

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Fortieth Judicial District Court

Parish of St. John the Baptist

Chapter: 2 **Chapter Title:** Dates of Court

Appendix 1 Mardi Gras (Monday and Tuesday).

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 ALLOTMENT, TRANSFER AND CONSOLIDATION OF CASES

Rule No: 3.1

Divisions or Sections of Court The docketing of civil cases by the Clerk of Court and assignment of same to Divisions A, B
and C shall be by lot.

Appendix 3 Rotate monthly

Rule No: 3.2 and 9.3

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

Chapter: 4 **Chapter Title:** Court Personnel

Appendix 4 Hon. Eliana DeFrancesch www.stjohnclerk.org/

Rule No: 4.1

Judicial Administrators and
Clerks of Court

Clerk of Court
Parish of St. John the Baptist
P. O. Box 280
Edgard, LA 70049-0280
Telephone: (985) 497-3331 or 1-877-497-8836
Facsimile: (985) 497-3972
E-Mail: edefrancesch@stjohnclerk.org

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

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

A. Any party who desires a date for trial on the merits shall request a status conference before requesting a trial date in all cases except successions, collection cases, domestic matters (except partitions), and uncontested matters. Exceptions to this rule may be made by the individual judges depending on the nature or seriousness of the case. Pretrial conferences may be scheduled at the discretion of the judge.

B. At least two judicial days before the final pretrial conference, counsel for all parties shall submit to the Court a signed statement including the following information:

1. A statement of undisputed facts and a formal stipulation thereof;
2. A statement of disputed facts;
3. A statement of undisputed law applicable to the case;

4. A statement of disputed law applicable to the case;
5. A memorandum of law supporting disputed law;
6. A list of all exhibits to be offered at trial;
7. A list of all witnesses and a summary of their testimony;
8. A list of all depositions and a summary of testimony therein;
9. 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; and
10. An estimate of the number of days required for trial.

Each judge may prepare or require to be prepared a final pretrial order governing discovery cutoff, final witness and exhibit lists, pretrial motions and other trial related matters. Failure to comply therewith may result in exclusion of exhibits, witnesses, pretrial motions and further discovery.

C. The attorney who will try the case, or an attorney who is thoroughly familiar with the case, must attend the pretrial conference. The attorney in attendance must be prepared to enter into stipulations as to all aspects of the case and must possess firm settlement authority.

D. Where discovery is not complete by pretrial conference, the Court may either convert the pretrial conference into a status conference or complete the pretrial conference and fix a date beyond which no further discovery will be had.

E. Pretrial conferences may be held by telephone with the consent of the judge and all parties and must be arranged by the moving party

Chapter: 13

Chapter Title: Civil Litigation Filed by Inmates

Appendix 9A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9a.PDF>

Rule No: 13.0

Petition for Judicial Review

Appendix 9B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9b.PDF>

Rule No: 13.0

Pro Se Prisoner-Plaintiff's
Portion of the Pre-Trial Order

Appendix 9C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9c.PDF>

Rule No: 13.3

Application to Proceed In
Forma Pauperis Filed in

Appendix 9D

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9d.PDF>

Rule No: 13.3

Motion to Proceed In Forma
Pauperis on Appeals/Writs

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)

All complaints, indictments and bills of information shall be divided into three classes: Felonies, Misdemeanors and Traffic.

Cases classified as misdemeanors and traffic shall be assigned to the respective judge according to the court date given when the offense is committed.

Felonies shall be divided into subclasses: Capital Offenses, Offenses Necessarily Punishable by Life Imprisonment or Hard Labor and Offenses Not Necessarily Punishable by Hard Labor. Felonies shall be randomly allotted within each subclass when filed. All motions and other matters pertinent to a particular felony bill of information or indictment shall be allotted to the same division for hearing, except arraignments may be handled by any judge on any criminal court date. Should a bill of indictment or information contain a count or counts against other persons, each person and all counts thereto shall constitute one case and be randomly allotted to one division. For purposes of allotment only, each count pertaining to another person shall be treated as an individual case allotted to that division.

Appendix 12

Rule No: 14.0

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

Cases classified as Misdemeanors and Traffic shall be assigned to the respective judge according to the court date given when the offense is committed.

Appendix 13

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

Multiple charges against one defendant arising out of the same occurrence shall be allotted to the same judge.

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

Any party who desires a date for trial on the merits shall request a status conference before requesting a trial date in all cases except collection cases, domestic matters (except partitions), and uncontested matters. Exceptions to this rule may be made by the individual judges, depending on the nature or seriousness of the case. Pre-trial conferences may be scheduled at the discretion of the judge or at the request of a party.

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

None.

Appendix 16
Rule No: 15.2
Appointment of Counsel

Section A. On Mondays and Thursdays of each week at 8:30 a.m., or on any other day and time to be determined by the duty judge, the duty judge will appoint counsel in accordance with Code of Criminal Procedure Article 230.1. These hearings may be conducted in person at the Parish Jail or in court, or they may be conducted by telephone or audio video electronic equipment, at the discretion of the duty judge. Section B. The Sheriff shall file into the record Criminal Code of Procedure Article 230.2 documents (warrant or affidavit of probable cause) within forty eight hours of arrest for review by the duty judge when appointing counsel.

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

There is no provision for exercising simultaneous peremptory challenges.
