

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Civil District Court

Parish of Orleans

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 The judges of Orleans Parish Civil District Court are elected to a specific division of court.

Rule No: 3.1

Divisions or Sections of Court

Appendix 3 CHIEF JUDGE

Rule No: 3.2 and 9.3

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

Amended effective September
1, 2004; Amended effective
March 13, 2006; Amended
effective September 5, 2006

1. The judges of the Civil District Court shall elect from their members a chief judge, who shall serve for a term designated by the judges.

2. The chief judge shall preside over meetings en banc; appoint committees; certify all documents on behalf of the court en banc; prepare the agenda for en banc meetings; represent the court in ceremonial functions; exercise general supervision of administrative functions; supervise expenditures by the judicial expense fund; oversee all financial planning and reporting; and perform those duties delegated by the court en banc.

3. In the absence of the current Chief Judge, the preceding Chief Judge will serve as Acting Chief Judge. In the absence of the preceding Chief Judge, the remaining member of the Executive Committee will serve as Acting Chief Judge. In the absence of the remaining member of the Executive Committee, the Duty Judge will serve as Acting Chief Judge

4. In the event a judge of this Court will be unavailable to hear a motion for preliminary injunction because of a pre-arranged vacation or attendance at a professional function, the Chief Judge or Acting Chief Judge shall have authority to order the matter re-allotted for the hearing on the preliminary injunction. All other proceedings in that matter shall be heard by the judge to whom the case is originally allotted.

DUTY JUDGE

1. The position of duty judge is established to be rotated by division among the judges weekly, starting with Division A.

2. The duty judge shall serve from 9:00 A.M. on Monday until 9:00 A.M. on the following Monday. The duty judge shall be in court from 9:00 A.M. to noon and from 1:00 P.M. to 4:00 P.M., Monday through Friday.

3. No cases, pretrial conferences or rules shall be heard by the duty judge during such duty week.

4. (a) Monday through Friday the duty judge shall hear all confirmations of defaults with testimony from 9:00 A.M. to 10:00 A.M. The duty judge shall hear all motions for temporary restraining orders; judicial commitments and matters relating thereto; and all ex parte petitions and motions not excluded by Section 5 from 10:00 A.M. to noon and 1:00 P.M. to 4:00 P.M., except when the duty judge is hearing judicial commitments or attending en banc meetings from 10:00 A.M. to 2:00 P.M.

(b) All judicial commitments and related hearings shall be set at 1:00 p.m. on the second Thursday following the Friday of the week when filed. In the event that Thursday is a legal holiday, they shall be set on the next legal day. However, if the next following day is longer than the 18 day period, then commitments will be held on Wednesday preceding the legal holiday.

(c) The judge to whom the case is allotted shall hear all motions for preliminary injunctions.

(d) The duty judge shall handle all emergency matters such as protective orders and motions to quash when requested by the Division.

(e) Rules for eviction shall be set for hearing in the week following their filing. The duty judge shall hear such matters if they are uncontested, or if the trial thereof is expected to take less than 30 minutes. Otherwise the matter shall be heard by the division to which it is allotted or its designee.

(f) All requests for an administrative stay must be presented to the Duty Judge and will be processed similar to a request for a temporary restraining order (CCP Art. 3603) in the following manner: an application for an administrative stay must be by a verified petition of appeal and/or by supporting affidavits stating specific facts which show that immediate and irreparable injury, loss or damage will result to the applicant before the adverse party or his attorney can be heard in opposition to the granting of the administrative stay and the applicant or his attorney must certify to the Court in writing what efforts have been made to give notice to the adverse party of the request for an administrative stay or the reasons supporting his claim that notice would not be given to the adverse party.

5. The duty judge shall not sign, unless presented and initialed by a member of the referring judge's staff, or the referring judge's designee, such orders as: supplemental or amending petitions; motions for trial, pretrial or other hearing or the continuance thereof, orders allowing incidental demands; extensions of deadlines set by court order; motions of counsel to withdraw; amendments to pretrial orders or witness lists; and motions to consolidate.

6. The duty judge may handle any matter when presented to the duty judge by the staff of the referring judge or such judge's designee.

7. Each division shall provide a member of its staff, or by agreement, the staff of another division to set rule dates and authorization for orders described in number 4 herein. Such personnel must be available from 9:00 A.M. to noon and from 1:00 P.M. to 4:00 P.M., Monday

through Friday.

8. In the event of illness or other unavailability, the duty judge may make arrangements with any other judge of the court to serve in the judge's place and by agreement may exchange weeks or days of duty. In the event the duty judge is unable to secure a replacement because of illness or other unavailability, the chief judge shall assign another judge of the court to the position of duty judge, who shall receive full credit for the substitute service. Thereafter, the chief judge may adjust the rotation assignment to reestablish equality of service.

ALLOTMENT OF CASES

1. Non-domestic cases shall be allotted equally among the divisions handling such cases.

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

3. To avoid confusion when divisions rotate in and out of the domestic relations section, cases shall be allotted to sections rather than to the divisions of court. Upon filing the first pleading, a case shall be randomly allotted either to section 5 through section 16 (non domestic cases) or to a domestic relations section. When a division ceases to be a domestic relations section, it shall be assigned those cases previously assigned to that division succeeding to the domestic relations section. The Clerk of Court shall publish conspicuously in the Clerk's Office the assignment of case sections to particular divisions of the court. The division shall handle the section cases assigned to it until a change in the assignment of cases in accordance with this Rule.

4. To achieve continuity of case management, and to avoid the appearance of forum shopping, it is the policy of the court that subsequent but related cases should be transferred to the division to which the original case was allotted, whether or not such earlier case is still pending. It shall be the duty of any attorney in such cases to call to the court's attention the existence of such earlier case. The following are examples of cases which ought to be transferred to the original division:

1. Subsequent cases between the same or related parties arising from the same incident or transaction including subsequently filed claims for contribution, indemnity, attorney fees, or penalties.

2. Domestic cases involving spouses between whom a prior case had been pending, even though terminated by reconciliation or otherwise dismissed, including subsequent cases for dissolution of the marriage, settlement of the community, alimony or custody.

3. Cases asserting the same claim, refiled after dismissal without prejudice either voluntarily or involuntarily.

4. Cases growing out of earlier cases, such as suits to enjoin executory process, to annul a judgment, suits claiming damage caused by the earlier proceeding (wrongful eviction, malicious prosecution, abuse of process, etc.).

5. Suits dismissed as premature when refiled.

6. Suits against a succession representative.

7. Contested evictions shall be tried by the judge of the division of court to which the case is allotted or by the designee of the judge of the division to which the case is allotted, provided the designee agrees to accept the case for trial.

8. Cases filed after a preliminary petition (for discovery, to extend a medical review panel, etc.) has been filed.

5. Applications for new trial following confirmation of default judgments, shall be heard by the judge to whom the case is allotted and not necessarily the judge who heard the confirmation. Any proceeding following an order signed by the duty judge shall be heard by the judge to whom the case has been allotted.

TRANSFER AND CONSOLIDATION

1. To facilitate the fair and expeditious resolution of cases, it is the policy of the court to transfer to the lower numbered suit and consolidate for trial those cases in which such consolidation is appropriate. The transfer and consolidation shall be by order of the judge to whom the case is being transferred, after contradictory hearing with all parties in each case, or with their written approval. It shall be the duty of any attorney in any case which ought to be consolidated to so move or call to the court's attention the pendency of related cases that should be considered for consolidation. The following are examples of cases which ought to be consolidated:

1. Cases involving multiple claimants arising from a common casualty.
2. Claims for worker's compensation and damages by a claimant arising out of a single incident.
3. Cases involving multiple accidents to one person with injuries that overlap, whether in tort or compensation.
4. Multiple claims against a limited fund, such as an insurance policy or construction bond, where such claims are in conflict because they exceed the fund.
5. Multiple claims growing out of a single construction contract.
6. Multiple cases principally involving the same or similar legal issues, such as test cases with nominal parties.
7. Expropriations of properties in a single public development where owned by the same owner in the same neighborhood. Where separate parcels are owned by different owners, the cases need not be consolidated.

2. In the event the judge of the division in which such cases would be consolidated is recused, the case with the lower number shall be reallocated and the cases consolidated in that division.

3. If the lower numbered case has been dismissed with or without prejudice or the judge has rendered a judgment before the subsequent case is filed, nevertheless, cases otherwise subject to consolidation shall be transferred and/or consolidated.

HURRICANE KATRINA AND RITA CASES

A. All Hurricanes Katrina and Rita related law suits arising out of insurance claims for property damages shall begin with the current year and continue with the current numeric sequence and given the code number 245. The petition shall bear the case number and shall be designated by the words "Hurricane Litigation" on the pleadings. These cases shall be allotted to all non-domestic divisions of the Civil District Court.

B. Unless the judge for good cause determines otherwise, the time line for these cases shall be as follows:

- (1) When the petition is filed and a number is assigned to it, the matter shall be immediately

set for a case management conference to be held forty-five (45) days thereafter.

(2) Defendant(s) has the number of days to answer or file responsive pleadings provided by the Code of Civil Procedure. If requested, defendant(s) are allowed one fifteen (15) day extension.

(3) At the Case Management Conference the parties will be given a Case Management Order with a Pre-Trial Conference date and a Trial Date. The parties's presence at the Case Management Conference will not be deemed to be an appearance if certain exceptions are pending.

(a) The Pre-Trial Conference shall be held ninety (90) days after the filing of the petition. At the Pre-Trial Conference all parties shall be prepared to discuss settlement.

(b) The trial shall be scheduled to take place within ninety (90) days of the Pre-Trial conference.

(4) Discovery will take place as provided by the Code of Civil Procedure except that:

(a) Defendants shall propound written discovery in a timely manner so that plaintiff's discovery responses will be due no later than fifteen (15) days after the case management conference. Plaintiff(s) will be allowed only one seven (7) day extension to answer discovery, if requested.

(b) Plaintiff(s) shall propound written discovery to insure that defendant(s) discovery responses will be due fifteen (15) days after plaintiff(s)'. Defendant(s) will be allowed only one seven (7) day extension to answer discovery, if requested.

(5) All motions and exceptions shall be filed and disposed of within Thirty (30) days of the trial date.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and Clerks of Court

Amended effective January 17, 2006

Traci Dias www.oraileanscdc.com
Judicial Administrator
Orleans Civil District Court
421 Loyola Avenue
New Orleans, LA 70112
Telephone: (504) 592-9275
Facsimile: (504) 592-9279
E-Mail: tracid@oraileanscdc.com

Hon. Dale N. Atkins www.oraileanscdc.com/clerk1.shtm
Clerk of Court
Civil District Court
Parish of Orleans
421 Loyola Avenue
Room 402
New Orleans, LA 70112
Telephone: (504) 592-9100
Facsimile: (504) 592-9128
E-Mail: cdcclerk@oraileanscdc.com

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

Amended effective September
1, 2004

ch defendant/absentee; however, in this event the deposit shall be increased by \$50.00 for each additional defendant/absentee in excess of three defendants/absentees but in no event shall the deposit based on the number of absentees exceed \$ 500.00.

If a judge should decide that the interests of the multiple defendants/absentees are not aligned, then the judge shall appoint as many curators to represent the defendants/absentees as he/she deems necessary.

Upon ex parte motion by the curator, a party or a party's attorney, a judge may determine the curator's fee and may order it and the curator's expenses paid from the deposit with the Clerk of Court. If the deposit is not sufficient to pay the curator's fee and expenses, the court may order the party and/or the attorney for the party who requested the appointment of the curator to pay the amount of the fee and expenses that exceed the amount of the deposit.

An attorney seeking such an appointment is deemed to personally guarantee payment of such fees and expenses. However, this section shall not apply to parties proceeding in forma pauperis.

5. When any lawsuit is terminated by compromise in whole or in part, it shall be the duty of the attorney for the settling party, as an officer of the court, to see that all fees due the clerk of court or civil sheriff are paid when such compromise is effected.

6. When a tutorship proceeding is filed in forma pauperis the purpose of which is to authorize the filing of a damage suit, the clerk shall post the deferred costs to the damage suit. Such costs shall thereafter be treated as cost due in the damage suit.

7. When a suit filed in forma pauperis is transferred to another district court, the clerk shall transmit to such court the amount of the costs due with a request that the court collect such costs due the Civil District Court when the case is concluded.

Upon receiving a similar request from another court, the clerk of the Civil District Court shall comply with such request.

DISCOVERY

All contradictory motions relating to discovery shall be heard on rule day, or as otherwise ordered by the 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

Not applicable to the Orleans Parish Civil District Court.

Rule No: 14.0

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

Appendix 12
Rule No: 14.0

Not applicable to the Orleans Parish Civil District Court.

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

Appendix 13
Rule No: 14.1

Not applicable to the Orleans Parish Civil District

Allotment - Defendant with
More than One Felony Case

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

Appendix 14
Rule No: 15.0

Not applicable to the Orleans Parish Civil District Court.

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

None.

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
Rule No: 19.0

None.

Simultaneous Peremptory
Challenges
