

# RULES FOR LOUISIANA DISTRICT COURTS

## TITLES I, II, and III

### Forty-Second Judicial District Court

#### Parish of DeSoto

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**Chapter:** 2

**Chapter Title:** Dates of Court

**Appendix** 1

**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.

Local holidays in addition to the 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.

Adopted effective December 17, 2008

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**Chapter:** 3

**Chapter Title:** Judges and Facsimile Transmissions to the Court

**Appendix** 2

**Rule No:** 3.1

Divisions or Sections of Court

Adopted effective December 17, 2008

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This Court shall sit two divisions, denominated as Division "A" and Division "B". Such designation, of particular divisions, is for the purpose of nomination, election and assignment of cases as the law provides and for no other purpose. Each of the Judges of the Court shall preside in the division of Court to which he or she has been elected or appointed.

**Appendix** 3

**Rule No:** 3.2 and 9.3

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

Adopted effective December 17, 2008

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Those pleadings of uncontested matters not allotted that can be signed by either judge are: succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings. If a controversy arises in connection with these matters, it will be allotted in the same manner as is the filing of a new suit.

#### ALLOTMENT OF CIVIL CASES

Allotment of cases will be done through electronic means. The Clerk of Court, or a duly authorized Deputy Clerk, will input the required information into a computer program which will randomly allot the case to a division. Each case shall be allotted in a like manner. However, a summary matter in a pending case or in a case which has previously been allotted shall be assigned to the division to which it is initially allotted.

No case shall be allotted which has not been regularly filed and docketed.

Where a suit is filed, involving a summary matter, accompanied by a rule, as a rule for restraining order and injunctive relieve, child custody, support, alimony and the like, the suit



**Rule No:** 5.1

Interpreters Oath

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**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

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**Chapter:** 9

**Chapter Title:** Procedure

**Appendix:** 7

Contested proceedings must be presented to the Clerk for allotment. Uncontested pleadings may be delivered directly to a judge's chambers.

**Rule No:** 9.4

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

Adopted effective December 17, 2008

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**Appendix:** 8

ASSIGNMENT OF CIVIL CASES FOR HEARING AND FOR TRIAL

**Rule No:** 9.14

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

1. Assignment of contested civil cases for trial on the merits shall be made only on written motion in the division to which the case has been allotted or transferred. The motion shall recite that all exceptions, motions, and other preliminary matters have been disposed of, shall be served on all opposing counsel. Assignments may also be made at pre-trial conferences.

Adopted effective December 17, 2008

2. Exceptions, motions and uncontested hearing may be fixed for hearing by the Clerk of Court at the written request of any party, or by motion in open court, to be fixed on the calendar of the Division to which the case has been allotted.

3. Matters ready for trial or hearing may be fixed on written motion made in open court in chambers. Return dates for rules nisi shall be fixed by the Court in accordance with law; provided, however, that at the time any case on the merits is fixed for trial, the moving attorney shall file in the record a certificate setting forth that the matter is ready for trial and that all preliminary matters have been disposed of.

A sample suggested certificate is as follows:

“(TITLE OF SUIT)”

CERTIFICATE

I hereby certify that I am counsel of record for \_\_\_\_\_, (plaintiff/defendant) in the above styled and numbered cause; that all issues have been joined; that all depositions, interrogatories and other discoveries have been completed; that all exceptions and motions for summary judgment, if any of same were filed, except those which have been referred to the merits, have been disposed of; and the case is ready for trial on the merits.

I further certify that this case is/is not a civil jury trial. If it is a jury trial the certificate should

state: "bond for cost has been filed."

Estimated time of trial is \_\_\_\_\_ hours/days.

At least seven days before the date of this certificate, opposing counsel (name and address), wa notified in writing, that I intend to request the specific trial date of \_\_\_\_\_ [month/day/year]. At this time I do/do not request a pre-trial conference. \_\_\_\_\_, Louisiana, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
Attorney for \_\_\_\_\_"

4. Upon fixing of a case for trial on the merits, the Clerk shall immediately forward to all counsel of record and to all unrepresented parties a notice of the trial date of the suit. Unless it is otherwise specifically provided by statute, at least fifteen days notice will be required for trial on the merits and five days notice on motions, rules and exceptions.

5. Cases not reached on the day fixed will stand fixed at the foot of the calendar for the subsequent day unless refixed for a different day. A case begun and not concluded will have precedence on the following judicial day, unless otherwise ordered by the Court.

6. The Clerk shall keep a docket showing the day on which cases are assigned for trial, and the number, title and names of all counsel engaged therein, and the division in which same is to be tried.

7. Civil non-jury cases shall not be fixed for trial at the time a petit jury is in attendance. And in the trial of cases, jury cases shall have preference over non-jury cases.

#### PRE-TRIAL CONFERENCES

1. In any civil action, upon request of counsel for party or at is own discretion, the Court may order the attorneys for the parties to appear before it for a pre-trial conference to consider all appropriate matters and the fixing of the case for trial.

2. Counsel for all parties will be notified of the procedure adopted by the court for use at the pre-trial conference.

3. In case of failure of a party or counsel to comply with the pre-trial procedure, the Court shall impose appropriate sanctions including, by way of illustration only, dismissal of the suit or judgment by default.

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**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

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**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

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**Chapter:** 14

**Chapter Title:** Allotment of Cases

**Appendix** 11

ALLOTMENT OF CRIMINAL CASES

**Rule No:** 14.0

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

Adopted December 17, 2008

1. Felony cases shall be divided into four classes which shall be designated as follows:
  - a. Class I Capital cases.
  - b. Class II Felonies for which the punishment is life imprisonment.
  - c. Class III All other felonies which require a twelve person jury.
  - d. Class IV Felonies which require a six person jury.

The penalty of the offense charged at the time of the alleged commission of the act shall determine the classification of the particular case.

2. The allotment of felony cases shall be determined in the same manner and by use of the same method as Civil cases allotted on the civil docket. The Clerk of Court, or a duly authorized Deputy Clerk, will input the required information into a computer program that [again they had which] will randomly allot the case to a division. The allocation of cases shall be made at the time of arraignment.

Upon written motion of the State, of the defense, or by the Court on its own motion, and for good cause, any case may be transferred from one Division of the Court to the other by written order signed by both Judges.

3. Misdemeanor case will be handled on a rotating basis. Juvenile cases will be handled by Division "A". Criminal Neglect of Family cases will be handled by Division "B".
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**Appendix** 12

See Appendix 11

**Rule No:** 14.0

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

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**Appendix** 13

**Rule No:** 14.1

Allotment - Defendant with  
More than One Felony Case  
Adopted effective December  
17, 2008

When there are multiple cases pending against one defendant, they shall be transferred to one Judge for disposition. Cases shall be transferred to the Judge which has the most serious case(s), that is, the one with the highest classification; if there are two or more in the same classification, then to the Judge presiding over the case with the lowest docket number, whether the defendant is charged alone or with others. A case shall be considered as pending until a plea of guilty or nolo contendere is entered, or a verdict of guilty is returned after trial.

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**Chapter:** 15

**Chapter Title:** Assignment of Cases and Preliminary Motions

**Appendix** 14  
**Rule No:** 15.0

Dates for Motions, Pre-trial and Status Conferences are set on the Court Calendar kept by the Clerk of Court and cases are fixed on the next date in open court or by written motion.

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

Adopted effective December 17, 2008

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**Appendix** 15  
**Rule No:** 15.1

Clerk maintains a box in her office for the district attorney in which a certified copy of pleadings can be placed to effect service on the district attorney.

Alternative Method of Service on District Attorney

Adopted effective December 17, 2008

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**Appendix** 16  
**Rule No:** 15.2

Determination of counsel shall be made within 72 hours for detained persons or at arraignment.

Appointment of Counsel

Adopted effective December 17, 2008

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**Chapter:** 18

**Chapter Title:** Arraignment

**Appendix** 17

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

**Rule No:** 18.0

Waiver of Formal Arraignment

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**Chapter:** 19

**Chapter Title:** Simultaneous Peremptory Challenges

**Appendix** 18  
**Rule No:** 19.0

The District does not authorize a system of simultaneous peremptory challenges.

Simultaneous Peremptory Challenges

Adopted effective December 17, 2008

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