

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Third Judicial District Court

Parishes of Lincoln and Union

Chapter: 2

Chapter Title: Dates of Court

Appendix 1

The first two (2) full weeks of August in Lincoln and Union Parishes as court recess

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

Rule No: 3.1

This court shall sit in three divisions, denominated as Divisions "A", "B" and "C". Judges will sit according to a schedule agreed upon by a majority of the judges. TIME OF SESSIONS OF COURTS:

Divisions or Sections of Court

1. In UNION PARISH, unless otherwise specially ordered by the court, all Civil, Criminal, Juvenile, Traffic and Non-support Court sessions shall start at 9:00 a.m. and shall recess at 5:00 p.m., with the noon recess from 12:00 noon until 1:30 p.m.

2. In LINCOLN PARISH, unless otherwise specially ordered by the court, all Civil, Criminal, Juvenile and Non-support Court sessions shall start at 9:00 a.m., and shall recess at 5:00 p.m., with the noon recess from 12:00 noon until 1:30 p.m.; all Traffic court sessions shall start at 1:30 p.m. and shall recess at 5:00 p.m.

Appendix 3

Rule No: 3.2 and 9.3

Judge signs all uncontested matters or orders that simply assign dates for hearings or trials.

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

Chapter: 4

Chapter Title: Court Personnel

Appendix 4
Rule No: 4.1
Judicial Administrators and
Clerks of Court

Wanda Witherington
Court Administrator
3rd Judicial District Court – Union Parish
100 East Bayou Street, Suite 202
Farmerville, LA 71241
Telephone: (318) 368-9734
Facsimile: (318) 368-2487
E-Mail: gabmilan@msn.com

Hon. Dodi Dodd Eubanks
Clerk of Court
Parish of Union
100 East Bayou St., Suite 105
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Telephone: (318) 368-3055
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Pam Dance
Court Administrator
3rd Judicial District Court – Lincoln Parish
100 W. Texas Avenue, 3rd Floor
Ruston, LA 71270
Telephone: (318) 251-5121
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Hon. Linda Cook
Clerk of Court
Parish of Lincoln
P. O. Box 924
Ruston, LA 71273-0924
Telephone: (318) 251-5130
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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 pleadings in allotted cases that require an order prior to rendition of judgment must be presented to the judge to whom the case has been allotted with appropriate designation of either the division or name of the judge appearing thereon.

All pleadings requiring the signature of a judge in cases which have not been allotted to a division, or pleadings in allotted cases after rendition of judgment, shall be filed in the office of the Clerk of Court and left there to be signed by the judge signing orders.

Appendix: 8

Rule No: 9.14

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

In both UNION and LINCOLN PARISHES, civil jury sessions shall be held during those weeks commencing with the fifth Monday of the month; except during December, and then said session shall commence on the second Monday of December for UNION PARISH and on the third Monday of December for LINCOLN PARISH.

FIXING OF CIVIL CASES FOR TRIAL

1. Contested cases, jury and non jury, shall be fixed for trial only upon written notice and order. Each such written motion shall have attached thereto a certificate designating the status and nature of the case, the advisability of a pretrial conference and/or brief, the estimated length of the case, the committed dates of counsel, the most convenient dates for counsel, and the necessity of scheduling the matter expeditiously. The mover shall bring to the court's attention any pending request for trial by jury filed by any party. An approved illustrative form appears as Form 1. Further, the Clerk of Court of each parish is directed to have available for this purpose copies of the approved certificate and to notify counsel of this rule upon receipt of a motion for a trial fixing not in compliance herewith.

2. Uncontested Non jury Cases may be fixed for trial, either by written motion, which need not have attached thereto the required certificate set forth in paragraph "A" of this rule, or by oral motion made in open court during any motion hour.

3. By requesting that a case be fixed for trial by oral motion, or by written motion without an attached certificate as set forth in paragraph "A" of this rule, counsel certifies that such case is in fact uncontested. If such case is in fact contested, it shall be continued upon motion of any opposing party or by the court on its own motion.

4. Unless all parties join in the required written motion to fix a contested civil case for trial, no case may be fixed for trial on a date less than ten (10) calendar days from the date on which the setting is entered. Unless all parties are present or represented when an oral motion for fixing is made, no case may be fixed for trial on a date less than ten (10) calendar days from the date on

which the setting is entered. The Clerk of Court shall in all cases give notice to all parties of all trial dates.

5. No case shall be fixed for trial on the merits until all preliminary pleadings have been fully adjudicated and all phases of the case have been put at issue by responsive pleadings or entry of preliminary default, and for civil jury trials, until any bond required has been filed. In the event that any case not ready for trial has been assigned or fixed, it shall be stricken from the docket and must be reassigned or refixed in accordance with these rules.

PRE TRIAL CONFERENCES CIVIL CASES

1. In every contested civil case the court may on its own motion direct the litigants to appear before the court at such time and place as it may designate for a pre trial conference when the court feels that the issues may be narrowed or the trial in any way expedited. Likewise, either party may, by motion setting forth reasons, ask the court to order a pre trial conference and to hold the same in the manner which the law directs. A suggested form appears as Form 2.

2. When parties desire a pre trial conference, requests shall be made in writing to the court at least twenty (20) calendar days prior to the trial date, with a copy thereof to all other unrepresented parties and counsel and shall set forth the style and nature of the case and the reasons the conference is deemed necessary or advisable.

If the purpose of a pre trial conference is a status conference, i.e. solely to discuss various aspects of the case, and if in the opinion of the mover it is unnecessary to prepare a formal pre trial brief or order, the mover shall set forth facts supporting that contention.

3. When a party or his counsel has been notified as herein provided and fails to appear at said pre trial hearing, the court may remove the case from the trial docket, dismiss the case as of nonsuit, or take such other action as the court may deem proper under the circumstances.

FORM 1

TRIAL CERTIFICATE

IT IS HEREBY CERTIFIED:

1. That every reasonable effort has been made to reach an amicable resolution of this case.
2. That a pre trial BRIEF* would/would not be helpful toward a prompt disposition of the case.
3. That a pre trial CONFERENCE pursuant to Rule 14* would/would not be helpful toward a prompt disposition of the case.
4. That all pleadings have been filed by all parties.
5. That all discovery has been completed by all parties, and that no other discovery is contemplated.
6. That the amount of time in terms of HOURS for the presentation of the case of EACH party INCLUDING direct, cross, redirect and recross examination is ESTIMATED to be as follows:

PLAINTIFF (case in chief) ___ hours;

DEFENDANT (case in chief) ___ hours;

PLAINTIFF (rebuttal) ___ hours.

(With multiple party litigation, this should also include an estimate as to other parties, including third party defendants, intervenors, etc. The terms "plaintiff" and "defendant" herein should also include plaintiff in reconvention and defendant in reconvention.)

7. That the apparent COMMITTED dates of all parties during the next ninety (90) days, after consultation, or reasonably attempted consultation with all counsel, are:

(List ALL committed dates. It is unnecessary to show who is committed on the subject dates.)

8. The MOST CONVENIENT dates for all counsel are: _____

9. That the case, regardless of the classification,* IS/IS NOT a matter that should be heard as expeditiously as possible.

10. A brief description of the type and nature of the case is as follows:

11. (Any other factor or pertinent comment.) _____

I have executed the above and foregoing certificate in connection with a requested trial fixing, and all items contained therein are true and correct to the best of my knowledge. I further certify that a copy of the motion and order for trial fixing and the attached certificate have been served upon all counsel of record by U.S. mail with sufficient postage affixed thereto on the ___ day of _____, 20 ____.

_____, Louisiana, this ___ day of _____, 20 ____.

Attorney

MOTION AND ORDER

The above and foregoing certificate being duly executed and complied with and it appearing that this matter should be fixed for trial:

IT IS THEREFORE ORDERED that this matter be fixed for trial on the ___ day of _____, 20 ___, at ___ o'clock __.m., with all counsel/parties to be notified.

Ruston, Louisiana, this ____ day of _____, 20__.

Judge

Respectfully submitted:

* Please delete one.

FORM 2

PRE TRIAL CONFERENCE MEMORANDUM ORDER
THIRD JUDICIAL DISTRICT COURT OF
LOUISIANA
PARISH OF LINCOLN

VERSUS CIVIL DOCKET NO. _____

MEMORANDUM ORDER

IN THIS MATTER, pursuant to the provisions of Louisiana Code of Civil Procedure Article 1551, for the purpose of simplification of issues, discussion as to the necessity or desirability of amendments to pleadings, discussion as to material facts and issues existing without substantial controversy, and what material facts and issues are actually and in good faith controverted, for discussion of the possibility of obtaining admissions of fact and of documents which will avoid unnecessary proof, the limitation of the number of expert witnesses and such other matters as may aid in the disposition of the action;

IT IS THEREFORE ORDERED that there be a pre trial conference held in the above styled and numbered matter on _____, the ____ day of _____, 20__ at ____ o'clock __.m. in the Judge's Chambers in the _____ Parish Courthouse in _____, Louisiana;

IT IS FURTHER ORDERED that all parties comply with the Pre Trial Conference provisions of this court as set forth hereinabove and _____ (When applicable) shall apply herein.

THUS DONE AND SIGNED in _____, _____ Parish, Louisiana, in Chambers, on this ____ day of _____, 20__.

Judge

Respectfully submitted:

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 Assigned to Div. A or B by random drawing in open court at time of arraignment.

Rule No: 14.0

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

Appendix 12 Misdemeanor, traffic and wildlife cases are not assigned for purposes of trial; only assignment
Rule No: 14.0 for purpose of sentencing and probation revocation in division where defendant was convicted.

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

Appendix 13 Multiple defendants or multiple charges all allotted to one division which is responsible for
Rule No: 14.1 sentencing, probation revocations & post conviction relief where defendant was sentenced by
that judge. The Clerk of Court is responsible for assigning or reassigning cases to division in
which other matters were allotted.

Allotment - Defendant with
More than One Felony Case

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

At arraignment all felony cases are assigned a date for pre trial conferences.

In UNION PARISH Grand Juries shall be empaneled for the weeks beginning on the first Mondays of March and September of each year.

In LINCOLN PARISH, Grand Juries shall be empaneled for the weeks beginning on the second Mondays of March and September of each year.

The court, in its discretion, may fix any type criminal hearing or trial on any court day in order to expedite a hearing in any criminal case or proceeding, or to accommodate litigants or attorneys, or for any other reason.

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

None.

Appendix 16
Rule No: 15.2
Appointment of Counsel

In compliance with Article 230.1 of the La. Code of Criminal Procedure, as amended, each defendant, in the discretion of the particular district judge, may be brought before the court via telephone for the appointment of counsel. When utilizing this method, the custodian of the prisoner shall make notation of the date and time of such appointment, the division of the court making the appointment, and the name of the officer or deputy of the custodian verifying the conversation, all on a form approved by the court. The original of this form shall be delivered to the District Attorney and a copy shall be delivered to the Clerk of Court for notation in the minutes of the court, or at arraignment, if not previously appointed.

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

The Third Judicial District Court does not allow a system of simultaneous peremptory challenges.
