

TITLE IV

Chapter: 37 Chapter Title: PARTITION OF COMMUNITY PROPERTY

Rule No: 37.2

Pre-Trial Procedures

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

Effective January 1,
2010

See Rule 35.0, section P. Specific Procedures for Partition of Community Property

**10th Judicial District
Court
Parish of
Natchitoches**
Added 1985.

RULE 34. PROPERTY SETTLEMENT CASES; STIPULATION*

Effective, immediately, in all property settlement cases to be tried in this Court, all counsel shall file, at least 48 hours before the day of trial, one stipulation signed by the person or persons they represent and by counsel, setting forth, in detail, the following information:

(1) An agreed list of personal and real marital property, both tangible and intangible, acquired by either or both spouses during the marriage;

(2) An agreed list of separate property, both tangible and intangible, acquired before marriage or by gift, bequest, descent or inheritance;

(3) All other property owned by the parties whose character marital or separate--is to be decided by the Court after receipt of proof.

Failure to comply with this rule will result in the trial being continued until the rule is fully met.

* Suggested title added by Publisher.

**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>

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**15th Judicial District
Court**

**Parishes of Acadia,
Lafayette and
Vermilion**

As Amended October
31, 2007

Upon filing of a traversal of the descriptive lists as set forth in La. R.S. 9:2801(2), either party may request that the matter be set for trial of the traverses and/or on the merits. All trials of the traverses and/or all partition trials shall be fixed on a merits docket and shall be scheduled in accordance with Chapter 24 of these rules. The trial of the traverses and/or the partition trial shall not be fixed unless both parties have filed a detailed descriptive list into the record of the proceeding in accordance with R.S. 9:2801(1)(a), or unless a detailed descriptive list has been deemed to constitute a judicial determination of the community assets and liabilities by the Court in accordance with La. R.S. 9:2801(1)(a). The Motion to Fix for Trial shall contain a certification signed by the party or his counsel to this effect.

Except for good cause shown, at least two (2) days prior to the scheduled Hearing Officer Conference, counsel and/or the parties shall meet jointly, in person, to discuss the nature and basis of their claims and defenses. However, under no circumstances shall an attorney be compelled to meet with an unrepresented party. At the joint meeting, counsel and/or 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. Further, the attorneys shall prepare a combined detailed descriptive list which sets forth all community property claims, reimbursement claims, community obligation claims and separate property claims, as well as the nature of the disputes between the parties, in such a manner so that the Court can make a side by side comparison of each claims. An example of a combined detailed descriptive list is attached as Appendix 18.

All attorneys of record are responsible for arranging the joint meeting at a mutually agreeable time and location and are responsible for personally attending the meeting. At the joint meeting, counsel and/or the parties are to complete a Mandatory Checklist for Community Property Matters substantially in compliance with Appendix 10. All attorneys of record are responsible for preparing and filing the checklist.

Additionally, the matter shall be set for a Hearing Officer conference before the assigned Hearing Officer, which conference shall take place no less than twenty-one (21) days before any scheduled trial. Notice of the scheduled trial and Hearing Officer Conference shall be mailed to all counsel of record and unrepresented parties. The purpose of the conference shall be to determine if the case is ready for trial and to discuss the nature and basis of the claims and defenses and to make a good faith effort to narrow the issues, reach joint stipulations to dispose of uncontested matters, discuss and attempt to resolve any matter concerning the authenticity or admissibility of exhibits produced in response to discovery, and attempt a settlement of the matter.

If the matter is not resolved or determined not ready for trial, the Hearing Officer may recommend an appropriate scheduling order and either party may request a pre-trial conference before the designated Division Judge in accordance with these rules.

The Court may, on the motion of either party, or on its own motion, require a separate hearing on contested issues of law or fact or on the issues of the separate or community nature of assets or obligations and/or the valuation of assets, liabilities or reimbursements, prior to a trial on the merits. Decisions on questions of law or fact shall be considered preliminary findings in nature for appeal purposes. No appeal may be taken until final judgment covering all community property issues heard pursuant to La. R.S. 9:2801 et. seq. is

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**15th Judicial District
Court
Parishes of Acadia,
Lafayette and
Vermilion**

See attached Form 10.

**21st Judicial District
Court
Parishes of
Livingston, St.
Helena and
Tangipahoa**

Community property partition cases which are filed separately from the divorce action giving rise to the partition proceeding shall be allotted to the same division to which the first action involving the parties was allotted. The same rule for allotment shall be applied to support enforcement, paternity actions, protective orders, and all other matters involving the same family unit.

Amended effective
November 30, 2011

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Pre-Trial Procedures

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

Revised effective
May 25, 2005

A. At the discretion of the district judge, a pre-trial conference may be scheduled before the district judge not less than thirty (30) days prior to trial.

B. Except for good cause shown, at least fourteen (14) days prior to the pre-trial conference with the district judge, counsel and/or the parties shall meet jointly, in person, to prepare a joint pre-trial order. At the joint meeting, counsel and/or 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.

1. All attorneys of record are responsible for arranging the joint meeting at a mutually agreeable time and location and are responsible for personally attending the meeting.

2. At the joint meeting, counsel and/or the parties are to prepare a joint pre-trial order substantially in compliance with the hearing officer scheduling order contained in Rule 37.0 (E) (3).

3. The parties shall deliver the completed pre-trial order to the district judge at least three (3) working days before the pre-trial conference.

4. No attorney shall be compelled to meet with an unrepresented party.

C. It shall be the responsibility of counsel representing any party, and/or parties, if unrepresented, who is an employee participant in a benefit plan in which the community possesses an interest to obtain all available forms and other necessary information from the plan administrator before the joint meeting of counsel and/or parties which shall be submitted to the court and to opposing counsel, or the opposing party if unrepresented, so that a Qualified Domestic Relations Order (QDRO) can be prepared as directed by the court.

D. The court may, on its own motion, or on motion of either party, require a separate hearing, prior to a trial on the merits, on:

1. contested issues of law or fact;
2. issues of the separate or community nature of assets or obligations;
3. valuation of assets, liabilities or reimbursements.

Decisions on questions of law or fact shall be considered preliminary findings for appeal purposes. No appeal may be taken until the final judgment is signed covering all community property issues heard pursuant to La. R.S. 9:2801 et seq. See La. C.C.P. Art. 1915.

**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>
