

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Thirty-Sixth Judicial District Court

Parish of Beauregard

Chapter: 2	Chapter Title: Dates of Court
Appendix 1	December 23 through January 1, inclusive.
Rule No: 2.0	Opening of the Supreme Court of Louisiana and the Judicial Conference held subsequent thereto
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.	The dates of any regularly scheduled conference or meeting of the Louisiana Judiciary and/or the Louisiana District Judges Association.

Chapter: 3	Chapter Title: Judges and Facsimile Transmissions to the Court
Appendix 2	The 36th Judicial District is authorized two judicial positions. Judges are elected to Division A and Division B. These court divisions are not allotted any particular subject matter jurisdiction on an exclusive basis. The judges of each division rotate month to month between the civil and criminal dockets.
Rule No: 3.1	Division A shall sit in session and preside over the criminal docket of the District during the months of January, March, May, July, September, and November; it shall sit in session and preside over the civil docket during the months of February, April, June, August, October, and December.
Divisions or Sections of Court	Division B shall sit in session and preside over the criminal docket of the District during the months of February, April, June, August, October, and December; it shall sit in session and preside over the civil docket during the months of January, March, May, July, September, and November.

SESSIONS AND TERMS OF COURT

1. Court will convene on the Tuesday which follows Labor Day in September of each year and remain in continuous session thereafter through the thirtieth day of June the following year. This will be known as the Regular Term of Court.
2. July and August of each year will be known as the Summer Term of Court, for which a special schedule will be issued by the Court and posted in the Office of the Clerk of Court no later than June first of each year. Such schedule will provide for several days of court during July and August for the purpose of hearing civil rules, exceptions and motions, trying contested cases on the Clerk's Docket, entering and confirming defaults, and other uncontested civil matters, including the trial of uncontested cases, as well as criminal arraignments, motions,

hearings and misdemeanor trials.

3. Unless otherwise ordered by the presiding judge, no court will be held during the weeks that begin on the fifth Monday of the month.

REGULAR HOURS OF COURT

1. Unless otherwise ordered by the presiding judge or hereinafter provided, in matters set for trial or hearing before the bench the Court will open its daily sessions at 9:30 o'clock A.M. and shall recess from 12:00 noon to 1:30 o'clock P.M. and adjourn at 5:00 o'clock P.M.; in matters set for trial before a jury the Court will open its daily sessions at 9:00 o'clock A.M. and shall recess from 12:00 noon to 1:30 o'clock P.M. and adjourn at 5:00 P.M.

Appendix 3

Rule No: 3.2 and 9.3

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

There is no general duty judge in the 36th Judicial District. Judges of District rotate month to month between civil and criminal dockets and sign duty orders on docket for which they are responsible each month. Juvenile Court duty orders are allotted to civil duty judge each month.

COURT DOCKETS

The Clerk of Court, with the advice of the Chief Judge, shall devise an arbitrary method for the assignment of cases between the existing divisions of Court to assure that both the civil and criminal case load is equally divided among the divisions and that forum selection by litigants is prevented. Capital criminal cases shall be assigned to the divisions of Court on a rotating basis; with the first capital criminal case indictment returned after January 1, 1997, being assigned to Division A, and subsequent cases assigned on a rotation based upon a chronological order determined by the date of the alleged offense.

Civil petit jury sessions shall be held during the weeks beginning on the first Monday in March, April, November and December. Special civil jury sessions may be called by the Court at any time when the public business requires including during the Summer Term of July and August. The Court in its discretion may alter this schedule by special order to avoid holidays and provide for a full calendar week for jury trials.

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 number 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: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Hon. Brian Lestage
Clerk of Court
Parish of Beauregard
P. O. Box 100
DeRidder, LA 70634
Telephone: (337) 463-8595
Facsimile: (337) 462-3916

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

Rule No: 9.4

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

All filings are made first with the Clerk of Court, who attaches the filing to the full record and forwards it to the appropriate judge for signing of any orders. This filing requirement extends to memoranda and briefs required by court rule or special court order in connection with an individual case. All filings are date and time stamped by the Clerk to determine compliance with any filing deadlines in connection with briefs and memoranda.

Appendix 8

ASSIGNMENT OF CONTESTED CIVIL MATTERS
FOR HEARING OR TRIAL

Rule No: 9.14

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

1. Civil motions and exceptions may be fixed for hearing on either oral motion in open court, or by written motion in chambers or by written request directed to the Court, by any attorney of record or by 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 been joined.

- b. All depositions, interrogatories, and other discovery have been completed.
- c. All exceptions, motions for summary judgment, and other pre trial motions filed, except those which may have been referred to the merits, have been disposed of.
- d. The parties have discussed seriously a settlement or compromise of the action without avail.
- e. The case is ready for trial on the merits.
- f. In civil jury cases the time for filing of bond for costs and its amount have been set.
- g. The number of days which will be required for trial.

The number of days allotted for the trial will be based upon counsel's certificate. In the event the case is not concluded in the number of days allotted for trial, the case will not be continued the following day, but must be re fixed for additional trial days.

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.

The Court on its own motion may in its discretion assign any case a trial date in which pre trial orders as are appropriate.

- 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.
- 5. The Court may in appropriate cases enter a Pre Trial Order providing for a pre trial conference, a date for completion of discovery and deposition, and/or the filing of pre trial memoranda, witness lists, and exhibit lists by counsel. When such orders are entered and attorneys fail to timely comply with their requirements, the Court may upset the trial date fixing and/or bar the admission in evidence of undisclosed exhibits or witnesses' testimony as the circumstances may indicate.

SESSIONS AND TERMS OF COURT

Criminal petit jury sessions shall be held during the weeks beginning on the third Monday in January, February, April, May, August, September, October, and November of each year. Special petit jury sessions may be called by the Court at any time when the public business requires, including during the Summer Term of July and August. The Court in its discretion may alter this schedule by special order to avoid holidays and provide for a full calendar week for jury trials.

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 number 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.

CONTINUANCES

A continuance will not be granted because of a prior court conflict in assignment unless a motion for continuance because of such conflict is made within ten days from the date that notice of the fixing is received by the attorney seeking the continuance. The motion for continuance shall state the case docket number and caption of the prior conflicting assignment, its position on the docket call of the other Court, and the date that the order assigning the case to trial in the other Court was signed. Counsel should attach a copy of order assigning the conflicting case to trial to the Motion for Continuance.

CIVIL COURT CALENDAR

Except for those weeks designated as civil jury trial weeks in Rule I above and on those weeks commencing on a fifth Monday, the division of Court sitting in civil session shall adhere generally to the following schedule during the Regular Term of Court: Mondays--Civil Motion Docket; Tuesdays-- Civil Bench Trials; Wednesdays--Civil Bench Trials; Thursdays--Civil Motion Docket; Fridays (3rd)--Administrative Day; Fridays (2nd and 4th)--Pre-Trial Conference and Motions. The Court in the interest of justice and as docket need may dictate may also schedule any non-jury civil matter for any available legal day.

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

All felony criminal cases are randomly allotted between the two divisions of court at the time of filing of indictment or information by drawing of lots.

Rule No: 14.0

System of Random Allotment
of Criminal Cases (Other than
Traffic, Wildlife, and Appeals

Misdemeanor, traffic and wildlife violations are assigned by District Attorney at arraignment to next available trial date. Once so assigned case remains allotted to that division of court until

from Lower Courts)

final disposition.

The District has no drug court.

COURT DOCKET

Capital criminal cases shall be assigned to the divisions of Court on a rotating basis; with the first capital criminal case indictment returned after January 1, 1997, being assigned to Division A, and subsequent cases assigned on a rotation based upon a chronological order determined by the date of the alleged offense.

GRAND JURY

A Grand Jury shall be impaneled on the fourth Monday of the months of September and March of each year, or at such other times as the Court may order. Division A shall empanel the March Grand Jury; Division B shall impanel the September Grand Jury. Should the date set for the Grand Jury to be impaneled be a legal holiday, then it shall be impaneled on the first court day following the holiday.

CRIMINAL COURT CALENDAR

1. Except for those weeks designated as criminal jury trial weeks, and on those weeks commencing on a fifth Monday, the division of Court sitting in criminal session shall adhere generally to the following schedule during the Regular Term of Court:

Mondays--Criminal Motions;
Tuesdays-- Arraignments;
Wednesdays--Misdemeanor Trials;
Thursdays--Criminal Motions;
Fridays--Entry of Pleas/Criminal Motions and Felony Bench Trials and Motions.

The Court in the interest of justice and as docket need may dictate may also schedule any non jury criminal matter for any available legal day.

2. Any plea agreement to be submitted to the Court for approval and commitment from the Court as to sentence, must be submitted on or before the 1st Friday of the month in which the case is to be tried. Thereafter, the plea must be voluntarily entered in proceedings in conformity with the requirements of law by the defendant on or before the morning motion hour set for the 2nd Friday of the month in which the case is to be tried.

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

All felony cases are randomly allotted between the two divisions of court at the time of indictment or information by Clerk of Court by drawing of lot. If multiple bills of information of indictment are filed and allotted to different divisions of court relative to the same individual, they remain so allotted, unless after adversarial hearing of motion to join or transfer case between divisions, motion is granted.

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

All pre-trial hearings, motions and status conferences in criminal cases are heard before the judge in the division to which the case is randomly allotted, except for 72 hour hearings, bond reduction hearings, and preliminary exams, 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 case. Such latter motions are in effect handled as duty judge matters on criminal docket.

Appendix 15
Rule No: 15.1

None.

Alternative Method of Service on District Attorney

Appendix 16
Rule No: 15.2

Appointment of Counsel

The Indigent Defender Board appointed in accordance with the statute, contracts annually with volunteer attorneys to handle all indigent criminal cases. The volunteer attorneys are maintained on an alphabetical list. Assignments are made alphabetically on strict rotation by judge as cases arise at 72 hour hearings or arraignments.

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

Appendix 17
Rule No: 18.0

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

Waiver of Formal Arraignment

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

Appendix 18
Rule No: 19.0

Simultaneous Peremptory Challenges

CRIMINAL JURY SELECTION

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. Unless otherwise provided by the Court in a particular case, prospective jurors shall be called and examined on voir dire in groups of six at one time. The Court may permit individual voir dire in a particular case upon motion of any party when in the discretion of the Court the interest of justice would be served thereby.

3. When the aforesaid examination of prospective jurors has been completed, the simultaneous acceptance or 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 (whether for cause or peremptorily) each juror. Challenges for cause shall be ruled upon by the Court; if challenge for cause is denied, the party issuing such a challenge, after noting his objection to the Court's ruling for record, shall indicate for record, if he wishes to exercise a peremptory challenge for said juror.

4. The ballots for simultaneous acceptance or challenge of jurors on voir dire shall be provided by the Clerk of Court to each party and shall provide space for the name and number of the prospective juror; the words "Accepted," "Challenged Peremptorily," and "Challenged Cause;" 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 ballots used shall be filed of record.

5. If both the state and the defendant shall accept, the juror may 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.

6. Jurors shall be called and seated in the order called until the prescribed number of jurors and alternates are selected.
