

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Fifth Judicial District Court

Parishes of Franklin, Richland and West Carroll

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 This Court shall sit in three divisions, denominated as Division A, Division B and Division C.
Rule No: 3.1 Such designation of particular divisions is for the purpose of nomination and election as the law
Divisions or Sections of Court provides and for no other purpose. Each of the judges of the court shall preside in the division of
the court to which he has been elected or appointed.

Division A, Division B and Division C shall alternate regular sessions of Court through the three
parishes of the District. A court calendar will be published annually showing the Court
assignments. Civil Jury terms, Grand Jury terms and Petit Jury terms will be fixed by special
order of the Court.

Court will convene at 9:30 o'clock a.m. during the regular terms and at all other sessions, unless
otherwise specially ordered by the court.

Appendix 3 None, judges rotate between parishes.

Rule No: 3.2 and 9.3

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

ARRAIGNMENTS

Arraignments may be taken before any Judge presiding as called by the District Attorney or his
assistant, regardless of the Division which will try the case.

ALLOTMENT OF CASES

Civil cases (except uncontested probate cases) will be allotted to the different divisions of the
court in the following manner: when a petition is filed the Clerk of Court, or his authorized
deputy, shall allot the cases to the different divisions indiscriminately and by lot. Fifteen balls of
equal size and consistency will be placed in a container, five of said balls designated as Division
A, five designated as Division B and five designated as Division C. The container should be of

an opaque material so that the contents may not be seen. When a case is to be allotted the contents of the container should be thoroughly mixed and a ball drawn or ejected from the container for allotment of the first case on the docket to be allotted. That case shall be allotted to the division of court indicated on the ball obtained from the container. As many other balls shall be drawn or ejected as may be necessary to complete the allotment of cases on hand. The balls so drawn shall not be returned to the container with the other balls but shall be kept separate therefrom until all fifteen balls have been used. When all fifteen balls have been drawn or ejected from the container, five cases will have been allotted to each division of the court and then all of the balls will be returned to the container and the process repeated for further allotment. 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 was initially allotted. When a new summary matter is to be filed which is accompanied by a rule, as a rule for restraining order and injunctive relief, child custody, support, alimony and the like, that rule will be first presented to a Judge who shall fix a hearing on the rule for the next court to be held in the parish more than ten days hence, and then the case will be filed with the Clerk of Court. Upon filing that case shall be allotted by the Clerk of Court in the same manner as other cases are allotted to divisions. Should a Judge of a division other than the division to which it is allotted hear the rule fixed in the case, and if he determines that by hearing the rule he has heard a material and significant aspect of the case, he may order that the allotment of the case be changed to his division.

Any uncontested matters, such as confirmation of defaults, and petition and answer cases, not actively contested, may be heard in any division, regardless of allotment. Each Clerk of Court shall maintain a record of cases allotted showing the docket number, the style of the case, the division of court to which the case has been allotted and the date of the allotment.

After a case is so allotted to one Division as herein provided, it may not be transferred or heard in another Division without the consent of the Judge of the Division to whom it was allotted, except where the Judge of another division hears a rule in the case and orders it transferred to his division as provided hereinabove, and except in a case where the Judge of the division to which it is allotted is subsequently recused or for some other reason is unable to preside at the trial or hearing of the case; and also except that any uncontested matters may be heard in any division as provided hereinabove.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Hon. Ann Johnson
Clerk of Court
Parish of Franklin
6550 Main Street
P. O. Box 1564
Winnsboro, LA 71295
Telephone: (318) 435-5133
Facsimile: (318) 435-6792

Hon. Ramona N. Haire
Clerk of Court
Parish of Richland
708 Julia Street, 2nd Floor
P.O. Box 119
Rayville, LA 71269
Telephone: (318) 728-7000
Facsimile: (318) 728-7020
E-Mail: richlandparishcc@bellsouth.net

Hon. Kay S. Bolding

Clerk of Court
Parish of West Carroll
305 East Main Street
Oak Grove, LA 71263
P. O. Box 1078
Oak Grove, LA 71263
Telephone: (318) 428-2369
Facsimile: (318) 428-9896
E-Mail: wcclerk@bellsouth.net

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 matter may be fixed for trial at any time after an answer is filed. The party wishing to obtain a trial date should contact the Clerk of Court to obtain a "fixing form" and return the completed form to the Clerk of Court for signature by the appropriate Judge.

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

FIXING OF CASES FOR TRIAL

Rule No: 14.0

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

Criminal cases shall be fixed for trial on the merits by the District Attorney and/or any Assistant District Attorney on oral motion in open court or on written motion. However, motions or rules in criminal cases may be fixed by either the District Attorney or any of his assistants or by the defense attorney, PROVIDED that all motions by defense attorneys shall be accompanied by a certificate from the proper Clerk of Court showing the following:

Amended effective May 1,
2008

- (1) Whether prosecution is by grand jury indictment or bill of information;
- (2) The date defendant was arraigned, if he or she has been arraigned; if not arraigned, the certificate shall so state;
- (3) The date on which an order was entered fixing the case for trial;
- (4) The type and date of notice given the defendant or his attorney of the fixing, i.e. (a) if notice was given in open court in the presence of defendant or his attorney, (b) if notice was by mail, or (c) by service on the defendant or his attorney; and,
- (5) The date of the trial.

ALLOTMENT OF CASES

The allotment of all criminal cases shall be done in the following manner. The Clerks of Court shall obtain one box or carton, and shall place in the box or carton three (3) balls, one (1) designated Division A, one (1) designated Division B, and one (1) designated Division C. The

Clerk of Court will draw a ball from the box or carton to allot a case. The ball drawn shall be returned to the container before the allotment of the next case. The allocation of cases shall be made at the time of the seventy-two hour appointment of counsel proceeding required by La. C.Cr.P. Art. 230.1 or at the time the District Attorney files the Bill of Information or Indictment, or as soon thereafter as practical. If a division of court has been allotted at the time of the Art. 230.1 proceeding, that same division of court allotment will be continued upon the filing of the Bill of Information or Indictment.

As each Bill of Information or Indictment is filed, it will be assigned to a Division of this Court as above stated. Should there be multiple charges against an individual, and these charges arise out of the same criminal investigation, or series of events, or if they occur within a one hundred eighty (180) day period, then it is the intent of these rules that all such cases be handled by one Division. In this event, the Division having the Bill of Information or Indictment with the lowest number shall handle all the matters.

Considering the time limitations imposed by the Code of Criminal Procedure relating to arraignments, and the necessity that preliminary examination and bond reduction hearings be conducted promptly, and in order to protect those rights of the defendants, the Court will allow arraignments, preliminary examination and bond reduction hearings to be taken up before any Division of the Court regardless of Division assignment. 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 another by written order signed by both Judges.

The random allotment procedure set forth in this Rule shall be used to allot all criminal cases, all juvenile cases, all child protection cases, and all OCS cases.

The appearance of the defendant at the seventy-two hour appointment of counsel proceeding required by La. C.Cr.P. Art. 230.1 may be by telephone or by audio-video electronic equipment.

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

Multiple charges arising out of the same investigation or events or occurring within a 180 day period shall be handled by the division having the Bill of Information or Indictment with the lowest number.

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14
Rule No: 15.0

A defendant in a criminal case must file a motion for a pre trial or status conference with the Division of Court to which the case has been assigned and the Judge of that Division will schedule the conference.

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

Appendix 15
Rule No: 15.1

None.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2

Counsel for indigent defendants is appointed from a rotation list of indigent defense attorneys. The Court advises the indigent at Code of Criminal Procedure Article 230.1 hearing or at arraignment or answer hearing if no prior hearing held.

Appointment of 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

Simultaneous challenges are allowed.

Rule No: 19.0

Simultaneous Peremptory
Challenges
