RULES FOR LOUISIANA DISTRICT COURTS AND JUVENILE COURTS AND LOUISIANA FAMILY LAW PROCEEDINGS

Adopted April 1, 2002

Includes Amendments through October 7, 2015
(Amendments effective January 1, 2016)

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LOUISIANA DISTRICT COURTS

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TITLE I

RULES FOR PROCEEDINGS IN DISTRICT COURTS, FAMILY COURTS, AND JUVENILE COURTS

CHAPTER 1 CONSTRUCTION, APPLICATION, AND AMENDMENT

Rule 1.0 Construction of Rules and Appendices

These Rules and Appendices are intended to govern interaction between the courts, counsel, and litigants, and to ensure the administration of justice in an efficient and effective manner.

Administrative rules governing internal operating procedures of individual courts on topics not otherwise covered by these Rules may be adopted by en banc order of the court.

Such administrative rules shall be made available to the public by filing a copy with the Judicial Council of the Supreme Court and by filing a copy with the clerk of court for the appropriate parish or parishes.

Adopted April 1, 2002, effective April 1, 2002. Amended November 20, 2009, effective January 1, 2010.

Comments

(a) The Louisiana Supreme Court has constitutional authority to promulgate these Rules under La. Const. art. V, § 5. These Rules are intended to supplement the Codes of Civil and Criminal Procedure. Therefore, a conflict between a Rule and legislation should be resolved by following the legislation.

(b) The Appendices are subordinate to the Rules. Therefore, a conflict between a Rule and an Appendix should be resolved by following the Rule. The information in the Appendices was provided by the various judicial districts and may be revised in accordance with the procedure found in Rule 1.3(c).

(c) Previous district court rules adopted by individual judicial districts often included various rules that duplicated the Code of Civil Procedure and applicable Revised Statutes. No provisions restating existing law have been included in these Rules. The citations to authorities for deleted topics are as follows:

(1) Construction of Pleadings - La. Code Civ. Proc. art. 865.

(2) Form of Pleadings - La. Code Civ. Proc. arts. 853, 854 and 862.

(3) Signing Pleadings - La. Code Civ. Proc. art. 863.

(4) Exceptions and Motions - La. Code Civ. Proc. arts. 852-54, 862, 865, 921-24, and 962.

(5) Time of trial of exceptions - La. Code Civ. Proc. art. 929.

(6) Curators ad hoc - La. Code Civ. Proc. arts. 5091-5098; La. R.S. 13:3421-3445; and La. Civ. Code arts. 47-53.

(7) Motions for summary judgment - La. Code Civ. Proc. arts. 966 and 967.

Rule 1.1 Application of Rules and Appendices; Citation Form

(a) Title I and Appendices 2.0 through 8.0 apply to all proceedings in district courts, family courts, and juvenile courts.

(b) Title II and Appendices 9.3 through 9.14 apply to all civil proceedings in district courts, except for juvenile proceedings, and as otherwise limited within these Rules.

(c) Title III and Appendices 14.0A through 19.0 apply to criminal proceedings in all district courts.

(d) Title IV applies to all Louisiana family law proceedings in district courts and in the Family Court for the Parish of East Baton Rouge.

(e) Title V applies to all juvenile proceedings in district courts and in juvenile courts for the Parishes of East Baton Rouge, Orleans, Jefferson, and Caddo.

(f) Title VI applies to all litigation filed by inmates in district courts.

(g) Titles I through IV and Title VI of these Rules shall be known as the "Louisiana District Court Rules" and may be officially cited: La. Dist. Ct. R. ____. The Appendices to these Rules may be officially cited: La. Dist. Ct. R.____, App. ____.

(h) Title V of these Rules shall be known as the "Louisiana Juvenile Court Rules" and may be officially cited: La. Juv. Ct. R.____. The Appendices to Title V may be officially cited: La. Juv. Ct. R. ____ , App. ____.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010,

effective June 1, 2010; amended November 21, 2011, effective January 1, 2012; amended April 29,2014, effective June 1, 2014; amended October 7, 2015, effective January 1, 2016.

Comment

The full citation of the Rules for use in Tables of Authorities shall be as follows:

> La. Dist. Ct. R. 1.0, La. R.S. Title 13, Vol. 8 (West 20XX and Supp. 20XX).

Rule 1.2 Effective Date

The effective date of the Louisiana Rules for District Courts and all Appendices is April 1, 2002. These Rules and all Appendices shall govern all proceedings commenced thereafter and, insofar as just and practicable, all proceedings then pending.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003.

Rule 1.3 Amendment of Rules and Updating Appendices

(a) Proposed rules or amendments to existing Louisiana Rules for District Courts in Titles I through III and Titles V and VI or to the numbering system in Title IV shall be approved by the Supreme Court. Proposed amendments may be submitted by any Louisiana judge or licensed member of the Louisiana bar to the Office of the Judicial Administrator of the Supreme Court.

(b) Changes to the Louisiana Rules for District Courts organized according to the numbering system in Title IV shall be approved by the district court, criminal court, or family court that adopted the rule, sitting en banc, and a copy shall be provided to the Office of the Judicial Administrator of the Supreme Court within thirty days of the signing of the Order.

(c) Amendments to the information contained in the Appendices to the Louisiana Rules for District Courts shall be made by Court Order attached to the Appendix Amendment Form (Appendix 1.3) and submitted to the Office of the Judicial Administrator of the Supreme Court within thirty days of the signing of the Order. The Office of the Judicial Administrator of the Supreme Court shall update the Appendices annually by communication with the chief judge and the clerk of court for each judicial district, family court, or juvenile court.

(d) The Rules and Appendices shall be published annually by West Publishing Company and shall be available *on the official website of the Louisiana Supreme Court.*

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comment

Amendments to the appendices shall be posted to the Louisiana Supreme Court website as close as possible to the effective date of the amendment.

Rule 1.4 Deviations from Rules

An individual judge may, in the interest of justice and upon notice to all parties, permit deviations from these Rules in a particular proceeding. Any such deviation shall be noted on the record in open court in the presence of all parties or by written order filed into the record of the proceedings and mailed to all parties or their counsel of record.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 1.5 Computation of Time

The following rules apply in computing any period of time specified in these Rules provided they do not conflict with legislation:

(a) Exclude the day of the act, event, or default that begins the period.

(b) Exclude intermediate legal holidays when the period is fewer than seven days, unless the period is stated in calendar days.

(c) Include the last day of the period, unless the last day is a legal holiday, in which case the period runs until the end of the next day that is not a legal holiday. *See* La. Code Civ. Proc. art. 966, as amended by House Bill No. 696 of the Louisiana Legislature's 2015 Regular Session, which shall govern the computing times on motions for summary judgment effective January 1, 2016. For example:

(i) When a rule requires an act be done ten days before an event, and the tenth day falls on a Sunday, the act shall be done no later than the preceding Friday (assuming Friday is not a legal holiday). This does not apply to motions for summary judgment – *see* La. Code Civ. Proc. art. 966.

(ii) When a rule requires an act be done ten days after an event, and the tenth day falls on a Sunday, the act shall be done no later than the following Monday (assuming Monday is not a legal holiday).

Adopted June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010; amended October 7, 2015, effective January 1, 2016.

Comments

(a) To determine whether a day is a legal holiday, refer to La. Code Civ. Proc. art. 5059 and La. R.S. 1:55.

(b) Computation example for cases in which a Rule requires an act be done after an event: Rule 17.5 requires that a minute entry be sent to the judge, the clerk of the court of limited jurisdiction, and the parties or their counsel of record within fifteen days after the reviewing court renders judgment. If the district court rendered judgment on the appeal on Tuesday, December 10, 2002, the deadline for sending the notice of judgment is Thursday, December 26, 2002 because Wednesday, December 25 is a legal holiday.

(c) Computation example for cases in which a Rule requires an act be done before an event: Rule 9.9(b) requires any opposition memorandum be filed "at least eight calendar days before the scheduled hearing." If you wish to oppose an exception or motion that is set for hearing on Monday, December 16, 2002, the deadline for filing and serving an opposition memorandum is Friday, December 6, 2002 because Sunday, December 8, 2002 is a legal holiday.

(d) This Rule governs only the computation of time under these Rules. This Rule is not intended to apply to computation of time under any legislation or any other law.

CHAPTER 2 DATES OF COURT

Rule 2.0 Dates of Court

The local holidays observed by each judicial district or court, in addition to legal holidays, are listed in Appendix 2.0 to these Rules.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

(a) *See* La. R.S. 1:55 for a listing of legal holidays.

(b) *See* 2004 amendment to La. R.S. 1:55(E)(1)(b) which, by reference to La. R.S.1:55(B)(1)(a), adds Mardi Gras Day and General Election Day as legal holidays.

CHAPTER 3 JUDGES AND FACSIMILE TRANSMISSIONS TO THE COURT

Rule 3.0 Office Hours

When not on the bench, each judge shall maintain such regular office days and hours as may be necessary to conduct public business.

Adopted April 1, 2002, effective April 1, 2002.

Rule 3.1 Divisions or Sections of Court

Courts may, by en banc order, divide into divisions or sections for the purpose of allotting matters within the court's jurisdiction. Those courts that have done so, and their respective methods for assigning judges to divisions or sections, are indicated in Appendix 3.1.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 3.2 Duty Judges

Each judicial district or court may designate one or more of its members to act as a duty judge. In civil proceedings, the duties assigned to a duty judge shall comply with La. Code Civ. Proc. art. 253.3. The identity of each duty judge shall be prominently displayed in a manner deemed appropriate by the court. If the court chooses to use multiple duty judges to perform various functions, the delineation of each duty judge's duties shall also be prominently displayed. The length of term and duties of the duty judge shall be at the sole discretion of the judges in each judicial district or court sitting en banc. For those judicial districts or courts that have designated duty judges, the office hours for performance of his or her duties, and the duties assigned, are listed in Appendix 3.2.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

(a) Previous rules of court adopted by individual judicial districts often included various rules dealing with judges, such as selection of a chief judge; courts sitting en banc; duties and powers of judges; duty judges; random allotment; recusal, transfer, and consolidation; accessibility; and judicial accounts. Many of those rules duplicated articles of the Louisiana Constitution, applicable Revised Statutes, or Supreme Court of Louisiana decisions. Furthermore, many of those rules dealt with the internal administration of the court rather than with the interaction of counsel and litigants with the judicial process. No provisions restating existing law have been included in these Rules. The citations to authority for the deleted topics are as follows:

(1) The Court En Banc- La. R.S. 13:472; La. R.S. 13:474; La. R.S. 13:991- 999; La. R.S. 13:1221; La. R.S. 13:1312; La. Code Civ. Proc. art. 193.

(2) Chief Judge - La. Const. art. 5, § 17.

(3) Duties and Powers of Judges - La. Code Civ. Proc. art. 191; La. R.S. 13:501.

(4) Random Allotment - *State v. Sprint Communications Co., L.P.*, 96-3094 (La. 9/9/97); 699 So.2d 1058; La. Code Civ. Proc. art. 253.1.

(5) Recusal - La. Code Civ. Proc. arts. 151-158, 161.

(6) Transfer of Actions - *Sprint*, *supra*; La. Code Civ. Proc. art. 253.2.

(7) Consolidation of Actions - La. Code Civ. Proc. art. 1561.

(8) Cumulation of Actions - La. Code Civ. Proc. arts. 461, et seq.

(b) The constitutional implications of the decision in *Sprint*, *supra*, regarding random allotment of cases affect a court's ability to appoint duty judges and, more importantly, the designation of duties to such judges. Act 24, §1 of the 1st Extraordinary Session of the 2000 Legislature enacted La. Code Civ. Proc. art. 253.3, effective June 6, 2000, which clarifies the matters that a duty judge may hear. The Louisiana Constitution and Code of Criminal Procedure govern the appointment of duty judges in criminal proceedings.

(c) Previous rules adopted by individual courts often included various provisions regarding quasi-judicial officers. Many of those rules duplicated applicable revised statutes or code articles.

No provisions restating existing law have been included in these Rules. The citations to authority for the deleted topics are as follows:

(1) Judges Ad Hoc - La. Const. art. 5, §§ 5(A), 22(B); La. Code Civ. Proc. arts. 157, 158, and 161.

(2) Magistrate Commissioners - La. R.S. 13:713.

(3) The clerk of court acting as justice of the peace - La. Code Civ. Proc. art. 284.

(4) Court-Appointed Special Masters - La. R.S. 13:4165.

(d) *See* La. R.S. 13:501 regarding sessions of court.

(e) The constitutional implications of the decision in *State v. Sprint Communications Co., L.P.*, 96-3094 (La. 9/9/97); 699 So.2d 1058, regarding random allotment of cases, affect a court's ability to appoint duty judges and, more importantly, the designation of duties to such judges. Act 24 of the 1st Extraordinary Session of the

2000 Legislature enacted La. Code Civ. Proc. art. 253.3 to clarify the matters that may be heard by a duty judge.

Rule 3.3 Facsimile Transmissions to Judges

Any document sent to a judge by facsimile transmission shall not exceed fifteen pages, unless the judge has granted permission for a longer transmission. Before sending a facsimile transmission in excess of fifteen pages, an attorney or party sending such facsimile transmission must contact the court for permission.

Adopted October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comment

La. R.S. 13:850 allows for facsimile filings and lists the requirements for such filings.

Rule 3.4 Use of Electronic Signatures by Judges

See Appendix 3.4 for courts enacting rules related to a judge, justice, or other presiding officer's electronic signature pursuant to La. Code Civ. Proc. arts. 253, 1911, or other applicable law.

Adopted October 7, 2015, effective January 1, 2016.

Comment

See Attorney General Opinion 14-0187 ("Act 606 of the 2014 Regular Session authorizes judges to use electronic signatures when signing court orders, notices, official court documents, and other writings to be executed in connection with both civil and criminal proceedings, subject to the adoption of court rules establishing the method and ensuring the authenticity of such signatures").

CHAPTER 4 COURT PERSONNEL

Rule 4.0 Court Reporters

The court shall provide a method for making a verbatim recording of all proceedings conducted in open court.

Adopted April 1, 2002, effective April 1, 2002.

Rule 4.1 Judicial Administrators

The court en banc may appoint and fix the salary of a judicial administrator to assist the court in fulfilling its administrative obligations. Those judicial districts that have appointed an administrator are listed in Appendix 4.1.

Websites for district courts and clerks of court, where available, are also listed in Appendix 4.1.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

(a) Previous rules of court adopted by individual judicial districts often included various rules dealing with court reporters, court criers, and bailiffs. Many of those rules duplicated revised statutes or code articles.

(b) No provisions restating existing law have been included in these Rules. The citations to authority for the deleted topics are as follows:

(1) Court Reporters - La. R.S. 13:961, 982; La. Code Civ. Proc. art. 372.

(2) Criers - La. Code Civ. Proc. art. 333.

(3) Docket and Minute Books - La. Code Civ. Proc. arts. 254 and 256.

(4) Costs of transcription, maximum and minimum court reporter fees - La. R.S. 13:961, et seq.

CHAPTER 5 COURTROOM USE, ACCESSIBILITY, AND SECURITY

Rule 5.0 Courtroom Use

The name of the judge assigned to a particular courtroom shall be prominently displayed outside the courtroom in a manner deemed appropriate by the court. The clerk of court shall maintain a list of all courtrooms, their locations, and the judges assigned to each.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 5.1 Accessibility to Judicial Proceedings

(a) The facilities, services, and programs of the court shall be readily accessible to persons with disabilities. Attached as Appendix 5.1A is a form that may be used to request reasonable accommodations extended under the ADA. Attached as Appendix 5.1B is a form that may be used to request an interpreter. Attached as Appendix 5.1C is a form that may be used as an interpreter's oath.

(b) In addition to the above requirements, courts having fifty or more employees shall develop, promulgate, and maintain a problem-resolution process and designate a responsible court officer or employee to coordinate access to court programs and services by persons with disabilities and to resolve complaints regarding lack of access for such persons.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 5.2 Courtroom Security

The sheriff or his or her designated deputies shall provide security for the courtrooms, chambers, judicial offices, and hallways within the courthouse. Security procedures shall be approved by the chief judge of the district court or other court.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

CHAPTER 6 COURTROOM DECORUM AND THE CONDUCT OF ATTORNEYS AND JUDGES

Rule 6.0 The Opening of Court

The bailiff shall open each session of court with an appropriate recitation and order, such as the following:

> "Oyez, Oyez, Oyez, Section (or Division) _____, the Honorable _____ Judicial District Court (or other court) of the State of Louisiana, in and for the Parish of _____, is now in session. The Honorable Judge _____ presiding. Order and silence are commanded. God save the State and this Honorable Court.

The bailiff shall direct all persons in the courtroom when they are to rise, in accordance with the directions of the court.

Adopted April 1, 2002, effective April 1, 2002.

Rule 6.1 General Courtroom Conduct

(a) No person may engage in any conduct that would be disruptive to the business of the court, including the following:

(1) Using tobacco in any form at any time.

(2) Reading newspapers while court is in session.

(3) Displaying any political advertisement of any nature.

(b) Attorneys, as officers of the court, shall help to maintain the dignity of the court. Male attorneys and clerks of court shall wear coats and ties in the courtroom. Female attorneys and clerks of court shall wear a comparable level of attire.

(c) No one may wear a hat or be barefoot in the courtroom. Witnesses and spectators shall appear neat and clean, within the limits of propriety. The court will make allowances for those who shall appear in work clothes and for those whose attire is dictated by their religion.

(d) No one is allowed inside the rail except for attorneys, litigants, officers of the court, and anyone else that the court specifically authorizes.

(e) A judge should prohibit broadcasting, televising, recording, or the taking of photographs in the courtroom and areas immediately adjacent thereto, at least during sessions of court or recesses between sessions. *See* Code of Judicial Conduct Canon 3A(9).

(f) A judge may prohibit the use of electronic devices, including cellular telephones and recording devices, in a courtroom.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

Rule 6.2 Attorney Conduct

(a) Any attorney who tenders himself or herself before the court and represents that he or she is duly authorized to practice law, but who has been declared ineligible, suspended, or disbarred from practice before the courts of this State, shall be subject to contempt proceedings.

(b) No one may represent a party in any proceeding except counsel of record, unless allowed to do so by law.

(c) When an attorney is interested in two or more matters fixed for hearing in different sections or divisions of court on the same day, that attorney shall notify the minute clerk of the section or sections from which he or she expects to be temporarily absent as to his or her presence in another court.

(d) As a general rule, attorneys desiring to address the court while it is in session shall do so while standing. Unless directed otherwise by the judge, all judgments, orders, decrees, or other documents shall be handed to the clerk, who shall hand them to the judge.

(e) Private conversation or conference between attorneys or others in attendance during any court session should not be disruptive to the proceedings.

(f) Attorneys shall address all remarks, objections, and comments to the judge, never to opposing counsel. Impromptu argument or discussion between counsel will not be permitted.

(g) Except with leave of court obtained, only one attorney for each party shall examine any one witness.

(h) Counsel may not approach the witness in the witness chair without first obtaining the court's permission.

(i) Before showing an exhibit to a witness, counsel shall first either show opposing counsel the exhibit or provide opposing counsel with a copy of the exhibit.

(j) Counsel and parties to any litigation shall not send the court copies of correspondence between them.

(k) Attorneys shall abide by the Rules of Professional Conduct and should abide by the Louisiana Code of Professionalism, the latter of which is set forth below:

The Louisiana Code of Professionalism

1. My word is my bond. I will never intentionally mislead the court or other counsel. I will not knowingly make statements of fact or law that are untrue.

2. I will clearly identify for other counsel changes I have made in documents submitted to me.

3. I will conduct myself with dignity, civility, courtesy and a sense of fair play.

4. I will not abuse or misuse the law, its procedures or the participants in the judicial process.

5. I will consult with other counsel whenever the scheduling procedures are required and will be cooperative in scheduling discovery, hearings, the testimony of witnesses and in the handling of the entire course of any legal matter.

6. I will not file or oppose pleadings, conduct discovery or utilize any course of conduct for the purpose of undue delay or harassment of any other counsel or party. I will allow counsel fair opportunity to respond and will grant reasonable requests for extensions of time.

7. I will not engage in personal attacks on other counsel or the court. I will support my profession's efforts to enforce its disciplinary rules and will not make unfounded allegations of unethical conduct about other counsel.

8. I will not use the threat of sanctions as a litigation tactic.

9. I will cooperate with counsel and the court to reduce the costs of litigation and will readily stipulate to all matters not in dispute.

10. I will be punctual in my communication with clients, other counsel, the court, and in honoring scheduled appearances.

Adopted April 1, 2002, effective April 1, 2002; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010.

Comments

(a) The Louisiana Code of Professionalism was authored by the Professionalism and Quality of Life Committee of the Louisiana State Bar Association in 1991. It was adopted by the Louisiana State Bar Association House of Delegates and approved by the Supreme Court of Louisiana in January 1992.

(b) Rule 6.2(j) is not intended to prohibit attaching correspondence between counsel to a pleading where appropriate, such as to show that attempts have been made to schedule a conference to resolve discovery disputes under Rule 10.1.

Rule 6.3 Code of Professionalism in the Courts

Attorneys and judges should conform to the Code of Professionalism adopted as Section 11 of Part G, General Administrative Rules, Supreme Court of Louisiana:

The Code of Professionalism in the Courts

PREAMBLE

The following standards are designed to encourage us, the judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of professionalism and civility, both of which are hallmarks of a learned profession dedicated to public service.

These standards shall not be used as a basis for litigation or sanctions or penalties. Nothing in these standards alters or detracts from existing disciplinary codes or alters the existing standards of conduct against which judicial or lawyer negligence may be determined.

However, these standards should be reviewed and followed by all judges of the State of Louisiana. Copies may be made available to clients to reinforce our obligation to maintain and foster these standards.

JUDGES' DUTIES TO THE COURT

We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and authority to insure that all litigation proceedings are conducted in a civil manner.

We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.

We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.

We will be considerate of time schedules of lawyers, parties, and witnesses in scheduling all hearings, meetings and conferences.
We will make all reasonable efforts to decide promptly all matters presented to us for decision.

We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.

While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.

We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.

We will not impugn the integrity or professionalism of any lawyer on the basis of clients whom or the causes which a lawyer represents.

We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.

We will not adopt procedures that needlessly increase litigation expense.

We will bring to lawyers' attention uncivil conduct which we observe.

We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.

We will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge in all written and oral communications.

We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

LAWYERS' DUTIES TO THE COURTS

We will speak and write civilly and respectfully in all communications with the court.

We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.

We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.

We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.

We will not engage in ex parte communication on any pending action.

We will attempt to verify the availability of necessary participants and witnesses before dates for hearings or trials are set, or if that is not

feasible, immediately after such date has been set, so we can promptly notify the court of any likely problems.

We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they too, are an integral part of the judicial system.

Adopted April 1, 2002, effective April 1, 2002.

Rule 6.4 District Court Standards

The district courts, family and domestic relations courts, and juvenile courts should comply with the District Court Standards adopted as Section 10 of Part G, General Administrative Rules, Supreme Court of Louisiana:

I. ACCESS TO JUSTICE

Standard 1.1 Public Proceedings

The court conducts openly its judicial proceedings that are public by law or custom.

Standard 1.2 Safety, Accessibility, and Convenience

The court encourages responsible parties to make court facilities safe, accessible and convenient.

Standard 1.3 Effective Participation

All who appear before the court are given reasonable opportunities to participate effectively without undue hardship or inconvenience.

Standard 1.4 Courtesy, Responsiveness, and Respect

Judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come into contact.

Standard 1.5 Affordable Cost of Access

The court encourages all responsible public bodies and public officers to make the costs of access to the trial court's proceedings and records - whether measured in terms of money, time, or the procedures that must be followed - reasonable, fair, and affordable.

II. EXPEDITION AND TIMELINESS

Standard 2.1 Case Processing

The trial court encourages timely case management and processing.

Standard 2.2 Required Reports and Requests for Information

The trial court promptly provides required reports and responds to requests for information.

Standard 2.3 Prompt Implementation of Law and Procedure

The trial court promptly implements changes in the law and procedure.

III. EQUALITY, FAIRNESS, AND INTEGRITY

Standard 3.1 Fair and Reliable Judicial Process

Trial court procedures faithfully adhere to laws, procedural rules, and established policies.

Standard 3.2 Juries

The jury venire is representative of the jurisdiction from which it is drawn.

Standard 3.3 Court Decisions and Actions

Trial courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

Standard 3.4 Clarity

Decisions of the trial court address clearly the issues presented to it and, where appropriate, specify how compliance can be achieved.

Standard 3.5 Responsibility for Enforcement

The trial court takes appropriate responsibility for the enforcement of its orders.

Standard 3.6 Production and Preservation of Records

Records of all relevant court decisions and actions are accurate and properly preserved.

IV. INDEPENDENCE AND ACCOUNTABILITY

Standard 4.1 Independence and Comity

The trial court maintains its constitutional independence and observes the principle of cooperation with other branches of government.

Standard 4.2 Accountability for Public Resources

The trial court responsibly seeks, uses, and accounts for its public resources.

Standard 4.3 Personnel Practices and Decisions

The trial court uses fair employment practices.

Standard 4.4 Public Education

The trial court informs the community of its structure, function, and programs.

Standard 4.5 Response to Changes

The trial court recognizes new conditions or emergent events and adjusts its operations as necessary.

V. PUBLIC TRUST AND CONFIDENCE

Standard 5.1 Accessibility

The trial court and the justice it renders are perceived by the public as accessible.

Standard 5.2 Fair, Impartial, and Expeditious Court Functions

The trial court functions fairly, impartially, and expeditiously in order that the public has trust and confidence in the integrity of the decisions of the court.

Standard 5.3 Judicial Independence and Accountability

The trial court is perceived to be independent, cooperative with other components of government, and accountable.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

While many of these standards may be applicable to juvenile and family courts, some of the standards will need to be modified in consideration of the special needs and functions of those specialized jurisdiction courts.

CHAPTER 7 RECORD MANAGEMENT

Rule 7.0 Record Management

Each clerk of court shall maintain and destroy records according to law.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

No provisions restating existing law have been included in these Rules. The citations to the deleted topics are as follows:

(1) Withdrawal of records - La. R.S. 44:32, et seq., and La. R.S. 13:4681.
(2) Destruction of records - La. R.S. 13:917 and La. R.S. 13:1221.

(3) Preservation of records - La. R.S. 44:36.

(4) *See* Title III, Rule 15.0 regarding case records in criminal proceedings.

CHAPTER 8. INDIGENTS AND IN FORMA PAUPERIS

Rule 8.0 Uniform In Forma Pauperis Affidavit

A party, other than an inmate, who wishes to proceed in forma pauperis shall complete and file the affidavit in Appendix 8.0.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 8.1 Traversal of In Forma Pauperis Status

The court, on its own motion or the motion of any party, may hold a hearing to traverse the right of any litigant to proceed in forma pauperis.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 8.2 No Recommendation from Clerk of Court Required

No recommendation from the clerk of court's office as to whether a litigant is in fact indigent need be attached to an affidavit of poverty submitted by a party wishing to proceed in forma pauperis. No requirement that such a recommendation be attached, pursuant to La. Code Civ. Proc. art. 5183, may be instituted except by amendment to these Rules.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

(a) *See* La. Code Civ. Proc. art. 5181, et seq., for general rules for proceeding in forma pauperis. *See* Chapter 13 of the Louisiana Rules for District Courts for special rules governing civil litigation filed by inmates.

(b) Federal laws, including the Social Security Act and the Privacy Act of 1974, provide that Social Security numbers are confidential and that governmental benefits may not be denied because of a person's refusal to provide that information, unless its provision is required by federal statute. Accordingly, providing the applicant's Social Security number is optional in the affidavit in Appendix 8.0.

TITLE II

RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS

***Note*: Title II of the District Court Rules was made applicable to Title IV via Supreme Court Order that took effect on June 1, 2014, subject to exclusionary exceptions contained in Rules 9.8, 9.9, and 9.15 of Title II, due to the expedited nature of family law proceedings.**

CHAPTER 9 PROCEDURE

Rule 9.0 Daily Order of Business

To provide for the expeditious administration of justice to the extent practicable, the court shall hear uncontested matters and the trials of motions or exceptions on days on which trials on the merits are not scheduled.

If uncontested matters and the trials of motions or exceptions are heard on days on which trials on the merits are scheduled, the court will, where practicable, maintain the following order of business:

(a) Uncontested matters, including preliminary defaults.

(b) The trial of motions or exceptions that do not require the testimony of witnesses.

(c) The trial of motions or exceptions that require the testimony of witnesses.

(d) Trials on the merits.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 9.1 Matters Scheduled But Not Heard

Whenever practicable, matters should be heard in the order placed on the docket. If the trial of a matter is begun but not concluded before court is adjourned, that trial should take precedence the following day, when practical.

If the court is unable to hear a scheduled matter, the matter should be rescheduled for hearing at the next available date and time.

Adopted April 1, 2002, effective April 1, 2002.

Rule 9.2 Matter Heard by Judge to Whom Allotted

Except as allowed by La. Code Civ. Proc. art. 253.3, all contested matters shall be heard by the judge to whom the matter was allotted. The judge to whom the action has been allotted may designate the order-signing judge or any other judge to sign such orders and set such hearings, and in his or her absence, to hear such matters where necessary to comply with law, or when deemed to be an emergency, in accordance with La. Code Civ. Proc. arts. 253.2 and 253.3.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 18, 2010, effective January 1, 2011.

Rule 9.3 Allotment; Signing of Pleadings in Allotted or Non-Allotted Cases

All pleadings filed shall be randomly assigned to a particular section or division of the court in accordance with La. Code Civ. Proc. art. 253.1 before presentation of a pleading to any judge. The method of allotment for each district court is set forth in Appendix 9.3. Provided, to the extent allowed by La. Code Civ. Proc. art. 253.3, each district court shall designate in Appendix 9.3: (1) those matters that ordinarily will not be allotted to a particular section or division of the court and instead will be signed by the duty judge or by any judge authorized to sign such pleadings; and (2) those pleadings that, although filed in actions that will be allotted, may be presented for signature to the duty judge or to any judge authorized to sign such pleadings.

Adopted April 1, 2002, effective April 1, 2002. Amended April 20, 2010, effective June 1, 2010.

Comment

See Watson v. Lane Memorial Hospital, 99-0930 (La. 5/28/99); 743 So.2d 676, adopting Judge Shortess' dissent in *Watson*, 98-0273 (La. App. 1 Cir. 3/3/99); 734 So.2d 28, *writ granted* 5/28/99, regarding allotment of medical malpractice actions in which discovery proceedings have been pursued under La. R.S. 40:1299.47.

Rule 9.4 Pleadings To Be Filed with Clerk; Prior or Multiple Filings of Pleadings

(a) All pleadings shall be filed with the clerk of court before presentation to the assigned judge. Exceptions to this Rule are noted in Appendix 9.4.

(b) Judge or forum shopping is prohibited. To achieve continuity of case management and avoid the appearance of judge or forum shopping, all subsequent actions asserting the same claim by the same parties, except for cases filed in juvenile courts with concurrent jurisdiction, shall be transferred to the division to which the first case filed was allotted, whether or not the first case is still pending. Any attorney or party who files more than one petition for the same party on the same cause of action shall attach to any subsequent petition a "Notice of Prior Filing or Multiple Filing," regardless of whether any of the previous petitions were dismissed. This notice shall comply with La. Code Civ. Proc. art. 853.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended May 15, 2013, effective June 1, 2013.

Rule 9.5 Court's Signature; Circulation of Proposed Judgment; Request for Reasons for Judgment

(a) All judgments, orders, and rulings requiring the court's signature shall either be presented to the judge for signature when rendered or, if presented later, contain the typewritten name of the judge who rendered the judgment, order, or ruling.

(b) If presented later, the responsible attorney or the self-represented party shall circulate the proposed judgment, order, or ruling to counsel for all parties and to self-represented parties and allow at least five (5) working days for comment before presentation to the court. When submitted, the proposed judgment, order, or ruling shall be accompanied by a certificate stating: the date of mailing; the method of delivery of the document to other counsel of record and to self-represented parties; whether any opposition was received; and the nature of the opposition. This certificate shall read:

RULE 9.5 CERTIFICATE

I certify that I circulated this proposed judgment/order to counsel for all parties and/or to self-represented parties by [insert method of delivery] on [insert date], and that:

☐ ___no opposition was received; or
☐ ___the following opposition was received:

[Insert name of opposing party/attorney and nature of opposition.]

I have allowed at least five (5) working days before presentation to the court.

Certified this ___ day of _____, 20__.

_____
[Insert typed or printed name]
Attorney for [insert name of party, if applicable]

(c) The page of the judgment, order, or ruling containing the judge's signature line shall reflect the docket number and title(s) of the pleading(s) at issue.

(d) This rule does not apply to judgments by default.

(e) Requests for written reasons pursuant to La. Code Civ. Pro. art. 1917 shall be communicated to the judge either in open court or in writing.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended November 3, 2004, effective January 1, 2005; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective

January 1, 2012; amended May 15, 2013, effective June 1, 2013.

Rule 9.6 Form of the Pleadings; Civil Case Cover Sheet Form

All pleadings shall be typed or printed legibly, double-spaced, on legal-sized white paper, and written in the English language. Margins shall be 2" at the top and 1" on the sides and bottoms. Quotations and footnotes may be single-spaced. Once a matter is allotted, the docket number and the division or section assigned the matter shall be indicated in the caption.

At the commencement of any litigation involving an action for an offense or quasi-offense, counsel for the petitioner, counsel's representative, or the self-represented litigant, shall complete a Civil Case Cover Sheet Form authorized by the Supreme Court of Louisiana. The Civil Case Cover Sheet Form appears in Appendix 9.6.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 27, 2012, effective January 1, 2013.

Comment

The Civil Case Cover Sheet Form may be found in Appendix 9.6 and Part G, § 13 of the Louisiana Supreme Court General Administrative Rules. The clerk of court's reporting requirement on actions for offenses and quasi-offenses is addressed in La. R.S. 13:4688 and Part G, § 13 of the Louisiana Supreme Court General Administrative Rules.

Rule 9.7 Signing of the Pleadings

Each pleading shall be signed by an attorney or by the self-represented party. The correct mailing address, street address, phone number, and facsimile number, if any, of the person signing the pleading, and in the case of an attorney, the Louisiana Bar Identification Number, shall appear below the signature.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended April 29,2014, effective June 1, 2014.

Rule 9.8 Exceptions and Motions

(a) *Contradictory Exceptions and Motions.* All exceptions and motions, including those incorporated into an answer, shall be accompanied by a proposed order requesting that the exception or motion be set for hearing. If the exceptor or mover fails to comply with this requirement, the court may strike the exception or motion, may set the matter for hearing on its own motion, or take other action as the court deems appropriate. To assist the court in scheduling the hearing, the exception or motion, and any opposition thereto, shall state: (1) whether or not the case is set for trial and, if so, the trial date; and (2) whether testimony will be offered at the hearing.

(b) Time between filing and hearing for motions for summary judgment is governed by see La. Code Civ. Proc. art. 966.

(c) *Time between filing and hearing.* In cases other than juvenile and family law proceedings, no hearing on an exception or motion will be scheduled until at least fifteen calendar days after filing. A party seeking to have an exception or motion heard less than fifteen days after filing shall show good cause and shall state in the exception or motion the reasons why an expedited hearing is necessary.

(d) *Ex parte motions.* Paragraphs (a) and (b) do not apply to:

(1) unopposed motions;

(2) motions in which all affected parties have joined; or

(3) motions permitted by law or by these Rules to be decided ex parte.

Any motion that may be decided ex parte shall be accompanied by a proposed order, except a motion for the court to give in writing its findings of fact and reasons for judgment under La. Code Civ. Proc. art. 1917.

(e) *Motions and Exceptions Referred to the Merits.* If a party filing a motion or exception wishes to refer it to the merits, the party shall file an unopposed motion, accompanied by a proposed order, asking that it be referred to the merits. This Rule does not apply to motions for summary judgment (*see* Rule 9.10). If the court finds that the interests of justice would be served by referring the motion or exception to the merits, the court may do so.

(f) *Unopposed motion.* An "unopposed motion" is one to which all affected parties have consented. Before representing to the court that the motion is unopposed, the mover shall contact all parties affected by the motion and obtain their consent. The moving party shall certify in the motion that the consent requirement has been met.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended April 29,2014, effective June 1, 2014; amended October 7, 2015, effective January 1, 2016.

Comments

(a) The Louisiana Code of Civil Procedure takes precedence over the District Court Rules. *See* Comment (a) to Rule 1.0. *See also* Act 422 (House Bill No. 696) of the Louisiana Legislature's 2015 Regular Session, which will alter the deadlines for filing requirements and delays for motions for summary judgment effective January 1, 2016.

(b) Rule 9.8(a) provides that the court may strike an exception or motion if not accompanied by an order scheduling the matter for a hearing or may set the matter for hearing on its own motion. *See* La. Code Civ. Proc. art. 964.

(c) *See* La. Code Civ. Proc. art. 2593 with regard to exceptions to a contradictory motion, rule to show cause, opposition, or petition in a summary proceeding.

(d) This Rule does not govern the time that an exception shall be pled. La. Code Civ. Proc. art. 928(B) permits a party to plead a peremptory exception "at any stage of the proceeding in the trial court prior to a submission of the case for a decision ...." But under La. Code Civ. Proc. art. 929(B), the trial court has the option of trying and disposing of a late-filed exception "either in advance of or on the trial of the case." This Rule preserves the trial court's option under La. Code Civ. Proc. art. 929(B). Although this Rule generally requires a fifteen day period between the filing and the hearing of an exception, it also gives the trial court discretion to shorten the period "for good cause shown." *See also* Rule 1.4, which allows a trial judge in a particular case to deviate from a Rule "in the interest of justice and upon notice to all parties ...."

Rule 9.9 Memoranda Supporting or Opposing Exceptions and Motions

(a) This Rule does not apply to juvenile and family law proceedings. Due to the expedited nature of family law proceedings, time delays shall be at the discretion of the court.

(b) When a party files an exception or motion, that party shall concurrently furnish the trial judge and serve on all other parties a supporting memorandum that cites both the relevant facts and applicable law. The memorandum for motions and exceptions, other than motions for summary judgment, shall be served on all other parties so that it is received by the other parties at least fifteen calendar days before the hearing, unless the court sets a shorter time. The delays for motions for summary judgment filings are set forth in La. Code Civ. Proc. art. 966.

(c) A party who opposes an exception or motion shall concurrently furnish the trial judge and serve on all other parties an opposition memorandum so it is received at least eight calendar days before the scheduled hearing, except for motions for summary judgment, which delays are established by La. Code Civ. Proc. art. 966.

(d) The mover or exceptor may furnish the trial judge a reply memorandum, but only if the reply memorandum is furnished to the trial judge and served on all other parties so that it is received before 4:00 p.m. on a day that allows one full working day before the hearing, except for motions for summary judgment, which delays are established by La. Code Civ. Proc. art. 966. For example, if the hearing is set for Friday, the reply memorandum shall be received no later than 4:00 p.m. the preceding Wednesday. If the hearing is set for Monday, the reply memorandum shall be received no later than 4:00 p.m. the preceding Thursday.

(e) Parties who fail to comply with paragraphs (b) and (c) of this Rule may forfeit the privilege of oral argument. If a party fails to timely serve a memorandum, thus necessitating a continuance to give the opposing side a fair chance to respond, the court may order the late-filing party to pay the opposing side's costs incurred on account of the untimeliness.

(f) Any party may, but need not, file a copy of the memorandum with the clerk of court. *See* Rule 9.4 and Appendix 9.4 to determine whether a particular judicial district requires that memoranda be filed with the clerk of court or sent directly to the presiding judge.

(g) Paragraphs (b) - (d) do not apply to the following motions:

(1) A motion for an extension of time to perform an act.

(2) A motion to continue a pre-trial conference, hearing, motion, or trial of an action.

(3) A motion to add or substitute parties.

(4) A motion to amend pleadings or to file supplemental pleadings.

(5) A motion to appoint a guardian, curator, or tutor.

(6) A motion to intervene.

(7) A motion to withdraw or substitute counsel of record (but any such motion shall comply with Rule 9.13).

(8) A motion to consolidate.

(9) Any unopposed motion or joint motion.

(10) A motion for the court to give in writing its findings of fact and reasons for judgment under La. Code Civ. Proc. art. 1917.

(11) A motion to compel a response to discovery when no response has been made.

(12) Any motions allowed to be granted ex parte under La. Code Civ. Proc. art. 963.

Any motion listed in (1) through (12) shall state the grounds in support, cite any applicable rule, statute, or other authority justifying the relief sought, and comply with Rule 9.8 to the extent applicable.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended April 29, 2014, effective June 1, 2014; amended May 28, 2015, effective July 1, 2015; amended October 7, 2015, effective January 1, 2016.

Comments

(a) The Louisiana Code of Civil Procedure takes precedence over the District Court Rules. *See* Comment (a) to Rule 1.0. *See also* House Bill No. 696 of the Louisiana Legislature's 2015 Regular Session, which will alter the deadlines for filing requirements and delays for motions for summary judgment effective January 1, 2016.

(b) *See* La. Code Civ. Proc. art. 1313 regarding service of pleadings subsequent to the original petition.

Rule 9.10 Motions for Summary Judgment

(a) A memorandum in support of a motion for summary judgment shall contain:

(1) A list of the essential legal elements necessary for the mover to be entitled to judgment;

(2) A list of the material facts that the mover contends are not genuinely disputed; and

(3) A reference to the document proving each such fact, with the pertinent part containing proof of the fact designated.

(b) A memorandum in opposition to a motion for summary judgment shall contain:

(1) A list of the material facts that the opponent contends are genuinely disputed; and

(2) A reference to the document proving that each such fact is genuinely disputed, with the pertinent part designated.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended May 28, 2015, effective July 1, 2015; amended October 7, 2015, effective January 1, 2016.

Rule 9.11 Executory Process

To assist the court, parties who file suit for executory process should clearly highlight or emphasize the language in the attached exhibits necessary for executory process, such as "confession of judgment" and "waiver of demand for payment."

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010.

Comment

Failure to comply with Rule 9.11 may, at the discretion of the court, result in delay while pleadings are conformed to the requirements of this Rule.

Rule 9.12 Enrollment as Counsel of Record

All licensed Louisiana attorneys in good standing may enroll as counsel of record: (1) by oral notice made in open court when all parties or their counsel are present; or (2) by filing a written Notice of Enrollment or a written Notice of Limited Appearance in accordance with La. Code Civ. Proc. art. 853 with the clerk of court, with copies to all other enrolled counsel or self-represented parties and to the court.

A Notice of Limited Appearance shall specifically state the limitation of legal services by subject matter, proceeding, date, or time period in accordance with Rule 1.2(c) of the Rules of Professional Conduct. *See* forms in Appendix 9.12A (family law) and Appendix 9.12B (non-family law).

The applicable Appendix Form 9.12 form shall be filed if an attorney is making a limited appearance, with or prior to the initial pleading or prior to the initial hearing. The Notice shall bear the signatures of both the appearing attorney and the client, unless the client is unavailable to sign at filing. If the Notice does not bear the client's signature, a certificate attesting to the scope of limited enrollment, signed by the client, shall be filed into the record within ten (10) days of the filing of the initial Notice of Limited Appearance.

Any pleading filed by an attorney making a limited appearance shall state in bold type on the signature page of that pleading: "Attorney for limited purpose of [matter or proceeding]."

Adopted April 1, 2002, effective April 1, 2002; amended October 29, 2003, effective January 4, 2004; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended November 27, 2012, effective January 1, 2013; amended May 15, 2013, effective June 1, 2013.

Comments

Attorneys enrolling pro hac vice shall comply with Rule XVII, Section 13 of the Rules of the Louisiana Supreme Court.

Filing the initial petition or first responsive pleading constitutes enrollment, and no further notice of enrollment is needed unless the attorney is making a limited appearance as authorized by Rule 1.2(c) of the Rules of Professional Conduct.

Rule 1.2(c) of the Rules of Professional Conduct allows an attorney to limit the scope of the representation if the limitation is reasonable and the client gives informed consent. *See also* Rule 1.0(e) of the Rules of Professional Conduct.

The use of standard forms for limited appearances makes the notices easily

recognizable to judge, court staff, opposing parties and the client. The form notices require the attorney to identify the scope of a limited representation with specificity.

Rule 9.13 Withdrawal as Counsel of Record

Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the court. Accordingly, the following requirements govern any motion to withdraw as counsel of record:

(a) The withdrawing attorney who does not have written consent from the client shall make a good-faith attempt to notify the client in writing of the withdrawal and of the status of the case on the court's docket. The attorney shall deliver or mail this notice to the client before filing any motion to withdraw.

(b) If the action or proceeding has been assigned to a particular section or division of the court, then the motion to withdraw shall be submitted to the judge presiding over that section or division.

(c) Any motion to withdraw shall include the following information:

(1) The motion shall state current or last-known street address and mailing address of the withdrawing attorney's client. The withdrawing attorney shall also furnish this information to the clerk of court.

(2) If a scheduling order is in effect, a copy of it shall be attached to the motion.

(3) The motion shall state whether any conference, hearing, or trial is scheduled and, if so, its date.

(4) The motion shall include a certificate that the withdrawing attorney has complied with paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Art. 16. A copy of the written communication required by paragraph (a) shall be attached to the motion.

(5) If the motion is to withdraw upon completion of a limited appearance, the motion shall include a certification by the withdrawing attorney that the agreed upon limited services have been completed and that the withdrawing attorney has submitted all judgments or orders resulting from the limited appearance as ordered by the court. A copy of the relevant Notice of Limited Appearance shall be attached to the motion.

(d) The court may allow an attorney to withdraw by ex parte motion if:

(1) The attorney has been terminated by the client; or
(2) The attorney has secured the written consent of the client and of all parties or their respective

counsel; or

(3) A limited appearance, as authorized by Rule 1.2(c) of the Rules of Professional Conduct and consented to by the client, has been completed; or

(4) The case has been concluded.

(e) The court may also allow an attorney to withdraw by ex parte motion if no hearing or trial is scheduled.

(f) If paragraph (d) does not apply, then an attorney may withdraw as counsel of record only after a contradictory hearing and for good cause. All parties and the withdrawing attorney's client shall be served with a copy of the motion and rule to show cause why it should not be granted.

(g) If counsel's withdrawal would delay a scheduled hearing or trial, the court will not allow the withdrawal unless exceptional circumstances exist or limited representation was undertaken pursuant to a Notice of Limited Appearance and completed.

(h) Paragraphs (a) through (f) do not apply to an ex parte motion to substitute counsel signed by both the withdrawing attorney and the enrolling attorney. The following rules govern such a motion:

(1) The court may grant the motion without a hearing. Movers shall furnish the court with a proposed order.

(2) Substitution of counsel will not, by itself, be good cause to alter or delay any scheduled matters or deadlines.

Adopted April 1, 2002, effective April 1, 2002; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended November 27, 2012, effective January 1, 2013.

Comments

Rule 9.13 is not intended to supersede the Rules of Professional Conduct regarding the presentation of false testimony to the court.

Rule 9.13(d)(3) provides for ex parte withdrawal by an attorney upon completion of a limited scope representation. It is intended to facilitate limited representation services as contemplated by Rule 1.2(c) of the Rules of Professional Conduct.

Rule 9.14 Fixing for Trial or Hearing; Scheduling Orders; Contact with Jurors

(a) The date on which a motion to fix for trial on the merits may be made, and the method of setting a date for trial or hearing of a matter, including deadlines for scheduling orders, pre-trial briefs, contact with jurors, or any other matter, shall be determined by each district court as set forth in Appendix 9.14.

(b) Any party may request in writing, or the court on its own motion may order, a La. Code Civ. Proc. art. 1551 scheduling conference between counsel and the court to which the case has been allotted. Within thirty days after receiving a request for a scheduling conference, the court shall schedule a conference for the purpose of addressing those matters set forth in La. Code Civ. Proc. art. 1551. The scheduling conference may be held by any appropriate means, including in person, by telephone, or teleconference.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011.

Comments

(a) La. R.S. 13:1303 requires that the Civil District Court of the Parish of Orleans prescribe the order of preference for the trial of cases. La. Code Civ. Proc. art. 1571(A)(1)(b) states that the district court should prescribe the order of preference "in accordance with the law."

(b) La. Code Civ. Proc. art. 1551 lists the matters that may be considered at scheduling conferences.

Rule 9.15 Subpoenas

(a) In cases other than juvenile and family law proceedings, a request for issuance of a subpoena shall be filed with the clerk of court at least ten days before the desired appearance date, unless a different deadline is set by the court in the pre-trial or other order.

(b) In the case of a settlement, counsel on whose client's behalf the witness has been asked to testify should make reasonable efforts to notify the witness.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended November 27, 2012, effective January 1, 2013; amended April 29, 2014, effective June 1, 2014.

Comment

La. Code Civ. Proc. art. 1355.1 deals with the reissuance of subpoenas.

Rule 9.16 Agreements and Stipulations

The court may recognize agreements and stipulations between counsel concerning the conduct, trial, or continuance of a suit only if they are:

(1) written and filed in the record; or

(2) made in open court and entered on the minutes.

Adopted April 1, 2002, effective April 1, 2002; amended November 18, 2010, effective January 1, 2011.

Rule 9.17 Continuances

(a) The court may grant a continuance of a trial or hearing for good grounds. Among the factors the court will consider are the diligence and good faith of the moving party, the reasonableness of the grounds, the fairness to both parties and other litigants before the court, and the need for the orderly and prompt administration of justice.

(b) The court will grant a continuance in any case where the law so requires.

(c) If the court grants a continuance, each party is responsible for contacting its own witnesses.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

See La. Code Civ. Proc. arts. 1601-1605 regarding the grounds for a continuance.

Rule 9.18 Oral Arguments

Oral argument is a privilege, not a right, and is within the court's discretion.
Adopted April 1, 2002, effective April 1, 2002.

Rule 9.19 Preliminary Defaults

By moving for a preliminary default, the requesting attorney or party is certifying to the court that the defendant in the principal or incidental demand has been properly served and has failed to answer within the time prescribed by law.
Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010.

Rule 9.20 Appeals to the District Court

Appeals to the district court shall be randomly allotted.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

CHAPTER 10 DISCOVERY

Rule 10.0 Interrogatories

A party shall be allowed to serve upon any other party, without leave of court, thirty-five interrogatories, as allowed by La. Code Civ. Proc. art. 1457(B). A court may not restrict the parties to fewer than thirty-five interrogatories except by amendment to these Rules.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

See Nathaniel Gaines, et al. v. Avondale Industries, Inc., et al., Parish of Orleans,

Civil District Court, Div. M, No. 95-1823, to the Court of Appeal, Fourth Circuit, No. 2001-C-0365, *writ denied* No. 2001-2348 (La. 11/16/01); 802 So.2d 616, holding that a local rule may not restrict the number of interrogatories to the defendants or plaintiffs in the aggregate.

Rule 10.1 Motions To Compel Discovery

(a) Before filing any motion to compel discovery, the moving party or attorney shall confer in person or by telephone with the opposing party or counsel for the purpose of amicably resolving the discovery dispute. The moving party or attorney shall attempt to arrange a suitable conference date with the opposing party or counsel and confirm the date by written notice sent at least five (5) days before the conference date, unless an earlier date is agreed upon or good cause exists for a shorter time period. If by telephone, the conference shall be initiated by the person seeking the discovery responses.

(b) No counsel for a party shall file, nor shall any clerk set for hearing, any motion to compel discovery unless accompanied by a "Rule 10.1 Certificate of Conference" as set forth below:

RULE 10.1 CERTIFICATE OF CONFERENCE

I, the undersigned party or attorney, certify to the court as follows:

If discovery conference is held:

The parties or counsel personally conducted a conference on [insert date]. At this conference, there was a substantive discussion of every item presented to the court in this motion and, despite their best efforts, the parties or counsel were unable to resolve the matters presented.

Certified this ___ day of _____, 20___.

_____
Signature of Party or Attorney

If discovery conference is not held:

The moving party or counsel has personally attempted to contact the respondent or counsel to arrange a conference to resolve the matters presented in this motion as follows:

[Insert dates, times, methods of contact, and results here.]

Respondent or counsel has failed to respond or failed to confer in good faith in an attempt to resolve the matters presented.

Certified this ___ day of _____, 20___.

_____
Signature of Party or Attorney

(c) If the court finds that the parties or counsel have failed to confer in good faith, or have willfully failed to confer, the court may impose, at its discretion, sanctions on the non-conferring party, including attorney fees and costs.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

CHAPTER 11 ALTERNATIVE DISPUTE RESOLUTION AND SPECIAL MASTERS

Rule 11.0 Louisiana Mediation Act

The district courts of Louisiana encourage and support the use of alternative dispute resolution to promote resolution of disputes and refer all counsel to the Louisiana Mediation Act, La. R.S. 9:4101, et seq. Additionally, the district courts of Louisiana encourage and support the use of special masters in appropriate circumstances.
Adopted April 1, 2002, effective April 1, 2002.

Rule 11.1 Certification of No Opposition to Mediation

Before submitting a request for mediation under La. R.S. 9:4103(A), a party shall certify that opposing counsel has been contacted and does not object to mediation.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comments

(a) La. R.S. 13:4165 allows the court to appoint special masters in civil actions under the circumstances set forth therein.

(b) *See* La. R.S. 9:4103(A), which provides that, on motion of any party, a court may order the referral of a civil case for mediation. In the interest of judicial economy, these rules require a certificate of no opposition by opposing counsel before filing a request for court-ordered mediation under La. R.S. 9:4102(A).

CHAPTER 12 JURORS, COSTS, CHALLENGES, EXEMPTIONS

Rule 12.0 Deposit for Jury Costs

In a civil case, the court shall fix an amount to cover the costs related to the jury, clerk of court, and sheriff. The court may not require that the bond be filed or the costs paid more than 180 days before trial. The failure to pay these costs timely will constitute a waiver of trial by jury.
Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 3, 2008,

effective January 1, 2009; amended November 20, 2009, effective January 1, 2010, amended November 21, 2011, effective January 1, 2012.

Comments

(a) La. Code Civ. Proc. art. 1734 provides that the jury bond shall be filed no later than sixty days before trial. La. Code Civ. Proc. art. 1734.1 provides that the court may order, in lieu of the bond required in Article 1734, that a cash deposit for costs be made no later than thirty days prior to trial. Rule 12.0 provides further guidance by stating that the bond need not be filed or the costs need not be paid more than 180 days before trial. Of course, the jury bond may be filed at the time of filing, at the discretion of counsel.

(b) La. R.S. 13:3105 sets the compensation to jurors in civil cases in Orleans Parish at $25.00 per day. La. R.S. 13:3049 states that jurors shall be paid $25.00 per day and that they should be reimbursed at a mileage rate not less than $.16 a mile and not more than the rate in effect for state officials.

(c) *See* La. Code Civ. Proc. art. 1761, et seq., regarding the procedure for calling and examining jurors.

Rule 12.1 Central Jury Pool

There may be a central jury pool for civil cases. The central jury pool shall be administered by the clerk of court or the judicial administrator, if any has been appointed by the court, under the direct supervision of the court, in accordance with the following:

(a) Authorized personnel shall assemble the members of the general venire, present the orientation, call roll, and account for those members present and absent.

(b) The judges shall notify the clerk of court and the clerk of court shall notify the jury commission at least ninety days before the designated jury terms, which sections of the court will participate in each term. The jury commission shall select a general venire in a number directed by the judges. Authorized personnel shall randomly select from the general venire those persons who will comprise the central jury pool and shall determine the number of persons selected to compose the central jury pool based upon the number of civil jury trials remaining on the dockets.

(c) Authorized personnel shall select the required number of panels from the central jury pool. The panels shall be selected at random and indiscriminately from the central jury pool members then available. In civil cases, the number of jurors shall be determined by the judge presiding over the trial for which the panel is selected. If the need arises, the assigned judge may request additional persons from the central jury pool, who also shall be selected at random.

(d) Persons selected to serve on the central jury pool panel and not selected to serve on a jury shall be returned to the central jury pool.

(e) The chief judge, or his or her designee, shall qualify the members of the central jury pool.

(f) Any person requesting to be excused from jury service shall present the reasons in writing to the court, the clerk of court, or to the judicial administrator, when one has been appointed, who shall then communicate that request and the necessary information to the court, which shall determine whether to grant the request.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

See Supreme Court Rule XXV, Section 2 regarding Jury Service.

TITLE III

RULES FOR CRIMINAL PROCEEDINGS IN DISTRICT COURTS

CHAPTER 14 ALLOTMENT OF CASES

Rule 14.0 Allotment of Cases

(a) The clerk of court shall randomly allot all criminal cases, unless an exception is established by law or these Rules. The method of random allotment established by each district court, or by each parish within a district, where applicable, is described in Appendix 14.0A. The method of randomly allotting traffic offenses prosecuted under Title 32 of the Louisiana Revised Statutes, wildlife offenses prosecuted under Title 56 of the Louisiana Revised Statutes, and appeals from courts of limited jurisdiction, is described in Appendix 14.0B.

(b) In districts having a designated drug fast track court, except drug courts established pursuant to R.S. 13:5301, et seq., all drug cases shall be allotted to the drug court. If the drug court has more than one division, the clerk shall randomly allot drug cases to the divisions of the drug court by the method described in Appendix 14.0A.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 14.1 Allotment - Defendant With More Than One Felony Case

(a) Unless a different method is set forth in Appendix 14.1, if a defendant has a felony case pending and previously allotted, any new felony arrest for that defendant shall be allotted to the division to which the pending felony was allotted. This "felonies-following-felonies" rule also applies to any pending felony arrests for a co-defendant with a new arrest and billed as a co-defendant.

(b) For purposes of this Rule, a felony case remains pending until any of the following events has occurred:

(1) a bill of information or indictment is filed or amended, reducing the case to a misdemeanor;
(2) the District Attorney's Office enters a nolle prosequi in a case; or
(3) there is an adjudication of guilty by plea or trial.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 14.2 Motions Before Allotment

When a motion for a preliminary examination, a motion to suppress evidence, a motion to fix or reduce bail, or any other petition or motion, including a petition for a writ of habeas corpus, is filed before the filing of an indictment or bill of information, the petition or motion shall be assigned a docket number and shall be allotted in the manner established by Rule 14.0(a), unless the case has

previously been assigned a docket number and allotted.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 14.3 Transfer of Allotted Case

Any case that has been allotted may be transferred from one division to another division for good cause, or by written consent of all parties, including the state, the defense, and the court. Consent transfers shall be by written order signed by both the transferring judge and the receiving judge.

If all parties do not consent, a show cause hearing shall be held, and the burden to show cause will be upon the moving party. The hearing shall be before a judge ad hoc, selected in the manner set forth for motions to recuse under Louisiana Code of Criminal Procedure Article 675.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 14.4 Transfer When a Bond Reduction or Preliminary Hearing Is Pending

If, after the filing and fixing of a date and time for a bond reduction or preliminary hearing, it is discovered that the case has been improperly or inappropriately allotted and the case is to be transferred to another division, the division transferring the case shall transfer it, but only after the designated date and time of the bond reduction or preliminary examination hearing. This Rule does not prevent a judge from transferring pending motions to the proper division when a motion is improperly or inappropriately scheduled for hearing by a division for the purposes of forum shopping or when the receiving division agrees or desires to hear the motions.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

CHAPTER 15 ASSIGNMENT OF CASES AND PRELIMINARY MOTIONS

Rule 15.0 Assignment of Cases; Filing of Motions; Pre-Trial and Status Conferences

The method of scheduling pre-trial and status conferences, and handling other pre-trial matters in criminal cases, shall be determined by each district court as set forth in Appendix 15.0.
Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 15.1 Appointment of Counsel

Each district court shall set forth a method for appointing counsel for indigent defendants. The method established by each district is described in Appendix 15.1 to these Rules.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended October 7, 2015, effective January 1, 2016.

Rule 15.2 Filing and Service of Motions

All motions, ex parte or otherwise, shall be filed with the clerk of court and served on all opposing parties, except as otherwise provided by law. Service on the district attorney shall be accomplished by hand delivery or by mailing a copy to the district attorney, unless the court has adopted an alternate method of service as listed in Appendix 15.2.

An indigent defendant may file ex parte motions with the allotted judge as allowed by law. Notice shall be provided to the State. The State may file an opposition to the hearing being held ex parte or to the substance of the motion.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended October 7, 2015, effective January 1, 2016.

Comment

See State v. Touchet, 93-2839 (La. 9/6/94); 642 So.2d 1213 and La. Code Crim. Proc. art. 739.

Rule 15.3 Audio-Visual Appearances by Defendant

See Appendix 15.3 for courts enacting court rules pursuant to La. Code Crim. Proc. arts. 522, 551, and 553, providing for audio-visual appearance through simultaneous transmission.

Adopted October 7, 2015, effective January 1, 2016.

CHAPTER 16 RECORDING OF PROCEEDINGS

Rule 16.0 Record of Proceedings

In all felony cases, and in misdemeanor cases requiring the recording of testimony, the court shall provide a method for making a verbatim record of all proceedings in open court.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 16.1 Court Reporter

Upon request of counsel, the court reporter shall take all testimony and evidentiary hearings in misdemeanor cases.

Adopted April 1, 2002, effective April 1, 2002.

CHAPTER 17 APPEALS FROM COURTS OF LIMITED JURISDICTION TO DISTRICT COURT

Rule 17.0 Transcript of Proceedings

A transcript, rather than a tape recording, of the proceedings in a court of limited jurisdiction shall be supplied to the district court on appeal.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 17.1 Matters Considered on Appeal

The following matters and no others shall be considered on appeal:

(1) An error designated in the assignment of errors included in the record lodged with the court; or
(2) An error that is discoverable by a mere inspection of the pleadings and proceedings and without inspection of the evidence.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 17.2 Lodging of Appeal

When the appeal has been lodged, the clerk of the district court shall notify the appellant or his or her counsel that the appellate record has been lodged with the court and that briefs or memoranda shall be filed within twenty days thereafter.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 17.3 Briefs

The appellant shall submit a brief or memorandum to the district court within twenty days of the lodging of the appeal. The prosecuting attorney of the court from which the appeal is taken shall have ten days thereafter to submit an answering brief or memorandum. The court, at its option, may decide the case on the briefs submitted or may set the matter for oral argument. If the appellant fails to timely file a brief, there shall be no oral argument and the assignments of error shall be considered abandoned.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 17.4 Allotment of Case

When lodged, the appeal shall be allotted according to the district court's method of random allotment.
Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 17.5 Minute Entry

Within fifteen days after the reviewing court renders judgment, the clerk of the reviewing court will mail a certified copy of the minute entry reflecting the reviewing court's judgment to:

(1) the judge and the clerk of the court of limited jurisdiction; and

(2) the parties or their counsel of record.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003.

CHAPTER 18 ARRAIGNMENT AND PLEAS

Rule 18.0 Waiver of Formal Arraignment and Pleas

A defendant in a non-capital felony case may waive formal arraignment and enter a plea of not guilty without appearing in person. The motion shall be in writing and shall comply substantially with the form in Appendix 18.0.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comment

See La. Code Crim. Proc. art. 553.

Rule 18.1 Appearance by Audio-Visual Transmission

The court may authorize an incarcerated defendant in a non-capital case to appear for arraignment and enter a plea by way of simultaneous transmission through audio-visual electronic equipment.

Adopted April 1, 2002, effective April 1, 2002.

Comment

See La. Code Crim. Proc. art. 551.

CHAPTER 19 SIMULTANEOUS PEREMPTORY CHALLENGES

Rule 19.0 Simultaneous Peremptory Challenges

As authorized by La. Code Crim. Proc. art. 788, a system of simultaneous exercise of peremptory challenges is hereby adopted for those district courts shown in Appendix 19.0. At the conclusion of the examination of prospective jurors as provided in La. Code Crim. Proc. art. 786, those prospective jurors who have not been excused for cause shall be tendered to the State and the defendant(s) for simultaneous exercise of peremptory challenges in writing. State and defense challenges of the same prospective juror(s) will be considered an exercise of a challenge by both the State and the defense.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

CHAPTER 20 WITHDRAWAL AS COUNSEL OF RECORD

Rule 20.0 Withdrawal of Counsel

All motions by defense counsel to be relieved as counsel of record shall be heard contradictorily with the accused and the State present. Ex parte motions to withdraw shall only be heard for good cause shown.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010.

CHAPTER 21 POST-CONVICTION RELIEF PROCEEDINGS

Rule 21.0 Clerk Shall Give Notice to State of Post-Conviction Relief Proceedings

On an application for post-conviction relief, the clerk shall give notice to all parties upon the entry of an order, ruling, or judgment. The clerk shall also give notice to the State of any order to respond to a defendant's application for post-conviction relief, and of any ruling rendered after any motion has been taken under advisement by the court.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

TITLE IV

RULES FOR FAMILY LAW PROCEEDINGS IN DISTRICT COURTS AND IN THE FAMILY COURT FOR THE PARISH OF EAST BATON ROUGE

***Note*: Title II of the District Court Rules was made applicable to Title IV via Supreme Court Order that took effect on June 1, 2014, subject to exclusionary exceptions contained in Rules 9.8, 9.9, and 9.15 of Title II, due to the expedited nature of family law proceedings.**

PART I. RULES APPLICABLE TO ALL FAMILY LAW PROCEEDINGS

CHAPTER 22 APPLICATION OF RULES

Rule 22.0 Application of Rules

The Rules and Appendices in Title IV supplement the Rules and Appendices of Titles I and II of the Louisiana District Court Rules and apply to all Louisiana family law proceedings in general jurisdiction district courts and in specialized jurisdiction district courts. *See* Appendix 22.0 for a list of courts having divisions or sections handling family law proceedings.
Adopted April 30, 2015, effective July 1, 2015.

Comment

(a) *See also* Rule 3.1 and Appendix 3.1 of Title I addressing divisions of court to determine if a judicial district has created specialized divisions or sections of court to handle family law matters.

(b) La. R.S. 13:587.4 permits the creation of specialized divisions or sections handling family law proceedings.

(c) *See* Title V for juvenile proceedings.

Rule 22.1 Family Law Proceedings Defined

Family law proceedings, for purposes of application of these Rules, are defined as:

(a) all family law actions that involve separation, divorce, or annulment proceedings, as well as all issues that are ancillary thereto;
(b) all child-related actions in marital and non-marital family law cases and all issues ancillary thereto, except as provided herein;
(c) all civil family law protective orders issued including actions filed pursuant to The Domestic Abuse Assistance Act, The Post–Separation Family Violence Relief Act, and Uniform Abuse Prevention Orders;

(d) all actions filed seeking to have a foreign judgment or order, or judgment or order of any other judicial district of this state, recognized and enforced that are described within these rules;
(e) the partition of and adjudication of issues arising from legal or contractual matrimonial regimes or
from partly legal and partly contractual matrimonial regimes;
(f) other matters designated by law or court-specific rule as "family law proceedings"; and
(g) enforcement of orders in any of these matters, including the issue of contempt of court.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 23 NOTICE AND EXCHANGE OF INFORMATION

Rule 23.0 Pre–Hearing Exchange of Information

(a) The courts listed in Column I of Appendix 23.0A require the pre-hearing filing, exchange, or submission of an affidavit or parts thereof similar to an Appendix 23.0B *Family Law Affidavit*. The suggested *Income and Expense Sheet* appears in Section VIII of the Appendix 23.0B *Family Law Affidavit*. The courts listed in Column II of Appendix 23.0A require the prehearing filing, exchange, or submission of a joint custody implementation plan similar to the applicable plan provided in Appendix 29.1A. In those jurisdictions that require the affidavit, the parties shall file, exchange, and/or submit the affidavit and/or joint custody implementation plan in accordance with the court-specific deadlines set forth in Appendix 23.0A.

(b) The courts listed in Column III of Appendix 23.0A may issue an Appendix 23.0C *Hearing Information Order* or an Appendix 23.0D *Hearing Officer Conference and Information Order*. If a court requires use of court-specific forms in place of these forms, these court-specific forms may be found in Appendix 23.0E.

(c) Failure of any party to comply with a Rule 23.0 information order may result in the dismissal or continuance of the rule, exclusion of evidence or arguments by the non-compliant party, and/or imposition of sanctions on the non-compliant party.

(d) For court-specific rules concerning arrearages, *see* Appendix 23.0F.
Adopted April 30, 2015, effective July 1, 2015.

Rule 23.1 Pre–Trial Orders in Non–Community Property Cases

Court-specific rules for pre-trial orders in family law proceedings may be found in Appendix 23.1 for non-community property cases. Court–specific rules regarding pre-trial orders in partition of community property cases may be found in Chapter 30.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 24 PROCEDURE

Rule 24.0 Form of the Pleadings; Case Caption and Title

Court-specific rules concerning form of pleadings and/or caption and title requirements in family law proceedings may be found in Appendix 24.0.
Adopted April 30, 2015, effective July 1, 2015.

Rule 24.1 Prior or Multiple Filing of Pleadings

Court-specific rules concerning prior or multiple filing of pleadings may be found in Appendix 24.1.
Adopted April 30, 2015, effective July 1, 2015.

Rule 24.2 Allotment of Cases

Court-specific rules for allotment of cases in family law proceedings may be found in Appendix 24.2.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See also Rule 9.3 and its Appendix. Family law-specific entries in Appendix 9.3 also appear in Appendix 24.2.

Rule 24.3 Pleadings Presented for Walk–Through

Court-specific rules for the presentation of pleadings for walk-through in family law proceedings may be found in Appendix 24.3.
Adopted April 30, 2015, effective July 1, 2015.

Rule 24.4 Attorneys Appointed To Represent Absentee Defendants

If a particular court has established a method of appointing attorneys to represent absentee defendants, a value of compensation, or other specific directive, the rule is set forth in Appendix 24.4.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. Code Civ. Proc. arts. 5091 through 5098.

Rule 24.5 Extensions of Time To Plead

Court-specific rules for extensions of time to plead in family law proceedings may be found in Appendix 24.5.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.6 Restrictions on Preparation of Answers or Other Pleadings; Procedure When a Self–Represented Party Has Filed an Answer

Courts that have adopted court-specific rules restricting the preparation of answers or other pleadings and on hearings when an answer is filed by a self-represented party are listed in Appendix 24.6.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.7 Scheduling Hearings and Trials; Order of Business

Court-specific rules for scheduling hearings and trials in family law proceedings may be found in Appendix 24.7A. Court-specific rules for the order of business conducted in a specific court or division of court may be found in Appendix 24.7B.

Adopted April 30, 2015, effective July 1, 2015.

Comment

See also Rules 3.1 and 9.14 and their respective Appendices Family law-specific entries in Appendices 3.1 and 9.14 also appear in Appendices 24.7A and 24.7B.

Rule 24.8 Continuances

Court-specific rules for continuances in family law proceedings may be found in Appendix 24.8A. Suggested continuance forms are included as Appendix 24.8B (Uncontested Motion To Continue) and Appendix 24.8C (Contested Motion To Continue).

Adopted April 30, 2015, effective July 1, 2015.

Comment

Appendices 24.8B and 24.8C originated from the 22nd J.D.C.

Rule 24.9 Discovery

Court-specific rules concerning discovery in family law proceedings may be found in Appendix 24.9.

Adopted April 30, 2015, effective July 1, 2015.

Rule 24.10 Pre–Trial Conferences

Court-specific rules for setting pre-trial conferences in family law proceedings may be found in Appendix 24.10.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See also Rule 9.14. Family law-specific entries in Appendix 9.14 also appear in Appendix 24.10.

Rule 24.11 Hearings in Chambers Pursuant to La. R.S. 9:302

Court-specific rules authorizing hearings in chambers in family law proceedings pursuant to La. R.S. 9:302 may be found in Appendix 24.11.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 9:302.

Rule 24.12 Presence of Children in the Courtroom and/or Hearing Officer Conferences

Children shall not be brought to court proceedings and/or hearing officer conferences, except in unusual circumstances or where the child(ren) may be called as (a) witness(es). The judge and/or hearing officer, commissioners, or family law magistrates shall determine the method and procedure for the presence of children. For court-specific rules concerning the presence of children in court and/or hearing officer conferences, *see* Appendix 24.12.

Parties are allowed to bring children involved in an uncontested adoption proceeding to a court hearing.
Adopted April 30, 2015, effective July 1, 2015.

Rule 24.13 Mental Health Evaluations

Court-specific rules for mental health evaluations in family law proceedings may be found in Appendix 24.13.
Adopted April 30, 2015, effective July 1, 2015.

Rule 24.14 Uncontested Paternity Proceedings—Proof by Affidavit

Courts that have adopted court-specific rules for proof of uncontested paternity by affidavit pursuant to La. R.S. 9:572 are listed in Appendix 24.14.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 25 JUDGMENTS AND STIPULATIONS

***Note*: See La. Code Civ. Proc. art. 1919 addressing the description of immovable property in judgments.**

Rule 25.0 Rules on Preparation and Submission of Judgments

See Appendix 25.0 for court-specific rules on presentation and submission of judgments in family law proceedings.
Adopted April 30, 2015, effective July 1, 2015.

Comment

The circulation and certification requirements set forth in District Court Rule 9.5 apply to family law proceedings.

Rule 25.1 Income Assignment Orders

See Appendix 25.1 for court-specific rules on income assignment orders.
Adopted April 30, 2015, effective July 1, 2015.

Rule 25.2 Partition Judgments Involving Immovable Property

For partition judgments involving immovable property, the judgment language shall contain the legal description of the property, as well as the common address so that it may be properly indexed in the conveyance records.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See Chapter 30 for Rules concerning partition of community property.

CHAPTER 26 DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 26.0 Forms, Notices, and Orders Required

Domestic Violence Protective Orders may be requested either by filing the appropriate Louisiana Protective Order Registry (LPOR) form, which may be obtained from the LPOR home page located at http://www.lasc.org/court_managed_prog/lpor.asp, or by incorporating a request for a protective order or injunction into any pleading. If the latter method is used, an appropriate LPOR Temporary Restraining Order form shall be completed and submitted with the petition seeking such relief. *See* Appendix 26.0A for a list of LPOR forms 1 to 21 mandated by La. R.S. 46:2136.2(C). *See* Appendix 26.0B for a listing of LPOR courtesy forms A through Z.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 27 DIVORCES PURSUANT TO LA. CIV. CODE ART. 102

Rule 27.0 Rules To Show Cause

(a) Courts requiring the filing of the La. Civ. Code art. 102 checklist in Appendix 27.0A are listed in Appendix 27.0B.

(b) To enter a judgment of divorce, it shall be sufficient to comply with the requirements of La. Code Civ. Proc. art. 3956(5). Those courts that grant a La. Civ. Code art. 102 divorce by affidavit are listed in Appendix 27.0C.
Adopted April 30, 2015, effective July 1, 2015.

Rule 27.1 Forms Required for Waiver of Service and Citation

Forms that may be used for waiver of service and citation of an original petition for divorce in an action for divorce under La. Civ. Code art. 102 may be found in Appendix 27.1A. Forms that may be used for waiver of service and citation of a rule to show cause in an action for divorce under La. Civ. Code art. 102 may be found in Appendix 27.1B. Courts that require use of a specific waiver of service and citation form in a La. C.C. art. 102 divorce are listed on Appendix 27.1C.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 28 DIVORCES PURSUANT TO LA. CIV. CODE ART. 103

Rule 28.0 Confirmation of Defaults

For court-specific rules concerning confirmation of preliminary defaults, *see* Appendix 28.0.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. Civ. Code art. 103(1) and La. Code Civ. Proc. art. 1702(A) and (E).

Rule 28.1 Judgments of Divorce Under La. Code Civ. Proc. Art. 1702(E)

Confirmation of divorce under La. Civ. Code art. 103(1) may be held in open court or in chambers in the judge's discretion. Courts allowing divorce by affidavit in accordance with La. Code Civ. Proc. art. 1702(E) are listed in Appendix 28.1A. In such instances, the mover's attorney shall complete the default confirmation under the La. Code Civ. Proc. art. 1702(E) checklist attached as Appendix 28.1B to these Rules, unless this checklist is not required by court rule. The checklist and affidavit, if required, must accompany the filing of the judgment of divorce. Courts requiring a La. Code Civ. Proc. art. 1702(E) checklist are listed in Appendix 28.1C.
Adopted April 30, 2015, effective July 1, 2015.

Rule 28.2 Judgment on the Pleadings and Summary Judgment of Divorce in Chambers Under La. Code Civ. Proc. Art. 969

(a) To obtain a divorce under La. Code Civ. Proc. Art. 969, both parties shall be represented by counsel.

(b) A judgment of divorce under La. Civ. Code art. 103(1) may be accomplished in accordance with La. Code Civ. Proc. art. 969(B). In those courts listed in Appendix 28.2A, the attorney for one of the parties shall complete the La. Code Civ. Proc. art. 969(B) uncontested divorce checklist in Appendix 28.2B. The checklist, if required, must accompany the filing of the judgment of divorce.
Adopted April 30, 2015, effective July 1, 2015.

Rule 28.3 Forms Required for Waiver of Service and Citation

See Appendix 28.3A for a form that may be used for waiver of service and citation in an action for divorce under La. Civ. Code art. 103. Courts that require use of a specific Appendix 28.3B form for waiver of service and citation in an action for divorce under La. Civ. Code art. 103 are listed in Appendix 28.3B.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 29 CUSTODY AND VISITATION ORDERS

Rule 29.0 Ex Parte Custody Orders

(a) All petitions seeking an ex parte order for temporary custody of children shall comply with La. Code Civ. Proc. art. 3945. An appropriate *Affidavit of Mover in Compliance with La. C.C.P. art. 3945(B)* may be found in Appendix 29.0A. An Appendix 29.0B *Certification by Applicant's Attorney in Compliance with La. C.C.P. art. 3945(B)* must accompany an *Application for Ex Parte Temporary Custody Order*.

(b) Court-specific rules concerning ex parte custody orders may be found in Appendix 29.0C.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.1 Temporary Custody Orders

For court-specific rules on temporary custody orders, *see* Appendix 29.1.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.2 Joint Custody Implementation Plans

For a listing of courts requiring the submission of a joint custody implementation plan, such as the plans in Appendices 29.2A and 29.2B, *see* Column II of Appendix 23.0A.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.3 Parenting Classes

For court-specific rules concerning parenting classes, *see* Appendix 29.3.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.4 Mediation

For court-specific rules concerning mediation, *see* Appendix 29.4.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 9:332, et seq.

Rule 29.5 Registration of Foreign or Out-of-State Custody Orders

A sample form letter to register a foreign or out-of-state custody order may be found in Appendix 29.5.
Adopted April 30, 2015, effective July 1, 2015.

Rule 29.6 Modification of an Existing Custody or Visitation Order

For court-specific rules on modification of an existing custody or visitation order, *see* Appendix 29.6.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 30 PARTITION OF COMMUNITY PROPERTY

Rule 30.0 Sworn Detailed Descriptive List

All detailed descriptive lists shall be filed in accordance with La. R.S. 9:2801. Appendix 30.0A contains a blank *Sworn Detailed Descriptive List* that parties may use in partition proceedings. Also, attached as Appendix 30.0B is a sample, completed *Sworn Detailed Descriptive List* that parties may use as a guide in completing the blank form.

Appendix 30.0C contains a blank *Joint Detailed Descriptive List* that parties may use in partition proceedings. Also, attached as Appendix 30.0D is a sample, completed *Joint Detailed Descriptive List* that parties may use as a guide in completing the blank form.

For court-specific rules concerning detailed descriptive lists, *see* Appendix 30.0E.
Adopted April 30, 2015, effective July 1, 2015.

Rule 30.1 Court–Appointed Special Masters and Experts

For courts having special rules for appointed special masters and experts, *see* Appendix 30.1.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 13:4165 for the law concerning the appointment, duties and powers, and compensation of special masters.

Rule 30.2 Rules Governing Partition of Community Property

For court-specific rules concerning partition of community property, *see* Appendix 30.2.

Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 31 OTHER RULES

Rule 31.0 Use of Electronic and Recording Devices

For court-specific rules concerning the use of electronic and recording devices, *see* Appendix 31.0.

Adopted April 30, 2015, effective July 1, 2015.

Rule 31.1 Oral Arguments

For court-specific rules concerning oral arguments, *see* Appendix 31.1.

Adopted April 30, 2015, effective July 1, 2015.

Rule 31.2 Enrollment and Withdrawal of Counsel

For court-specific rules concerning enrollment and withdrawal of counsel, *see* Appendix 31.2.

Adopted April 30, 2015, effective July 1, 2015.

Rule 31.3 Collaborative Divorce Procedures

For court-specific rules concerning collaborative divorce procedures, *see* Appendix 31.3.

Adopted April 30, 2015, effective July 1, 2015.

PART II. RULES APPLICABLE ONLY TO FAMILY LAW PROCEEDINGS INVOLVING HEARING OFFICERS, DOMESTIC COMMISSIONERS, AND/OR MAGISTRATES

CHAPTER 32 USE OF HEARING OFFICERS AND DOMESTIC COMMISSIONERS FOR FAMILY MATTERS

Rule 32.0 Power and Authority of Hearing Officers and Domestic Commissioners

Pursuant to Title IV–D of the Federal Social Security Act, La. R.S. 46:236.5, applicable articles of the Civil Code, the Code of Civil Procedure, the Children's Code, and the Revised Statutes,

and in furtherance of Title IV of the Louisiana District Court Rules, a district court with family jurisdiction may adopt and implement an expedited process for the establishment, modification, and enforcement of paternity and support obligations and all other family proceedings as defined by La. R.S. 46:236.5 by authorizing and directing one or more court-appointed hearing officer(s) to hear family proceedings.

Courts authorizing and directing court-appointed hearing officers, commissioners, and/or magistrates pursuant to La. R.S. 46:236.5 are listed in Appendix32.0A. Court-specific rules on hearing officers and domestic commissioners appear in Appendix 32.0B.
Adopted April 30, 2015, effective July 1, 2015.

Rule 32.1 Application of General Rules and Local Appendices

Where the rules in this Title are silent, Titles I and II of the Louisiana District Court Rules shall apply. To the extent that the powers of the hearing officers as set forth by Title IV–D of the Federal Social Security Act, La. R.S. 46:236.5, applicable articles of the Civil Code, the Code of Civil Procedure, the Children's Code, and the Revised Statutes are limited or modified by individual judicial districts, *see* Title IV Chapters 33 through 36 and their Appendices.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 33 HEARING OFFICER PROCEDURES FOR TITLE IV–D FEDERAL SOCIAL SECURITY ACT

Rule 33.0 Objections to Recommendations of Hearing Officers in Title IV–D Matters

At the conclusion of the hearing, the hearing officer shall render a written recommendation to the court as provided for by La. R.S. 46:236.5(C)(5). Notice to litigants shall be as provided in District Court Rule 33.1.

Any objection to the written recommendation of a hearing officer on a Title IV–D matter shall be filed within five (5) days, exclusive of legal holidays, from the issuance of the recommendation.

Upon the timely filing of a written objection, the matter shall be set on the docket of the assigned district judge for hearing.

If no written objection is timely filed to the hearing officer's written recommendations, the written recommendations shall become a final judgment of the court and shall be signed by a judge and shall be appealable as a final judgment. The judgment after signature by a district judge shall be served upon the parties in accordance with law.

For court-specific rules concerning objections to written hearing officer recommendations in Title IV–D matters, *see* Appendix 33.0.
Adopted April 30, 2015, effective July 1, 2015.

Rule 33.1 Notice to Litigants

In all Title IV–D matters, the hearing officer's written recommendations shall contain a written notice to the parties of the time and method for filing objections.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 34 HEARING OFFICER AND DOMESTIC COMMISSIONER PROCEDURES FOR DOMESTIC VIOLENCE PROTECTIVE ORDERS

Rule 34.0 Forms, Notices, and Orders Required

Domestic Violence Protective Orders may be requested either by filing the appropriate Louisiana Protective Order Registry (LPOR) form, which may be obtained from the LPOR home page located at http://www.lasc.org/court_managed_prog/lpor.asp, or by incorporating a request for a protective order or injunction into any pleading. If the latter method is used, an appropriate LPOR Temporary Restraining Order form shall be completed and submitted with the petition seeking such relief. *See* Appendix 25.0A for a list of LPOR forms 1 to 21 mandated by La. R.S. 46:2136.2(C). *See* Appendix 25.0B for a listing of LPOR courtesy forms A through Z.

See Appendix 34.0 for court-specific rules concerning hearing officer procedures for Domestic Violence Protective Orders.
Adopted April 30, 2015, effective July 1, 2015.

Rule 34.1 Written Recommendations of Hearing Officers and Judgments of Domestic Commissioners

If no written objection is timely filed to the hearing officer's written recommendations or judgment of the domestic commissioner, the written recommendations shall become a final judgment of the court and shall be signed by a judge and shall be appealable as a final judgment. The judgment after signature by a district judge shall be served upon the parties in accordance with law.
Adopted April 30, 2015, effective July 1, 2015.

Rule 34.2 Objections; Time for Filing

All objections to hearing officer recommendations and judgments of domestic commissioners involving domestic violence protective orders or injunctions shall be made contemporaneously, at the close of the hearing. Any party desiring to object shall immediately notify the deputy clerk of court present in the courtroom. The hearing officer or domestic commissioner shall then ensure that a hearing date is obtained from the assigned judge, and shall notify the parties of same in open court. Both parties shall remain in the courtroom until notified of the date and place of the rehearing before the district judge. The rehearing shall be held thereafter in accordance with La. Code Civ. Proc. art. 3604(C).

For court-specific rules concerning objections to rulings of a hearing officer or domestic commissioner and the time for filing such objections, *see* Appendix 34.2.
Adopted April 30, 2015, effective July 1, 2015.

Rule 34.3 Notice to Litigants

In all proceedings for domestic violence protective orders or injunctions, the hearing officer's written recommendations and judgments of the domestic commissioner shall contain a written notice to the parties informing them of the above-stated time and method for filing objections.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 35 GENERAL PROCEDURES FOR HEARING OFFICER CONFERENCES

Rule 35.0 Scheduling

In those courts where hearing officer conferences are required, the following rules are applicable:

(a) Upon filing pleadings on family proceedings, all parties will be required to attend a hearing officer conference with a hearing officer unless specifically waived by the court.

(b) Each party shall provide documentation to the hearing officer and the other party in accordance with the *Hearing Officer Conference and Information Order*.

(c) All parties shall be provided appropriate notice of the *Hearing Officer Conference and Information Order*.

(d) The hearing officer conference will be scheduled expeditiously. All parties shall comply with the *Hearing Officer Conference and Information Order*.
Adopted April 30, 2015, effective July 1, 2015.

Comment

A *Hearing Officer Conference and Information Order* may be found in Appendix 23.0D.

Rule 35.1 Failure To Timely Comply with Hearing Officer Conference and Information Order and Affidavit

If a party does not provide the required financial information as ordered by the court necessary for the hearing officer to make a determination as to the amount of child support or spousal support, then the hearing officer, in order to do substantial justice, may: (1) recommend that the party failing to produce the financial information be found in contempt of court with sanctions to be imposed; and/or (2) recommend that the matter be dismissed without prejudice; and/or (3) recommend that good cause exists to modify the retroactivity of the award; and/or (4) make temporary recommendations based

upon the limited information provided; and/or (5) recommend that the attorney or self-represented parties who failed to produce the financial information pay the reasonable expenses, including attorney fees, caused by the failure. If the hearing officer is unable to make a recommendation based upon the information provided, the court may set a limited hearing for purposes of setting temporary child support or spousal support or contempt of court. The temporary order shall be without prejudice and shall not affect claims of retroactivity except for good cause shown.

For court-specific rules concerning failure to timely comply with an Appendix 23.0D *Hearing Officer Conference and Information Order* and/or an *Appendix 23.0B Family Law Affidavit, see* Appendix 35.1.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. Code Civ. Proc. art. 1471(C).

Rule 35.2 Hearing Officer Conference Report

At or within a reasonable time following the hearing officer conference, the hearing officer shall also prepare a written conference report in compliance with La. R.S. 46:236.5(C)(5).
Adopted April 30, 2015, effective July 1, 2015.

Rule 35.3 Failure To Appear or Remain for Hearing Officer Conference

If a party or attorney who, after having been duly cited and served with process, fails to appear or remain for the duration of a hearing officer conference, or is ejected from the conference for disorderly or disruptive behavior, the hearing officer may impose or recommend a finding of contempt and appropriate sanctions in accordance with La. R.S. 46:236.5(C)(3)(f) and La. R.S. 46:236.5(C)(4)(g), or any other remedy provided by law.
Adopted April 30, 2015, effective July 1, 2015.

Rule 35.4 Stipulations at Hearing Officer Conference

If both parties agree on some or all of the issues before the court during the hearing officer conference, the hearing officer shall prepare a written stipulation for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. The stipulation shall contain an acknowledgment that no objection or appeal may be filed. If the parties do not agree on all issues before the court, the hearing officer shall prepare a written conference report in accordance with La. R.S. 46:236.5(C)(5).

A sample *Stipulation* form may be found in Appendix 35.4.
Adopted April 30, 2015, effective July 1, 2015.

Rule 35.5 Objections To Written Recommendations of Hearing Officer and Judgments of Domestic Commissioner

Any objection to the written recommendation of a hearing officer and judgment of the domestic commissioner shall be filed with the clerk of court within five (5) days, exclusive of legal holidays, from the issuance of the recommendation. For court-specific rules concerning objections to hearing officer recommendations and judgments of domestic commissioners, *see* Appendix 35.5.
Adopted April 30, 2015, effective July 1, 2015.

Comment

See La. R.S. 46:236.5(C)(6) and (7).

Prior to the implementation of this Rule, district courts had varying objection delay times. In the interest of justice, and considering the increase in the number of self-represented parties involved in family law proceedings who are unfamiliar with the workings of the legal system, the five-day delay was adopted.

Rule 35.6 Method of Providing Notice of Objections To Opposing Parties

A party filing an objection shall provide the hearing officer and all parties with a copy of the objection. The objecting party shall provide a copy of the objection to all parties at the same time and in the same manner in which the objection was delivered to the clerk of court, or in a manner in which all parties receive a copy at the same time or earlier.
Adopted April 30, 2015, effective July 1, 2015.

Rule 35.7 Trial After Objections Filed

If any party files a timely objection to the recommendations of the hearing officer, then the matter shall be set before the judge for hearing. *See* Appendix 35.7 for court-specific rules for setting hearing dates. The judge shall not be bound by the recommendation of the hearing officer. Further, the judge may review the hearing officer's conference report, and shall accept, reject, or modify in whole or in part the findings of the hearing officer and give them such weight as deemed appropriate based on the evidence adduced at the hearing.
Adopted April 30, 2015, effective July 1, 2015.

Rule 35.8 Adoption of Hearing Officer's Recommendation As Temporary Order After Objection

If a written objection to the hearing officer recommendation is timely filed, then the court may, in its discretion, adopt the findings as temporary orders, upon signature of the assigned judge, pending the final disposition of the claims by the court. Any temporary orders signed by the district judge shall be considered interlocutory. This temporary order shall be without prejudice and shall not affect the retroactivity claims of the parties.

For court-specific rules concerning adoption of a hearing officer's recommendation as a temporary order after objection, *see* Appendix 35.8.
Adopted April 30, 2015, effective July 1, 2015.

Rule 35.9 Adoption of Hearing Officer Recommendations Upon Failure To Appear At Trial

If an objecting party does not appear at the time on which the matter is scheduled for trial, then the judge shall accept, reject, or modify in whole or in part the findings of the hearing officer.
Adopted April 30, 2015, effective July 1, 2015.

CHAPTER 36 SPECIFIC PROCEDURES FOR HEARING OFFICER CONFERENCES [RESERVED]

TITLE V

RULES FOR JUVENILE PROCEEDINGS IN DISTRICT COURTS AND IN JUVENILE COURTS FOR THE PARISHES OF EAST BATON ROUGE, ORLEANS, JEFFERSON, AND CADDO

CHAPTER 40 PRELIMINARY PROVISIONS; JURISDICTION; DEFINITIONS

Rule 40.0 General Applicability of Louisiana Children's Code

Except as otherwise specified in the Louisiana Children's Code, all juvenile proceedings shall be governed by the provisions of the Louisiana Children's Code.
Adopted April 29, 2008, effective July 1, 2008.

Rule 40.1 Definitions and Abbreviations

Except where the context clearly indicates otherwise, as used in courts exercising juvenile jurisdiction and in these Rules:

"ASFA" means the Adoption and Safe Families Act of 1997, 42 U.S.C. §§ 601, et seq., P.L. 105-89.

"CASA" means Court Appointed Special Advocate, as provided in Louisiana Children's Code Article 424, et seq.

"CINC" means Child in Need of Care proceedings pursuant to Title VI of the Louisiana Children's Code.

"Clerk" means the court's clerk of court.

"Court" means the court exercising juvenile jurisdiction over the matter, or the judge, hearing officer, or traffic referee acting in a section thereof.

"Case Manager" means a court staff person who monitors the case flow and tracks cases to ensure compliance with statutory guidelines.

"Chief Judge" means the judge serving as the Chief Administrative Officer of the court.

"Children's Code" and "La. Child. Code" mean the Louisiana Children's Code, as amended.

"District Attorney" means the chief prosecutor for that parish and includes all assistants to that prosecutor.

“DHH” means the Louisiana Department of Health and Hospitals.

“DPSC” and “DOC” mean the Louisiana Department of Public Safety and Corrections.

“DSS” means the Louisiana Department of Social Services.

“Duty Judge” means the judge handling preliminary matters for the court.

“FINS” means Families in Need of Services, both the legal process and the service delivery program as provided in Title VII of the Louisiana Children’s Code.

“Hearing Officer” means an attorney appointed by the court on a full- or part-time basis to hear cases and to make recommendations to the court, as allowed by law.

“ICPC” means the Interstate Compact on the Placement of Children as set forth in Chapter 2, Title XVI of the Louisiana Children’s Code.

“Informal Adjustment Agreement” or “IAA” means the form of diversion procedure set forth in Titles VI, VII, and VIII of the Louisiana Children’s Code.

“Judge” means a duly elected judge of that court exercising juvenile jurisdiction or any person appointed or assigned to serve in that capacity by the Louisiana Supreme Court.

“Number/Gender” means the singular includes the plural, the plural includes the singular, and the masculine includes the feminine, when consistent with these Rules.

“OCS” means the Office of Community Services for the State of Louisiana, which is a subdivision of DSS. OCS investigates and provides services in all abuse and neglect cases. OCS is the placement agency for all children in its custody.

“OYS” means the Office of Youth Services for the State of Louisiana. OYS investigates and advises the court in status offender and delinquency cases by providing parole and probation supervision of those children in its custody. OYS is the placement agency for children in its custody who have been adjudicated FINS or delinquent.

“Party” means a child who is the subject of a court proceeding, the parent, guardian, or legal custodian of such child, or any person designated by any applicable law as a party in a given case.

“Petition” means the legal document containing the allegations upon which the court’s

jurisdiction is based. In civil proceedings before the court, a petition also includes the cause of action upon which the petitioner's claim is based.

"Probation Officer" means a representative of the state or parish probation office providing supervision services to the court.

"R.S." means the Louisiana Revised Statutes Annotated.

"Reserved" means that a number has been set aside for or any future rules relative to the topic and is a practice consistent with the Louisiana Children's Code.

"Traffic Referee" means an attorney appointed by the court exercising juvenile jurisdiction to hear all traffic cases involving juveniles except those proceedings under La. R.S. 14:1, et seq.

"UCCJA" means the Uniform Child Custody Jurisdiction Act pursuant to La. R.S. 13:1701, et seq., and Louisiana Children's Code Article 310.

"UCCJEA" means the Uniform Child Custody Jurisdiction and Enforcement Act pursuant to La. R.S. 13:1801, et seq.

"UIFSA" means the Uniform Interstate Family Support Act pursuant to Louisiana Children's Code Article 1301, et. seq.

"URESA" means the Uniform Reciprocal Enforcement Support Act pursuant to La. R.S. 13:1641-1698, which was repealed in 1993.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

(a) Caddo Parish Juvenile Court also uses the following definitions:

(1) "Department head" means the Judicial Administrator, Clerk, Chief Probation Officer, and Superintendent of the Detention Home.

(2) "Detention Home" means the Caddo Parish Juvenile Detention Home.

(3) "Judicial Officer" means a Judge, Hearing Officer, or Juvenile Traffic Referee of the Court.

(4) "Juvenile Justice Complex" means the Caddo Parish Juvenile Justice Complex located at 1835 Spring Street in Shreveport, Louisiana.

(5) "Parish Commission" means the Caddo Parish Commission.

(b) Orleans Parish Juvenile Court also uses the following definitions:

(1) "CPD" means the Child Protection Division in Orleans Parish Juvenile Court.

(2) "OPD" means the Office of Public Defender of the Parish of Orleans.

(c) East Baton Rouge Juvenile Court also uses the following definition:

(1) "O.P.D." means the Office of Public Defender of the Parish of East Baton Rouge, and includes all Assistant Public Defenders (P.D.). *See* Appendix 41.0 for further definitions.

(d) Jefferson Parish Juvenile Court also uses the following definitions:

(1) "DJS" means the Department of Juvenile Services for the Parish of Jefferson. DJS investigates and advises the Court in all adjudicated delinquency and family in need of service cases, providing probation supervision for those children not in the custody of the DPSC/OYS. Through a contract with the Family Services Society of Greater New Orleans, DJS provides monitoring services of non-adjudicated family in need of services cases.

(2) "I.D.B." means the Indigent Defender Board for the Parish of Jefferson.

Rule 40.2 Jurisdiction

(a) Exclusive, original jurisdiction of juvenile court

A court exercising juvenile jurisdiction shall have exclusive original jurisdiction as set forth in La. Child. Code art. 302, et seq.

(b) Division of concurrent juvenile jurisdiction between district, parish, or city courts

Juvenile courts have concurrent subject matter jurisdiction with courts of general jurisdiction over certain issues, including child custody, child support, and certain enumerated adult crimes. The nature of the proceeding involving that subject matter, not the subject matter itself, is determinative of which court properly exercises jurisdiction in accordance with Title III of the Louisiana Children's Code.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Comment

Matters over which courts may have concurrent jurisdiction include the commission of certain criminal acts by minors [(La. Child. Code art. 303(1)), domestic abuse assistance proceedings (La. Child. Code art. 303(9)), custody matters (La. Child. Code arts. 309, 310), child support (La. Child. Code art. 311), and certain criminal proceedings involving children (La. Child. Code art. 312)].

CHAPTER 41 COURT ORGANIZATION AND SESSIONS

Rule 41.0 Procedure

Specific procedures mandated by a court exercising juvenile jurisdiction are set forth in Appendix 41.0.

Adopted April 29, 2008, effective July 1, 2008. Renumbered Rule 41.0 and amended April 20, 2010, effective June 1, 2010.

CHAPTER 42 GENERAL RULES AND PROCEDURES

Rule 42.0 One Family/One Judge Rule

Unless a different method of allotment is set forth in Appendix 42.0, if a juvenile or the mother or father of any child or children has a juvenile case pending and previously allotted, any new juvenile matter shall be allotted so that all juvenile matters related to the new filing are presided over in one division of court.

Adopted April 29, 2008, effective July 1, 2008. Amended April 20, 2010, effective June 1, 2010.

Comment

See Louisiana Supreme Court Rule XXXIII, Part I, Section 2.

Rule 42.1 Delay Reduction; Continuances

(a) All motions for continuance shall be in writing and filed at the earliest possible date. Such motions are set in the same manner as other motions. Continuances shall be granted only for good legal cause shown. The court may, however, entertain an oral motion for a continuance in exceptional circumstances, as the ends of justice require. The reason for any continuance shall be included in the court record.

(b) If a continuance is sought ex parte, the movant shall certify in the motion that all parties have been notified and have no objection. Parties may be notified through counsel of record.

(c) Counsel are responsible for monitoring the status of their case, arranging for reissuance of subpoenas, and otherwise ensuring that their case is ready for trial.

(d) No continuances or extensions of time shall be permitted that may result in non-compliance with either the Children's Code or federal ASFA legislation or regulations.

(e) Whenever necessary, cases may be taken under advisement, but shall not remain without decision for a period in excess of thirty days without the knowledge and consent of the attorneys representing the parties at interest. Cases under advisement for more than thirty days shall be reported to the Supreme Court as required by Louisiana Supreme Court General Administrative Rule XXIX, Section 2.

(f) In the event that a continuance is granted, or a delay permitted, that exceeds the maximum allowable times established by the Children's Code, the court is mandated by Supreme Court Rule XXXIII, Part II to report such continuance within ten days to the Louisiana Supreme Court, along with the reasons for the delay, and a copy of the order.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Comments

(a) Orleans Parish Juvenile Court requires that a continuance be filed not less than seventy-two hours before the scheduled hearing.

(b) Caddo Parish Juvenile Court requires the following:

(1) A continuance shall be filed at least five days before the scheduled hearing.

(2) A continuance of an adjudication hearing may be granted only after filing of a written motion with notice to opposing parties and upon showing of good cause arising from extraordinary circumstances. If granted by the Court, the Court shall issue written reasons reciting the particular facts justifying the continuance, identifying the mover, and refixing the adjudication hearing no more than five days after the initial hearing date.

(3) A continuance of an evidentiary hearing may be granted only after filing of a written motion with notice to opposing parties and upon showing of good cause arising from extraordinary circumstances. If granted by the Court, the Court shall issue written reasons reciting the particular facts justifying the continuance, identifying the mover, and refixing the adjudication hearing at the earliest reasonable available time after the initial hearing date.

(c) Jefferson Parish Juvenile Court also requires:

(1) No continuance will be granted based solely upon the non-appearance of a party's witness if the absent witness was not properly subpoenaed to appear by the party moving for the continuance.

(2) Continuances shall only be granted in accordance with the provisions of the Children's Code regarding continuances and delays in permanency proceedings (Child in Need of Care, Involuntary Termination of Parental Rights, and any adoptions stemming from such matters).

(d) East Baton Rouge Juvenile Court also requires:

(1) All cases shall be tried on the date set unless the trial is continued by order of the Court.

(2) Prior to filing a motion for continuance, all parties shall be notified and the Court shall thereafter be advised by the moving party if any party objects.

(3) Continuances shall be filed at least twenty-four hours before the scheduled hearing.

Rule 42.2 Standardization

(a) Wherever possible, without hindering due process or judicial independence and to further access to justice, the court will make efforts to standardize its procedures and forms.

(b) All minute entries prepared by the clerk and submitted to the court for approval shall contain standardized terminology and comply with the Children's Code and federal ASFA legislation and regulations.
Adopted April 29, 2008, effective July 1, 2008.

Rule 42.3 Records and Information Sharing

(a) Except as otherwise provided by La. Child. Code art. 407, all juvenile proceedings are confidential and closed to the public. Access to any public proceedings may be restricted according to available space in each courtroom, as well as any security needs.
(b) Except as otherwise provided by La. Child. Code art. 412, all juvenile records are to remain confidential. Access to records not otherwise prohibited by law may be permitted for good cause shown pursuant to a motion for disclosure addressed to the judge.

(c) No reference to any juvenile matter that is closed to the public shall be made in open court by any court officer, including attorneys. Only docket numbers or non-identifying information may be referred to in open court.

(d) Those matters on the juvenile docket that are not private and confidential, such as any trial of an adult in juvenile court, criminal neglect of family matters, child support proceedings, and any other

proceedings specifically authorized by law to be public, may be disclosed by the court, court personnel, or the clerk of court or his or her deputies, to any party, or their attorney, unless specifically prohibited by court order.

(e) This Rule in no way is meant to impinge upon statewide juvenile justice reform efforts for information sharing among agencies entitled or required by law to do so.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Comments

(a) In Jefferson Parish Juvenile Court:

(1) A form motion for disclosure is available from the Office of the Clerk of Court for Jefferson Parish Juvenile Court.

(2) When a record has been removed for review, it shall be replaced with a signed, dated slip indicating the file number of the case, who is using the file, and where the file can be located.

(b) In East Baton Rouge Juvenile Court:

(1) Records in the Office of the Clerk of Court may be removed only for the use of the Court, with written leave of Court, or as allowed by law.

(2) A form motion is available from the Clerk's office located at the Juvenile Court.

Rule 42.4 Attorneys

(a) Where counsel is appointed by the court, the clerk of court shall notify him or her of such appointment by serving notice, along with a copy of the petition, as provided by law. Once an attorney has made an appearance, he or she shall receive copies of all notices required by law.

(b) An attorney, unless appointed by the court, shall file a formal notice of enrollment or sign his or her name on the record indicating his or her representation.

(c) After counsel enters an appearance or accepts an appointment, representation shall continue through all stages of the proceedings until the case is closed, unless withdrawal of representation is specifically allowed by the court for compelling reasons. Whenever a parent in an action for involuntary termination of parental rights moves the court for appointment of counsel, the clerk of court shall bring the court any related CINC file. If the appointment of counsel is appropriate, the court shall appoint the same counsel who represented the parent in the CINC proceeding, except where a compelling reason would preclude such appointment.

(d) If an attorney desires to withdraw as counsel of record he or she shall file a written motion with the court to this effect stating his or her reasons therefore, which motion shall be filed not later than ten days before the date of the hearing. If the motion is not filed timely, or for other good and sufficient reason, the court may deny the motion and ignore the reasons therefore (except when such reasons conflict with the best interest of the client) and require counsel to remain in the case and represent his or her client at the hearing. The motion shall state the client's current address and shall include a copy of written notice to the client that the lawyer is no longer representing him or her and apprising the client of the procedural status of the case. The movant shall give notice of the motion and its setting to the client and all parties.

(e) Each attorney practicing before the court shall furnish to the clerk a daytime business telephone number, a municipal street address where the attorney may be served with process, and a mailing address, if different. This requirement is ongoing and shall be updated immediately upon change.

(f) Counsel shall abide by the Rules of Professional Conduct in any communications with represented parties. Legal documents purporting to waive rights of represented parties should include the signature of that party's counsel.

(g) An attorney appointed to represent an absentee shall be present at trial and shall both defend the absentee and testify concerning efforts to communicate with him or her.

(h) All attorneys of record in matters scheduled for hearing shall be available at the time the case is called. If an attorney finds it necessary to leave the courtroom or adjacent areas, he or she shall inform the appropriate court personnel and indicate where he or she may be located.

(i) All attorneys shall be qualified in accordance with the requirements of the Louisiana Supreme Court General Administrative Rules and La. R.S. Title 15, as applicable.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 42.5 Alternative Dispute Resolution; General Rules—(Reserved)

Rule 42.6 Intake—(Reserved)

CHAPTER 43 DEPENDENCY PROCEEDINGS [CHILD IN NEED OF CARE ("CINC") AND JUDICIAL CERTIFICATION FOR ADOPTION/TERMINATION OF PARENTAL RIGHTS]

Rule 43.0 Differentiated Case Management—(Reserved)

Rule 43.1 Concurrent Planning—(Reserved)

Rule 43.2 Alternate Dispute Resolution—(Reserved)

Rule 43.3 Instanter/Removal/Hold Orders

All instanter/removal/hold orders shall be handled pursuant to La. Child. Code arts. 617, et seq.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 43.4 Placement of Children in Custody

(a) Before adjudication when DSS is the custodian of a child, should a child be moved from one placement to another, DSS shall inform the court of the change of placement within twenty-four hours.

(b) In order to protect the statutory and constitutional liberty and due process rights of the child to placement in the least restrictive, most family-like setting suitable to the needs of the child, the custodial agency shall provide written notice to the court within twenty-four hours of a placement change for the child to a less family-like or more restrictive setting than previously approved by the court in the case plan. Disposition from the last court- approved case plan shall be filed in accordance with law.

(c) When there has been a CINC adjudication and parental rights have been terminated, either by termination proceedings or by a voluntary act of surrender, the six month review hearing may be consolidated with the permanency placement review.

(d) If a child is placed in a mental health treatment facility, the custodial agency shall inform the court within twenty-four hours, and the court shall appoint an attorney from the Mental Health Advocacy Service to represent the child pursuant to La. Child. Code art. 607(C).

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 43.5 Reports

(a) All reports and evaluations pertaining to a dispositional hearing shall be submitted to the court, in writing, no later than seventy-two hours before the scheduled hearing. When OCS has been granted custody of the child, the reports shall contain all requirements set forth in La. Child. Code art. 675.

(b) The initial case plan developed by OCS shall be filed with the court before or at the time of the pre-hearing conference or within sixty days of the entry into the custody of OCS.

(c) All reports pertaining to CINC reviews shall be in writing and submitted to the court no later than ten calendar days before the review hearing. The report will be in the form set forth in La. Child. Code art. 675.

(d) At the case review hearing, OCS shall submit a report to the court, in writing, no later than ten calendar days before the hearing. The report will relate information regarding the placement status of the child.

(e) OCS shall forward copies of all reports and case plans to all attorneys of record, self-represented

parties, and CASA on the same date of the filing of the report with the court. If for any reason the court continues a scheduled hearing for more than a thirty day period, OCS shall prepare and send an update letter to all attorneys of record, self-represented parties, CASA, and the court at least three days before the hearing.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended November 21, 2011, effective January 1, 2012.

Comments

(a) Caddo Parish Juvenile Court requires as follows:

(1) Objections to a DSS report and recommended case plan or other responses to DSS reports shall be written and filed in the record at least five days before the hearing with copies submitted to the court and all counsel of record.

(2) Failure to comply with this Rule (stated in Comment 1, above) may result in sanctions against the offending party, or counsel, and a waiver of the right to raise the issues at hearing unless good cause is shown.

(b) East Baton Rouge Juvenile Court requires as follows:

(1) All court reports by OCS shall be filed with the Juvenile Court Docket Clerk. OCS shall forward copies to all attorneys of record, self-represented parties, and CASA at least ten (10) days before the scheduled Disposition Hearing. *See* Appendix 41.0.

(2) Copies shall be forwarded by OCS to all attorneys of record, self-represented parties, and CASA at the same time the case plan is filed with the court.

Rule 43.6 CASA (Court-Appointed Special Advocate)

(a) The court acknowledges that the appointment of a Court-Appointed Special Advocate (CASA) may be in the best interest of a child who is the subject of a child protection case. Appointments shall be made on the criteria that are, from time to time, established by the CASA governing body, the CASA program, and/or the court.

(b) A CASA should be appointed at the continued custody hearing or as soon thereafter as possible. A copy of the order shall immediately be forwarded to CASA.

(c) Whenever possible, after a CASA accepts an appointment, that advocate's involvement with the case should continue through all stages of the proceedings until the case has been dismissed.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended

November 21, 2011, effective January 1, 2012.

Comments

(a) Orleans Parish Juvenile Court requires that each CASA have responsibility for only one case, and may be appointed at the continued custody hearing or as soon thereafter as possible.

(b) In the 28th Judicial District Court, the CASA shall be entitled access to all information from all sources that the law permits.

CHAPTER 44 DELINQUENCY PROCEEDINGS

Rule 44.0 Transfer of Cases—(Reserved)

Rule 44.1 Reports

Reports to the court regarding recommendations for disposition, including any required supervision plans and service plans, and reports pertaining to review hearings, shall be submitted to the court in writing at least three working days before the scheduled hearing date.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comment

La. Child. Code art. 891 requires that a copy of the predisposition report be provided to the district attorney and attorney for the child at least three days before the scheduled disposition.

Rule 44.2 Alternative Dispute Resolutions—(Reserved)

Rule 44.3 Progressive Sanctions—(Reserved)

CHAPTER 45 FAMILIES IN NEED OF SERVICES ("FINS") PROCEEDINGS

Rule 45.0 Informal FINS Process

When required by the court, reports to the court regarding the monitoring of non-adjudicated FINS shall be submitted monthly.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Comment

FINS is an attempt to meet the needs of children and their families, and to keep the family out of the judicial system, to the greatest extent possible, by establishing a family service plan and coordinating the provision of services to the family.

Rule 45.1 Formal FINS Process—(Reserved)

Rule 45.2 Reports

Reports to the court regarding recommendations for disposition and reports pertaining to review hearings for adjudicated FINS shall be submitted to the court in writing at least three working days before the scheduled hearing date.

In the event that the FINS predisposition report recommends custody to any agency, the reporting officer shall immediately provide to the proposed custodial agency a copy of the report, all supporting documentation, all records, and notice of its right to be present at the hearing.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Comments

(a) La. Child. Code art. 773 requires only that a predisposition report be provided to the court before the disposition hearing.

(b) This rule provides for the timeliness of the notification requirements set forth in La. Child. Code art. 775(D).

Rule 45.3 Family In Need of Services Assistance Program ("FINSAP") Compliance—(Reserved)

CHAPTER 46 ADOPTION PROCEEDINGS

Rule 46.0 Filing of Pleadings; Required Exhibits

(a) General Applicability

All adoption proceedings shall conform to the requirements of the Children's Code, other applicable laws, and all applicable Court Rules.

(b) Filing of Pleadings

All court proceedings shall be initiated by a written pleading of a party or attorney. The pleading may be a letter, petition, formal motion, or form rule. The written request shall set forth in general terms the relief sought by the moving party or the category of hearing that is being requested (i.e., review, contempt, etc.), the names and contact information of all relevant parties, and the docket number of the case.

(c) ICPC Approval

Approval of an adoptive child's placement shall be in accordance with the Interstate Compact

on the Placement of Children (ICPC), as set forth in Title XVI of the Children's Code. Written evidence of the ICPC approval of such placement shall be filed with the court before the granting of judgment in an adoption proceeding.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 46.1 Uncontested Adoptions

Petitioners and counsel shall be present in court and prepared to proceed on the date and time fixed for the hearing for an uncontested adoption. The hearing may be conducted in chambers at the discretion of the judge.

Counsel shall submit the original decree of adoption to the court.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 46.2 Contested Adoptions; Appeals—(Reserved)

Rule 46.3 Continuances—(Reserved)

Rule 46.4 Reports

Confidential adoption reports from the Department of Social Services are due at a reasonable time before the date of the hearing for the judge's review.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 46.5 Curators ad hoc; Duties, Procedures, Fees

(a) When a curator successfully locates a missing or absent parent and is provided with an address for the absent parent, the curator shall send the appropriate notice of the surrender or adoption proceedings to the absent parent as is required by law.

(b) Fees may be assessed by the clerk of court in adoption proceedings as provided by law.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

The duties of curators depend on the proceedings in which they are appointed. For example, curator duties are specified in La. Child. Code art. 644 for CINC cases, in La. Child. Code art. 1024 for terminations cases, in La. Child. Code art. 1136 for surrender cases, and in La. Child. Code arts. 1205, 1227, and 1250 for adoption cases.

CHAPTER 47 CHILD SUPPORT PROCEEDINGS

Rule 47.0 Expedited Process

(a) All court proceedings shall be initiated by a written request. The writing may be a letter, formal motion, or form rule. The written request shall set forth in general terms the relief sought by the moving party or the category of hearing that is being requested (i.e., reduction, contempt, etc.), including the names of all relevant parties and the docket number of the case.

(b) If any party disagrees with the recommendation of the hearing officer, said party may object in writing in accordance with La. Child. Code art. 423(F). The writing may be by letter or by motion.

(c) The recommendation of the hearing officer may be transmitted in open court, in chambers, or by mail. If transmitted by mail, the notice shall be sent to the last address provided by the party. The date of transmittal is the date of mailing, as reflected on the notice filed in the record.

(d) When the person owing the support (designated by UIFSA as "Respondent") resides within the jurisdiction of a Louisiana court exercising juvenile jurisdiction and the petitioner resides in another state, such cases shall be designated as "Responding UIFSA." Any such cases that were initiated before January 1, 1996 shall be designated as "Responding URESA."

(e) When the person seeking support (designated as "Petitioner/Complaining Witness") resides within the jurisdiction of a Louisiana court exercising juvenile jurisdiction and the respondent resides in another state, such case shall be designated as "Initiating UIFSA." Any such cases that were initiated before January 1, 1996 shall be designated as "Initiating URESA."

(f) In all cases where the parties have agreed to accept service by mail, said service for all proceedings shall be sent to the parties by U.S. Mail at the address in the court record for each party. Each party is responsible for notifying the court, in writing, of any change of address. Service will be deemed good and sufficient if it is mailed to the last address provided by the party. Failure of a party to appear based upon said service by mail will be basis for issuing an Attachment.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 47.1 Required Information

(a) Both parties in a court-ordered support matter are responsible for notifying the court, in writing, through the Regional Support Enforcement Office of the Department of Social Services, Office of Family Services, or the appropriate division of the District Attorney's Office of any change of address or place of employment.

(b) When rules are filed alleging contempt for failure to pay support as ordered, the Regional Support Enforcement Services Office or the appropriate division of the District Attorney's Office shall procure a computer printout of the defendant's account to assist the court in determining the proper status of the account. Both parties are to provide proof of support paid or received during the period of time in

question.

(c) At all hearings to initially set support or modification of an existing order, both the defendant and the person seeking the order of support or modification shall bring with them to court a copy of their two most recent state and federal tax returns, two months worth of the most recent paycheck stubs with a year-to-date gross earnings, or receipts and expenses if self-employed, proof of the cost for medical insurance premiums to insure the child or children only, and proof of child care expenses, or certification/evidence of state or federal benefits. Each party shall provide to the presiding judicial officer and the opposing party a worksheet pursuant to La. R.S. 9:315, et seq., a verified income statement showing gross income and adjusted gross income, and documentation of current and past earnings.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 47.2 Administrative Fee

In child support enforcement proceedings, each district may impose upon the obligor an administrative fee as allowed by La. R.S. 46:236.5.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 47.3 Payment; Collection Procedures

(a) Payment and collection of support shall be in accordance with La. R.S. 46:236.5, et seq., and any other applicable laws.

(b) The defendant's failure to appear for a bond hearing, after notice, will be deemed as acquiescence by the defendant to the court's forfeiture of the bond for any arrearage due by the defendant.

(c) On or after April 1, 2000, all Title IV-D, AFDC (Social Security Act) and all Title IV-D, Non-AFDC (Social Security Act) obligors or payors shall make any and all payments for support, including any additional administrative fee amount of up to five percent, payable to the DSS. Such payments shall be made by money order and shall be mailed directly to DSS, P.O. Box 260222, Baton Rouge, LA 70826-0222. DSS shall collect and remit the court-ordered administrative fee of up to five percent by contract with the court.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

Rule 47.4 Custody and Visitation—(Reserved)

CHAPTER 48 TRAFFIC PROCEEDINGS

Rule 48.0 Traffic Referees

A traffic referee is an attorney appointed by the court to hear traffic cases specified in La. Child. Code art. 953.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 48.1 Traffic Procedure

(a) The Juvenile Traffic Referee shall have the authority and duties set forth in La. Child. Code art. 422 and art. 951, et seq.

(b) The court may promulgate a table of traffic dispositions, including costs and requirements to attend traffic school.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

Rule 48.2 Fines, Fees, and Costs

The court may promulgate a table of fines, fees, and costs to be charged in traffic cases, not inconsistent with local ordinances and state statutes in addition to, or in lieu of, other penalties to be imposed on juvenile traffic offenders.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

CHAPTER 49 OTHER PROCEEDINGS

Rule 49.0 Mental Health Proceedings

All minors who are the subject of Mental Health Proceedings under Title XIV of the Children's Code shall have the right to counsel, and indigent minors in these proceedings shall have the right to court-appointed counsel in accordance with law.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Rule 49.1 Voluntary Transfer of Custody

(a) In a voluntary transfer of custody proceeding, the court shall transfer custody of a child from a parent to a non-parent only. As between parents, either legal or non-legal, custody shall be addressed either through the district court or through a Provisional Custody by Mandate as provided by law.

(b) With leave of court, a voluntary transfer of custody proceeding may be filed in a pending matter, except as specifically prohibited by law. Otherwise, petitions for voluntary transfer of custody shall be filed in the manner required by Title XV, Chapter 3 of the Children's Code. If a voluntary transfer of custody is filed in any open juvenile matter that has never been formally dismissed by the State, notice shall be given to the State of the request for transfer of custody.
Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010.

Comment

See La. R.S. 9:951, et seq.

Rule 49.2 Misdemeanor Prosecution of Adults—(Reserved)

Rule 49.3 Marriage of Minors

(a) For the purpose of marriage, the court shall retain jurisdiction over all minors, unless the minor has been previously emancipated.

(b) When a minor under the age of sixteen wishes to marry, the clerk of court may issue a marriage license only if the following documents are produced:

(1) Written waiver of minority signed by a juvenile court judge of the parish where the minor resides or where the marriage is to be performed;

(2) Written consent to the marriage by both of the minor's parents, tutors, or legal custodian. Exceptions to the requirement that both parents' consent to the minor's marriage exist when one parent is deceased, when the parents are divorced and one parent has sole custody, when only one parent is indicated on the birth certificate, or when the juvenile court exercising jurisdiction over the proceeding signs a written waiver of parental consent;

(3) A certified copy of the minor's birth certificate, unless waived by the court exercising jurisdiction over the proceeding; and

(4) Proof that at least one (1) of the parties resides in that parish or the marriage is to be performed in that parish.

(c) Both of the minor's parents shall consent to the marriage of the minor if the parents are presently married, or if the parents are divorced or judicially separated and no order of custody for the minor has been produced.

(d) If a situation exists whereby consent of both parents is needed, but the whereabouts of one parent is unknown, the court may, on a case by case basis, waive the absent parent's consent.

(e) For good reason shown, and if it is in the best interest of the minor, the court may waive the seventy-two hour waiting period required between the issuance of the marriage license and the performance of the marriage ceremony.

(f) Notwithstanding any provision of law to the contrary, the court may grant a minor permission to marry should the court find that there are compelling reasons for the marriage and that it is in the best interest of the minor.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

Comment

Authority for judicial authorization of the marriage of minors is found in Chapter 6 of Title XV of the Children's Code and in La. R.S. 9:221, et seq.

Rule 49.4 Abortions—(Reserved)

Rule 49.5 Domestic Abuse Assistance—(Reserved)

Rule 49.6 Special Court Orders/Proceedings (Interstate Compacts, Terminally Ill Children, Other)—(Reserved)

Rule 49.7 Expungements

(a) If a form for expungement is provided by the court exercising juvenile jurisdiction, any motion for expungement shall utilize that form.

(b) A person seventeen years of age or older who has been the subject of a juvenile court proceeding, appearing in proper person, or through his or her attorney, may file a Motion for Expungement. The parents of the former juvenile may not file the motion, nor may any other person. If information regarding the case is needed to file the Motion for Expungement, the mover shall file a Motion for Disclosure with the court exercising juvenile jurisdiction.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

CHAPTER 50 APPEALS AND WRITS

Rule 50.0 Transcripts

(a) In all cases, transcripts of the proceedings will be prepared by the court reporter only upon the attorney's request and judicial authorization.

(b) Unless ordered otherwise by the court, the time allowed for preparation of transcripts on appeals taken in delinquency, CINC, and FINS proceedings shall conform to the requirements found in Chapter 9 of Title III of the Children's Code. The time allowed for preparation of transcripts on appeals taken pursuant to involuntary termination of parental rights, surrenders, and adoption proceedings shall conform to the requirements of Titles X, XI, and XII, respectively, of the Children's Code.

(c) Unless ordered otherwise by the court, the time allowed for preparation of transcripts on appeals taken in proceedings concerning support of family shall conform to the requirements of Title XIII of the Children's Code.

(d) Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the court en banc and published at the court.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

Rule 50.1 Time Limitations

(a) Appeals taken on delinquency, CINC, and FINS proceedings shall conform to the requirements found in Chapter 9 of Title III to the Children's Code.

(b) Appeals taken pursuant to involuntary termination of parental rights, surrenders, and adoption proceedings shall conform to the requirements of Titles X, XI, and XII, respectively, of the Children's Code.

(c) Appeals taken in proceedings concerning child support shall conform to the requirements of Title XIII of the Children's Code.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.

CHAPTER 51 OTHER RULES

Rule 51.0 Other Rules—(Reserved)

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

CHAPTER 60 LITIGATION FILED BY INMATES

Rule 60.0 Compliance with Administrative Procedures in Actions Filed by Offenders/Prisoners

A. Any offender/prisoner, as defined in La. R.S. 15:1171–1179 (Corrections Administrative Remedy Procedure Act)(hereinafter "CARP") or La. R.S. 15:1181–1191 (Prison Litigation Reform Act)(hereinafter "PLRA"), shall initiate and exhaust the Administrative Remedy Procedure established by the Department of Corrections or the parish sheriff, if available, before filing an appeal or suit subject to the CARP or the PLRA, whichever is applicable.

B. To show compliance with the law and this Rule, any suit or appeal filed by an offender/prisoner subject to the CARP or the PLRA shall have attached to the appeal or suit a copy of the final agency decision.

C. Self-represented offenders/prisoners in the custody of the Department of Corrections appealing a decision of the Department or prison administration in accord with the CARP shall use the form IJR–1, ''Petition for Judicial Review,'' available from the Department and the Clerk of Court for East Baton Rouge Parish, to apply for review of an administrative decision, excluding delictual actions for injury or damages. *See* Appendix 60.2.

D. The provisions of this section shall not apply to:

1. Appeals of judicial decisions;

2. Pending criminal matters;

3. Applications for post-conviction relief or habeas corpus applications attacking the petitioner's conviction.

Adopted April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011; amended November 21, 2011, effective January 1, 2012.

Rule 60.1 General Venue Statutes for Litigation by Inmates

A. Appeals of Administrative Decisions filed under the CARP shall be filed in the 19th Judicial District Court. Suits seeking monetary damages or based on delictual actions for injury caused by prison personnel are not subject to the CARP, but must be filed in accordance with La. La. Code Civ. Proc. arts. 851 – 893 in the exclusive venue set forth in La. R.S. 15:1184 (*see* Rule 60.3).

B. All Post-Conviction Relief actions shall be filed in the parish of conviction pursuant to La. Code Crim. Proc. art. 924.

C. Any ordinary civil actions, including torts or suits seeking monetary damages, shall be filed in

accordance with the applicable venue statutes and the PLRA in the parish where prisoner was incarcerated at the time the action arose. Post-conviction relief applications and habeas petitions are excluded from the requirements of the PLRA and shall be filed in accord with the venue statutes applicable to such actions.

D. All Parole Revocation Complaints/Appeals are proper only in the 19th Judicial District Court, pursuant to La. R.S. 15:574.11.

Adopted April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011; amended November 21, 2011, effective January 1, 2012.

Rule 60.2 Proceedings in the 19th Judicial District Court

A. Proceedings that shall be filed in the 19th Judicial District Court include:

1. Appeals of administrative decisions pursuant to the CARP, venue for which is proper only in the 19th Judicial District Court for offenders/prisoners in the custody or under the supervision of the Department of Corrections. Administrative Appeals are defined in La. R.S. 15:1171, et seq., and La. R.S. 15:1181, et seq. and include actions against the Department of Corrections for judicial review (appeal) of an administrative decision, including but not limited to Prison Administrative Remedy Requests (that do not involve tortious conduct or request damages); 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 (that do not involve medical care complaints or other tortious conduct); or any other complaints involving an internal prison grievance.

2. Parole Revocation Appeals pursuant to La. R.S. 15:574.11. *See also* Rule 60.8 for further procedures and forms required for Parole Revocations.

3. Ordinary civil actions or prisoner suits filed by prisoners, as defined in La. R.S. 15:1181 of the PLRA, filed against the Sheriff of East Baton Rouge or any employee thereof, when based on a cause of action that arose while the plaintiff was incarcerated in East Baton Rouge Parish or in the custody of the Sheriff of East Baton Rouge or any employee thereof. Such ordinary suits that involve a jury trial shall be heard and tried by the allotted judge.

B. Referral to Commissioners in the 19th Judicial District Court:

1. Proceedings set forth in A(1) and A(2), above, that are properly filed in the 19th Judicial District Court shall be randomly allotted to a section of court, and may then be referred to a commissioner for initial screening and further action in accordance with law.

2. Proceedings set forth in A(3), above, with consent of the parties and when the suit does not involve a jury trial.

Adopted April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011; amended November 21, 2011, effective January 1, 2012.

Rule 60.3 PLRA Civil Actions or Prisoner Suits Based on Delictual Actions of

Government Officials or Employees

A. Suits against corrections officers or other governmental personnel that are based on personal injury or delictual actions of corrections officers or other government employees or officials filed by offenders/prisoners seeking monetary damages, injunction or related relief, whether in the custody of the Department of Corrections or the sheriff, shall be filed in the original jurisdiction of the district court of proper venue. Exclusive venue is addressed in La. R.S.15:1184(F) of the PLRA.

B. Exhaustion of administrative remedies, when available, is required before filing suit in the parish of proper venue. *See* La. R.S. 15:1177(C) of the CARP and La. R.S. 15:1184(A)(2) of the PLRA.
Adopted April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011; amended November 21, 2011, effective January 1, 2012.

Rule 60.4 Additional Procedures in Actions by Prisoners Based on Delictual Actions of Governmental Officials or Employees

A. When a self-represented offender/prisoner files a complaint/petition that is not subject to judicial review under La. R.S. 15:1177, the inmate is required to follow the PLRA procedures and law in La. R.S. 15:1181, et seq. In addition, the offender/prisoner must follow the law and procedures for civil complaints set forth in the Louisiana Code of Civil Procedure, the Louisiana Civil Code, and any other applicable law, as well as the civil rules of the court of proper venue that are not in conflict with the PLRA or the Rules of this section.

B. Any ordinary petition filed pursuant to Chapter 9 of the Louisiana Rules for District Courts shall specifically comply with La. Code Civ. Proc. arts. 851–893, set forth specific facts to support the elements of each claim pursued, and designate a physical address – not a post office box – for each opposing party sufficient for service of pleadings.

C. Discovery Limitations

1. No discovery may be filed before service and until the court has had an opportunity to screen the petition to consider the petitioner's ''strike'' status, set the costs due, consider the mandatory venue, order service on the defendants, or dismiss the suit in accordance with the PLRA.

2. All discovery requests in prisoner suits shall be filed into the court record by sending the original to the clerk of court, in addition to sending a copy by mail to the opposing party or counsel therefor, and shall include a certificate of compliance with this Rule.

3. Once the defendant has made an appearance (filed an answer or motion), discovery in prisoner suits is governed by the Louisiana Code of Civil Procedure, the Louisiana Civil Code, the Louisiana Rules for District Courts, and other applicable Louisiana law, subject to the restrictions set forth in this section and pursuant to the PLRA.

D. Memoranda Required

Any pre-trial motion, rule, exception, etc., including those incorporated into an answer, shall have attached to it a supporting memorandum that cites both the relevant facts and the applicable law, and

which includes a declaration that a copy of same has been provided to the opposing party or his or her counsel at a specific address. The memorandum shall be mailed to all other parties so that it is received by the other parties at least fifteen calendar days before the hearing, unless the court sets a shorter time. Any opposition briefs shall be filed with the clerk of court and delivered to the office of the assigned judge or commissioner presiding at least eight calendar days before the date of any hearing set. No motion, rule, exception, etc., shall be assigned for hearing until the above-required memorandum, as well as the name and address of opposing counsel, have been furnished to the judge or commissioner hearing the matter.

E. Pre-Trial and Trial Matters

1. In accordance with statutory law, prisoners filing in forma pauperis may subpoena up to six witnesses for trial, but only after a proper pre-trial order has been completed by the plaintiff and approved by the court as required hereinafter. For additional witnesses, *see* La. Code Civ. Proc. art. 5185(A)(2)(a).

2. Pre-Trial Conference

(a) Unless otherwise provided herein or by law, no suit requiring a trial on the merits may be assigned a trial date except at pre-trial conference. Any party desiring to assign a case for trial shall, after all issues have been joined and all contemplated motions, rules, exceptions, interrogatories, requests for admissions, or other discovery proceedings have been filed and answered, make a written request for pre-trial conference to the judge or commissioner to whom the case has been assigned.

(b) The party requesting the pre-trial conference shall certify in his or her request that all pre-trial matters have been completed and that the matter is ready for trial. If the party requesting the conference has any outstanding motions, exceptions, discovery, or other pre-trial matters, such pre-trial matters will be considered waived or withdrawn once a pre-trial conference is requested in writing.

(c) The self-represented prisoner requesting a pre-trial conference shall complete and attach his or her completed portion of the Self-Represented Prisoner-Plaintiff's Portion of the Pre-Trial Order, Appendix 60.4 hereto, to his or her request for a pre-trial conference, and certify that he or she has provided opposing counsel with a copy of the completed Pre-Trial Order and the specific address to which this copy was sent.

3. Jury Trial Requests

Any request for a jury trial and bond shall be made in accordance with the requirements of the Louisiana Code of Civil Procedure and Rule 12 of the Louisiana District Court Rules.

Adopted April 1, 2002, effective April 1, 2002. Amended November 3, 2004, effective January 1, 2005; amended November 3, 2008, effective January 1, 2009. Renumbered Rule 60.4 and amended April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011; amended November 21, 2011, effective January 1, 2012.

Rule 60.5 Declaration of Inmate Counsel Assistance

If the suit was prepared or filed by or with the help or advice of inmate counsel substitute, counsel substitute's name and D.O.C. number shall be legibly printed on the appropriate line on the face of the petition. Failure to comply with this requirement may result in delay in the service and review of the petition. If no counsel substitute was involved in the preparation or filing of the petition, the plaintiff shall print "NONE" in the blank for the inmate counsel substitute's name.

Adopted April 1, 2002, effective April 1, 2002. Renumbered Rule 60.5 and amended April 20, 2010, effective June 1, 2010. Amended November 18, 2010, effective January 1, 2011 ; amended November 21, 2011, effective January 1, 2012.

Rule 60.6 In Forma Pauperis Offender/Prisoner Suits and PLRA Stays

A. La. R.S. 15:1186 governs in forma pauperis motions in actions filed pursuant to the CARP and the PLRA.

B. In ordinary civil suits governed by the PLRA, pursuant to La. R.S. 15:1186(B)(2), the order granting a prisoner's request to proceed in forma pauperis automatically stays all proceedings, including any service of process, until all court costs or fees due the clerk by the prisoner are paid. If the prisoner does not pay the full court costs or fees within three years from when incurred, the suit shall be considered abandoned and dismissed without prejudice pursuant to subsection La. R.S. 15:1186(B)(2)(c).

C. A prisoner may not bring a civil action, or appeal a judgment in a civil action or proceeding, in forma pauperis if the prisoner has, on three or more prior occasions while incarcerated or detained in any facility, brought an action or appeal in a state court that was dismissed on the grounds it was frivolous, malicious, failed to state a cause of action, or failed to state a claim upon which relief may be granted pursuant to La. R.S. 15:1187. If a prisoner has at least three dismissals as described in La. R.S. 15:1187 that are not yet final, and further, if the prisoner is disqualified from proceeding as a pauper either in federal court by operation of 28 U.S.C. § 1915(g) or in the courts of another state by operation of a similar law of that state, then the court on its own motion may, or on motion of a party shall, stay all proceedings in any other prisoner suit or appeal in which the prisoner is proceeding as a pauper until such time as the dismissals become final, unless the court finds that the prisoner is in imminent danger of serious physical injury.

D. Actions filed in forma pauperis not governed by the CARP or the PLRA are governed by La. Code Civ. Proc. arts. 5181–5185. *See also* Louisiana Rules for District Courts, Rules 8.0 – 8.2.

E. Rules 8.1 and 8.2 of the Louisiana District Court Rules apply to suits brought by offenders/prisoners who proceed in forma pauperis.

Adopted November 3, 2008, effective January 1, 2009. Renumbered Rule 60.6 and amended April 20, 2010, effective June 1, 2010. Amended November 18, 2010, effective January 1, 2011; amended November 21, 2011, effective January 1, 2012.

Rule 60.7 Forms To Be Used for Offender/Prisoner In Forma Pauperis Applications

To proceed in forma pauperis, an offender/prisoner shall complete and file one of the following:

DISTRICT COURTS

For proceedings in district courts, including ordinary suits or other proceedings subject to the PLRA appeals, CARP appeals, and Parole Revocation appeals, use the pauper form in Appendix 60.7A.

APPELLATE COURTS

For appeals to Louisiana Courts of Appeal, use the forms in Appendix 60.7B.

Adopted April 1, 2002, effective April 1, 2002 as Rule 13.2. Amended November 3, 2008, effective January 1, 2009. Redesignated from Rule 13.2 to Rule 13.3, effective January 1, 2009. Renumbered Rule 60.7 and amended April 20, 2010, effective June 1, 2010. Amended November 18, 2010, effective January 1, 2011. ; amended November 21, 2011, effective January 1, 2012.

Rule 60.8 Parole Revocation Appeals

Parole is governed by La. R.S. 15:574.2, et seq. Venue for any action by an individual committed to the Department of Public Safety and Corrections contesting any action of the Board of Parole shall be in the Parish of East Baton Rouge pursuant to La. R.S. 15:574.11. Subject to the limitations set forth in La. R.S. 15:574.11, an offender/prisoner appealing the validity of his or her parole revocation shall use the appellate form Appeal of Parole Revocation in Appendix 60.8 and attach to his or her petition a copy of the Order of Revocation provided to him or her by the Parole Board. Service, if ordered by the court, shall be requested on the Parole Board only. Within thirty days of service of the petition on the Parole Board, counsel for the Parole Board shall file a copy of the appellate record of the parole revocation maintained by the Department/Parole Board, and provide the petitioner with a copy of same. Any motions/exceptions requested to be heard before the merits of the appeal shall be filed within fifteen days of the filing of the appellate record. Thereafter, the matter will be reviewed and set for hearing on any motions/exceptions filed and/or alternatively for oral argument on the appeal, upon notice by the court to the parties, unless the court orders the appeal heard on the briefs.

Adopted November 3, 2008, effective January 2, 2009. Renumbered Rule 60.8 and amended April 20, 2010, effective June 1, 2010. Amended November 18, 2010, effective January 1, 2011.

Comments

This Chapter replaces former Chapter 13 of the Louisiana Rules for District Courts, which was entitled "Civil Litigation Filed by Inmates."