

SUMMARY OF PROPOSED AMENDMENTS TO THE
LOUISIANA DISTRICT COURT RULES
SPRING 2018

The Court Rules Committee hereby proposes that the following amendments be made to the Louisiana District Court Rules in Spring 2018:

Substantive Amendments

- 1. Rule 9.5 (“Court’s Signature; Circulation of Proposed Judgment; Request for Reasons for Judgment”):** Section (e) of this rule currently requires that requests for written reasons pursuant to La. Code Civ. Pro. art. 1917 be communicated to the judge either in open court or in writing. In an effort to ensure that the court and all parties are apprised of the request, the Committee proposes adding new language to require a requesting party who submits a request in writing to: (1) contemporaneously provide a copy to the trial judge in chambers and file the original request with the clerk of court; and (2) serve the request upon all other parties.

Non-Substantive Amendments

- 1. Comment (b) to Rule 1.0 (“Construction of Rules and Appendices”):** The comment currently states that the information in the Appendices to the District Court Rules “may be revised in accordance with the procedure found in Rule 1.3(c).” The procedure, however, is now set forth in Rule 1.3(b). The Committee wishes to amend this language to correct this.
- 2. Rule 6.0 (“The Opening of Court”):** This rule contains suggested language to be used by a bailiff when opening court. The rule has a quotation mark at the beginning of the suggested language, but not at the end. The Committee wishes to amend the rule to include the close quotation mark following the language.

LOUISIANA DISTRICT COURT RULES

TITLE II: RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS

CHAPTER 9: PROCEDURE

RULE 9.5: COURT’S SIGNATURE; CIRCULATION OF PROPOSED JUDGMENT;
REQUEST FOR REASONS FOR JUDGMENT

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. **If a request for written reasons is made in writing, the requesting party shall: (1) contemporaneously provide a copy to the trial judge in chambers and file the original request with the clerk of court; and (2) serve the request upon all other parties.**

LOUISIANA DISTRICT COURT RULES

**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

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.

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(e**b**).
- (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.

LOUISIANA DISTRICT COURT RULES

**TITLE I: RULES FOR PROCEEDINGS IN DISTRICT COURTS, FAMILY COURTS,
AND JUVENILE COURTS**

**CHAPTER 6: COURTROOM DECORUM AND THE
CONDUCT OF ATTORNEYS AND JUDGES**

RULE 6.0: THE OPENING OF COURT

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.