3) A copy of any pleading, written motion or request for a fixing shall be mailed or handed by movant to opposing counsel and to any opposing party not represented by an attorney.

(4) When a hearing is fixed either on an exception or motion or on the merits, the Clerk shall promptly give written notice of such fixing to all counsel of record and any party not represented by an attorney.

Pre-Trial Conferences - Civil Cases; Pre-Trial Statements

A. All parties in all contested civil cases tried by a jury shall submit to the court a pre-trial statement in accordance with the pre-trial order of the court.

B. In cases in which pre trial conferences will be held, the pre-trial statements shall be served on the court and all parties at least seven (7) working days prior to the date set for the pre-trial

conference unless otherwise ordered by the court. In cases in which no pre-trial conference will be held, the pre-trial statements shall be served upon the court and upon all parties at least seven (7) working days prior to trial.

The combined pre-trial statements submitted by all parties, together with additions, instructions, or comments by the trial judge will be filed as a pre-trial order and will thereafter control the trial. No deviations as to issues or witnesses will be allowed at the trial except by special order of the judge after good cause is shown. Pre-trial conferences shall be attended by the counsel who will be present during and actively involved in the trial of the case. At the conclusion of the conference the judge will fix the date for the trial of the case if not previously set.

C. Failure to comply with this rule in any regard by a party or his attorney will subject these attorneys to the disciplinary and contempt powers of the Court. Except for good cause shown, no other witnesses may be called to testify nor any other documents or exhibits presented at trial except for those witnesses and those items of documentary evidence set forth in the respective pre-trial statements.

D. All parties in contested civil cases to be tried by the court shall submit to the court a pre-trial statement in accordance with the pre-trial order of the court. If no pre-trial order is executed by the court, all depositions or expert reports intended for use a trial in lieu of live testimony shall be submitted to the court not less than five (5) days before trial; and pre-trial memoranda/briefs on issues of law, cause of action and damages with citations should be submitted to the Court one (1) week prior to trial date. Memoranda will not be considered timely submitted unless all of the listed information is contained therein.

Trial Date Conflicts

Section 1. When cases are assigned for trial on the same date in different courts involving the same trial attorney or attorneys, the following order of preference will prevail:

1. Criminal jury trials
2. Civil jury trials
3. Criminal bench trials and motions
4. Civil bench trials, with an order of preference determined by the date on which trial notices were mailed.

The motion for continuance shall state the case number and caption of the prior conflicting assignment, its position on the docket call of the other Court, and the dates that the order assigning the case was signed and that the notice of trial was mailed. Counsel should attach a copy of the order assigning the conflicting case to trial to the Motion for Continuance.

Judgments

All judgments in contested matters shall be approved as to form by all counsel prior to submission to the Court for signing. If approval or objection with reason is not provided within ten (10) days, the judgment shall be submitted with that statement.

Court Dockets

Where cases assigned to different divisions of court are consolidated for trial, they shall be consolidated under the lowest docket number and assigned to the division of Court to which said lowest docketed numbered case was assigned. An exception to this rule shall exist, when in the interest of the efficient administration of justice and due to extensive pre-trial activity in one of the affected divisions of Court to the exclusions of others, the Judges of each division of Court affected by said consolidation shall certify the trial of the cases to a particular division of Court.

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

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

The Clerk of Court shall randomly allot all felony criminal cases between the two divisions of court at the time of filing of indictment or bill of information.

The Clerk of Court shall randomly allot all misdemeanor DWI and possession of marijuana cases between the two divisions of court after a plea entry of not guilty at arraignment.

All other misdemeanors, traffic and wildlife violations shall not be randomly allotted to a particular division by the Clerk of Court. However, each case shall remain in the division of first appearance.

The District has no drug court.

Appeals from lower courts of limited jurisdiction shall be randomly allotted upon filing with the Clerk of Court.

Capital criminal cases shall be assigned to the divisions of Court on a rotating basis based upon chronological order determined by the date of the alleged offense. The first capital criminal case filed after January 1, 2003, shall be randomly allotted by the Clerk of Court to begin the rotation.

Appendix 12

Rule No: 14.0

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

See Appendix 11.

Appendix 13

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

Same as Rule 14.1

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 EFFECTIVE
APRIL 15, 2003

All pre trial hearings, motions and status conferences in criminal cases are heard before the judge of the division to which the case is randomly allotted, except for 72 hour hearings, bond reduction hearings, discovery motions, notifications of attorney and preliminary examinations, which are scheduled at the earliest possible time before the judge responsible for the criminal docket at that time without reference to division allotment of the case. Such latter motions are in effect handled as duty judge matters on the criminal docket.

Appendix 15
Rule No: 15.1

Alternative Method of Service on District Attorney

AMENDED EFFECTIVE
APRIL 15, 2003

In addition to mailing a copy to the District Attorney, service may be made by hand delivering a copy to the Office of the District Attorney adjacent to the Courthouse.

Appendix 16
Rule No: 15.2

Appointment of Counsel

Indigent counsel is appointed at seventy two hour hearing (La. C.Cr.P. Art. 230.1), or if no such hearing is had, as soon as practicable.

Chapter: 18 **Chapter Title:** **Arraignment**

Appendix 17
Rule No: 18.0

Waiver of Formal Arraignment

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX17.PDF>

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

Appendix 18
Rule No: 19.0

Simultaneous Peremptory Challenges

Simultaneous exercise of peremptory challenges is employed, if agreed to by counsel.
