RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Seventh Judicial District Court

Parishes of Catahoula and Concordia

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

Appendix 2.0
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.

None.

Chapter: 3 **Chapter Title:** **Judges and Facsimile Transmissions to the Court**

Appendix 3.1
Rule No: 3.1

Divisions or Sections of Court

In accordance with LSA–R.S. 13:582, this court shall sit in two divisions denominated as Division ‘‘A’’ and Division Court ‘‘B’’.

During Regular Terms of this Court, Division ‘‘A’’ will sit in session in Concordia Parish for the first, third and fifth weeks of each month and will sit in session in Catahoula Parish during the second and fourth weeks of each month.

During Regular Terms of this Court, Division ‘‘B’’ will sit in session in Catahoula parish during the first, third and fifth weeks of each month and will sit in session in Concordia Parish during the second and fourth weeks of each month. The first week of each month shall be the week of the first Monday, the second week shall be the week following the second Monday, and so on.

The fourth and fifth weeks of each month shall include the days of the following month which may be in any week following the fourth and fifth Monday of each month.

Appendix 3.2
Rule No: 3.2

Duty Judges

Rotate between parishes, see Appendix 3.1.

Appendix 3.4
Rule No: 3.4

Court-Specific Rules Concerning Judges’ Use of Electronic Signatures

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Chapter: 4

Chapter Title: **Court Personnel**

Appendix 4.1

Rule No: 4.1

Judicial Administrators and Clerks of Court

Yolanda E. McClure
Court Administrator
7th Judicial District Court
P. O. Box 600
Harrisonburg, LA 71340
Telephone: (318) 744-5414
Facsimile: (318) 744-5406
E-Mail: ymcclure_7jdc@bellsouth.net

Hon. Janet Payne
Clerk of Court
Parish of Catahoula
P.O. Box 654
Harrisonburg, LA 71340
Telephone: (318) 744-5497
Facsimile: (318) 744-5488
E-Mail: jtpayne184@bellsouth.net

Hon. Clyde R. Webber, Jr. www.concordiaclerk.org
Clerk of Court
Parish of Concordia
P.O. Box 790
Vidalia, LA 71373
Telephone: (318) 336-4204
Facsimile: (318) 336-8777
E-Mail: clydewebber@aol.com

Chapter: 5

Chapter Title: **Courtroom Use, Accessibility and Security**

Appendix 5.1A

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF

Rule No: 5.1

Americans with Disabilities Form

Appendix 5.1B

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1B.PDF

Rule No: 5.1

Request for Interpreter and Order

Appendix 5.1C

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.PDF

Rule No: 5.1

Interpreters Oath

Chapter: 8 **Chapter Title:** **Indigents and In Forma Pauperis**

Appendix 8.0

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX8.0.PDF

Rule No: 8.0

In Forma Pauperis Affidavit

Chapter: 9 **Chapter Title:** **Procedure**

Appendix 9.3

Rule No: 9.3

Allotments: Signing of Pleadings in Allotted and Non-Allotted Cases

In civil matters, before allotment, any Judge of the Court may enter preliminary or interlocutory orders, grant conservatory writs and issue executory process in any case without however, preventing the regular allotment thereof; and before allotment, any Judge may, in his discretion and upon proper showing, grant an order for an extension of time in which to plead.

Appendix 9.4

Rule No: 9.4

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

Successions may be delivered directly to Judge's Chambers. All others must be filed with Clerk of Court.

Appendix 9.6

http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf

Rule No: 9.6

Civil Case Cover Sheet Form

Appendix 9.12A

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf

Rule No: 9.12

Notice of Limited Appearance - Family Law Cases

Appendix 9.12B

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf

Rule No: 9.12

Notice of Limited Appearance - Non-Family Law Cases

Appendix 9.14

Rule No: 9.14

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

ASSIGNING CASES FOR TRIAL

1. Unless otherwise agreed between counsel for all parties at interest and all litigants not represented by counsel of record, and consented to by the Court, no case shall be fixed for trial, except by order of the Court, granted upon motion of some party in interest. Unless made orally in open Court, every motion to fix any matter for trial shall be in writing and shall be served on

opposing counsel and all litigants not represented by counsel of record, in the manner provided by law.

2. Attorneys desiring to have docketed cases fixed for trial are requested, whenever possible, to confer with opposing counsel in advance to ascertain mutually convenient trial dates and to determine whether pre trial conference is desired by counsel for any party. Counsel moving to have a case fixed for trial should advise the Court in his motion, either oral or written:

(a) The general nature of the case;

(b) The approximate time that it will take to try the case, estimated in hours;

(c) Whether or not pre trial conference is desired by counsel for any party; and

(d) Mutually convenient trial dates or that no such dates can be agreed upon by counsel.

(e) A statement attesting that Court costs are current and sufficient funds have been advanced to cover service of any notice required for trial.

3. Whenever motion is made to fix a case for trial, the Judge may call a pre trial conference on a date and at a time to be set by him, upon reasonable written notice by the Clerk to all counsel of record. After the pre trial conference is concluded, the Judge may then set the case for trial specially. If the Judge in his discretion believes a pre trial conference is unnecessary, or inadvisable, he may set the case for trial without pre trial conference.

4. The Clerk shall not be required to give written notice of the date of trial in the following cases unless written request therefor is made pursuant to Article 1572 of the Code of Civil Procedure:

(a) When all parties or counsel are present in Court at the time oral motion for fixing trial is made and the Court orders the trial fixed at a specific date.

(b) When all parties or counsel and the Court have agreed in writing to a trial date.

In all other cases, the Clerk shall give written notice of trial date to all parties or counsel at least 10 days before the date fixed for trial.

5. In specially fixing cases for trial, whenever possible, the Court shall give due consideration to the accommodation of counsel for the litigants and particularly shall undertake to avoid conflict with any previously assigned case in any Court of record in this State where the same trial counsel are engaged. In case of congestion on the trial calendar of the Court, preference shall be given in the assignment of ordinary cases to those longest on the docket, unless in the discretion of the Judge the interest of justice requires otherwise, or unless counsel in such cases waive preference.

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.

In any matter in which a litigant is not represented by an attorney of record, notice of such trial date shall be mailed to the litigant to his address as shown by the record. If the litigant's address is not set out in the pleadings, or otherwise ascertainable from the record, posting of such Notice of Trial Date on the bulletin board shall constitute ample notice to the litigant.

BRIEFS

1. Counsel are encouraged, but not required (unless otherwise advised by the Court), to submit, on or before the date of trial, a memorandum of authorities covering the case, particularly if unusual questions of law are involved. If such a memorandum is filed, opposing counsel must be served with a copy at least two days prior to the date of trial, in the usual manner, and evidence of service must be manifested by the certificate of counsel who filed the memorandum.

2. In any case where counsel for any litigant desires to submit a brief after the conclusion of trial, the Court may defer decision and allow a specified time to each attorney to file a brief on behalf of his client.

3. The Court may require briefs after the conclusion of trial and prior to decision in any case where the Judge deems that briefs are necessary or advisable, and in such case, shall allow a specified time to each attorney to file a brief on behalf of his client.

4. In any case where briefs are allowed or required by the Court, counsel will adhere strictly to the schedule fixed by the Court for the filing of such briefs. A ten day extension of time for filing briefs shall be granted upon the requesting counsel:

(1) Filing a written ex parte motion, without assigning reasons, requesting the extension of time in which to file briefs, or

(2) Notifying the Court by letter that an extension of time in which to file briefs is requested, with copies of said letter being supplied to the Clerk of Court and the opposing counsel.

Any additional extension of time not exceeding twenty days in which to file briefs, beyond that provided for above, must be requested by filing a written ex parte motion to that effect, and reasons must be assigned. The sufficiency of the reasons so assigned shall be decided in the discretion of the Court. Any motion or letter requesting an extension of time in which to file briefs must be filed, mailed or delivered prior to the expiration of the filing date as specified by the Court.

Any brief filed after the original filing date, or the extended filing date as specified, will not be considered by the Court. For the purpose of this section, the postmark date of the letter of transmittal to the Clerk of Court shall be accepted as the date of filing any brief.

COURT REPORTER AND TRANSCRIPTION OF RECORDS

In civil cases, the Court Reporter will be available at the request of any party to electronically or mechanically record the proceedings, but will not do so unless paid $25.00 in advance per day (anticipated for trial) for such requested appearance, provided that at trials on the merits, one payment shall cover the appearance costs for all proceedings irrespective of the length of the trial. When counsel or a party requests the Court Reporter's presence, it is urged that the Reporter be given not less than three days advance notice. Costs of transcription of records shall be charged by the Reporter to the party requesting it at the commercial rates prevailing in the area, and as set by the Reporter with the approval of the Court.

Indigents in civil cases will be furnished such transcription of the records at public cost as may be required by law. Failure to have the Court Reporter present may result in the inability to provide a record and transcript for appeal or other purposes, since there is no assurance that the testimony will be preserved in civil cases.

Failure to request the Reporter in civil cases shall be a waiver of rights granted in Article I, Section 19 of the Louisiana Constitution.

EXEMPTION PERIOD FOR JURORS

Pursuant to authority contained in Section 4 of Rule XXV, as amended, of the Louisiana Supreme Court, the exemptive period for jurors who have previously served is increased from two years to four years.

The Court finds that a rule is required to assure the availability of adequate Court Reporter's services for all of the Court's functions. In view of the fact that the availability of public funding of Court Reporters is limited in these two parishes, the employment of competent reporters requires that they have access to supplemental income from depositions in private litigation.

All persons who contemplate taking depositions in this Judicial District for use in any action to be heard or tried before this Court, shall follow this procedure:

(1) When the deposition is to be taken in Concordia Parish or vicinity, the Court Reporter for Concordia Parish shall be contacted, and likewise where the deposition is to be taken in Catahoula Parish or vicinity, the Court Reporter of Catahoula Parish shall be contacted, and they shall be requested to provide the reporter services required.

(2) The local Court Reporters shall be used for these depositions if they are available, can provide the services within the time constraints applicable, and have the proper equipment.

(3) No depositions may be used in this Court unless this procedure has been followed, or it has been determined that the local Court Reporter cannot provide the necessary service.

(4) Any complaint with respect to the services provided by any Court Reporter should be reported immediately to one of the Judges of this Court.

Chapter: 14

Chapter Title: **Allotment of Cases**

Appendix 14.0A

Rule No: 14.0

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

Amended effective May 1, 2007; amended effective September 20, 2012.

The clerk of court shall randomly allot all criminal cases by use of a computer properly programmed to randomly assign cases to a criminal court division. At the time of the defendant's booking in the parish prison, or at the time of the filing of a bill of information, an indictment, or the filing of any petition or motion listed in Rule 14.2 in an unallotted case, the clerk of court shall use the defendant’s booking sheet, the information, indictment, petition, or motion to allot the defendant’s case by random computer assignment as described hereinabove. The clerk shall note on the booking sheet, bill, indictment, petition, or motion, the date, time, and division of allotment.

After the defendant is booked, any judge may preside over a defendant’s appearance for the appointment of counsel or the fixing of bail pursuant to Louisiana Code of Criminal Procedure Article 230.1. Thereafter, the division of court allotted the case shall preside over all future matters, including, but not limited to, release on an unsecured personal surety bond, an increase or reduction of bond, and pre-trial motions.

Appendix 14.0B

Rule No: 14.0

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

Traffic & wildlife cases involving arrest and booking are docketed and allotted in same manner as other criminal cases.

Traffic & wildlife cases where citation and summons is issued are docketed and allotted in accordance with the number of the ticket or citation. Even numbered tickets or citations go to Div. A and odd numbered ones go to Div. B, except where multiples are issued to one individual for one particular episode or event. Those will be allotted to the division which receives the first ticket of the series.

Officers issuing tickets and summonses shall notify the party to which Division it will be

assigned and the Court appearance date.

In those criminal cases wherein multiple Defendants are involved in one criminal episode or affair, or there are multiple charges against one or more persons, or in such other cases as the law may allow joinder of one or more offenses or persons, it is the intent of these rules that normally all matters be handled by one Division. Accordingly, it shall be the duty of the District Attorney and Defense Counsel to immediately inform the Judges of the existence of this situation so that a reallotment and other adjustment may be made.

Appendix 14.1

Rule No: 14.1

Allotment - Defendant with More than One Felony Case

Amended effective September 20, 2012.

(A) If a defendant has an active felony case that has been allotted to a division of court and the defendant is arrested for one or more additional felony or misdemeanor offenses, then any such new case or cases shall be allotted to the court division presiding over the previously allotted felony case.

(B) If the defendant is on felony probation and is charged with one or more additional felony or misdemeanor offenses, then any such new case or cases shall be allotted to the division of court in which the defendant is on felony probation.

(C) In those criminal cases wherein multiple defendants are alleged to have participated in the same act or transaction or in the same series of acts of transactions constituting an offense or offenses, or there are multiple charges against one or more persons, or in such other cases as the law may allow joinder of one or more offenses or persons, all defendants shall be allotted to the division of court receiving the allotment of the first allotted defendant, unless one of the subsequently allotted defendants is on felony probation. In such cases, all defendants shall be allotted to the division of court in which any subsequently allotted defendant is on felony probation. In cases where multiple defendants are on felony probation in different divisions of court, all defendants shall be allotted to the division of court receiving the allotment of the first allotted defendant. For purposes of this rule, to avoid forum shopping, the procedure for allotting cases set forth herein shall apply by operation of the present rule, and shall not be considered a “transfer” pursuant to Louisiana District Court Rule 14.3, and shall not require the consent or hearing described in Rule 14.3.

(D) For purposes of this rule, a felony case, once allotted, remains active until any one of the following events occurs:

(1) The statute of limitations runs;

(2) A change of booking is made, reducing the case to a misdemeanor;

(3) A bill of information or indictment is filed or amended, reducing the case to a misdemeanor;

(4) The District Attorney's Office enters a nolle prosequi in a case;

(5) The granting of a motion to quash; or

(6)A finding of guilty (with sentence having been imposed), not guilty, or not guilty by reason of insanity is entered on the record

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Chapter: 15 **Chapter Title:** **Assignment of Cases and Preliminary Motions**

Appendix 15.0
Rule No: 15.0

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

Dates are assigned in open court at arraignment.

GRAND JURIES

1. A Grand Jury for Catahoula Parish shall be drawn according to law and impaneled by the Judge of Division "A" on the second Monday of the month of April and by the Judge of Division "B" on the third Monday of the month of October, of each year.

2. A Grand Jury for Concordia Parish shall be drawn according to law and impaneled by the Judge of Division "A" on the first Monday of the month of April, and by the Judge of Division "B" on the second Monday of the month of October of each year.

CRIMINAL MATTERS

In accordance with the provisions of La. C.Cr.P. Art. 886, the enforcement of fines and costs in criminal proceedings may also be accomplished through the use of the filing of offset claims against defendants pursuant to La. R.S. 47:299.1 et seq. Retroactive effect may be given to this rule if

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Appendix 15.1
Rule No: 15.1

Appointment of Counsel

Court advises at C.C.P. Art. 230.1 hearing or at arraignment or answer hearing if no prior hearing held.

Appendix 15.2
Rule No: 15.2

Alternative Method of Service on District Attorney

Deposit copy in District Attorney's tray in Clerk of Court's Office.

Appendix 15.3
Rule No: 15.3

Court-Specific Rules Concerning Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission

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Chapter: 18 **Chapter Title:** **Arraignment and Pleas**

Appendix 18.0

Rule No: 18.0

Waiver of Formal Arraignment

http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF

Chapter: 19 **Chapter Title:** **Simultaneous Peremptory Challenges**

Appendix 19.0 **Rule No:** 19.0 Simultaneous Peremptory Challenges	Simultaneous peremptory challenges allowed. The simultaneous acceptance or peremptory challenge of each Juror shall be accomplished by the designation of the State and the Defendant, on a written form supplied to each by the Clerk of Court that each does either accept or challenge the Juror. If both the State and the Defendant shall accept, the Juror shall be immediately sworn. If either the State or Defendant challenges, the prospective Juror shall be excused and the use of a peremptory challenge by the appropriate party shall be noted. If the State and Defendant both challenge, the prospective juror shall be excused and the use of a peremptory challenge by both the State and the Defendant shall be noted.