

TITLE IV

Chapter: 27 Chapter Title: PRE-TRIAL STATUS CONFERENCES

Rule No: 27.2

Pre-Trial Orders

**4th Judicial District
Court
Parishes of
Morehouse and
Ouachita**

Effective January 1,
2010

See Rule 35.0, section B. Scheduling of Hearing Officer Conference

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

To view the current Title IV Rules of the 14th JDC, click here
<http://www.lasc.org/rules/dist.ct/14thJDCTABLETITILEIV.PDF>

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

RULE 5A.4 HEARING OFFICER CONFERENCE

K. If any recommendation of the Hearing Officer in the Hearing Officer Conference Report is objected to as provided by these rules, then the recommendation may become an interim order, upon approval and execution of the presiding Judge, pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. It shall be the responsibility of the party seeking to have the recommendations made an interim order to prepare the appropriate judgment or order for presentation to the presiding Judge for approval and execution, but the District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, if there are no appearances by any of the parties affected by the recommendations.

L. If one party does not provide the necessary information for the Hearing Officer to make a determination as to the issues before the Court, then the Hearing Officer will have the discretion to render a Hearing Officer Conference Report based on the information provided by the other party, or such other relief as is appropriate under the circumstances, including continuing the Hearing Officer Conference and the scheduled Court date, if the failure to provide documentation is attributable to the party seeking relief from the Court. This interim recommendation shall be without prejudice and shall not affect the retroactivity of the claims of either side.

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RULE 5A.5 CUSTODY AND VISITATION

B. If the parties do not agree to custody and/or visitation, the Hearing Officer will render a Hearing Officer Conference Report, summarizing the facts presented at the Conference, and making appropriate recommendations for a resolution of the issues, including, but not limited to, mediation, psychological evaluation(s), and/or a recommendation on the merits to be determined by the Court.

C. If mediation or psychological evaluations are recommended by the Hearing Officer in the Hearing Officer Conference Report, the Hearing Officer will include, as part of the recommendation(s), the terms and conditions upon which the parties should pay for the mediation or psychological evaluations and prepare an order to that effect. The Hearing Officer shall attach a copy of the proposed order to the Hearing Officer Conference Report, and shall provide the original of same to the presiding Judge for review and approval. If to the terms and/or conditions for payment recommended by the Hearing Officer for the mediation or psychological evaluation, that party shall file a written objection with the clerk of court as provided elsewhere in these rules.

D. If no written objection to the Hearing Officer Conference Report is filed as provided elsewhere in these rules, the Court may, after the passage of all delays within which to file an objection, adopt the recommendations of the Hearing Officer and execute the proposed order which was provided to the presiding Judge by the Hearing Officer.

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RULE 5A.6 MEDIATION

A. At the time of the Hearing Officer Conference, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. In the event the Hearing Officer believes the matter is appropriate for mediation, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said mediation should be paid by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mediator to perform the mediation.

B. If the Hearing Officer recommends that the matter should be referred to mediation, the Hearing Officer shall prepare an Order of Mediation at the time of the Hearing Officer Conference, in substantial compliance with Appendix III for the review and consideration of the presiding Judge. A party objecting to the recommendation that a matter should be referred to mediation shall file a written objection with the clerk of court as provided elsewhere in these rules.

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RULE 5A.7 CUSTODY EVALUATIONS

A. At the time of the Hearing Officer Conference, if either party has moved for a mental health or custody evaluation under La. R.S. 9:331, the parties or their respective counsel shall have an opportunity to provide a verbal statement and other documentary evidence of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. In the event the Hearing Officer believes the matter is appropriate for an evaluation by a mental health professional, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said evaluation should be advanced by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mental health professional to perform the evaluation.

B. If the Hearing Officer recommends that the matter be referred to a mental health professional for evaluation, the Hearing Officer shall prepare an Order for Custody Evaluation at the time of the Hearing Officer Conference, in substantial compliance with Appendix IV for the review and consideration of the presiding Judge. A party objecting to the recommendation that a matter should be referred to a mental health professional for evaluation shall file a written objection with the clerk of court as provided elsewhere in these rules. In the event the Court orders the matter referred to a mental health professional for evaluation, the Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by certified mail, return receipt requested, to the address contained on the order, simultaneously with the mailing of Notice to all counsel of record.

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RULE 5A.8 PARTITION OF COMMUNITY PROPERTY

C. At the Hearing Officer Conference, counsel and the parties in attendance shall make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matters concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

D. In the event the parties are unable to resolve all the issues regarding the partition of the community, the Hearing Officer shall prepare a Hearing Officer Conference Report, summarizing the relevant facts and making recommendations regarding the manner in which the assets and obligations of the parties should be partitioned between them, and making recommendations regarding the characterizations of property and/or obligations as separate or community if those issues are presented.

F. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and list of recommendations on those issues on which there is no agreement.

G. Any party objecting to any portion of the Hearing Officer Conference Report shall file a written objection with the clerk of court as provided elsewhere in these rules.

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RULE 5A.4 HEARING OFFICER CONFERENCE

F. At the Hearing Officer Conference, the Hearing Officer will also prepare a written Hearing Officer Conference Report which includes a summary of the facts and circumstances underlying the issues before the Court, and provides specific recommendations to the Court regarding the manner in which those issues should be decided, including, within the discretion of the Hearing Officer, a recommendation that an issue should be deferred to the presiding judge. The Hearing Officer Conference Report shall indicate the parties and legal counsel in attendance, and shall further note the failure to appear or to remain for the duration of the Hearing Officer Conference by any party or legal counsel.

G. Objections to Hearing Officer Conference Report

1. After the Hearing Officer issues the written Hearing Officer Conference Report, the parties will have three (3) days, exclusive of weekends and legal holidays, from the date of the rendition of said Report, to file a written objection with the Clerk of Court to the recommendations contained in the Report with the office of the Clerk of Court for the parish in which the case is pending. A party's objection shall be directed to specific recommendations and shall provide a legal and/or factual basis for the objection.

2. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy of the objection. If a party files an objection on the last day on which an objection may be filed in accordance with these rules, that party shall provide a copy of the objection to all parties at the same time and in the same manner in which said objection was delivered to the Clerk of Court, or in a manner which is the functional equivalent thereof. Thus, if an objection is hand delivered to the Clerk of Court on the last day, all parties are entitled to receive a copy of same at the same time or earlier by hand delivery or its functional equivalent, such as by facsimile transmission.

3. If one party files an objection on the last day on which an objection may be filed, and the other party has not yet filed an objection, the party which did not file an objection within the time limit allowed shall have one (1) day, exclusive of weekends and legal holidays, within which to file a written objection. This shall not be construed to allow a party which has already filed an objection to amend or supplement the objection which has been filed.

4. A party who, after having been duly cited and served with process, fails to appear or remain for the duration of a Hearing Officer Conference waives the right to file an objection to the recommendations contained in the Hearing Officer Conference Report, unless the Hearing Officer has excused the failure to appear or to remain for the duration of the Hearing Officer Conference.

H. Adoption of Hearing Officer Recommendations

1. If all or part of the recommendation contained in the Hearing Officer Conference Report is not objected to in writing with the clerk of court within the delays provided in these rules, then those recommendations contained in the Hearing Officer Conference Report which are not objected to may be adopted by the Court and a judgment or order adopting uncontested portions of the Hearing Officer Conference Report may thereafter be presented to the court for signature by either party.

2. A party submitting a judgment or order adopting the uncontested portions of the Hearing Officer Conference Report shall be responsible for preparing an appropriate judgment or order which accurately incorporates the recommendations into the form of a judgment or order, and shall attach a copy of the Hearing Officer Conference Report to the proposed judgment or order.

3. The District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, regardless

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of whether an objection has been filed, if there are not appearances by any of the parties.

I. 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 agreement 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. Any such agreement shall contain an acknowledgement that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.

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Mary** See attached Appendix II.

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**22nd Judicial District
Court**

**Parishes of St.
Tammany and
Washington**

Effective October 1,
2012; amended
effective April 17,
2013.

A. Community Property Cases

1. Commencement of Proceedings

All partition actions shall be commenced by petition, supplemental petition or reconventional demand and shall include a description of the claims the party seeks to have decided by the court, and shall comply in all other respects with La. R.S. 9:2801. All partitions shall be filed in the same suit number of the divorce and/or separation of property action between the same parties. This does not preclude a motion to homologate an extra-judicial partition.

2. Sworn Detailed Descriptive Lists

All detailed descriptive lists shall be filed in accordance with La. R.S 9:2801. For a sample descriptive list see Form J (Appendix Form J).

3. Sworn Combined Detailed Descriptive List

Subsequent to the filing of a detailed descriptive list on behalf of each party, and at least seven (7) days before the Hearing Officer Conference, the parties shall confer to prepare a combined detailed descriptive list in substantial compliance with Form K (Appendix Form K). For a sample combined list see Form L (Appendix Form L). The combined list shall be filed in accordance with the case management scheduling order. The combined list shall contain the following information:

(a) Each parties list of all assets, liabilities, and reimbursement claims asserted by either party in their respective detailed descriptive lists.

(b) Each parties list of their value and position on assets, liabilities and reimbursement claims.

(c) Each parties list indicating traversal and concurrence on the other parties list of assets, liabilities and reimbursement claims.

4. Pre-Trial Procedures

At the scheduling conference, the court shall, if appropriate, fix a date for a hearing on the classifications of assets and liabilities. In all cases, the court may fix a date for a submission of a completed pre-trial order, and may fix a date for trial on the merits. If appropriate, the court may also establish a deadline for discovery, fix a date for filing pre-trial memoranda accompanied by a party's proposed allocation of assets and liabilities, appoint experts and/or a special master, and render any other appropriate order.

At the conference with the court's designated Hearing Officer, the Hearing Officer shall have the authority to make a recommendation to the trial judge regarding the appointment of an expert and/or special master, the need to continue the trial date, or other such appropriate recommendations. The provisions of Rule 35 (F) of these rules shall apply to the designated Hearing Officer's recommendations.

5. Sanctions

Failure by an attorney or self-represented party to comply with all procedures set out herein, or any other law or procedure, including the provisions of La. R.S. 9:2801, may result in the court rejecting the non-conforming pleadings, in the parties losing the trial date, the striking of witnesses and or exhibits and the imposition of other sanctions as deemed appropriate for the administration of justice by the trial judge, and

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in appropriate cases, sanctions as provided for in La. Code Civil Proc. Arts. 1551 and 1471.

6. Summary Proceedings

The court may, on motion of either party, or on its own motion, require a separate hearing on contested issues of law before a trial on the issues of valuation, allocation of assets, liabilities, and reimbursements. Decisions on questions of law shall be considered interlocutory in nature, unless certified by the judge as a final judgment as provided by law.

B. Non-Community Property Cases

The parties shall exchange pre-trial order inserts as provided for in the case management scheduling order. The pre-trial order shall be prepared, signed by all parties or their counsel of record, and be filed by the party requesting the special setting with the clerk of court on the date set forth in the case management scheduling order.

The parties and or their counsel shall comply with all provisions of the case management scheduling and pre-trial order. Failure to comply may result in sanctions that may include the court rejecting non-conforming pleadings, losing the trial date, striking witnesses and/or exhibits and other sanctions as deemed appropriate for the administration of justice by the trial judge.

24th Judicial District Court Parish of Jefferson

Revised effective
May 25, 2005

A. Upon receipt of a request for a pre-trial, scheduling or status conference, the court or the commissioner, as to matters within his or her areas of responsibility, may order that a written pre-trial order be submitted.

B. If a pre-trial order is required, it shall conform to the pre-trial order form contained at Appendix 5 or to the form specified by the court or commissioner in his or her notification to the parties of the conference date.

Family Court For the Parish of East Baton Rouge

To view the current Title IV Rules of East Baton Rouge Family Court, click here

<http://www.lasc.org/rules/dist.ct/EASTBATONROUGEFAMILYCOURTTITLEIV.PDF>
