

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Ninth Judicial District Court

Parish of Rapides

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 TERM OF COURT

Rule No: 3.1

Divisions or Sections of Court
Amended Effective January 1,
2008

The Ninth Judicial District Court, Civil, Criminal and Juvenile, shall convene on the first Wednesday of September and remain in continuous session through the first Monday of September the following year.

SECTIONS OF COURT

The Ninth Judicial District Court is comprised of seven divisions designated by the letters A, B, C, D, E, F and G; pursuant to La. R.S. 13:587.1.

Effective January 1, 2008 the Ninth Judicial District Court will begin the following rotation:

Civil Sections - Division "A", Division "C, Division "F" and Division "G"

Juvenile Section - Division "E"

Criminal Sections - Division "B" and Division "D"

JUVENILE AND COMMITMENTS

One judge shall be assigned to handle all juvenile matters and civil commitment hearings. Juvenile matters will be scheduled at a time and place designated by the judge. Commitments will be held at the Rapides Parish Courthouse. Effective January 1, 2006, Juvenile and Commitments will be allocated to Division "E".

CRIMINAL TRIALS

Criminal trials will normally be tried in courtroom #5 and #6. Courtroom #5 will primarily be used for the drug court. In the event the Judge in either courtroom completes the docket

assigned to that courtroom, that Judge shall be transferred the next available criminal trial on the trial docket of the other courtroom for that week.

In the event that a Judge sitting in courtroom #3 or #4 finishes the civil docket for that week, the Judge shall then be available to handle criminal cases if multiple criminal cases are ready for trial in courtroom #5 or #6. The Judge in courtroom #3 shall take the next available criminal case on the trial docket from courtroom #6. The next available criminal case will be assigned to the Judge in courtroom #4. If the Judge in courtroom #3 is not available due to the civil docket or otherwise, then the next available criminal case on the docket in courtroom #6 will be transferred to the Judge in courtroom #4.

These transfers are designed to facilitate the orderly disposition of criminal cases set for trial and prevent congestion of the criminal docket. The transfers of criminal cases will be coordinated by the Court Administrator.

DRUG COURT

The Court recognizes the problem of alcohol and drug abuse in Rapides Parish in that the use and abuse of these substances is a major contributing factor in the commission of crimes which are a threat to public safety, prison overcrowding and congestion of the criminal court docket. To respond to these problems, the Court will designate for rotating two year terms, a division of the Court as a Drug Court Division, which shall have allotted alcohol, drug and/or drug-related offenses as provided by La. R.S. 13:5301–5304. The Ninth Judicial District Court will adopt written policies and guidelines of said cases in accordance with law. These policies and guidelines, and any subsequent amendments, shall be filed with and available from the Clerk of Court—Criminal Section. At the end of the term of a Drug Court judge, the successor shall be selected by the judges of the Ninth Judicial District Court six months prior to the beginning of the new term, with priority to be given to senior judges. The Clerk of Court shall be notified of the Drug Court Division by order of the Court.

SCHEDULE OF SESSIONS

A. The Civil Court will open at 9:30 am, on each weekday except legal holidays, unless otherwise specifically ordered. Court shall recess from 12:00 Noon until 1:30 p.m., unless otherwise ordered by the presiding judge.

B. On each day except Monday, the order of business shall be as follows:

- (1) preliminary defaults, signing of judgments, taking of appeals;
- (2) confirmation of defaults and disposition of uncontested matters;
- (3) docket for the day.

C. In Civil Court the order of business on Monday will be as follows:

- (1) preliminary defaults, signing of judgments, taking of appeals;
- (2) trial of motions, rules and exceptions in the following order:
 - (a) the Court will call the entire docket and preference will be given to any uncontested matters, agreements for judgment and matters which do not require the taking of testimony. These matters will be taken up in the order in which they appear on the docket;
 - (b) disposition of the remaining matters for trial in the order that they appear on the docket;

(3) confirmation of defaults and disposition of uncontested matters.

D. In the disposition of business in the above order, the rule of seniority among attorneys will be observed and each will present matters in accordance with his seniority at the Bar, except as shown in C.(2)(a) and (b), above.

E. Motion Hour will be held in Courtroom 1 or 2 on the sixth floor of the courthouse. If Courtrooms 1 and 2 each have a trial, Motion Hour will be split between them, with cases with docket numbers ending with an odd number going to Courtroom 1 and even numbers to Courtroom 2.

F. When appearing at Motion Hour for confirmation of default or taking up of uncontested matters, the attorneys shall furnish the minute clerk a written list of the names and addresses of the witnesses that are to testify. Upon failure to do so, attorneys will not be permitted to proceed.

G. No evidence in an uncontested matter or confirmation of default will be received until all costs due the Clerk of Court have been paid and an additional \$10.00 of advance court costs is on deposit, except in forma pauperis cases.

H. The party requesting the recordation of testimony in a motion, rule or trial shall be responsible for the payment of the appropriate recording fee.

MODIFICATION OF COURT RULES

Amended 3-11-92:

A court rule shall not be adopted, modified or deleted except by a two-thirds (2/3) vote of all judges serving on the Ninth Judicial District Court. No Court rule shall be adopted, modified or deleted unless all judges are present to discuss and vote on the proposal. If a judge is absent, he must be given at least one (1) week notice that such a proposal has been made. In order that he may express his views on the proposed change, the absent judge may submit his vote by proxy or in writing.

Appendix 3
Rule No: 3.2 and 9.3

Duty judge rotates weekly; 8:30 to 12:00; 1:00 to 4:30 p.m.

ALLOTMENT OF CASES

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

Revised effective Nov. 16,
2005

All civil cases are allotted at random at the time of filing to one of the four divisions of the Court. The divisions assigned to Drug Court and Juvenile Court are excluded from the random allotments. The allotments will be conducted by the Clerk of Court. Once a case is allotted to a division it will remain with that division of the Court unless transferred to another division of the Court by agreement of the divisions involved.

A. The Clerk shall assign Divisions using numbered balls dispensed in a random manner. An equal number of balls carrying the letter designations of each Division in the civil section shall be used. One ball shall be drawn at time of filing for each document to be assigned. The Clerk shall determine the number of balls placed in the machine for each Division, however the number shall never be less than 20 per Division. After each ball is drawn it shall be placed in a container closed to public view until all of the balls in the machine are depleted. At such time all the balls will be returned to the dispensing machine and the process shall be repeated.

All civil cases not previously assigned to a Division of the Court shall be assigned to one of the

four divisions of the Court at time of filing any pleading with the Clerk of Court. After such assignment, all subsequent filings and correspondence shall bear the suit number and division designated.

B. Any pleading which contains an order shall be submitted to the judge of the assigned division.

All orders for the setting of rules, motions or exceptions shall be forwarded to the judge of the division to which the suit has been allotted. That judge shall sign the order, fix the date of the hearing and hear all such rules and motions in cases allotted his/her division provided that such judge shall have the authority to designate the order signing judge or any other judge to sign such orders and set the hearings, and in his absence, to hear such matters where necessary to comply with law, or when deemed to be an emergency.

C. Upon receiving a request for a trial date the Division to which the case is allotted shall review the record to determine if it is ready for trial. The judge of that division shall then send to all counsel of record, or to the parties if they are not represented by counsel, a notice setting forth the pretrial procedures of that Division.

D. The professional responsibility to faithfully comply with the requirements of the notice rests upon all counsel, and the failure of any attorney to meet that responsibility through willful act or of neglectful omission will subject him to the disciplinary and contempt powers of the judge. In addition to this sanction, the judge may refuse to fix the case for trial or strike it from the trial docket.

CONSOLIDATION

Where consolidation of pending cases is sought, the motion for such consolidation must state whether the cases have been allotted to a division of this Court, and, if so, state the division to which each of the cases have been allotted and that prior notice has been given to all parties involved. The division of Court assigned the lowest docket number shall hear the consolidated cases unless ordered differently by the judges of the concerned divisions.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Hope LaFleur www.9thjdc.org
Court Administrator
9th Judicial District Court
P. O. Drawer 1431
Alexandria, LA 71309
Telephone: (318) 767-2810
Facsimile: (318) 484-2704
E-Mail: hlaflour@lacourts-9th-jdc.org

Hon. Carolyn J. Ryland www.rapidesclerk.org
Clerk of Court
Parish of Rapides
P.O. Drawer 952
Alexandria, LA 7130 9-0952
Telephone: (318) 473-8153
Facsimile: (318) 473-4667
E-Mail: cjryland@rapidesclerk.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

PLEADINGS

Rule No: 9.4

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

Revised effective Nov. 16,
2005

A. All pleadings shall be typed or printed or reproduced copies on legal size paper (8-1/2 x 14) and be in the English language. Use of dot matrix or any printout of a similar nature unless of letter quality is expressly prohibited and the Clerk shall not accept any such pleading for filing. The caption of all pleadings, judgments of dismissal included, which do not reflect in the caption a division designation reference will not be accepted by the Clerk for filing. The signature line for the judge on all judgments and orders must not be placed on a separate page apart from the body of the judgment or order. All orders must bear a caption of the case on the same page the judge signs.

B. All pleadings in allotted cases that require an order prior to rendition of judgment must be presented to the judge to whom the case has been allotted.

C. All pleadings requiring the signature of a judge in cases which have not been allotted to a division, or pleadings in allotted cases after rendition of judgment, shall be filed in the office of the Clerk of Court and left there to be signed by a judge signing orders.

D. Matters which by their very nature must be presented to the judge will be presented at 1:30p.m. each day, or at an appointment previously made with the judge.

E. Discovery: Unless otherwise permitted by the Court, for cause shown, no party may serve

upon any other party more than one set of twenty-five (25) interrogatories pursuant to Code of Civil Procedure Article 1457, including all parts and subparts. Interrogatories shall be so arranged that following each question, there shall be provided a sufficient blank space for inserting a typed response. If the space allotted is not sufficient the responding party shall complete the answer on an "addendum" properly identified and attached. When the interrogatories have been completed by the responding party, the original shall be returned to the proponent, and copies served upon all other parties.

Interrogatories under Article 1421 of the Louisiana Code of Civil Procedure, and the answers thereto, Requests for Production or Inspection under C.C.P. 1421, Requests for Admissions under C.C.P. 1421, and responses thereto, shall be served upon other counsel or parties, but shall not be filed with the Court, unless a judge of this Court orders that such be filed. The party responsible for service of the discovery material shall retain the original and become the custodian of any such non-filed materials.

If relief is sought under Article 1469 of the Louisiana Code of Civil Procedure, concerning any interrogatories, requests for production or inspection, requests for admissions under C.C.P. 1467, or answers to interrogatories, then copies of the portions of interrogatories, requests, answers or responses in dispute shall be filed with the Court contemporaneously with any motion filed under said articles.

If interrogatories, requests, answers, or responses are to be used at trial or are necessary to a pre-trial motion which might result in a final order of any issue, the portions to be used shall be filed with the Clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of counsel, the necessary discovery papers shall be filed with the Clerk.

This rule shall not be construed so as to preclude the filing of any of the aforesaid discovery materials as exhibits or as evidence in connection with a motion or at a trial.

MONEY JUDGMENTS AND EXECUTORY PROCESS

In all actions for money judgments, including executory process, based upon loans or open accounts wherein interest, finance charges or other consideration is included in the amount claimed, there shall be attached to the petition or filed in evidence a sworn itemized statement showing the amount of principal, interest or finance charges or consideration, and other charges as well as the amount of unearned interest, finance charges or other consideration. If a statement pursuant to the Truth-In-Lending Act was prepared, a copy of it shall also be attached.

Appendix 8

Rule No: 9.14

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

Amended effective February
15, 2005; Revised effective
Nov. 16, 2005; Amended
effective March 14, 2007.

After all pleadings are filed, either party may file motion to set for trial.

MOTIONS AND RULES

A. To set a motion, rule or exception or contradictory matter for hearing the attorney will make a written request to the Clerk of Court. The Clerk of Court will place the matter on the docket as is ordered by the judge. The attorney requesting the setting shall be responsible for notifying the opposing counsel, or the party if he is not represented by counsel, of the date fixed for the hearing.

B. Each Wednesday at 2:00 p.m. the Clerk shall post the dockets for the following Monday on the Clerk's Bulletin Board and on the appropriate Civil Courtroom bulletin board for each of the judges in the Civil Section. The Clerk shall also send a copy of the docket to each judge sitting on the Civil Section.

C. Parties filing motions and exceptions shall attach to the motion or exception a memorandum setting forth the facts and law applicable thereto and a copy of the memorandum is to be sent to all opposing parties or their counsel. Opposing counsel shall file a memorandum in opposition at least five (5) days prior to the hearing of the matter. Any party failing to file and distribute the required memorandum shall subject himself to the assessment of costs or to be otherwise disciplined by the Court. The memorandum shall be typewritten or reproduced copy thereof. Use of dot matrix or any printout of a similar nature unless of letter quality is expressly prohibited and shall not be accepted by the Court.

D. Suit records shall not be removed from the office of the Clerk of Court, except to be taken to Court or to the Office of the judges

SUBMISSION OF CASES FOR DECISION

When submitted, a case or other matter shall be considered as fully submitted for decision to the trial judge, and should be decided immediately upon the conclusion of trial or hearing, and judgment signed expeditiously thereafter.

In an exceptional case when the record has been left open upon the conclusion of trial or hearing for the filing of testimony by deposition and/or documents, such depositions and/or documents shall be filed within fifteen (15) days and the case or matter shall be considered as fully submitted, in a reasonable expedient manner.

If the Court, in an exceptional case, orders post-trial or post-hearing briefs, or orders the transcript prepared, plaintiff shall be allowed a maximum of twenty (20) days within which to file a brief defendant shall be allowed a maximum of twenty (20) days from the filing or lapse of time for filing plaintiff's brief. If the defendant timely files a brief, plaintiff shall be allowed a maximum of ten (10) days to file a rebuttal brief. When briefs are so ordered, the case or matter shall be considered fully submitted on the day following the day of the latest timely filing of a brief or, at the latest, the day following the last day for filing of brief. The judge may extend the time for filing a brief for a reasonable period not to exceed the original time granted.

If a transcript of the evidence, in an exceptional case, is deemed essential and is ordered by the Court, it shall be filed within thirty (30) days following the conclusion of trial or hearing. When necessary, for good cause shown, one extension may be granted by the judge not to exceed an additional fifteen (15) days for filing of the transcript.

JURY TRIALS

The following shall be applicable to jury trials, civil and criminal:

A. There is hereby created a central civil jury pool and a central criminal jury pool. The jury pools shall consist of persons randomly selected from the general venire by the Jury Commission. The list of registered voters for Rapides Parish, Louisiana and anyone (over the age of 18) holding a Louisiana driver's license shall comprise the general venire.

B. A person serving on a jury shall serve until discharged. Upon completion of service on a trial the juror shall return to his respective central jury pool, unless otherwise instructed. Jurors excused by challenge in either civil or criminal court shall also return to their respective central jury pool.

C. The members of the central jury pool selected for service in criminal matters shall report to Courtroom Number 6 on the day and at the hour reflected on the subpoena.

The members of the central jury pool selected for service in civil matters shall report to Courtroom Number 3 on the day and at the hour reflected on the subpoena.

The judge sitting in Courtroom 6 and the judge sitting in Courtroom 3 shall approve all excuses, exemptions and re-assignments for their respective jury pool pursuant to the law and Court rules, and issue such orders as may be required to carry out the jury selection and management process.

D. The sheriff may serve juror notices by mailing the said notices in the United States Post Office, addressed to such juror at his usual residence or business address.

E. In all Civil Jury Trials on or before sixty (60) days prior to trial, the part requesting the trial by jury shall deposit with the Clerk of Court a cash bond of \$1875.00 to defray the jury costs as they accrue. Should the actual or anticipated jury costs exceed this amount or the trial shall exceed three (3) days, said party shall deposit an additional cash bond in the amount of \$1875.00 with the Clerk of Court as the court orders to defray the costs for the entire trial. These funds are to be used by the Clerk to pay jury costs, and any balance shall be refunded or credit to the party advancing said funds. If a deposit is not timely made, the party requesting the jury trial shall not be entitled to a jury. Any other party shall have an additional ten (10) days to request a jury trial and make the required deposit. If none of the parties make a timely deposit, as herein set forth, the judge to whom the case has been assigned shall re-schedule the case for a bench trial at such time as the judge may determine.

F. Persons excused from jury service for reasons of hardship maybe re-assigned for duty at a later date.

G. The initial cost of convening the Jury Commission for a given month will be apportioned one-half (1/2) to the criminal and one-half (1/2) to civil. These civil costs will then be apportioned equally among all cases in which civil jury trials are scheduled for the month in which the civil jury pools are selected to serve and shall be taxed as costs. The costs of service of the civil jurors shall also be taxed as costs and apportioned equally among all cases scheduled for trial during the week for which the costs are incurred. The fees due jurors for appearance shall be taxed as costs and apportioned equally among those cases which proceed to trial on the dates the civil jury pool reports. After jury selection, jury fees will be taxed as costs to the cases on which they serve. In the event no case proceeds to trial by jury in any week in which an appearance is made by jurors, then the costs and fees due such jurors shall be apportioned equally among all cases that were still scheduled for trial as of 4:00 o'clock on the day preceding the appearance of the jurors. In all instances jury costs are to be advanced by the party requesting the jury and are to be deposited as set forth above.

COURTROOM DECORUM

A. There will be no drinking or eating in the Courtroom at any time.

B. The area inside the rails of the Courtroom is reserved for attorneys. No other persons shall be allowed therein unless specifically authorized by the Court.

C. The counsel tables are for attorneys and litigants involved in the matter being presented at the time. Attorneys awaiting presentation of their cases to the Court shall use the chairs away from counsel table. The jury box shall not be used unless no other seats are available.

D. During the time Court is in session, no attorney or other person shall ask questions of or converse with the minute clerk or the court reporter, unless permission to do so is requested of and received from the Court.

E. At no time shall any person approach the bench or walk between counsel table and the bench without first obtaining permission of the Court.

F. While in the Courtroom no person shall display any political advertisement of any nature promoting the election of any candidate.

G. Unless otherwise instructed by the Court, the attorneys will use the podium to address the Court and the jury, and to examine witnesses.

H. Improper publicizing of court proceedings. In furtherance of the Court's obligation to maintain a fitting dignity and decorum in the conduct of judicial proceedings and to promote and maintain an atmosphere of undisturbed deliberation with due regard for the well-being and freedom from intimidation of litigants, jurors, witnesses and other participants in the judicial process, the transmitting, broadcasting, televising and/or the taking of photographs, for any purpose, whether instantaneous or delayed, on the fourth, fifth or sixth floor of the Rapides Parish Courthouse, including the Rapides Parish Detention Center, is prohibited. Such activity is prohibited on any floor of the Rapides Parish Courthouse where a grand jury or a trial jury (civil or criminal) is meeting. Proceedings, other than judicial proceedings, designed and carried out primarily as ceremonies, and conducted with dignity by judges in open court, may properly be photographed or televised or broadcast from the Courtroom with the permission and under the supervision of the Court. Any exceptions to the above rule shall require the consent of a majority of the judges of the Ninth Judicial District Court.

CONDUCT OF ATTORNEY

In addition to official ethical principles and the amenities dictated by professional and personal courtesy, all attorneys appearing in the Courtrooms of this district are reminded of their status and position as officers of the Court. As such, they are equally responsible with the judge for maintaining reasonable dignity and decorum in the Courtroom. Specifically and in addition to general responsibilities, they will be expected to observe such principles with regard to clothing and general appearance (coat and tie required for men) by avoiding disconcerting extremes of style or informality, with regard to their conduct in relation to witnesses, jurors, counsel, court personnel and the public by avoiding over familiarity and overt hostility.

APPEALS

In all cases appealed to the Court, the original record and duplicate original record shall be filed, and shall be prepared in accordance with the requirements of the uniform rules of the Courts of Appeal.

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

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 11

SESSIONS OF COURT

Rule No: 14.0

Criminal Court will open at 9:30 a.m., recess from 12:00 Noon until 1:30 p.m., and adjourn at 5:00 p.m. unless otherwise ordered by the presiding judge.

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

GRAND JURY INVESTIGATIONS

Revised effective Nov. 16,
2005

Rules relative to Grand Jury investigations will be as follows:

(A) Neither the name nor identity of a person under investigation by the Grand Jury, nor the name of the victim, nor the nature or circumstances surrounding the offense being investigated, shall be divulged.

(B) The name of persons appearing before the Grand Jury as witnesses shall not be divulged.

(C) When ordered by the presiding judge, indictments returned by a Grand Jury shall not be disclosed or in any way made public until the persons indicted have been arrested. Subsequently, what is contained in the Bill of Indictment, and nothing else related thereto, may be disclosed.

CLASSIFICATION OF CRIMINAL CASES

Criminal cases shall be divided into four (4) classes which shall be designated as follows:

CLASS I—First Degree Murders.

CLASS II—Cases in which punishment is necessarily confinement at hard labor.

CLASS III—All other felonies and misdemeanor jury trials.

CLASS IV—Misdemeanor cases and appeals from the City Courts and criminal non-supports.

The District Attorney shall designate the classification of each particular case by the penalty prescribed to the offense charged prior to allotment to a Division of Court.

ALLOTMENT OF CRIMINAL CASES

All unallotted felony motions shall be randomly allotted by the Clerk of Court, which allotment shall be open to the public and performed in a manner similar to civil allotments. (See Appendix 3). Once a motion is allotted, all future motions and bills of information/indictment shall be allotted to the same division.

If not previously allotted by a pre-trial motion, all felony bills of information/indictment shall be randomly allotted by the Clerk of Court in a manner similar to criminal motions. However, if a defendant has a felony case pending and previously allotted, any new felony arrest for that defendant shall be allotted by the Clerk to the same division. This felonies-following-felonies rule also applies to any pending arrests for a co-defendant with a new arrest and billed as co-defendant. For purposes of this rule, a felony case remains pending until any of the following

events have occurred:

- A) The statute of limitations runs;
- B) A change of booking is made, reducing the case to a misdemeanor;
- C) A bill of information or indictment is filed or amended, reducing the case to a misdemeanor;
- D) The District Attorney's Office enters a nolle prosequi in a case; or
- E) A finding of guilty (with sentence having been imposed), not guilty, or not guilty by reason of insanity is entered on the record.

All misdemeanor cases are to be set on a date to be determined by the District Attorney on a date approved by the court calendar.

Appendix 12
Rule No: 14.0

Class IV misdemeanor cases shall be set before the misdemeanor court by the District Attorney or in accordance with rules set forth herein. See Appendix 11.

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

Appendix 13
Rule No: 14.1

Multiple defendants and charges in all four classifications. The District Attorney shall assign or reassign subsequent cases to the division to which the first case or charge was allotted. (See Appendix 11)

Allotment - Defendant with
More than One Felony Case

Chapter: 15

Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 14
Rule No: 15.0

PLEADINGS

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

Subsequent to the filing of the original bill of indictment, bill of information or affidavit, the original of all pleadings, of whatever nature, (motion, exceptions, etc.) must be a typewritten original on 8 1/2 x 14 paper and be in the English language. Use of dot matrix or any printout of a similar nature unless of letter quality is expressly prohibited and shall not be accepted by the Court.

Revised effective Nov. 16,
2005

All pleadings and motions in criminal matters shall be filed with the Clerk of Court with sufficient copies for service and return of service as may be required.

PRE-TRIAL MOTIONS, SETTINGS, PLEAS & PRE-TRIALS

A) At arraignment, the District Attorney shall provide to the defendant a pre-trial memorandum with a plea offer, and may provide a copy of the case file(s) with a joint stipulation agreeing to informal, open-file discovery; if the defendant rejects the offer, they are then required to file motions within the delays provided by La. C.Cr.P. art. 521.

B) If the defendant pleads not guilty, the case will be set for a pre-trial conference within two (2) months. If at the pre-trial the defendant accepts the pre-trial offer, he will enter his plea of

guilty on the pre-trial date. If the offer is refused, the defendant will be set for trial on a date to be determined by the District Attorney. If the defense fails to appear at the pre-trial conference, a bench warrant/bond forfeiture will issue for his arrest.

C) The dates for motions, pre-trials and trials will be determined by the judge of each criminal division and published on a court calendar.

D) Pursuant to R.S. 13:472 and Article 553 of the Louisiana Code of Criminal Procedure, a defendant, at the judge's discretion, in a non-capital felony or misdemeanor, may waive formal arraignment and enter a plea of not guilty without appearing in person. The plea of not guilty must be in writing, signed by the defendant and his attorney, with an acknowledgment of the pretrial date filed on the date of arraignment.

USE OF AUDIO-VISUAL ELECTRONIC EQUIPMENT

Pursuant to La. C.Cr.P. article 522 and 551, the Court may conduct seventy-two (72) hour hearings for the initial setting of bail, misdemeanor and non-capital felony arraignments by simultaneous transmission through audio-visual electronic equipment, with the location of the equipment to be determined by the Court.

At the seventy-two (72) hour hearing for the initial setting of bail, the judge and clerk, (or a representative of the clerk), shall be present; at arraignment, the judge, prosecutor, defense attorney and the clerk shall be present and the proceedings conducted in accordance with La. C.Cr.P. article 551, et seq.

If approved by defense counsel, a defendant's appearance at the pretrial motion may be by simultaneous transmission through audio-visual electronic equipment.

CRIMINAL TRIALS AND DUTY JUDGE

The judge in Courtroom 5 will conduct La. C.Cr.P. art. 230.1 hearings, contempt and domestic violence hearings in odd months, the judge in Courtroom 6 will conduct same in even months.

The judge in Courtroom 5 will purge the jury in even months and the judge in Courtroom 6 will purge the jury in odd months.

The minute clerk for the judge in Courtroom 5 will handle jury excuses in even months and the minute clerk for the judge in Courtroom 6 will handle the jury excuses in odd months.

The judges in Courtrooms 5 and 6 will back each other up if any cases are not resolved on the weekly docket.

APPLICABILITY OF CRIMINAL COURT RULES

The following rules are applicable to and must be complied with by the following persons:

- (a) all law enforcement officers;
- (b) the personnel of this Court;
- (c) the Clerk of this Court and all personnel of that office;
- (d) attorneys at law; and
- (e) the District Attorney, his assistants and personnel of his office.

PUBLICITY, STATEMENTS AND DISCLOSURE

When a crime is believed to have been committed, pertinent facts relating to the crime itself and to investigative procedure shall not be disclosed except to the extent necessary to aid in the investigation, to assist in the apprehension of the suspect, or to warn the public of any danger.

A. No person to whom these rules are applicable shall permit the interviewing or photographing of a person in custody by representatives of the news media.

B. From time of arrest, issuance of an arrest warrant, or the filing of any complaint, information, or indictment in any criminal matter and until the completion of trial or disposition without trial, no person to whom these rules are applicable shall release, or authorize the release of, any extrajudicial statement for dissemination by any means of public communications, relating to that matter and concerning:

- (1) the prior criminal record (including arrest, indictments, or other charges of crime), or the character or reputation of the accused, except that the officer may make a factual statement of the accused's name, age, residence, occupation, and family status, and if the accused has not been apprehended, may release any information necessary to aid in his apprehension or to warn the public of any dangers he may present;
- (2) the existence or contents of any confession, admission or statement given by the accused, or the refusal or failure of the accused to make any statement, except that the officer may announce without further comment that the accused denies the charges made against him;
- (3) the performance of any examination or tests or the accused's refusal or failure to submit to an examination or test;
- (4) the identity, testimony, or credibility of prospective witnesses, except that the officer may announce the identity of the victim if the announcement is not otherwise prohibited by law;
- (5) the possibility of a plea of guilty to the offense charged or a lesser offense; and
- (6) any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

C. It shall be appropriate during this period for a law enforcement officer, if authorized by his superior:

- (1) to announce the fact of arrest, as well as the time and place of arrest;
 - (2) to announce the identity of the investigating and arresting officer or agency and the length of the investigation;
 - (3) to disclose the nature, substance, or text of the charge including a brief description of the offense charged;
 - (4) to quote from or refer without comment to public records of the Court in the case;
 - (5) to announce the scheduling or result of any stage in the judicial process; and
 - (6) to request assistance in obtaining evidence and the apprehension of the suspect, and to warn the public of any danger.
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Appendix 15
Rule No: 15.1

Service of process may be made by mail, hand-delivery, or district attorney box located in the Office of the Clerk of Court.

Alternative Method of Service
on District Attorney

Appendix 16
Rule No: 15.2

Court advises at Code of Crim. Pro. Art. 230.1 hearing or at arraignment or answer hearing if no prior hearing held.

Appointment of Counsel
Revised effective Nov. 16,
2005

PAYMENT TO IDB ATTORNEYS

Attorneys appointed to represent defendants in criminal cases shall neither solicit, nor receive payment for their services, except front the Indigent Defender Board.

WITHDRAWING AS COUNSEL

All motions to withdraw as counsel of record in a case must include a statement setting forth:

- A. the reason for the withdrawal;
- B. whether any aspect of the matter is set for trial, pre-trial or other hearing, and, if so, the date thereof, and
- C. a certificate that the client and opposing counsel have been notified of the proposed withdrawal.

If the case has been allotted to a division, the motion must be presented to the judge of that division for signature.

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 are allowed.

Simultaneous Peremptory
Challenges
Revised effective Nov. 16,
2005

TENDERING OF JURORS

Prior to the voir dire examination of jurors, the judge in a civil or criminal case shall inform the attorneys for the parties or each party in a case where a party chooses to represent himself; whether the jurors will be tendered alternatively for challenges as provided by La. C.Cr.P. article 788 or La. C.C.P. article 1766 or challenged simultaneously in writing. If challenged simultaneously in writing, the following procedure shall apply:

- 1) After the examination of jurors as provided by the attorneys/parties, challenges for cause shall be made and communicated to the Court in a sidebar conference of the judge, the attorneys conducting the examination or a party where a party chooses to represent himself/herself. The

conference shall be conducted in a manner where only the Court or the parties are aware of the challenges made until the Court announces the challenges without reference to any party or attorneys in the case.

2) The remaining jury panel not excused by challenge(s) for cause shall be tendered to all parties for simultaneous exercise of peremptory challenges on a form approved by the Court. The parties shall write the name of the juror(s) they wish to excuse on the appropriate form, sign their name and the party they represent and simultaneously present it to the Court. After excusing the jurors challenged, the Court shall file the written peremptory challenges of the parties in the record.

3) Regardless of whether each party challenges the same juror(s), the parties are only permitted to challenge the number of jurors as provided by law.
