

TITLE III
Chapter 15 - Assignment of Cases and Preliminary Motions
Rule 15.1 - Appointment of Counsel
Appendix 15.1 - Appointment of Counsel

**First Judicial District
Court**

Parish of Caddo

REVISED PROCEDURE -
- ADOPTED MARCH 19,
2003; AMENDED
EFFECTIVE APRIL 1,
2003

Appointment of Counsel Amended Procedure for Court Appointed Counsel –First Judicial District

1. Application for Representation. Each person asserting indigency and requesting representation by the Indigent Defender or a conflict attorney shall complete an application for those services which shall include accurate current financial information as provided in Section 9 below.
 2. Application for Continued Representation. Each person, on and after the effective date of these amended procedures, asserting indigency and requesting continuing representation by the Indigent Defender or a conflict attorney shall complete an application for those services which shall include accurate current financial information as provided in Section 9 below.
 3. Service and Facilities Fee. Pursuant to R.S.15:148, to help defray the cost of necessary services and facilities of the Indigent Defender Office, at the time of the application for services mentioned in Sections 1 and 2 hereinabove the applicant shall pay a Service and Facilities Fee of \$40.00 if the person faces pending felony charges and \$25.00 if the person faces only misdemeanor charges. In the event payment as provided herein is not made at the time of application, payment is to be made within 7 days of said application. All payments are to be made at the Indigent Defender's Office by cash, money order or other certified funds.
 4. Special Condition of Bail. In all cases in which the accused has posted bail (whether cash, surety, property, or release on recognizance) and is not incarcerated, completion of the application for representation/continued representation and payment of the Service and Facilities Fee provided in Section 3 in full shall be a special conditions of bail. Payment of the Service and Facilities Fee is due and payable within 7 days of posting bail or within 7 days of appointment of the Indigent Defender or a conflict attorney, whichever is later.
 5. Deferred Payment. After application is made, in the event the Indigent Defender Office determines that the person is so indigent that payment of the Service and Facilities Fee cannot be made timely, then and in that event the court, after review of the application and financial information affidavit, may defer the payment of the fee until a later time. If unpaid at the time of any sentencing of that defendant on any charge, whether reduced from the original charge or not, payment of the unpaid Service and Facilities Fee shall be made a special condition of any probation and any defendant placed on probation shall be placed on supervised probation at least until such time as the fee is paid in full.
 6. Incarcerated Defendant - Waiver of Service and Facilities Fee. If a person asserting indigency is incarcerated and requesting representation/continued representation by the Indigent Defender or a conflict attorney, a complete application for services including financial information shall be made. Payment of the Service and Facilities Fee may only be waived if the court finds that the accused is so indigent that payment is impossible or if the accused is sentenced to hard labor and no portion of the sentence is suspended in any fashion.
 7. Credit Toward Contract for Services. Payment of the Service and Facilities Fee provided herein shall be credited toward any contract for services subsequently entered into between the accused and the Indigent Defenders Office / Indigent Defender Board arising out of the criminal charges existing at the time of application.
 8. Enforcement. Enforcement of these procedures may be instituted by the Indigent Defender Board, by the Indigent Defender Office, or by the Court on its own motion.
 9. Penalties for False Reporting of Financial Information. The financial information in the application shall be as required by the Indigent Defender Office and shall be in affidavit form, subject to penalties of perjury and/or contempt of court. The form shall include all income and assets and shall include the following statements: "I agree to report in writing any change in my financial situation to the Indigent Defender Office."
 10. Effective Date. The effective date of these procedures shall be APRIL 1, 2003.
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Second Judicial District Court

Parishes of Bienville, Claiborne and Jackson

Appointment occurs at the 72 hour hearing if defendant is detained or in open court if defendant is free on a bail obligation. Except for Department of Corrections (DOC) prisoners at Camp David Wade Correctional Center (DWCC) or in the parish prisons, all appointments are made to the Second Judicial District Indigent Defender Board which hires indigent defenders. The DOC prisoners charged with new crimes while in prison are represented by attorneys who have a contract with the Louisiana Department of Public Safety and Corrections.

72-HOUR APPEARANCE

In lieu of the Code of Criminal Procedure Article 230.1 personal appearance of the defendant before a Judge of this Court, such appearance may be by telephone or audiovideo electronic equipment.

Third Judicial District Court

Parishes of Lincoln and Union

In compliance with Article 230.1 of the La. Code of Criminal Procedure, as amended, each defendant, in the discretion of the particular district judge, may be brought before the court via telephone for the appointment of counsel. When utilizing this method, the custodian of the prisoner shall make notation of the date and time of such appointment, the division of the court making the appointment, and the name of the officer or deputy of the custodian verifying the conversation, all on a form approved by the court. The original of this form shall be delivered to the District Attorney and a copy shall be delivered to the Clerk of Court for notation in the minutes of the court, or at arraignment, if not previously appointed.

Fourth Judicial District Court

Parishes of Morehouse and Ouachita

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

Amended effective January 1, 2010

Fifth Judicial District Court

Parishes of Franklin, Richland and West Carroll

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.

Sixth Judicial District Court

Parishes of East Carroll, Madison and Tensas

Amended April 20, 2010, effective June 1, 2010.

The appearance of arrested persons pursuant to C.Cr.P. Art. 230.1 may be made in person, by telephone or by audio-video electronic equipment, at the discretion of the presiding judge.

When an appearance is by telephone or audio-video electronic equipment the custodian of the prisoner shall make notation on a form approved by the court of the date and time of the appearance, the division of the court before whom the appearance is made and the name of the officer or deputy of the custodian verifying the conversation. In the event the court makes an initial determination that the defendant is indigent the court shall appoint the Office of Public Defender to represent the defendant. The original of the appearance/appointment form shall be delivered by the custodian to the Clerk of Court for filing in the record and notation in the minutes of court. A true copy shall be provided by the Clerk of Court to the District Attorney and to the Office of Public Defender. The appointing judge shall provide a Notice of Appointment of Counsel by facsimile to the Office of District Public Defender immediately after making the appointment.

Seventh Judicial District Court

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

**Parishes of Catahoula
and Concordia**

**Eighth Judicial District
Court**

Counsel for indigent defendants appointed on motion of Indigent Defender Board.

Parish of Winn

1. Rights Hearing. Any person entitled to a hearing pursuant to LSA CCrP Article 230.1 shall be timely brought before the presiding judge for the purpose of fixing bail and/or appointment of counsel in accordance with the provisions therein, except that the defendant shall be allowed to make appearance by telephone and/or audio/video electronic equipment, within the discretion of the presiding judge.

**Ninth Judicial District
Court**

The court advises at the La. C.Cr.P. art. 230.1 hearing or at arraignment or answer hearing if no prior hearing has been held.

Parish of Rapides

Revised effective Nov. 16,
2005; amended effective
January 1, 2018.

**Tenth Judicial District
Court**

After random allotment and assignment of a criminal case, the court, through the Natchitoches Parish Indigent Defender Board, appoints an attorney to represent indigent defendants in accordance with local court rules.

Parish of Natchitoches

Effective June 1, 2007.

In compliance with Code of Criminal Procedure Article 230.1, the personal appearance of the defendant before a judge of this court may, at the discretion of the presiding judge, be made by telephone or audio-video electronic equipment.

**Eleventh Judicial District
Court**

Determination of counsel shall be made within 72 hours for detained persons or at arraignment.

Parish of Sabine

Amended effective
November 13, 2017.

In compliance with Louisiana Code of Criminal Procedure Article 230.1, the personal appearance of the defendant before a judge of this court may, at the discretion of the presiding judge, be made by simultaneous transmission through telephone or audio-visual electronic equipment.

**Twelfth Judicial District
Court**

Counsel for Indigent Defendants shall be provided as per the provisions of R.S. 15:141.

Parish of Avoyelles

Amended effective January
22, 2019.

**Thirteenth Judicial
District Court**

Each judge refers the indigent defendant to the Indigent Defender Board.

Parish of Evangeline

**COURT APPOINTED COUNSEL FOR INDIGENT
DEFENDANTS IN CRIMINAL CASES**

Any attorney appointed by the Court to represent an indigent defendant in a criminal case is prohibited from, and under no circumstances whatsoever, will charge said defendant any sums whatsoever, regardless of whether it is a fee, reimbursement for expenses, travel, or any expenditures made on behalf of said defendant.

Whoever violates this provision shall be deemed in violation of substantive law, civil and criminal, and subject to criminal indictment and/or civil damages.

Fourteenth Judicial District Court

Parish of Calcasieu

Amended effective
December 12, 2006.

Every Tuesday and Thursday, a right-to-counsel hearing is held via video, in person or by telephone, during which each inmate who has been arrested within the previous 72 hours, not including Saturdays, Sundays, and Legal Holidays, is informed of his right-to-counsel. If the inmate is found indigent, a public defender or other counsel who serves on a voluntary appointment list is appointed. If counsel has not been appointed at the right-to-counsel hearing, then one is appointed at the indigents' first appearance in court.

Fifteenth Judicial District Court

Parishes of Acadia, Lafayette and Vermilion

(AS AMENDED
THROUGH 9/10/2002)

After the Court makes the preliminary determination that the accused is or may be indigent, the Court shall refer the accused to the Indigent Defender's Office, which shall inquire further into the accused's economic status and upon determining that the accused is indigent, shall file in the record of the proceeding, a certification of indigency and order appointing counsel. Any oral or written statement made by the accused in the determination of his economic status shall be made under oath or an equivalent affirmation.

Any person whose application is denied may request a hearing to review the matter. A person found "partially indigent" under L.S.A. R.S. 15:148, shall have counsel appointed immediately, without regard to when he makes the payment to partially reimburse the cost of his defense.

APPOINTMENT OF COUNSEL AT 72 HOUR APPEARANCE

When audio visual electronic equipment is not available, a defendant may appear at his seventy two hour hearing by telephone as authorized by La. C.Cr.P Art. 230.1. The judge conducting such hearing by telephone shall insure that the hearing is conducted in the presence and within the hearing of the criminal records minute clerk who shall make a record thereof.

Sixteenth Judicial District Court

Parishes of Iberia, St. Martin and St. Mary

The Court appoints the Indigent Defender Board for the District and the Board hires attorneys to represent indigent defendants in criminal matters. Appearances before a judge for the purpose of appointment of counsel for an arrested person within seventy two hours from the time of the arrest, as provided by La. C.Cr.P. Art. 230.1, may be made by telephone or audio video electronic equipment, as well as in person, in the discretion of said judge.

Seventeenth Judicial District Court

Parish of Lafourche

At the magistrate hearing conducted pursuant to La. C.Cr.P. Art. 230.1, the Court will appoint counsel for defendants who request counsel and who are determined by the Court to be indigent. In cases where the defendant is not incarcerated, the appointment of counsel will be made at arraignment or at such other time as the defendant may request counsel and the Court determines that the defendant is indigent.

An arrested person brought before a judge of the Seventeenth Judicial District Court for the purpose of appointment of counsel in conformity with Louisiana Code of Criminal Procedure Article 230.1 may make an appearance by telephone or audio-video equipment.

Eighteenth Judicial District Court

Parishes of Iberville, Pointe Coupee and West Baton Rouge

When the defendant first appears before the court without counsel, the court shall inform him of his right to counsel and of his right to have the court appoint counsel to defend him if he is financially unable to procure counsel. If an individual is determined to be indigent, the court shall appoint an attorney employed by the 18th Judicial District Public Defender's Office.

**Nineteenth Judicial
District Court**

**Parish of East Baton
Rouge**

Counsel for indigent defendants may be appointed at jail call out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

**Twentieth Judicial
District Court**

**Parishes of East Feliciana
and West Feliciana**

Court advises of right to counsel at the appearance mandated by C.Cr.P. 230.1 and at arraignment.

**Twenty-First Judicial
District Court**

**Parishes of Livingston,
St. Helena and
Tangipahoa**

Counsel for indigent defendants may be appointed at jail call out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

**Twenty-Second Judicial
District Court**

**Parishes of St. Tammany
and Washington**

1. At the hearing held for incarcerated defendants within 72 hours of incarceration, the Court shall make a preliminary determination of indigency. If there is a preliminary determination that the defendant is indigent, he is ordered to make appropriate application with the indigent defenders office. If the indigent defense office fails to concur in the preliminary determination of indigency, it shall traverse the appointment by motion with the Court.
2. If a defendant does not have a hearing under Subsection A when he/she appears for arraignment without counsel, the Court shall make a preliminary determination of indigence. The indigent defenders office shall immediately represent the defendant for arraignment purposes. The defendant shall be ordered to make appropriate application with the indigent defenders office which may traverse the preliminary determination of indigence.
3. If the Court makes a preliminary determination that the defendant is not indigent, it shall set a motion to determine counsel at which time the defendant shall have counsel. Nothing shall prohibit a defendant from making an application to the indigent defenders program despite a preliminary determination of non indigency. If a defendant does so and the indigent defender's office determines the defendant is indigent, it may file a motion to enroll which may be granted ex parts or set for hearing at the discretion of the Court.

**Twenty-Third Judicial
District Court**

**Parishes of Ascension,
Assumption and St.
James**

Counsel for incarcerated indigent defendants shall be appointed at 230.1 appearance by the presiding Duty Judge or any other judge when the Duty Judge is not available. Appointment of counsel for those released prior to 230.1 appointment may wait until arraignment in order to determine true indigency or whether defendant has retained counsel.

Amended effective
September 4, 2017.

**Twenty-Fourth Judicial
District Court**

Parish of Jefferson

I.D.B. appointed by order of court on case-by-case basis.

**Twenty-Fifth Judicial
District Court**

Parish of Plaquemines

Amended effective April
10, 2019.

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

**Twenty-Sixth Judicial
District Court**

**Parishes of Bossier and
Webster**

All indigent criminal defendants are referred to the IDB for representation.

**Twenty-Seventh Judicial
District Court**

Parish of St. Landry

WITH AMENDMENTS OF
JUNE 2, 2003;
EFFECTIVE JULY 1,
2003

A preliminary determination of indigency shall be made by the Court at magistrate's hearing. The preliminary focus shall be on the accused's resources, liabilities, and ability to pay.

**Twenty-Eighth Judicial
District Court**

Parish of LaSalle

Amended effective
October 12, 2015.

Upon presentation to the Court for a hearing conducted pursuant to Louisiana Code of Criminal Procedure article 230.1, the defendant shall be advised of his right to counsel and bail may be considered. If the defendant requests assistance from the district public defender, that defendant shall be referred to the public defender for evaluation and appointment of counsel. The defendant's appearance may be made, at the discretion of the presiding judge, by telephone and/or audio-visual electronic equipment.

In the event no hearing is held because the prosecution is commenced by citation or the crime alleged is governed by pre-set bond and no appearance by the defendant is made, the court advises of the right to counsel at arraignment or answer hearing.

**Twenty-Ninth Judicial
District Court**

Parish of St. Charles

1. Three (3) indigent defenders assigned to each division of court.
2. Judges appoint counsel at 72 hour hearing or at arraignment after testing of indigency.

**Thirtieth Judicial District
Court**

Parish of Vernon

Counsel is appointed for indigent defendants upon request at the 72 hour hearing, arraignment, or any other time a defendant applies for such.

**Thirty-First Judicial
District Court**

Parish of Jefferson Davis

The appointment of counsel for indigent defendants is done at the 72 hour hearing on a rotating basis between counsel who serve on the indigent defendant counsel list. Appointments of counsel by the court are made at a defendant's advisement, if he is unable to make bail, or at arraignment, if a defendant has made bail.

Thirty-Second Judicial District Court	Court inquiry at magistrate hearing and/or arraignment; appointed by court after determination of indigency.
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Parish of Terrebonne

Thirty-Third Judicial District Court	Indigent counsel is appointed at seventy-two hour hearing (La. C.Cr.P. Art. 230.1), or if no such hearing is had, as soon as practicable.
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Parish of Allen

Thirty-Fourth Judicial District Court	Counsel for indigent defendants may be appointed at magistrate court, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.
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Parish of St. Bernard

Thirty-Fifth Judicial District Court	When the defendant is arraigned, he/she is interviewed to determine if he/she is eligible for an indigent defense. The judge makes a determination upon reviewing the defendant's financial resources and the defendant is notified by certified mail.
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Parish of Grant

Thirty-Sixth Judicial District Court	In compliance with Code of Criminal Procedure Article 230.1, every right-to-counsel hearing is held via video, in person or by telephone, during which each inmate who has been arrested within the previous 72 hours, not including Saturdays, Sundays, and Legal Holidays, is informed of his right-to-counsel.
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Parish of Beauregard

Amended April 20, 2010, effective June 1, 2010; amended effective August 27, 2021.

If an individual is determined to be indigent after completing an application for representation, the court, through the Public Defender's Office, appoints an attorney to represent the indigent defendant in accordance with local court rules.

Thirty-Seventh Judicial District Court	Court appoints IDB at C.Cr.Pr. Art. 230.1 Court Hearing or Arraignment. All Indigent Criminal Defendants are referred to the Indigent Defender Board (IDB) for representation.
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Parish of Caldwell

WITH AMENDMENTS
OF JUNE 2, 2003;
EFFECTIVE JULY 1,
2003

Thirty-Eighth Judicial District Court	Indigent defendants are primarily served by attorneys under contract to the Indigent Defender Board. In the event of a conflict, special counsel are randomly appointed by the judge from a list of volunteer attorneys maintained by the court.
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Parish of Cameron

Thirty-Ninth Judicial	One of two indigent counsel appointed by Judge except for conflicts.
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District Court

Parish of Red River

WITH AMENDMENTS
OF JUNE 2, 2003;
EFFECTIVE JULY 1,
2003

Attorney/Bail Hearings:

Any person entitled to a hearing pursuant to La. C.Cr.P. Art. 230.1 shall either be timely brought before the presiding judge for the purpose of fixing or amending bail and/or appointment of counsel in accordance with the provisions therein, or make appearance by telephone and/or audio/video electronic equipment within the discretion of the presiding judge.

Fortieth Judicial District Court

Parish of St. John the Baptist

Amended eff. Aug. 1,
2010.

On Mondays and Thursdays of each week at 8:30 a.m., or on any other day and time to be determined by the duty judge, the duty judge will appoint counsel in accordance with Code of Criminal Procedure Article 230.1. These hearings may be conducted in person at the Parish Jail or in court, or they may be conducted by telephone or audio-video electronic equipment, at the discretion of the duty judge.

Civil District Court

Parish of Orleans

None.

Criminal District Court

Parish of Orleans

Amended effective August
13, 2015.

Counsel for indigent defendants may be appointed at the magistrate hearing by the presiding duty judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency, or whether defendant has retained other counsel. If the Court appoints counsel, it may appoint the Office of Public Defender or pro bono attorney.

Forty-Second Judicial District Court

Parish of DeSoto

Adopted effective
December 17, 2008.

Determination of counsel shall be made within 72 hours for detained persons or at arraignment.
