

TITLE IV

Chapter: 25 Chapter Title: ALLOTMENT, REALLOTMENT AND TRANSFER OF CASES; FORM OF PLEADINGS

Rule No: 25.0

Allotment of Cases

**4th Judicial District
Court**

PLEASE NOTE: TEXT EFFECTIVE UNTIL JANUARY 1, 2010

**Parishes of
Morehouse and
Ouachita**

RULE XII. ASSIGNMENT OF CIVIL CASES

Adopted Sept. 16,
1998, effective Oct.
1, 1998.

A. All civil cases, including those to be tried before a jury, shall be assigned by allotment by the Clerk of Court to Divisions A through I, excluding the Division assigned to Juvenile Court. This allotment shall be in a random manner designated by the judges.

Assignment of cases to Divisions shall occur at the time the petition or first pleading is filed with the Clerk

Incidental actions, issues raised by supplemental pleadings, and demands severed from pending suits shall all be disposed of by the originally assigned Division.

Suits consolidated for trial will be handled by the Division assigned the suit with the earliest filing date.

In a suit wherein expedited relief is sought, requiring an immediate order to be signed or a hearing to be conducted, the matter shall be reallocated if the judge of the Division to which the case was originally allotted is incapacitated or expected to be incapacitated, or is on vacation or is scheduled to be on vacation, at the time a hearing is to be conducted.

A case may be reassigned if the assigned Division is recused, or for any other reason determined to be sufficient by the judges. The Clerk of Court will accomplish such reassignments by exchanging the case with one of equal severity and complexity from the receiving Division.

**7th Judicial District
Court**

RULE VII. ALLOTMENT OF CASES

**Parishes of
Catahoula and
Concordia**

Section 2. No case shall be allotted which has not been regularly filed and docketed pursuant to Rule VI, except that in uncontested domestic matters not previously docketed and allotted, the original papers may be filed in open Court in either division, docketed and allotted to the division sitting at the time, and forthwith decided according to law.

**11th Judicial District
Court**

RULE 15. DOMESTIC RELATIONS PROCEEDINGS

Parish of Sabine

Section 2. When a suit for divorce has been filed in this district and any other ancillary proceedings directly connected with the original suit are filed thereafter, the subsequent action shall be filed in the original proceeding. Thus, the judge originally assigned the matter shall continue the proceeding until it is drawn to a conclusion.

Effective January 31,
1997.

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**14th Judicial District
Court**

Section E. Docketing of Cases, Development of Forms.

Parish of Calcasieu

The Calcasieu Parish District Attorney's Office, Child Support Division and the Louisiana Department of Social Services, Support Enforcement Services (SES) shall cause to be docketed all non support cases, both civil and criminal, pertaining to the establishment, collection and enforcement of support orders. Such cases shall be heard by Hearing Officer appointed by the 14th Judicial District Court to preside over non support hearings. The Calcasieu Parish District Attorney shall be the prosecuting officer in these cases and shall have a representative in court when such cases are docketed.

The Hearing Officers are authorized to develop the necessary forms in order to effectuate the prompt and efficient movement of all such cases through court, subject to the Court's approval.

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14th Judicial District
Court

RULE 6. ALLOTMENT OF CASES

Parish of Calcasieu

Section A. Family and Juvenile Court cases shall be allotted to Divisions C and I on an equal and random basis and in a manner that prevents parties filing proceedings from anticipating assignments or otherwise forum shopping for a particular division of the Court.

Section B. Before allotment of a case, any Judge of Family and Juvenile Court may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders and in his discretion, grant an extension of time in which to plead.

Section C. Once a case has been allotted, all exceptions, motions, rules and trials on the merits shall be taken up by the Judge of the division to which the case is allotted. All matters to be heard within specified legal delays shall be heard by that Judge within the required time frame. However, the matter may be heard by any Judge within the legal delays by consent of the Judge who has been allotted the case. Any uncontested matter, preliminary default or confirmation of default may be taken up before either division of Family and Juvenile Court. In the event of an unexpected absence of both Judges in Family and Juvenile Court, any of the remaining Judges of the 14th Judicial District Court may hear any matter which was set for hearing before the absent Judge.

Section D. After a case has been allotted, it shall not be transferred to another Judge without the consent of the Judge to whom it is to be transferred, except in cases where the Judge to whom it was originally allotted is recused or for some other reason is unable to preside in the matter. If a Judge to whom a case has been allotted is recused or is unable to preside in the matter, the case shall be reallocated to the other Judge in Family and Juvenile Court. If that Judge is recused or is unable to preside in the matter, the case shall be assigned randomly among the other Judges of the 14th Judicial District Court.

Section E. In case of voluntary or legal recusal, or where the docket of any division is carrying more than its fair share of the cases, or otherwise according to the discretion of the Judges, any case may be transferred from one division of Family and Juvenile Court to another by order approved by both Judges concerned; provided, however, that when two cases are consolidated for the purpose of trial, the case having the highest docket number shall be transferred to the division to which the case having the lower docket number has been allotted.

Section F. In the event of emergency, including prolonged absence due to death, resignation, incapacity or otherwise of the Judge of any division, and in anticipation thereof, the remaining Judges shall order that no case shall be allotted to said division until there is a Judge available to conduct the Court's business. In such absence or anticipated absence, the remaining Judges may likewise order reallocation of all pending cases, or as many as the interests of justice may require. Each remaining Judge is empowered in such event to transfer to himself, from such inoperative division, any particular case which is entitled under the law to a speedy hearing or in which the interests of justice call for such transfer and hearing.

Section G. The allotment of cases referred to herein shall be made by the Deputy Clerk of Court assigned to Family and Juvenile Court or any Deputy Clerk duly designated.

Section H. After a case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record and in the docket book.

Section I. Every two weeks the Clerk shall prepare a list of cases and divisions of respective allotments and post such list in a prominent place and send a copy of said list to each of the judges.

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**16th Judicial District
Court**

RULE 5A.2 ALLOTMENT OF FAMILY DOCKET CASES

**Parishes of Iberia,
St. Martin and St.
Mary**

Family Docket cases shall be allotted to divisions of the court by the Clerk of Court of each parish in the same manner as allotment of other civil issues.

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18th Judicial District Court

Parishes of Iberville, Pointe Coupee and West Baton Rouge

Amended Nov. 30, 1988; amended effective Dec. 20, 1996.

RULE 9. ALLOTMENTS

The allotment of civil cases shall be made by the Clerk of Court of each parish based on an exact record to be kept by the Clerk showing the date suit is filed and the date of allotment to each Division of Court.

Cases will be allotted in rotation by the Clerk of Court. Each Clerk of Court will prepare, three (3) months in advance, a staggered allotment system which will be inspected by the Judges periodically. The system will be kept in a locked vault and not permitted for viewing by any attorney or litigant, and shall be under the safekeeping of the Clerk of Court and his assigned authorized deputy clerk. An example of the staggered system is as follows:

| | | | |
|---|---|---|---|
| D | C | B | B |
| B | B | D | A |
| A | A | C | D |
| C | D | A | C |

The 2nd, 3rd, and 4th quarters of the year shall be staggered in an entirely different manner from the above.

The purpose of this system is to avoid the assignment of cases in a uniform manner which would permit litigants filing a suit to have advance notice of the rotation system thereby encouraging the practice of "Judge shopping".

Any officer of the Court who deviates from this system or who permits the litigant filing a suit to view this rotation system prior to the filing of the suit or to make copies thereof, or in any way to have advance notice of the suit he is presently filing or any suit subsequently filed, shall be cited for Contempt of Court and shall be tried and punished by the Judges of this District for such violation.

Cases shall be allotted as soon as a suit is filed, even when a rule to show cause is involved, with the exception of domestic relations cases, conservatory writs and executory process; the latter two will be signed prior to allotment, and then allotted. Domestic relations cases, with a rule to show cause involving property rights and/or custody of children, shall be signed by any of the three judges and then allotted to the Division of the judge who signs the order. That Judge will then be given credit for the allotment by striking his next assignment. This will be shown by accurate record on the staggered system.

Cases will not be transferred from one division to another without the joint consent of the Judges concerned, nor shall there ever be any allotment of cases by alternating from the consecutive order herein designated. This will be shown by accurate record on the staggered system.

Any judge may confirm a default although the case has been allotted to another judge. Although a compensation case has been assigned a number and a court, any judge may sign a compromise settlement where the case has not been tried. Where the case has been tried, the Trial Judge who heard the case shall sign the settlement.

The record kept by the Clerk for this purpose shall be open to inspection only by the court.

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22nd Judicial District Court

Parishes of St. Tammany and Washington

Amended effective
January 1, 2003.

Amended effective
April 2, 2009

The subject matter jurisdiction for each of Divisions K and L shall be limited to family and juvenile matters as provided by law.

All existing family matters shall be randomly re-allotted in St. Tammany and Washington Parishes, beginning January 1, 2009, from Divisions A through J to Divisions K and L, such re-allotment to occur as pleadings are filed. All new family matters in St. Tammany and Washington Parishes, as of January 1, 2009, shall be randomly allotted to Divisions K and L.

On a three year rotation beginning January 1, 2009, and based on random selection, one of the family/juvenile divisions, either Division K or Division L, shall hear all juvenile matters for St. Tammany Parish while the other shall hear all juvenile matters for Washington Parish. Accordingly, all existing St. Tammany Parish juvenile matters shall be re-allotted from the two general jurisdiction divisions currently hearing St. Tammany Parish juvenile matters to the one family/juvenile division, either Division K or L, randomly selected to hear juvenile matters in that parish. All existing Washington Parish juvenile matters shall be re-allotted from the one general jurisdiction judge currently hearing Washington Parish juvenile matters to the other family/juvenile division, either Division K or L, not randomly selected to hear juvenile matters in St. Tammany Parish. New juvenile matters, as of January 1, 2009, shall be allotted to the family/juvenile divisions, either Division K or L, randomly selected to hear juvenile matters in that parish. Every three years thereafter, the juvenile dockets of Divisions K and L shall be alternated between the divisions.

23rd Judicial District Court

Parishes of Ascension, Assumption and St. James

Adopted effective
Jan. 1, 1998.

RULE XV. CIVIL CASES

The Clerk of Court shall assign randomly to Divisions A, B, C, D and E all civil cases when any pleading is filed in accordance with Code of Civil Procedure Article 253.1. Civil cases will be randomly allotted in the following categories; 1) personal injury and maritime cases; 2) family cases, and 3) all other civil cases. In each category, each division shall be randomly allotted the same number of cases. In St. James Parish, all paternity and civil support cases filed by the State of Louisiana shall be assigned to Division B. In Assumption Parish, all paternity and civil and criminal support cases filed by the State of Louisiana shall be assigned to Division A. In Ascension Parish, all paternity and civil support cases filed by the State of Louisiana shall be assigned to Divisions C, D, and E.

In the event a judge recuses or is recused from a case, the case shall be re-allotted by the Clerk of Court in the presence of two (2) judges.

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**24th Judicial District Court
Parish of Jefferson**

Effective Nov. 1, 1990; amended effective April 1, 1999; Revised effective May 25, 2005

- A. Domestic cases shall be allotted to divisions of the court by the clerk of court in the same manner as civil cases and shall be designated as domestic.
- B. No case shall be allotted which has not been regularly filed and docketed.
- C. At the time of filing, each case shall be simultaneously assigned by random allotment to a district judge and a domestic commissioner.
- D. Domestic hearing officers shall be assigned to district court divisions. Domestic hearing officer conferences for cases allotted to a division of district court will be conducted by the domestic hearing officer assigned to that division of court. If the assigned domestic hearing officer is truly unavailable any other domestic hearing officer may conduct the domestic hearing officer conference.
- E. The proceeding first filed, unless abandoned or dismissed as a matter of law, shall be the proceeding for all subsequent litigation in the case. Upon filing, the clerk shall certify whether there are prior domestic pleadings filed between the same parties.
- F. At the time an initial pleading in a domestic case is filed, the clerk of court shall provide the parties or their attorneys with the following forms: Notice of Hearing Officer Conference and Notice of Hearing Date of Suit, Hearing Officer Conference Order, Hearing Officer Conference Affidavit, and Statement of Income and Expenses in the manner set forth in Rule 24.0 (C) and (D).
- G. Litigants represented by the Pro Bono Project, New Orleans Legal Assistance Corporation, New Orleans Family Services, Tulane Law School Clinic, Loyola Law School Clinic and litigants who are receiving public assistance or who qualify under La. C.C.P. Art. 5183 shall enjoy the rebuttable presumption of pauper status.
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**27th Judicial District Court
Parish of St. Landry**

Amended effective July 1, 2003.

RULE 1. CASE ALLOTMENTS

- b. In criminal matters, all felony and misdemeanor cases shall be allotted by chance to the several divisions. However, all traffic cases, non support matters, protective orders, orders of protective custody and preliminary matters at magistrate's hearing will not be allotted and will be handled by the judge on the criminal bench at that time said matters are presented to said judge.
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30th Judicial District Court

Parish of Vernon

RULE I. ALLOTMENTS

Section 4. Suits or proceedings not in their nature original, but growing out of suits or proceedings previously pending, such as actions of nullity of judgment, or to restrain or regulate the execution of process, mesne or final, in suits previously pending, shall not be docketed as separate suits, but shall be treated as parts of the original suits out of which they arise, shall be docketed and numbered as parts of such suits, and shall follow the prior allotment or assignment to the respective division of the Court. Whenever, by error or oversight, this rule shall be violated the Judge to whom the matter shall have been allotted shall have power to order same transferred to the proper division, there to be consolidated with the original suit.

A suit to change custody or to amend alimony or child support payments should be assigned to the Judge of the division to which the case was originally allotted.

Civil District Court Parish of Orleans

RULE 6. ALLOTMENT OF CASES

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

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

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

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

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**Family Court
For The Parish of
East Baton Rouge**

RULE 6. ALLOTMENT OF CASES

Section 1. The Clerk of Court or a deputy clerk shall, upon the filing of any new civil proceedings, immediately allot the same to a division by the use of a mechanical or electronic device to insure the equal assignment among the divisions of Court. The method of allotment shall be subject to the direct supervision of the Court and shall maintain equal distribution of the family court cases among the divisions.

Section 2. Suits or proceedings not original but arising from proceedings previously pending and filed prior to January 1, 1979, and January 1, 1993 shall not be docketed as separate suits, but shall be treated as parts of the original suit, and allotted as provided in Section 3 of this rule. Whenever this rule shall be violated, the judge to whom the matter shall have been allotted shall have the power to transfer it to the proper division, to be consolidated with the original suit.

Section 4. Cases handled by the Pro Bono Project VIP Workshop of the Baton Rouge Bar Association shall be allotted in groups of five (5) cases, as filed, to the same division on a rotating basis. The allotment of cases under this section shall result in an equal number of cases being allotted to each division.

Section 5. All suits or proceedings originating from suits filed since January 1, 1979, and January 1, 1993 except petitions for Protective Orders under R.S. 46:2131, shall be allotted to the original division. Any variance must be approved by all judges concerned.
