

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Fourth Judicial District Court

Parishes of Morehouse and Ouachita

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 Please note: Text effective until January 1, 2010

Rule No: 3.1

Divisions or Sections of Court
Amended effective January 9,
2004; amended April 7, 2009,
effective January 1, 2010

The Judges of the Court are divided into Section 1, Section 2, Section 3, Section 4, and the Juvenile Section. Two Judges are assigned to each numbered Section. One Judge in each numbered Section, hereinafter referred to as the criminal judge, shall primarily handle criminal matters and the other Judge in the same numbered Section, hereinafter referred to as the civil judge, shall primarily handle civil matters. The Judge in the Juvenile Section shall primarily handle juvenile matters. All Judges retain general jurisdiction. Rotations of primary duties within each Section shall be in accordance with the Court Schedule published annually and posted to the Court web site www.4jdc.com, and in the office of the Clerk of Court.

To avoid confusion and for judicial economy, when the initial division into criminal/civil Sections occur on January 1, 2002, and later when Divisions rotate in and out of civil/criminal Sections, each Division may keep any case originally assigned to it, including but not limited to cases where testimony has been taken or substantial hearings held. All criminal probation violation hearings will be heard by the sentencing judge.

Please note: Text effective January 1, 2010

Pursuant to LSA–R.S. 13:587.2, effective January 1, 2010, the Judges of the Court are divided into Section 1, Section 2, Section 3, Section 4, Section 5 and the Juvenile Section. Two Judges are assigned to each numbered Section. One Judge in each numbered Section, hereinafter referred to as the criminal judge, shall primarily handle criminal matters and the other Judge in the same numbered Section, hereinafter referred to as the civil judge, shall primarily handle civil matters. The Judge in the Juvenile Section shall primarily handle juvenile matters. All Judges retain general jurisdiction. Rotations of primary duties within each Section shall be in accordance with the Court Schedule published annually and posted to the Court web site

www.4jdc.com, and in the office of the Clerk of Court.

To avoid confusion and for judicial economy, when the initial division into criminal/civil Sections occur on January 1, 2002, and later when Divisions rotate in and out of civil/criminal Sections, each Division may keep any case originally assigned to it, including but not limited to cases where testimony has been taken or substantial hearings held. All criminal probation violation hearings will be heard by the sentencing judge.

Appendix 3

Rule No: 3.2 and 9.3

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

Amended effective Jan 9,
2004, amended April 7, 2009,
effective January 10, 2010

Please note: Text effective until January 1, 2010

The Civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

In Ouachita Parish, the criminal duty judge shall be the judge assigned to Courtroom 2 and the back up criminal duty judge shall be the judge assigned to Courtroom 4. In Morehouse parish the criminal duty judge shall be the judge assigned to Morehouse Parish for that week and the back up criminal duty judge shall be the civil judge assigned to Morehouse Parish.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided, however, that the criminal duty judge, who has presided all week, shall conduct 72 hour hearings on Fridays at 8:30 a.m.

The back up civil duty judge in Morehouse Parish shall be the criminal duty judge assigned to the Parish for the week. And the back up criminal duty judge for Morehouse Parish shall be the civil duty judge assigned to the Parish for the week.

Please note: Text effective January 1, 2010

The civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

The Court shall enact a criminal duty judge and back-up criminal duty judge schedule, which shall be displayed prominently throughout the courthouse in Morehouse and Ouachita Parishes and posted on the Court's website at www.4jdc.com.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided, however, that the criminal duty judge, who has presided all week, shall conduct 72 hour hearings on Fridays at 8:30 a.m.

All initial pleadings must be presented to the Clerk of Court for random allotment to a Section, to remain with said section regardless of the rotation of the judges in divisions. Thereafter, the judge assigned to the Section will act on all filings requiring orders or settings. Related cases will be assigned to the Section of the court to which the lowest numbered case was allotted. Related cases are cases arising out of the same accident, transaction or occurrence. Cases

asserting the same or substantially the same claims, refilled after dismissal without prejudice either voluntarily or involuntarily shall also be considered related cases.

Existing cases that have never been assigned to a division or allotted to a section shall be randomly allotted to a section.

It shall be the duty of every lawyer enrolled in related cases to call to the Court's attention the fact that it is a related case. All pleadings, orders and judgments shall be filed with the Clerk of Court and then presented to the trial or duty civil judge.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Scott F. Kadar
Court Administrator
4th Judicial District Court
300 St. John Street, Suite 400
Monroe, LA 71201
Telephone: (318) 361-2252
Facsimile: (318) 361-2230
E-Mail: skadar@4jdc.com

www.4jdc.com

Hon. Carol Jones
Clerk of Court
Parish of Morehouse
P. O. Box 1543
Bastrop, LA 71221-1543
Telephone: (318) 281-3343
Facsimile: (318) 281-3775
E-Mail: morehouseclerk@bayou.com

Hon. W. J. "Bill" Hodge
Clerk of Court
Parish of Ouachita
P. O. Box 1862
Monroe, LA 71210-1862
Telephone: (318) 327-1444
Facsimile: (318) 327-3087
E-Mail: ouaclerk@aol.com

Chapter: 5

Chapter Title: Courtroom Use, Accessibility and Security

Appendix 5A

Rule No: 5.1

Americans with Disabilities Form

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5A.PDF>

Appendix 5B

Rule No: 5.2

Request for Interpreter and Order

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5b.PDF>

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 initial pleadings must be presented to the Clerk of Court for filing and random allotment to a Section. Thereafter, the civil judge assigned to the Section will act on all filings requiring orders or settings, with the exception of those pleadings which may be presented to the duty judge.

Appendix 8

Rule No: 9.14

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

Amended effective Jan 9, 2004, amended April 7, 2009, effective January 10, 2010

Please note: Text effective until January 1, 2010

After all parties have answered, made a general appearance, or had a preliminary default entered against them, any party or counsel may request in writing a scheduling/status conference with the civil judge of the assigned Section. The original and one copy of the request shall be delivered to the Clerk of Court. The Clerk shall file the original in the suit record and stamp "Filed" on the copy and route the copy to the civil judge of the assigned Section. Within thirty (30) days following receipt of a request for a scheduling conference, the civil judge of the assigned Section shall:

(a) Schedule a conference for the purpose of setting such deadlines as the judge deems appropriate, and the judge shall issue a Scheduling Order which shall include a trial date; or,

(b) Issue a Scheduling Order which shall include a trial date.

(c) Notify the parties that all civil recording costs shall be paid to the Court Reporter prior to any civil case being heard. All recording costs are to be submitted to the Court Reporter in the form of a business check or money order at least one day in advance of the proceeding. Recording fees are the rate of \$20.00 per hour. The amount advanced shall be the hourly rate times the number of hours scheduled for the entire case. When proceedings are to be recorded, the Court Reporter must be notified at least one working day in advance. Court Reporters will not record civil proceedings unless requested. This notice may be given by reference to this Court Rule only.

Any request for a status conference shall include the name, address, telephone and fax numbers of each attorney and the name of the party each attorney represents. Additionally, the party requesting the status conference shall state if his client is amenable to mediation. If so, the remaining parties shall notify the court in writing prior to the status conference if each is

amenable to mediation. Additionally, counsel shall state whether any party has requested trial by jury.

If a party is not represented by counsel, the request shall so indicate, and list the address and telephone number of each unrepresented party. A scheduling conference involving a case in which there is an unrepresented party may be held either by telephone, in chambers, or in open court at the discretion of the judge, and with notice to any person requesting same and with notice to any unrepresented party, or the judge may set the matter for trial per Section 1(b) above.

Please note: Text effective January 1, 2010

After all parties have answered, made a general appearance, or had a preliminary default entered against them, any party or counsel may request in writing a scheduling/status conference with the civil judge of the assigned Section, by submitting a Return Date/Hearing Cover Sheet (Pink Slip), which may be found at <http://www.4jdc.com/forms.htm>. The original and one copy of the request shall be delivered to the Clerk of Court. The Clerk shall file the original in the suit record and stamp "Filed" on the copy and route the copy to the civil judge of the assigned Section. Within thirty (30) days following receipt of a request for a scheduling conference, the civil judge of the assigned Section shall:

- (a) Schedule a conference for the purpose of setting such deadlines as the judge deems appropriate, and the judge shall issue a Scheduling Order which shall include a trial date; or,
- (b) Issue a Scheduling Order which shall include a trial date; and
- (c) Notify the parties that Court Reporters will not record civil proceedings unless requested by counsel or the Court. This notice may be given by reference to this Court Rule only.

Should a Scheduling Order require the issuance of a pretrial statement, it should be in accordance with the Pretrial Statement form, which can be found at <http://www.4jdc.com/forms.htm>.

Any request for a status conference shall include the name, address, telephone and fax numbers and email addresses of each attorney and the name of the party each attorney represents. Additionally, the party requesting the status conference shall state if his client is amenable to mediation. If so, the remaining parties shall notify the court in writing prior to the status conference if each is amenable to mediation. Additionally, counsel shall state whether any party has requested trial by jury.

If a party is not represented by counsel, the request shall so indicate, and list the address and telephone number of each unrepresented party. A scheduling conference involving a case in which there is an unrepresented party may be held either by telephone, in chambers, or in open court at the discretion of the judge, and with notice to any person requesting same and with notice to any unrepresented party, or the judge may set the matter for trial per Section 1(b) above.

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
District Court

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

Please note: Text effective until January 1, 2010

Rule No: 14.0

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

Amended effective Feb 25,
2005, amended and effective
Oct. 19, 2006, amended,
effective January 1, 2010

All criminal cases shall be allotted to the numbered Sections of this court as follows:

(a) Cases which were pending on January 1, 2002 (the effective date of rule changes creating the initial division into Criminal/Civil Sections) and which had previously been allotted to a particular division of this court shall be allotted to the numbered Section to which that division has been assigned. However, while allotted to either Section #1, #2, #3 or #4, all criminal cases shall be handled by the criminal judge of the allotted section.

(b) Criminal cases arising on or after January 1, 2002 through and including February 25, 2005 at 7:00 a.m. shall be allotted to the Sections of this court as follows:

Capital Offenses. All cases in which the death penalty may be imposed shall be allotted to a Section by random allotment by the Clerk of Court.

Felony Offenses. All other felony offenses shall be allotted to the Section of the court on duty at the time the defendant is booked into the parish jail. However, when multiple arrests occur simultaneously as a result of long-term investigation, etc., irrespective of any other rules herein to the contrary, those cases shall be allotted randomly by the Clerk of Court when notified by the

Chief Judge.

Misdemeanor Offenses. All Title 14 misdemeanor offenses shall be assigned to the Section of the court on duty at the time the defendant is booked into the parish jail or issued a summons or citation.

(c) All other criminal cases arising after 7:00 a.m. on February 25, 2005, with the exception of offenses prosecuted under Title 32 of the Louisiana Revised Statutes, wildlife offenses prosecuted under Title 56 of the Louisiana Revised Statutes, and appeals from courts of limited jurisdiction, shall be randomly allotted by the Clerk of Court in accordance with Rule 14.0 of the Rules for Louisiana District Courts at the time a docket number is assigned.

Further, the requirements of Rule 14.2 of the Rules for Louisiana District Courts shall also apply to affidavits in support of arrests made without warrant (commonly referred to as "48 hour affidavits"). The Clerk of Court shall be required to file the original affidavits in support of arrests made without warrant, assign a docket number and allot in the manner established by Rule 14.0(a) of the Rules for Louisiana District Courts.

(d) Multiple cases. When a defendant has a felony case pending and the defendant is charged with one or more additional felony crimes, the new felony cases shall be allotted to the section to which the pending felony case is allotted. See rule 14.1. Furthermore, when a defendant is on active felony probation with a division of this Court, any new felony case shall be allotted to the criminal section to which that division is currently assigned.

(e) Multiple Defendants. When there are multiple defendants in the same case, all defendants are allotted to the Section receiving the allotment of the first booked defendant, unless one of the subsequently booked defendants has a case pending, or is on probation. In this circumstance, the case is allotted according to the multiple cases rule above.

(f) Transfers of Allotted Cases. The transfer of an allotted case from the Section to which the case was originally allotted to another Section shall be controlled by Rule 14.3.

(g) Recusals. When a judge is recused, the Clerk of Court shall re-allot the case randomly to another Section of the court.

(h) Drug Court Cases. Notwithstanding any of the above provisions, there is created within the court, a Drug Court. One of the judges shall, by a majority vote of all judges of the court, be designated to preside over all sessions of the Drug Court. Cases determined to be eligible for Drug Court, as recommended by the District Attorney, will be transferred to the Drug Court with the permission of the judge for the Section to which the case had been allotted. Cases not accepted into Drug Court will be transferred back to the Section from which the case was originally referred. The Drug Court shall be established in accordance with the Provisions of LSA—R.S.13:5301–5304.

Please note: Text effective January 1, 2010

All criminal cases shall be allotted to the numbered Sections of this court as follows:

(a) Cases which were pending on January 1, 2002 (the effective date of rule changes creating the initial division into Criminal/Civil Sections) and which had previously been allotted to a particular division of this court shall be allotted to the numbered Section to which that division has been assigned. However, effective January 1, 2010, while allotted to either Section #1, #2, #3, #4, or #5, all criminal cases shall be handled by the criminal judge of the allotted section.

(b) Criminal cases arising on or after January 1, 2002 through and including February 25, 2005

at 7:00 a.m. shall be allotted to the Sections of this court as follows:

Capital Offenses. All cases in which the death penalty may be imposed shall be allotted to a Section by random allotment by the Clerk of Court.

Felony Offenses. All other felony offenses shall be allotted to the Section of the court on duty at the time the defendant is booked into the parish jail. However, when multiple arrests occur simultaneously as a result of long-term investigation, etc., irrespective of any other rules herein to the contrary, those cases shall be allotted randomly by the Clerk of Court when notified by the Chief Judge.

Misdemeanor Offenses. All Title 14 misdemeanor offenses shall be assigned to the Section of the court on duty at the time the defendant is booked into the parish jail or issued a summons or citation.

(c) All other criminal cases arising after 7:00 a.m. on February 25, 2005, with the exception of offenses prosecuted under Title 32 of the Louisiana Revised Statutes, wildlife offenses prosecuted under Title 56 of the Louisiana Revised Statutes, and appeals from courts of limited jurisdiction, shall be randomly allotted by the Clerk of Court in accordance with Rule 14.0 of the Rules for Louisiana District Courts at the time a docket number is assigned.

Further, the requirements of Rule 14.2 of the Rules for Louisiana District Courts shall also apply to affidavits in support of arrests made without warrant (commonly referred to as "48 hour affidavits"). The Clerk of Court shall be required to file the original affidavits in support of arrests made without warrant, assign a docket number and allot in the manner established by Rule 14.0(a) of the Rules for Louisiana District Courts.

(d) **Multiple cases.** When a defendant has a felony case pending and the defendant is charged with one or more additional felony crimes, the new felony cases shall be allotted to the section to which the pending felony case is allotted. See rule 14.1. Furthermore, when a defendant is on active felony probation with a division of this Court, any new felony case shall be allotted the criminal section to which that division is currently assigned.

(e) **Multiple Defendants.** When there are multiple defendants in the same case, all defendants are allotted to the Section receiving the allotment of the first booked defendant, unless one or more of the subsequently booked defendants has a case pending, or is on probation. In this circumstance, the case is allotted according to the multiple cases rule above. In such instance, the transfers shall be allotted to the section which has the oldest pending case.

(f) **Transfers of Allotted Cases.** The transfer of an allotted case from the Section to which the case was originally allotted to another Section shall be controlled by Rule 14.3.

(g) **Recusals.** When a judge is recused, the Clerk of Court shall re-allot the case randomly to another Section of the court.

(h) **Drug Court Cases.** Notwithstanding any of the above provisions, there is created within the court, a Drug Court. One of the judges shall, by a majority vote of all judges of the court, be designated to preside over all sessions of the Drug Court. Cases determined to be eligible for Drug Court, as recommended by the District Attorney, will be transferred to the Drug Court with the permission of the judge for the Section to which the case had been allotted. Cases not accepted into Drug Court will be transferred back to the Section from which the case was originally referred. The Drug Court shall be established in accordance with the Provisions of LSA—R.S.13:5301–5304.

Appendix 12
Rule No: 14.0

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

Amended effective Jan 9, 2004; amended effective Jan. 1, 2010

Please note: Text effective until January 1, 2010

(a) All Title 32 Traffic Offenses, Parish Ordinance Violations and Title 56 Wildlife Offenses in which a law enforcement officer issues a summons or citation (and the defendant is not booked into the parish jail) shall be randomly allotted to the four Sections of this court by the District Attorney, in accordance with the pre determined appearance dates provided to law enforcement officers to be recorded on the summons or citation.

(b) Appeals from Courts of Limited Jurisdiction shall be randomly allotted by the Clerk of Court.

Please note: Text effective January 1, 2010

(a) All Title 32 Traffic Offenses, Parish Ordinance Violations and Title 56 Wildlife Offenses in which a law enforcement officer issues a summons or citation (and the defendant is not booked into the parish jail) shall be randomly allotted to the five Sections of this court, effective January 1, 2010, by the District Attorney, in accordance with the pre-determined appearance dates provided to law enforcement officers to be recorded on the summons or citation.

(b) Appeals from Courts of Limited Jurisdiction shall be randomly allotted by the Clerk of Court.

Appendix 13
Rule No: 14.1

Allotment - Defendant with More than One Felony Case

See Appendix 11.

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

Unless a pretrial or status conference date is set in open court, it must be arranged with the Judge, District Attorney and Defense Counsel.

Appendix 15
Rule No: 15.1

Alternative Method of Service on District Attorney

None.

Appendix 16
Rule No: 15.2

Appointment of Counsel
Amended effective January 1, 2010

Please note: Text effective until January 1, 2010

The judge shall order a review of the defendant's financial status by a representative of the Indigent Defender Board. Upon certification of indigency, the judge will order representation by the IDB.

Please note: Text effective January 1, 2010

The judge shall order a review of the defendant's financial status by a representative of the Louisiana Public Defender Board. Upon certification of indigency, the judge will order representation by the Louisiana Public Defender Board.

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

Except in Capital Cases, the court has adopted a system of simultaneous challenges as allowed by C.Cr.P. Art. 788. After consideration of cause challenges, each side will exercise peremptory challenges in writing and present them to the court at the same time. If both sides challenge the same prospective juror, each will be charged with a peremptory challenge.

Simultaneous Peremptory Challenges
