

TITLES I, II, and III

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

Appendix 3

Rule No: 3.2 and 9.3

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

1st Judicial District
Court

CRIMINAL

Parish of Caddo

There shall be five sections of the Criminal Division to be designated as Sections 1, 2, 3, 4 and 5. All cases shall be assigned to one of these sections in the manner set forth below:

DESIGNATION OF DUTIES

General. Each judge in the Criminal Division, except the judge assigned to Section 5, shall have duty weeks, bench trial weeks and jury trial weeks on a schedule approved by a majority of the judges of the court and placed on file in the office of the Clerk of Court. The judges in the Criminal Division shall be referred to during a given week of responsibility pursuant to the schedule as the "duty judge," "bench trials judge" and "jury trials judge."

DUTY JUDGE

In addition to presiding at the first appearance of persons confined in jail each morning, Monday through Friday, and receiving assignments during his term as duty judge as set forth in these rules, the schedule for the week of the duty judge shall generally be as follows:

- (a) Mondays--ARGUMENTS ON MOTIONS, SANITY HEARINGS, AND TRIAL OF CASE IN WHICH THE JURY HAS BEEN WAIVED.
- (b) Tuesdays--FELONY ARRAIGNMENTS.
- (c) Wednesdays--MISDEMEANOR ARRAIGNMENTS.
- (d) Thursdays--MISDEMEANOR ARRAIGNMENTS.
- (e) Fridays--FELONY ARRAIGNMENTS.

The period of the duty judge's assignments begins at 9:30 a.m. on the Friday preceding the Monday of his scheduled duty week as scheduled, and runs through 9:29 a.m. on the Friday of said duty week.

Except in matters assigned to Section 5 or which will be assigned to Section 5 pursuant to these Rules, arrest warrants, search warrants and the initial fixing of bonds shall normally be presented to the duty judge for action. A schedule showing the duty judge and the other judges of the Criminal Division shall be posted in the Caddo Parish jail and the second floor bulletin board at all times. Whenever the duty judge is unavailable, it is suggested that the arrest warrant, search warrant, or bond matter first be presented to another judge in Criminal Divisions 1, 2, 3, or 4 before contacting a judge of any other division.

There are no civil or family law duty judges. All pleadings, orders or judgments are signed by the judge to whom the case is assigned, except that in that judge's absence each judge shall make arrangements for another to sign his orders. The assigned judge is to be notified immediately of any civil orders of an emergency nature. If the assigned judge is unavailable, such orders shall be taken to an available Civil Division Judge.

2nd Judicial District Court

Parishes of Bienville, Claiborne and Jackson

Amended effective April 29, 2009

Weekly rotation except for 4th week (opinion week) and any 5th week - set for civil jury trials.

Cases requiring a trial on the merits are assigned to a division when the parties to the lawsuit certify that the case is ready for trial according to the pretrial certification procedure stated in the Second Judicial District Court's Appendix 8 to Uniform Rule 9.14. The Clerk of Court shall assign the case to a division in the order of the date of receipt of the pretrial certification, with the resident judge being assigned two cases to each one case assigned to a non-resident judge.

Pleadings that require the signature of a judge in cases which have not been assigned a division shall be filed with the Clerk of Court, who will present such pleadings to the judge then available for signing orders.

3rd Judicial District Court

Parishes of Lincoln and Union

Judge signs all uncontested matters or orders that simply assign dates for hearings or trials.

4th Judicial District Court

Parishes of Morehouse and Ouachita

Amended effective Jan 9, 2004, amended April 7, 2009, effective January 10, 2010

Please note: Text effective until January 1, 2010

The Civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

In Ouachita Parish, the criminal duty judge shall be the judge assigned to Courtroom 2 and the back up criminal duty judge shall be the judge assigned to Courtroom 4. In Morehouse parish the criminal duty judge shall be the judge assigned to Morehouse Parish for that week and the back up criminal duty judge shall be the civil judge assigned to Morehouse Parish.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided, however, that the criminal duty judge, who has presided all week, shall conduct 72 hour hearings on Fridays at 8:30 a.m.

The back up civil duty judge in Morehouse Parish shall be the criminal duty judge assigned to the Parish for the week. And the back up criminal duty judge for Morehouse Parish shall be the civil duty judge assigned to the Parish for the week.

Please note: Text effective January 1, 2010

The civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

The Court shall enact a criminal duty judge and back-up criminal duty judge schedule, which shall be displayed prominently throughout the courthouse in Morehouse and Ouachita Parishes and posted on the Court's website at www.4jdc.com.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided, however, that the criminal duty judge, who has presided all week, shall conduct 72 hour hearings on Fridays at 8:30 a.m.

All initial pleadings must be presented to the Clerk of Court for random allotment to a Section, to remain with said section regardless of the rotation of the judges in divisions. Thereafter, the judge assigned to the

Section will act on all filings requiring orders or settings. Related cases will be assigned to the Section of the court to which the lowest numbered case was allotted. Related cases are cases arising out of the same accident, transaction or occurrence. Cases asserting the same or substantially the same claims, refilled after dismissal without prejudice either voluntarily or involuntarily shall also be considered related cases.

Existing cases that have never been assigned to a division or allotted to a section shall be randomly allotted to a section.

It shall be the duty of every lawyer enrolled in related cases to call to the Court's attention the fact that it is a related case. All pleadings, orders and judgments shall be filed with the Clerk of Court and then presented to the trial or duty civil judge.

**5th Judicial District
Court**

**Parishes of
Franklin, Richland
and West Carroll**

None, judges rotate between parishes.

ARRAIGNMENTS

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

ALLOTMENT OF CASES

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

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

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

**6th Judicial District
Court
Parishes of East
Carroll, Madison
and Tensas**

Cases are assigned to a division by the Judicial Administrator with odd numbered cases falling in Division A and even numbered cases falling in Division B. The court en banc may reassign cases to another division.

Defaults and routine matters may be taken up in either division regardless of assignment.

**7th Judicial District
Court
Parishes of
Catahoula and
Concordia**

Rotate between parishes, see Appendix 2.

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.

**8th Judicial District
Court
Parish of Winn**

Single judge district

**9th Judicial District
Court
Parish of Rapides**

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

ALLOTMENT OF 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.

**10th Judicial District
Court**

Duty judge rotates every 2 weeks.

**Parish of
Natchitoches**

ALLOTMENT OF CASES

(Amended effective
April 28, 2003)

It shall be the duty of the Clerk of Court or his duly authorized Deputy Clerk, as soon as possible after the filing of any suit, to assign by lot such case to one of the divisions of this Court.

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

Before allotment, any Judge of the Court may render preliminary and 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.

MOTION HOUR

Each Tuesday and Thursday at 9:00 o'clock a.m., or as set by order of court.

**11th Judicial District
Court**

Parish of Sabine

Those pleadings of uncontested matters not allotted that can be signed by any judges are: Succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings. If a controversy arises in connection with these matters, it will be allotted in the same manner as is the filing of a new suit.

ALLOTMENT OF CIVIL CASES

It shall be the duty of the Judge's Office, as soon as possible after the filing of any suit, to assign indiscriminately and by lot, such case to one of the divisions of this Court. Division "A" will allot cases in DeSoto Parish and Division "C" will allot cases in Sabine Parish. The Clerk of Court, or a duly authorized Deputy Clerk, will be present during the allotment of cases. Nine balls of equal size and consistency will be placed in a container, three of said balls designated as Division "A", three designated as Division "B", and three designated as Division "C". When a case is to be allotted the contents of the container should be thoroughly mixed and a ball drawn or ejected from the container for allotment, and shall be allotted to the Division of the Court indicated on the ball obtained from the container. Each case shall be allotted in like manner. As many other balls shall be drawn or ejected as may be necessary to complete the allotment of cases on hand. The balls so drawn shall not be returned to the container from which they were drawn, but shall be kept separate there from until all nine balls have been used. When all nine balls have been drawn or ejected from the container, three cases will have been allotted to each Division of the Court, and then all of the balls shall be returned to the container and the process shall be repeated for further allotment. However, a summary matter in a pending case or in a case which has previously been allotted shall be assigned to the division to which it was initially allotted.

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

Where a suit is filed, involving a summary matter, accompanied by a rule, as a rule for restraining order and injunctive relief, child custody, support, alimony and the like, the suit will first be filed with the Clerk of

Court, docketed and allotted before being presented to a Judge, who shall then fix a hearing on the rule for the next court to be held in the Parish, within the time provided by law, by the Judge of the Division to whom the case has been allotted. The Judges of each Division may, in addition to his regularly scheduled terms of Court, designate two days each month, for each Parish, for hearing such matters as are hereinabove referred to if such additional scheduling is necessary.

Succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings shall not be allotted to a division unless and until a controversy arises in connection therewith, at which time it will be allotted in the same manner as is the filing of a new suit.

In case of absence or disability of the Judge to whose division a case has been allotted, or in the event of vacancy of his or her office, the other Judges of the Court shall be empowered to act in said case as fully as if it had been originally allotted to the division over which he or she presides until the absence or disability shall have ceased, or the vacancy shall have been filled.

After a case has been assigned, if it be dismissed for any reason and if filed again, it shall be heard by the Judge to whom it has been previously assigned, provided it be between the same parties and for the same object, or growing out of the same cause of action.

**12th Judicial District
Court
Parish of Avoyelles**

No duty judges, however,

SESSIONS OF COURT

Open Court filings, preliminary defaults, confirmation of defaults and other uncontested matters may be taken up in either division irrespective of the division to which allotted; these matters will ordinarily be taken up at 9:00 a.m. on Mondays but may be heard at any time court is in session.

ALLOTMENT OF CASES

Civil, Probate and Juvenile Cases: It shall be the duty of the Clerk of Court or the designated Deputy Clerks of Court to publicly allot each civil, probate and juvenile case immediately following its filing, said allotments to be equal between the two divisions of court. The allotments shall be by random selection to be accomplished by such method or by such mechanical device or appliance as may be approved by the judges of this court. After a case has been allotted, all matters relating to said case shall be taken up by the judge of the division to which the case is allotted, except however, uncontested matters may be taken up in either division.

**13th Judicial District
Court
Parish of Evangeline**

The Honorable Preston Aucoin, Division A, is the Permanent Duty Judge.

**14th Judicial District
Court
Parish of Calcasieu**

DUTY JUDGE

Amended effective
January 25, 2005;
Amended effective
February 12, 2008;
amended effective
March 9, 2009

1. The judge of one of the divisions of the court, excluding Divisions C, H & I, shall be randomly assigned each week as duty judge for a period of one week, beginning at 8:30 a.m. Monday and ending at 8:30 a.m. on the following Monday. Judges are authorized to exchange periods of assignment as duty judge, or a duty judge may designate the judge of another division to substitute as duty judge, provided that judge consents to the designations.

2. In civil cases, the duty judge shall exercise all the powers and perform all the duties provided for a duty judge in Article 253.3 of the Code of Civil Procedure, or under any other applicable laws, and shall conduct a general motion hour daily.

3. In criminal matters, the duty judge shall sign warrants, fix bail, and sign all ex parte orders not specifically required by other applicable law to be signed by the judge of another division, provided that the duty judge is not required or expected to fix bail after 11:00 p.m. or before 7:00 a.m.
4. When not conducting general motion hour, the duty judge shall be available each court day from 8:30 a.m. to 12:00 noon and from 1:15 p.m. to 4:30 p.m. to sign ex parte orders as limited by Article 253.3 of the Code of Civil Procedure. The duty judge shall be available on call by phone before and after office hours.
5. The duty judge shall preside over the convening of the central jury pool, and shall consider and act upon any requests for excuse from jury duty by the jurors reporting for service that day; and shall also consider and act upon requests for excuse from jury duty presented while assigned as duty judge.
6. Judicial commitment proceedings will be fixed for hearing only on Wednesdays commencing at 9:00 a.m. and will be heard by the duty judge during Motion Hour.
7. Protective orders not related to Family and Juvenile Court, concerning physical safety, will be fixed for hearing only on Thursdays commencing at 9:00 a.m. and will be heard by the duty judge during Motion Hour.

**15th Judicial District
Court**

**Parishes of Acadia,
Lafayette and
Vermilion**

As amended March 6,
2002, April 30, 2004
and April 1, 2009

DUTY JUDGE

(1) There shall be a Duty Judge in each Parish, on each Judicial Day, from 10:00 to 12:00 Noon in Acadia and Vermilion, and 10:00 A.M. until 3:00 P.M. in Lafayette Parish. No duty Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge. In addition, all motions to withdraw as counsel must be presented to the judge of the division in which the case is pending.

JUDICIAL COMMITMENTS

Judicial commitments will be heard by the duty or backup Judge. Otherwise, a Judge from the Parish of Venue shall take up the matter.

DUTY COMMISSIONER- See R.S. 13:714, et seq.

Sign the duty basket with the exception of the following; to wit:

- (1) motions for new trial;
- (2) motions for a continuance;
- (3) motions for withdrawal of counsel (unless the motion states that opposing counsel has no opposition);
- (4) motions for appeal and,
- (5) judgments, (including "Orders" of an adjudicatory nature).

Motions for continuances and/or withdrawal of counsel shall be subject to the provisions under civil and criminal rules.

Fix bail and hear related matters, as follows: (1) The commissioner shall be primarily responsible for fixing bail. Bail shall be fixed in accordance with policies established by the commissioner, having due regard for constitutional and statutory requirements.

Hold 72 hour hearings in Lafayette Parish on such dates and times as set by the Commissioner in keeping with the time requirements set forth in C.Cr.P. Art. 230.1.

In Lafayette Parish, make probable cause determinations in accordance with the requirements of C.Cr.P. Art. 232.

In Lafayette Parish, hear writs of habeas corpus filed under C.Cr.P. Art. 701B (failure to timely bill).

In Lafayette Parish, act in misdemeanor and traffic charges, including hearing preliminary motions, accepting pleas, conducting trials and adjudicating any matter pending before the Court.

In Acadia and Vermilion Parishes, conduct trials and adjudicate criminal neglect of family cases (R.S. 14:74), if the defendant or his attorney do not consent to the Hearing Officer hearing the trial.

In Lafayette Parish, qualify the jury pool, grant exemptions and hear and determine excuses.

Act as arbitrator for Small Claims.

Handle such other miscellaneous duties as may be assigned by the Judges, including, but not limited to, receiving the report of the Grand Jury, signing search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

Perform ministerial duties including but not limited to, certifying notarial candidates for appointment, officiate at marriage ceremonies, and such other duties as may be assigned by the District Court Judges.

JUDICIAL REVIEW AND APPEALS

Whenever a matter filed with this court, whether on judicial review or appeal, it shall be the duty of both the clerk and the attorney filing the matter to immediately notify the judge of the division to which the case has been allotted in writing of that fact.

In matters before the Court on judicial review or appeal, when an answer has been filed and/or the record to be reviewed is complete, it shall be the duty of the Clerk to immediately transmit the record to the judge of the division to which the case has been allotted.

ALLOTMENT OF CASES

Before allotment any judge may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders, and in his discretion, grant an extension of time in which to plead. In any non family docket suit in which there is a request for a Temporary Restraining Order, the suit must be filed and assigned to a division before any Order may be submitted to a Judge for signature. Orders in such cases should be signed by the assigned Judge only. A Judge may enter an order granting a TRO outside his or her division only in an emergency situation where the assigned Judge cannot be contacted. Once the case has been allotted, all preliminary matters and trial on the merits shall be taken up by the judge of the division to which the case is allotted. Any matter which requires expedited hearing by virtue of specified legal delays may be heard by any judge who will be sitting in the parish where the suit is pending, within the period of the legal delays, by consent of the judge who has been allotted the case. Any uncontested matter, preliminary default or confirmation of default may be taken up before any division.

Once a case has been consolidated, that case shall remain in the newly designated division to which it was transferred by virtue of the consolidation, regardless of whether any of the other matters with which it has been consolidated are settled, dismissed, or otherwise resolved.

CONTINUANCES

No Judge shall sign an order granting a continuance in a case outside his or her division, unless specifically authorized by the presiding Judge.

EX PARTE APPLICATIONS

Whenever application is made ex parte for an order, counsel presenting it shall state whether any previous application has been made for such order, and if made, to what judge, and what order or decision was made thereon, and what new facts, if any, are claimed to be shown, and why the application is not renewed to the Judge who originally refused the order.

Any motion for an extension of time shall contain a statement as to whether this motion is for the first, second, or subsequent extensions requested.

WITHDRAWAL OF SUIT RECORD

1. Any attorney admitted to practice law in Louisiana and maintaining an office within Lafayette, Vermillion or Acadia Parish may withdraw a court record from the Clerk of the Parish where the attorney maintains his/her office of an open or closed civil case without an order of Court. Paralegals, secretaries, law clerks, investigators and other representatives may withdraw records on behalf of attorneys upon presentation of a written request by the attorney to the Clerk of Court. These representatives shall be subject to all rules treating the subject of withdrawal of records.
2. All other persons must secure a court order for withdrawal of a court record. A written receipt shall be given to the Clerk by the person withdrawing the record.
3. All withdrawn suit records shall be returned to the Clerk's office within five (5) days after withdrawal, subject, however, to the exception set out in this rule.
4. No civil suit record may be withdrawn within ten days of the trial or any hearing in the case without an order of Court.
5. Any person who has withdrawn a suit record shall, upon request of the Clerk of Court, return the suit record to the Clerk's office within twenty-four hours.
6. If a suit record is not timely return as set forth in items 3, 4 or 5 above, the offending attorney and his representatives shall be prohibited from withdrawing any additional suit records. This prohibition shall remain in effect until all suits records checked out to the attorney have been return to the Clerk of Court.
7. All suit records shall be returned intact and without damage. If a suit record is returned in damaged condition, the attorney to whom the suit record was checked out shall pay to the Clerk of Court the cost of repair or, if not repairable, the cost of replacement, of the record.
8. Any member of a judge's staff may withdraw a civil suit at any time without an order of Court.
9. The Clerk of Court, of the Court on its own motion, may institute a Rule for Contempt against anyone who violates these rules concerning withdrawal of civil suits. If found to be in violation, the sanction imposed may, in the discretion of the Court, include the forfeiture of the privilege of withdrawing civil suits in the future as well as any other available contempt sanctions.

**16th Judicial District
Court
Parishes of Iberia,
St. Martin and St.
Mary**

ALLOTMENT OF CIVIL CASES

1. After an initial marital proceeding has been allotted, all subsequent proceedings shall be assigned to the same division. The subsequent proceedings may be assigned a new docket number. Contested adoptions and successions shall be allocated similarly.
2. Before allotment, any Judge may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders, and may grant extensions of time in which to plead.
3. Once a case has been allotted all exceptions, motions, rules and trials on the merits shall be taken up by the Judge of the division to which the case is allotted, provided, however, that any uncontested matter, preliminary default or confirmation of default may be taken up before any division.
4. In the event of legal or voluntary recusal, the clerk shall re allot the case using the same procedure as for the initial allotment. Where the docket is carrying more than its fair share of the cases, or otherwise according to the discretion of the Judges, any case may be transferred from one division to another by order approved by both Judges concerned; provided, however, that when two cases are consolidated for the purpose of trial, the case having the highest docket number shall be transferred to the court division to which the case having the lower docket number has been allotted.
5. In the event of emergency, including prolonged absence of the Judge of any division and the anticipation thereof, the remaining Judges shall order that no case shall be allotted to said division until there is a Judge thereof available to conduct the Court's business, and in such absence or anticipated absence due to death, resignation, incapacity or otherwise, the remaining Judges may likewise order reallocation of all pending

cases or such of them as the interests of justice may require, and each remaining Judge is empowered in such event to transfer, from such division then inoperative, any particular case in which a party is entitled under the law to a speedy hearing or any such particular in which the interests of justice call for such transfer and hearing.

6. The drawing for allotment referred to herein shall be made by the Clerk of Court or the Chief Deputy Clerk of Court, or by the acting minute or docket clerk duly designated.
7. After any case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record, and in the docket book.
8. Any uncontested adoption or succession matter may be presented to any Judge for hearing or for signature of orders.
9. When a motion is made pursuant to LSA C.C.P. art. 154 to recuse a judge, and said judge chooses not to recuse himself or herself, then said judge shall have the motion to recuse referred to another judge of this court in the manner provided herein for allotment of civil cases, except that the Clerk of Court (or his Chief Deputy) shall immediately thereafter return the ping pong type ball to the machine, since the judge to whom the motion is thereby impartially referred will not be allotted the case but only the disposition of the motion. Should the judge to whom the motion is thus referred rule in favor of recusal, then the case shall be re allotted in the said manner provided for allotment of civil cases, except that allotment thereof shall not be made to either the recused judge or the judge to whom the motion was referred.

The provisions contained in this appendix may be relaxed in the discretion of a Judge where unreasonable delay may be occasioned by its enforcement.

**17th Judicial District
Court
Parish of Lafourche**

ALLOTMENT OF CASES

Allotment of Civil Cases: Upon filing, all civil matters shall be allotted to a division of this Court by random allotment. The Clerk of Court shall devise a system whereby civil cases shall be equally divided among the divisions of court.

DUTY JUDGE

Each division of court shall serve as civil duty judge, with a daily rotation in alphabetical, sequential order, commencing with Division "A" on the first day court is in session in September of each year. Division "A" shall be the next division in alphabetical sequence of Division "E". The civil duty judge shall have the authority specified in Louisiana Code of Civil Procedure Article 253.3.

In the event the civil duty judge is absent from the court house located in Thibodaux, Louisiana, the judge of the next division of court in alphabetical sequence who is present in the courthouse located in Thibodaux, Louisiana, shall serve as civil duty judge.

Default Judgments: A judgment by default must be obtained and a judgment by default must be confirmed before the judge of the division of the court to which it has been allotted, or before the civil duty judge authorized by Article 253.3. of the Louisiana Code of Civil Procedure.

In criminal matters, the duty judge conducts arraignments and magistrate hearings daily, sets bonds, and generally responds to matters involving criminal cases. However, the criminal duty judge has no authority to sign any pleadings or orders in cases not allotted to that judge's division.

**18th Judicial District
Court
Parishes of Iberville,
Pointe Coupee and
West Baton Rouge**

No duty judges.

Reduction of Bond. Only the Judge who fixes the criminal bond shall be empowered to reduce this bond without a hearing unless that particular Judge is out of the State for an unreasonable length of time. The felony Judge sitting in the Parish where the crime was committed may reduce the bond after a hearing.

Setting of Bond. Any Judge available to the Sheriff's office may set a criminal bond.

Preliminary Hearings. All preliminary hearings and writs of habeas corpus shall be handled by the assigned Criminal Judge for a particular parish during his criminal term, except when the presiding judge is the sentencing judge in the writ of habeas corpus.

**19th Judicial District
Court
Parish of East Baton
Rouge**

The Civil Duty Judge shall be assigned to handle all uncontested civil orders, entry of preliminary defaults, confirmation of defaults, probate of testaments, examination of judgment debtors, writs of habeas corpus not involving a criminal statute or germane to a criminal proceeding, commitments under the Mental Health Law, and, in general, to handle all routine matters not involving a contest between the parties and in which no contest is indicated. These matters shall not include: a temporary restraining order, an order setting a matter for hearing on rule day, an amended pleading, or a motion for extension of time.

DUTY JUDGE JURISDICTION

Counsel shall not present to the Duty Judge any matter which is related to, bears upon, or affects a contested hearing already docketed in the case. Such additional matters must be presented to the judge to whom it is assigned.

Any motion to amend, vacate or nullify a final judgment or for a new trial in a case heard by the Duty Judge upon confirmation of default shall be presented to and heard by the judge who signed the original default judgment. If a new trial is granted as to any party upon any issue and a contradictory hearing on the merits thereby becomes necessary, the case shall not thereafter be heard by the Duty Judge but shall be heard by the judge regularly presiding over the Division to which the case is allotted.

The Criminal Duty Judge or a Commissioner of the Court, where the Commissioner has been granted such authority, shall have the following responsibilities: hear all matters relating to persons in custody except trials, hearings and motions; authorize all search and arrest warrants; act on all extradition matters including hearings; act on all matters submitted to the Court by the Coroner, other than those arising under the Mental Health Law and not relating to the commitment of a prisoner; fix bail and appoint counsel when appropriate; preside at all trials of traffic offenses and all appeals from the City Court; hear all petitions for Writs of Mandamus relative to prisoners and criminal matters; and consider all petitions for Writs of Habeas Corpus filed by a person not incarcerated by virtue of a judicial order.

ALLOTMENTS

The Judicial Administrator, or a person designated by him and under his immediate supervision, shall, upon the filing of any new civil proceeding and the payment of all costs chargeable thereto, immediately and publicly allot same to a Division of the Civil Court in a manner and by the use of a mechanical or electronic device to insure the equal assignment by chance and by lot, among the Divisions of the Civil Court, of all such civil filings of whatever nature or character. The method of allotment shall be subject to the direct supervision of the Court and shall at all times protect the integrity of the mandate that over any given period of time each judge of the Civil Court shall be assigned an equal number of cases of the same type and the individual allotment shall be by pure chance among all the Civil Divisions, without any exceptions whatsoever.

Any and all allotments as described in this rule shall be reported immediately by the Office of the Judicial Administrator to the Office of the Clerk of Court.

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

Suits or proceedings not in their nature original, but growing out of suits or proceedings previously pending, such as actions of nullity of judgment, or to restrain or regulate the execution of process, mesne or final, in suits previously pending, shall not be docketed as separate suits, but shall be treated as parts of the original suits out of which they arise, shall be docketed and numbered as parts of such suits, and shall follow the prior allotment or assignment to the respective Division of the Court. Whenever, by error or oversight, this rule shall be violated, the Judge to whom the matter shall have been allotted shall have power to order same transferred to the proper Division, there to be consolidated with the original suit.

Any person who takes any action for the purpose of circumventing the chance allotment established by this rule shall be in contempt of court. Section Referral of Matters to Commissioners See R.S. 13:713

In addition to the duties and authority stated in R.S. 13:713, once one of the following pleadings is filed and allotted in compliance with this section, it shall be alternately referred to a commissioner for initial screening and further action in accordance with law:

(A) An ordinary suit filed by an offender/prisoner, as defined in Title 15, against the Department of Corrections or Sheriff of East Baton Rouge or any employee thereof, when based on a cause of action that arose while the Plaintiff was incarcerated in the custody of the Department of Public Safety and Corrections or the Sheriff of East Baton Rouge. Ordinary suits that require a jury trial and have been allotted to a commissioner will be referred to the divisional judge for further action/proceedings.

(B) A suit for Judicial Review of an Administrative Decision, including but not limited to Prison Administrative Remedy Requests, Disciplinary Board Appeals, Lost Property claims that do not involve tortious conduct, Time Calculation or Good Time complaints, even if urged as a writ of habeas corpus, Duty Status Complaints, or other complaints involving an internal prison grievance;

(C) An Application for Post Conviction Relief except PCR applications involving 1st degree murder convictions.

(D) A suit challenging a parole revocation.

(E) Any other pleading/complaint filed by an offender/prisoner that is specifically referred in writing by a Judge to a Commissioner.

20th Judicial District Court

Parishes of East Feliciana and West Feliciana

All matters are randomly allotted.

The Clerk of Court for the Parish of East Feliciana and the Clerk of Court for the Parish of West Feliciana shall establish a special "duty judges" folder for presentation at least once each week to the presiding judge in the appropriate parish. Ministerial matters requiring the signature of a judge such as petitions to make judgment executory, petitions for garnishment, judgment debtor rules, preliminary defaults, approval of out of parish bonds, appointment of curators, appointment of private process servers and the like, regardless of the division assigned, shall be placed in the "duty judge" folder for signature by the then presiding judge. Any matters allocated to the "duty judge" folder may, if deemed inappropriate for inclusion by the duty judge or the judge of the division assigned, be returned to the appropriate division for further action.

21st Judicial District Court

Parishes of Livingston, St. Helena and Tangipahoa

Amended effective November 20, 2002

DUTY JUDGES

1. The judges of this court shall be assigned the responsibility of duty judge on a rotating basis, as set forth on the Official Court Calendar. The judge(s) assigned as duty judges on the Official Court Calendar shall be the "Primary Duty Judge(s)." The responsibilities of the primary duty judge(s) shall commence at 8:00 a.m. on Monday of the assigned week, and shall continue through 8:00 a.m. the following Monday. The primary duty judge(s) shall be available on a twenty four hour basis, and shall have primary authority for the signing of all orders, warrants, and other matters including the setting of bail. The primary duty judge(s) shall further conduct all criminal and civil matters as set forth on the Official Court Calendar.

2. In addition to the primary duty judge(s), all other judges of this court are further designated as "duty judges," for purposes of the application of Article 253.3 of the Louisiana Code of Civil Procedure, and may sign all such orders as are authorized under that article, or any other applicable provision of law.

3. In accordance with the provision of Article 253.3 of the Louisiana Code of Civil Procedure, each judge in this judicial district specifically and expressly authorizes the primary duty judge(s) to sign all orders, and hear all matters, including, specifically, confirmations of default judgments where no answer or other opposition has been filed, in cases which are allotted to the several divisions of this district.

4. The authority conferred in Sections 2 and 3 above shall not extend to the granting of continuances in

matters set for trial or hearing, unless specific authority for such action is conferred by the judge to whom the case has been allotted. This authority shall not extend to the hearing of contested trials or other matters in which issue has been joined, unless specific and express authority to hear same is conferred by the judge to whom the matter has been allotted, and all parties to the litigation agree to such hearing.

5. The authority conferred in Sections 2 and 3 above shall not apply to instances in which an ex parte request for immediate custody is requested. In such instances, the matter must first be presented for review by the judge to whom the case is allotted. If that judge is not available, the matter may then be presented to a primary duty judge for consideration, and the judges hereby grant specific and express authority to the primary duty judge to sign such order in cases deemed to present an emergency situation.

6. The provisions of this rule shall constitute confirmation and ratification of the "specific and express" authority required by Article 253.3 of the Louisiana Code of Civil Procedure.

7. Successions will not be allotted unless a contest arises.

CIVIL CASES

1. All civil cases will be allotted as soon as they are filed. For this purpose, the clerks of Court, or the appointed representatives, shall utilize either an electronic process or mechanical apparatus approved by the Court which will contain an equal number of random chances for each division of the court. As each new petition is filed, the case shall be immediately allotted at random, utilizing the approved method, until all have been exhausted, at which time the electronic apparatus shall reprogram with equal random chances for each division of the court, or the mechanical apparatus shall be refilled with an equal number of random chances, and re utilized. The method utilized for allotment shall be designed in such a manner that the assignment to divisions will be solely by chance. The drawing or allotment will take place publicly in the clerks of Court's offices. The division to which each case is allotted will be inscribed immediately upon the petition and the copy that is to be served.

After a civil case has been allotted, it will remain in the division to which it has been allotted unless it is transferred by joint order of both the judge of the division to which the case is allotted and the judge of the division to which the case is being transferred, when authorized by law.

2. In all civil cases filed prior to August 3, 1998, in which there has been a previous request to assign the matter for trial, the case shall remain allotted to the same division to which it was originally allotted.

In all civil cases filed prior to August 3, 1998, in which no request to assign for trial has been filed prior to that date, but in which a request to assign for trial is filed subsequent to that date, the case shall be reallocated, one time only, among all divisions of this Court, and thereafter, shall remain permanently allotted to the new division to which it is assigned.

3. Successions will not be allotted unless a contest arises.

RECUSAL OF JUDGE

1. In the event that a motion, to recuse the presiding judge to whom a civil case, is assigned for a contradictory hearing, one of the other judges shall be assigned to hear the recusation proceedings through a random process.

2. The judicial administrator or the designee of the judicial administrator shall maintain, for purposes of allotment of recusation hearings, a separate mechanical apparatus containing one chance for each division of the court. Once an order is signed granting a recusation hearing, the judicial administrator shall utilize this device to assign a judge to hear the recusation through a blind drawing from the mechanical apparatus a chance representing the division of court to which the recusation hearing shall be assigned. In the event that the chance of the division sought to be recused is drawn, the judicial administrator shall place this chance to the side, and shall then assign another division to the recusation hearing, and then replace the chance of the judge sought to be recused back into the mechanical apparatus.

3. The judicial administrator or the designee of the judicial administrator shall maintain a record of each chance so expended. When only one division's chance remains unexpended in the mechanical apparatus, one additional chance for each division shall then be redeposited into the mechanical apparatus, and the process of allotment shall continue, utilizing the same method.

4. In no event shall the state, the defense, the plaintiff or defendant, or any person, be allowed to influence the allotment of any criminal or civil case.

FAMILY AND DOMESTIC CASES

1. In domestic cases, all pleadings involving the same family units shall be allotted to the same division of court, under the process set forth in Section 1, above. When a petition in a civil divorce action, protective order case under Title 46 of the Revised Statutes, or a rule for support initiated by the State of Louisiana is filed, that matter shall be immediately allotted, and any subsequent filing in any of these types of proceedings shall be filed in the same proceeding as the pleading first filed.

2. In family or domestic cases originally filed prior to August 3, 1998, and wherein as of that date there is a pending rule or trial, the case shall remain in the assigned division until the pending rule or trial has been completed and a judgment or order rendered. Thereafter, or if there is no pending rule or trial as of August 3, 1998, and a new rule is filed after that date, the case shall be reallocated, one time only.

22nd Judicial District Court
Parishes of St. Tammany and Washington

Amended effective
April 1, 2009

Confirmations of default judgment in civil cases may be taken by any general jurisdiction division (A through J) regardless of allotment, unless the judgment sought contains discretionary damages, in which case it must be confirmed before the division to which it is allotted. For confirmations of defaults in divorce matters, see 22nd Judicial District Court rules under "Title IV Family and Domestic Relations Proceedings."

All motions, orders and preliminary matters requiring hearing shall be filed and allotted to the proper division prior to being presented to the judge for signature and assignment. If the judge in the allotted division is unavailable, any matter which may be signed by a duty judge under the Code of Civil Procedure Article 253.3 should first be presented to the duty judge for the week in Washington and St. Tammany Parishes, as shown by the designation "WPD" or "STPD" on the Court calendar. If the duty judge is unavailable, such order may be signed by any available judge who shall be the duty judge for the purpose of that Article. All pleadings requiring signature by a judge shall be presented by the attorney, or a member of his/her staff, and not by the client.

23rd Judicial District Court
Parishes of Ascension, Assumption and St. James

Rotates weekly.

(1) Uncontested Probate Matters may be presented to the presiding judge.

24th Judicial District Court
Parish of Jefferson

MAGISTRATE

1. Magistrate duty hours are from 9:00 a.m. until 4:00 p.m. with lunch from 12:00 p.m. until 1:30 p.m. Phone calls regarding magistrate duty will be accepted from 9:00 a.m. until 10:00 p.m.

2. When the District Judge to whom a case has been allotted is truly unavailable, matters which must be taken up without delay will be presented to the District Judge designated by the absent Judge. If no District Judge has been designated, then first to the Magistrate Judge for the week, thereafter to any Judge whose court is on the same floor as the original Judge, then to any Judge. Except in extraordinary circumstances, "truly unavailable" means out of the courthouse. Neither records nor documents presented for signature to the magistrate or any Judge to whom the case was not allotted may be left in such division for signature. Such documents must be immediately signed and thereafter returned to the allotted division or clerk. If immediate signature is not possible, the documents or record must be returned to the allotted division or to the clerk.

Where an emergency filing is necessary (and allotment is not feasible), it shall be the duty of the Magistrate to act upon these emergency filings occurring after 4:00 p.m. and on the Judicial Holidays

ALLOTMENT; DISABILITY OF JUDGE; TRANSFER; RECUSATION; CONSOLIDATION

Section 1. All causes entered upon the five dockets shall be allotted by class upon filing in accordance with the following schedule:

CLASS I. Paternity suits, divorce, separation, annulment, partition of community property, adoption, and all rules relative to spousal support, child support, custody and all matters related to or incidental to domestic or family matters.

CLASS II. Expropriation, injunctions and habeas corpus matters (writ docket).

CLASS III. Damage suits, torts, and contracts (damage docket).

CLASS IV. Workmen's compensation suits.

CLASS V. Concursus proceedings, successions, tutorships, suits for change of name, commitments, interdictions, executory process, petitions for garnishments, petitions for making judgments executory, sequestrations, money demands, open accounts, suits to quiet title, notes, and suits for past due wages (miscellaneous docket).

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

Section 3. Before allotment, any Judge of the Court may, as permitted by and in accordance with the provisions herein: render preliminary and interlocutory orders, grant conservatory writs and issue executory process in any case, without, however, preventing the regular allotment thereof; and before allotment, may, in his or her discretion and upon proper showing, grant an order for extension of time in which to plead. After allotment, any Judge of the Court may, where permitted by and in accordance with General Rule 8 of these rules and where permitted by law, render all such orders as are allowable "ex parte."

Section 8. Dismissal and Refiling of Suits to Avoid a Particular Judge.

DISCIPLINARY ACTION

There exists a presumption that any attorney who files, dismisses and refiles a suit within thirty (30) days is doing so for the express purpose of avoiding a particular judge. When a suit is refiled within this time period, it is to be reallocated to the original division and the second filing fee forfeited. This presumption may only be overcome by a showing made by the attorney that the dismissal and refile of said suit was not an attempt on his/her part to avoid a particular judge.

MOTIONS TO SET; TRIAL DOCKETS

Section 1. All cases that have been allotted and all proceedings in connection therewith may, at the discretion of the Division Judge, be set for trial upon written motion filed by the counsel seeking such trial. In this instance, the motion to set shall be accompanied by a certificate that all parties have answered or preliminary defaults have been taken against them, including third party defendants, all depositions and discovery have been completed and all medical treatments to date are complete and that all exceptions and preliminary matters have been disposed of, and the matter is ready for a pre trial conference or to be set for trial.

A status conference for the purpose of selecting a trial date appropriately in the future, as well as cut off dates for witness lists, expert reports, and discovery. At this status conference a date for a pre trial conference to occur shortly before trial may also be selected. The dates selected will be reduced to a scheduling order signed by the parties and the court.

**26th Judicial District
Court**

**Parishes of Bossier
and Webster**

(as amended
December 16, 2004,
effective March 1,
2005); Amended
Effective January 1,
2008.

I. BOSSIER PARISH

"A" Functions – Civil Duty Judge on Non-Jury Weeks

Monday - Civil Motion Hour; Civil Motions and Exceptions; Juvenile Court; Adoptions; Minor's Settlements (Except Jury Weeks)
Tuesday - Felony Arraignments; Criminal Motions and Remands; 72-Hour Hearings; Revocation Hearings @ 1:30 P.M. (Except Jury Weeks)
Wednesday - Traffic and Misdemeanor Arraignments; 72-Hour Hearings; Remands and Trials (Except Jury Weeks)
Thursday - Civil Motion Hour and Civil Rules (Except Jury Weeks)
Friday - Civil Motion Hour and Civil Trials; 72-Hour Hearings (Except Jury Weeks)

"B" Functions – Criminal Duty Judge on Non-Jury Weeks

Monday - Civil Motion Hour and Civil Trials (Except Jury Weeks)
Tuesday - Felony Arraignments; Criminal Motions and Remands; Revocation Hearings @ 1:30 P.M. (Except Jury Weeks)
Wednesday - Traffic and Misdemeanor Arraignments; Remands and Trials (Except Jury Weeks)
Thursday - Civil Motion Hour and Civil Rules (Except Jury Weeks)
Friday - Civil Motion Hour and Civil Trials; (Except Jury Weeks)

"C" Functions – Duty Judge on Jury Weeks

Monday - Civil Motion Hour and Civil Trials; 72-Hour Hearing @ 9:00 a.m. and Juvenile Court (during jury weeks and NO Civil Trials during Jury Weeks)
Tuesday - Felony Arraignments; Criminal Motions and Remands; Revocation Hearings @ 1:30 P.M.; 72-Hour Hearings @ 9:00 a.m. (during jury weeks)
Wednesday - Traffic and Misdemeanor Arraignments; Remands and Trials on Non-Jury Weeks; Jury Weeks - Civil Motion Hour and Limited Traffic & Felony Arraignments, Felony Remands, No Misdemeanor Trials; 72-Hour Hearings @ 9:00 a.m.
Thursday - Civil Motion Hour and Civil Rules; 72-Hour Hearings @ 9:00 a.m. (during jury weeks)
Friday - Civil Motion Hour and Civil Trials during Non-Jury Weeks; Assigned □Traffic and Misdemeanor Trials and 72-Hour Hearings @ 9:00 a.m. during Jury Weeks.

"D" Functions – Criminal Duty Judge on Jury Weeks When Scheduled in Bossier Parish

Monday - Civil Motion Hour and Civil Trials
Tuesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar
Wednesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar
Thursday - Civil Motion Hour and Civil Rules
Friday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

"E" Functions

Monday - Civil Motion Hour and Civil Trials
Tuesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar
Wednesday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar
Thursday - Civil Motion Hour and Civil Rules
Friday - Civil Motion Hour and Civil Trials; or in Webster Parish if Reflected on Court Calendar

II. WEBSTER PARISH

"A" Functions

Civil Motion Hour at 9:30 A.M. on Tuesday, Wednesday & Fridays
(Confirmation of Defaults on Tuesday and Friday only)

Monday- Felony Arraignments, Criminal Motions, 72-Hour Hearings; Revocations, Remands, Adoptions; Juvenile Court @ 1:30

Tuesday - Civil Motion Hour, Motions, Exceptions and Civil Rules

Wednesday - Civil Motion Hour and Civil Trials; 72-Hour Hearings

Thursday - Civil Trials

Friday - Civil Motion Hour, followed by Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings

"B" Functions

Monday - Felony Arraignments, Criminal Motions, Revocations, Remands; Occasional Civil Trials

Tuesday - Civil Motion Hour and Civil Rules

Wednesday - Civil Trials

Thursday - Civil Trials

Friday - Civil Motion Hour; followed by Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings (Jury Weeks Only)

"C" Functions

Tuesday - Civil Motion Hour and Civil Rules

Wednesday - Civil Motion Hour and Civil Trials

Friday - Civil Motion Hour, followed by Misdemeanor Criminal and Traffic Arraignments, Remands and Trials; 72-Hour Hearings (Jury Weeks Only)

III. BOTH PARISHES

The Parish Duty Judge for each week will be available until 3:00 P.M. each work day to sign orders. All orders not requiring personal contact with the Duty Judge should be left in the Office of the Clerk of Court before 3:00 P.M. for signature by the Duty Judge each regular court day.

**27th Judicial District
Court
Parish of St. Landry**

(as amended June 2,
2003, effective July
1, 2003)

Allotted in accordance with Code of Civil Procedure Article 253.1. All cases in the 27th Judicial District Court, criminal and civil alike, are randomly allotted equally between the four (4) judges. However, an exception exists for traffic, non support, protective order and juvenile matters, which shall be assigned month to month to the criminal judge on the criminal bench at the time of said allotment.

Once a case has been allotted to a particular division, all proceedings in that case shall be conducted by the judge to whom it is allotted, unless the case is consolidated into another division in accordance with these rules or the judge is recused. This rule shall not prevent a judge from conducting a hearing confirming a default judgment or hearing an uncontested matter in a civil matter allotted to another division.

The Clerk of Court shall develop a system of allotment that shall be open to public viewing.

When a motion to recuse is filed, a judge recuses himself, or a judge has been recused on the motion of any party, the case shall be referred to the appropriate judge under the following allotment procedure:

REFERRAL OF RECUSAL

Recusal Involving Judge of Division A

Cases with Docket Judge to Whom

Number Ending Referred

1- 3 Div. B

4- 6 Div. C

7-10 Div. D

Recusal Involving Judge of Division B

Cases with Docket Number Ending	Judge to Whom Referred
1-3	Div. C
4-6	Div. D
7-10	Div. A

Recusal Involving Judge of Division C

Cases with Docket Number Ending	Judge to Whom Referred
1-3	Div. D
4-6	Div. B
7-10	Div. A

Recusal Involving Judge of Division D

Cases with Docket Number Ending	Judge to Whom Referred
1-3	Div. A
4-6	Div. B
7-10	Div. C

WITHDRAWAL OF RECORDS

1. Any attorney admitted to practice law in Louisiana may withdraw any court record of an open or closed case without an order of Court. All other persons must secure a court order for withdrawal of a court record. A written receipt shall be given to the Clerk by the person withdrawing the record.
2. All court records that are withdrawn shall be returned to the Clerk's office within five (5) days after withdrawal, subject, however, to the exception set out in this rule.
3. Only an attorney of record may withdraw a civil suit within ten days of the trial or any hearing in the case without an order of Court. The phrase "attorney of record" includes any member of the law firm of an attorney of record.
4. Paralegals, secretaries, law clerks, investigators and other representatives may withdraw records on behalf of attorneys upon presentation of a written request by the attorney to the Clerk of Court. These representatives shall be subject to all rules treating the subject of withdrawal of records.
5. Any civil law suit that is withdrawn within ten days of the trial or a hearing in the case must be returned to the Clerk's office within twenty four hours after withdrawal.
6. A civil suit cannot be withdrawn within twenty four hours of the trial or the hearing of the case except on written order of the Court.
7. Court reporters, docket clerks, and minute clerks may withdraw a civil suit at any time without an order of Court by giving a written receipt for it.
8. Anyone who violates the rules concerning withdrawal of civil suits may, in the discretion of the judges, forfeit his or her privilege of withdrawing civil suits in the future.
9. Records of allotted criminal cases shall not be withdrawn from the Clerk of Court's office without written authorization of a judge.
10. In non allotted cases, the criminal duty judge shall be empowered to grant the authorization for removal, and in his absence, any judge may grant the authorization.
11. The above provisions notwithstanding, those court records which have been ordered sealed by the Court pursuant to Louisiana Code of Civil Procedure 1426 or any other applicable law shall be so identified and are not to be unsealed, withdrawn or viewed without a written court order. The Clerk of Court shall designate a specific location as the repository of sealed court records and have the legal responsibility for the security and maintenance of the records as provided by Louisiana Code of Civil Procedure 251.

TRANSFER AND CONSOLIDATION OF CASES

When cases are consolidated, the cases shall be consolidated into the division bearing the lowest docket number. If the judge in whose division the cases are allotted should be recused, then it shall be consolidated into the next lowest number.

**28th Judicial District
Court
Parish of LaSalle**

Single judge district.

**29th Judicial District
Court
Parish of St. Charles**

Rotates monthly.

The Duty Judge shall:

1. Serve as the Committing Magistrate for all criminal matters, including the following responsibilities:
 - a. All weekend and holiday emergencies.
 - b. Fixing bail.
 - c. Appointment of attorneys to represent indigent defendants.
 - d. All other matters relating to persons in custody, except when the case has been allotted to another judge and that judge is available.
 - e. Authorization of all search and arrest warrants.
 - f. Authorization of expenditures from the Fines and Forfeitures and Criminal Courts funds.
 2. Handle all civil matters not referable to the allotted judge, including:
 - a. Default judgments, if the allotted judge is unavailable.
 - b. Actions such as civil commitments, injunctions, habeas corpus or other summary proceedings in emergency cases when the judge to whom the matter is allotted cannot be located after diligent effort.
 3. It shall be the responsibility of the duty judge to provide for his replacement during times of his unavailability.
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**30th Judicial District
Court
Parish of Vernon**

Rotate monthly.

**31st Judicial District
Court
Parish of Jefferson
Davis**

Single judge district.

**32nd Judicial District
Court
Parish of
Terrebonne**

Weekly assignment of civil and/or criminal duty, rotation as designated by judicial administrator; duty judge signs only non allotted pleadings and non contested matters, probate of testament, examination of judgement debtors, domestic abuse petitions, commitments; office hours 8:30 a.m 4:30 p.m., Monday through Friday.

ALLOTMENT OF CASES

It shall be the duty of the Clerk of Court to publicly allot civil cases equally among the division of Court immediately following the filing of the cases.

CRIMINAL DUTY JUDGE

The Judge of each Section shall be designated as "Criminal Duty Judge" for a period of one week (Friday, 4:30 P.M. until Friday, 4:30 P.M.), in rotation as provided by the Judicial Administrator.

The Criminal Duty Judge shall maintain regular office hours between 8:30 A.M. and 4:30 P.M. It shall be the responsibility of the Duty Judge to provide for his replacement during the time of his unavailability.

Among the responsibilities of the Criminal Duty Judge shall be the responsibility to magistrate those people arrested during the one week period, assign 72 hour hearings for the Child Welfare Department, including the giving of verbal custody authority. All verbal custody orders given during the term of the Duty Judge shall be set for hearing and tried by the Duty Judge who was on duty at the time of the verbal custody being granted. If for some reason, the Duty Judge cannot be reached for verbal authority, then any other Judge can grant verbal authority, however, it shall be the Duty Judge's responsibility to hear the 72 hour hearing as to any verbal custody orders granted during the term of the Duty Judge.

It shall also be the responsibility of the Criminal Duty Judge to convene and receive returns from the Grand Jury. The District Attorney shall inform the Duty Judge as to when he will have the Grand Jury in session, and when a return will be made, in order that the Criminal Duty Judge can make himself available for said matters. Should the Duty Judge be unavailable, any Judge may convene and receive returns from the Grand Jury on behalf of said Duty Judge.

**33rd Judicial District
Court
Parish of Allen**

All matters subject to random allotment to a particular division shall be made by the Clerk of Court in accordance with La. C.C.P. Art. 253.1.

Amended effective
April 15, 2003;
March 3, 2009

All civil pleadings (except those cases filed under Title IV-D Social Security Act) shall be randomly allotted to a particular division before presentation of a pleading to any judge.

When cases assigned to different divisions of Court are consolidated for trial, they shall be consolidated under the lowest docket number and assigned to the division of Court to which said lowest docketed numbered case was assigned. An exception to this rule shall exist when, in the interest of efficient administration of justice and due to extensive pre-trial activity in one of the affected divisions of Court to the exclusion of others, the Judges of each division of Court shall certify the trial of the cases to a particular division of Court, after securing the consent of all parties in compliance with the requirements of LSA C.C.P. article 253.2. Additionally, where a petition for partition of community property is not filed in the divorce record of a case, it shall automatically be consolidated with any previously filed divorce proceeding and heard by the division of court to which the divorce has been assigned.

Juvenile proceedings shall not be randomly allotted to a particular division by the Clerk of Court. The District Attorney shall be responsible for docketing juvenile cases. However, each case shall remain in the division of first appearance. Additionally, every effort shall be made to keep matters involving members of the same family with the same division.

The criminal duty judge shall rotate on a month by month basis.

There are no civil or family law duty judges. All pleadings, orders or judgments are signed by the judge to whom the case is assigned, except that in the judge's absence each judge shall make arrangements for the other judge to sign his orders. The assigned judge is to be notified immediately of any civil orders of an emergency nature. If the assigned judge is unavailable, such orders shall be taken to an available district judge.

**34th Judicial District
Court
Parish of St. Bernard**

DUTY JUDGE

There is established the position of Duty Judge of the Thirty Fourth Judicial District Court. The Duty Judge shall:

1. Serve as the Committing Magistrate for all criminal matters including the following responsibilities:

- a. All weekend and holiday emergencies.
 - b. Fixing bail.
 - c. All other matters relating to persons in custody except when the case has been allotted to another judge and that judge is available.
 - d. Authorization of all search and arrest warrants.
2. Handle all civil matters not referable to the allotted Judge, including:
- a. Default judgments, if the allotted judge is unavailable.
 - b. Actions such as civil commitment, injunctions, habeas corpus or other summary proceedings in emergency cases where the Judge to whom the matter is allotted cannot be located after diligent effort.
3. In the absence of the duty judge, the other judges shall share the responsibility during the times of his unavailability. The DUTY JUDGE shall have in his possession an electric pager or beeper whose number is available at the jail and sheriff's office.
4. Neither the District Attorney nor his Assistants, the Sheriff, nor his deputies, Attorneys, Bail bondsmen or any other person shall contact any Judge other than the DUTY JUDGE until it is verified that the DUTY JUDGE is unavailable and after waiting at least one half hour for the DUTY JUDGE to return any calls directed to him at home or elsewhere.
5. Each Division of the Court shall have magistrate duties on a rotating monthly basis commencing January 1, 2000 with Division "B".
6. The Duty Judge shall not be disturbed at home after twelve o'clock midnight and prior to six o'clock A.M. for the purpose of setting bond by the District Attorney nor his Assistants, the Sheriff, nor his deputies, Attorneys, Bail bondsmen or any other person.
- 4). Prior to filing of contradictory pleadings the following cases may be taken up before any Division:
1. Executory Process
 2. Change of Name
 3. Mandamus
 4. Garnishment
 5. Judgment Debtor Rules, when judgment was obtained in another jurisdiction.

If contradictory pleadings are filed in any of the above cases, then the case shall be heard before the Division to which it has been allotted.

ALLOTMENT OF CASES

1. All matters, civil and criminal, shall be allotted to a Division of the Court upon filing. The Clerk of Court shall use a mechanical or electronic device which will equally, but at random, divide the cases between the Divisions of the Court. The Clerk of Court shall furnish to the Court a list of allotments monthly.
2. Once a civil matter has been allotted, all matters relative thereto shall be handled solely by the Judge of the Division to which it has been allotted, except that preliminary defaults, judgments by confirmation of default, and uncontested matters which appear in the nature of a confirmation of default may be taken before any Division regardless of allotment.

JURY TRIALS

- A. All pleadings in cases in which a jury trial is requested shall be designated in capital letters "JURY TRIAL".
- B. A juror may be excused from jury duty only by the judge of the division for which he has been summoned.
- C. Request for jury trials shall be made in the manner and within the time provided by Civil Code of Procedure Article 1731, et seq.; and the party requesting same will be required to deposit cash in such amounts as set forth in Section F herein.

D. Each division shall call Civil Jury Terms at such intervals as are reasonably consistent with the relative number of jury and non jury cases to be tried, and the composition of the jury shall be determined at the pre trial conference.

E. Upon the fixing of a trial date for a jury trial by any of the Judges of this Court, the Clerk of Court will take the following action:

1. Notify the Jury Commission to proceed to draw a jury venire for that date.

2. Advise all counsel in writing at least sixty (60) days before the day of trial, that the party requesting the jury trial will be required to pay the costs of serving the jury venire prior to the issuance of the summons; that the payment must be made thirty (30) days prior to trial; and the amount of payment required. The notice to all counsel, particularly counsel for the parties requesting the jury, must advise them that they will lose the date, as the court will not summon the jury venire if the payment is not made thirty (30) calendar days prior to the trial. This notice must be in BOLD RED INK.

3. Advise the Court, as well as all counsel, when and if payment has been made.

4. Send out jury notice if payment has been received, thirty (30) calendar days prior to trial. In the event of settlement or compromise of a jury case at least thirty three (33) days prior to trial, the Clerk will return the full deposit made for the summoning of the jury venire. In the event of settlement or compromise of a jury case between the 33rd day and 30th calendar day prior to trial, the Clerk will return the deposit less costs of preparing the summons of the jury venire. The party requesting the jury trial will not be entitled to a refund of any costs deposited for the serving of the venire once the 30 calendar day period has passed.

5. If the Court has set more than one jury case on a particular date and if more than one case has deposited the cost, the Clerk will apportion the costs of serving the jury venire between all parties who have made deposits. In the event of settlement or compromise of a jury case within the last five (5) days prior to the date of trial, and before 4:00 P.M. on the day before the trial, the Clerk will notify the prospective jurors through code a phone and the party requesting the jury will not be cast for juror appearance fees.

6. The party upon whose order the jury trial was granted shall be responsible for the payment of all accrued costs and expenses, including juror appearance fees, if the case is settled the morning of trial. If more than one case was set and all cases have been settled, the Clerk will apportion the costs between those cases. If a jury is used, then that case will bear all costs, and the deposit made for service of the venire will be returned to those cases who made the deposit and could not have the trial on that date.

F. The party requesting the trial by jury shall deposit the sum of \$1000.00 with the Clerk of Court for the cost of drawing the jury venire and issuing subpoenas to the prospective jurors no later than 30 days prior to trial.

G. Payment of jury fees contemporaneously with the jurors' performance of their jury service is essential to the proper administration of justice. Accordingly, a party requesting trial by jury shall deposit with the Clerk of Court, no later than one hour before the date set for trial, the following sums to be used for the payment of jury fees:

1. \$1,000.00 for the first day of the trial.

2. \$300.00 for each additional day of the trial.

Within one hour before the commencement of court on each day that the trial continues, the party requesting jury trial shall verify with the Clerk of Court that a sufficient deposit is available for the payment of all jury fees. No trial by jury shall commence until this rule is complied with. Failure to comply with this rule shall constitute a waiver of the request for jury trial and a consent to trial of the case before the judge alone. The actual cost of the jury shall be assessed and paid as court costs, in the manner provided by law. If the party requesting the jury trial is not cast for all of the court costs, he is entitled to a full (or proportionate) refund of the deposit required by this when the court costs have been paid in full. The party requesting a trial by jury shall be responsible on a daily basis for all jury food expenses. When the funds are made available through the provisions of this rule, the Clerk of Court shall pay each juror the fees and costs to which he is entitled no later than upon completion of the trial.

H. Section E shall not apply to "in forma pauperis" suits. Any settlement of such suits shall provide for the payment of accrued costs.

I. Nothing herein contained shall be construed to prevent a litigant from proceeding "in forma pauperis" in a jury case without pre payment of costs or furnishing security for same.

**35th Judicial District
Court
Parish of Grant**

Single judge district.

**36th Judicial District
Court
Parish of
Beauregard**

There is no general duty judge in the 36th Judicial District. Judges of District rotate month to month between civil and criminal dockets and sign duty orders on docket for which they are responsible each month. Juvenile Court duty orders are allotted to civil duty judge each month.

COURT DOCKETS

The Clerk of Court, with the advice of the Chief Judge, shall devise an arbitrary method for the assignment of cases between the existing divisions of Court to assure that both the civil and criminal case load is equally divided among the divisions and that forum selection by litigants is prevented. Capital criminal cases shall be assigned to the divisions of Court on a rotating basis; with the first capital criminal case indictment returned after January 1, 1997, being assigned to Division A, and subsequent cases assigned on a rotation based upon a chronological order determined by the date of the alleged offense.

Civil petit jury sessions shall be held during the weeks beginning on the first Monday in March, April, November and December. Special civil jury sessions may be called by the Court at any time when the public business requires including during the Summer Term of July and August. The Court in its discretion may alter this schedule by special order to avoid holidays and provide for a full calendar week for jury trials.

Where cases assigned to different divisions of Court are consolidated for trial, they shall be consolidated under the lowest docket number and assigned to the division of Court, to which said lowest docketed number case was assigned. An exception to this rule shall exist, when in the interest of the efficient administration of justice and due to extensive pre trial activity in one of the affected divisions of Court to the exclusions of others, the Judges of each division of Court affected by said consolidation shall certify the trial of the cases to a particular division of Court.

**37th Judicial District
Court
Parish of Caldwell**

Single judge district.

**38th Judicial District
Court
Parish of Cameron**

Single judge district.

**39th Judicial District
Court
Parish of Red River**

Single judge district.

THE MAGISTRATE SECTION OF THE COURT

THE MAGISTRATE

1. The Magistrate Section shall be composed of the Magistrate Judge and four (4) Commissioners. The purpose of this Section of Court is to provide every person arrested under state statute prompt access to a committing Magistrate who shall conduct a hearing within a reasonable time after arrest and:

- (a) Set bail
- (b) Advise the defendant of the charges against him
- (c) Advise the defendant of his rights under the Constitution of the United States and the Constitution and laws of the State of Louisiana
- (d) Appoint counsel if the defendant is indigent
- (e) Set a date and time for a status hearing
- (f) Set a date and time for a preliminary hearing to determine whether there is probable cause that the defendant committed the offense with which he is charged. (The hearing shall be set on written motion by the defense, the District Attorney or by motion of the Court.)
- (g) Additional duties and revisions thereof are subject either to a determination by the Magistrate Judge or the Court En Banc.
- (h) All forfeiture proceedings shall originate in the magistrate section.

2. All defendants must be processed through the Magistrate Section. All persons arrested on state misdemeanor charges shall appear in the Magistrate Section in the same manner as persons charged with felonies, however, a defendant who makes bond may waive Magistrate appearance. After appearance in the Magistrate Section, defendant shall be returned to the custody of the Sheriff.

3. An arrestee shall not be required to sign a waiver of appearance before the Magistrate or a Commissioner as a condition of his release. He shall be informed that by making bond he is not entitled to an initial appearance before the Magistrate or Commissioner.

4. When a felony arrestee is released on bond, he shall be notified of the date and time of his preliminary hearing before a Magistrate or Commissioner.

5. The scheduling of the Magistrate Section shall be as follows.

(a) Weekdays: The Magistrate Judge shall be in session on each judicial day and shall set his hours and post the same with the Clerk's Office. Commissioners shall be on duty between 3:00 P.M. and 8:00 A.M. as follows:

- i. Mondays Section 1
- ii. Tuesdays Section 2
- iii. Wednesdays Section 3
- iv. Thursdays Section 4
- v. Fridays Commissioners are on a rotating schedule.

(b) Weekends and Holidays: The Duty Commissioner shall be on call twenty four (24) hours from 8:00 A.M. Saturday to 8:00 A.M. Monday. A Commissioner shall be on duty twenty four (24) hours during each holiday and shall hold a session(s) during the holiday. A rotating holiday session shall be approved by the Judges En Banc.

(c) Court sessions of the Commissioners shall be as follows:

- i. Mondays through Thursdays 3:00 P.M.: First appearance hearings, bail hearings, preliminary

hearings, motion hearings and trials are to be conducted in the Magistrate Courtroom.

ii. Fridays 3:00 P.M. and 6:00 P.M. and 2:00 A.M. Saturdays: First appearances, bail hearings, and preliminary hearings are to be conducted in the Central Lockup Courtroom.

iii. Saturdays and Holidays 11:00 A.M. and 1:00 A.M.: First appearances and bail hearings are to be conducted in the Central Lockup Courtroom.

6. The Magistrate will be available for first appearance hearings, setting of bonds, and granting of release on recognizance at all times. The Magistrate shall sign all arrest and search warrants if available. First appearance hearings shall proceed in the manner described below from the time of arrest:

(a) Arrest

(b) Booking at Central Lockup

(c) Defendant immediately transferred to Magistrate Section by the arresting officers for a first appearance hearing. Absent extreme circumstances, said hearing shall take place within twelve hours from the time the defendant is taken into custody.

7. At the first appearance hearing, the Magistrate shall set a date for a status hearing concerning the charge(s) brought by the State against the defendant. At the status hearing, the State must show whether the charges brought against the defendant are accepted or rejected. If no disposition has been made on the charge(s), the State must show why it has not accepted the charges against the defendant.

8. At the first appearance, on motion of a defendant accused of a felony or on a motion by the State, the Magistrate shall set the time and place for a preliminary hearing. Motions for a preliminary hearing shall be in accordance with Articles 292 and 293 of the Code of Criminal Procedure. All preliminary hearings shall be transcribed by the court reporter and a copy filed with the Clerk in accordance with the law.

9. If the Magistrate finds probable cause, a minute entry should reflect the charge for which probable cause is found and the bail set. If there is no finding of probable cause, the Magistrate shall discharge the defendant from any bail obligation.

10. Upon the filing of a bill of information, the Magistrate may arraign the defendant and may accept a plea of guilty to any offense within the jurisdiction of the Magistrate Court, and may sentence the defendant. If the charged offense is not within the jurisdiction of the Magistrate Court, the case shall be allotted to one of the sections of the Court for the purpose of accepting the plea before a court with appropriate jurisdiction.

11. If the Magistrate orders the defendant to answer to the court having trial jurisdiction, he may:

(a) Release the defendant on his own recognizance,

(b) Release the defendant on bond or,

(c) Order the defendant to be incarcerated.

12. When the Magistrate has discharged the defendant or held him to answer, he shall transmit without delay to the Clerk the following information as applicable:

(a) The name of the incarcerated person awaiting trial, the date of incarceration and the charge

(b) The complaint and the warrant

(c) The written testimony of the witnesses shall be transcribed within a reasonable period of time

(d) The recognizance or bond for the appearance of the defendant

(e) Every article, writing, money or other exhibits received in evidence provided, however, that such article, writing, money or other exhibit used in evidence before the Magistrate may be returned to the owner upon a written order of the Magistrate unless the State objects, in which case the trial court will resolve the issue.

13. The Magistrate Section will be in session each judicial day. The Magistrate Court shall also handle transfers from Parish Prison to Central Lock up for line ups.

14. There is no limitation on the sentencing authority of the Magistrate and Commissioners, other than that proscribed by law.

THE COMMISSIONERS

1. Commissioners shall be known as "Commissioners" or "Magistrates," but not "Judges."

2. A Commissioner shall be on duty between the hours of 3:00 p.m. and 8:00 a.m. weekdays, and on 8:00 a.m. Saturday to 8:00 a.m. Monday. There shall also be assigned a backup Commissioner for the same time periods.
3. The duty Commissioner must first notify the back up commissioner that he will not be available for his session. The NOPD and Sheriff are to be notified that the back up Commissioner has been authorized to act on behalf of the duty Commissioner.
4. In all cases where the issuance of a search and/or arrest warrant is required, the NOPD shall attempt to contact the Magistrate. In his absence or unavailability, the duty Commissioner shall be contacted. In the absence or unavailability of the duty or back up Commissioner, any Judge may be contacted.
5. The Commissioners shall take no action affecting the operation of their offices and/or the Court without first receiving approval from the Court En Banc.
6. Commissioners are authorized to:
 - (a) Sign search and arrest warrants
 - (b) Set bond
 - (c) Release defendants on secured or unsecured bonds
 - (d) Set and hear status hearings, rules to show cause, 48 hour hearings, and preliminary hearings
 - (e) Try misdemeanor cases
 - (f) Perform all duties and functions as set forth in State statute.
 - (g) Act as back up Magistrate for the Magistrate
 - (h) Issue arrest warrants and writs of attachment for those persons who have been found Not Guilty by Reason of Insanity or Unrestorably Incompetent to Proceed and who are in violation of Conditional Release Orders of this Court or who have failed or are about to fail to return to inpatient settings after being allowed an overnight pass from a mental hospital.
7. Unless directed by an elected Judge, no Commissioner shall accept pleas in a case which has been allotted to a Section of Court.
8. The Commissioners shall not grant any motion to leave the jurisdiction in any felony case allotted to a Judge.
9. If a Section record is required for a ruling, the matter should be taken under advisement until the next sitting of said Commissioner in order that the record can be secured from the Clerk's Office.
10. Matters should not be continued from the night shift to the day shift but should be continued to the next sitting of the same Commissioner.
11. If a bill of information has been filed and allotted, any motions should be filed in the Section to which it was allotted. The Judge of the Section is to determine whether or not the matter should be sent back to a Commissioner for further action.
12. Continuances should not be granted except on good and sufficient legal grounds. When a continuance is granted, the defendant and all witnesses present should be notified in open court of the time and date on which to return. A minute entry should reflect which witnesses were so notified in order to validate service.
13. The Commissioners have the duty to sign orders and/or hold contradictory hearings on pre indictment motions initiated by the District Attorney authorizing the Clerk to issue subpoena or subpoenas duces tecum concerning offenses under investigation by the District Attorney as authorized by Article 66 of the Code of Criminal Procedure.
14. The Commissioners shall inform each defendant charged with a jury trial misdemeanor of his right to trial by jury and his right to waive trial by jury. That determination shall be made by the defendant and shall be recorded in the record.
15. The Commissioners shall have at least one member of their staff available during all duty hours in order to answer all telephone calls and to contact the Commissioner on duty.

16. The Commissioners shall not practice criminal law in any and all jurisdictions.

17. Commissioners shall not allow the public defender to waive a preliminary hearing. The Commissioner must either have the preliminary hearing or obtain a stipulation as to probable cause.

**Civil District Court
Parish of Orleans**

CHIEF JUDGE

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.

**42nd Judicial District
Court
Parish of DeSoto**

Adopted effective
December 17, 2008

Those pleadings of uncontested matters not allotted that can be signed by either judge are: succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings. If a controversy arises in connection with these matters, it will be allotted in the same manner as is the filing of a new suit.

ALLOTMENT OF CIVIL CASES

Allotment of cases will be done through electronic means. The Clerk of Court, or a duly authorized Deputy Clerk, will input the required information into a computer program which will randomly allot the case to a division. Each case shall be allotted in a like manner. However, a summary matter in a pending case or in a case which has previously been allotted shall be assigned to the division to which it is initially allotted.

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

Where a suit is filed, involving a summary matter, accompanied by a rule, as a rule for restraining order and injunctive relieve, child custody, support, alimony and the like, the suit will be filed with the Clerk of Court, docketed and allotted before being presented to a Judge, who shall then fix a hearing on the rule for the next court to be held in the Parish, within the time provided by law, by the Judge of the Division to whom the case has been allotted. The Judges of each Division may, in addition to his regularly scheduled terms of Court, designate two days each month for hearing such matters as are hereinabove referred to if such additional scheduling is necessary.

Succession proceedings, tutorship proceedings, workmen's compensation settlements, settlements relating to the interest of minors, adoption proceedings, and executory proceedings shall not be allotted to a division unless and until a controversy arises in connection therewith, at which time it will allotted in the same manner as is the filing of a new suit.

In case of absence or disability of the Judge to whose division a case has been allotted, or in the event of vacancy of his or her office, the other Judge of the Court shall be empowered to act in said case as fully as if it had been originally allotted to the division over which he or she presides until the absence or disability shall have ceased, or the vacancy shall have been filled.

After a case has been assigned, if it be dismissed for any reason and if filed again, it shall be heard by the Judge to whom it has been previously assigned, provided it be between the same parties and for the same

object, or growing out of the same cause of action.
