

MEMORANDUM

TO: All Louisiana District Court Judges
FROM: Court Rules Committee
DATE: June 1, 2010
RE: Latest District Court Rules and Appendices Amendments

Dear Louisiana District Court Judges:

Below are summaries of: (1) the latest amendments to the District Court Rules that the Louisiana Supreme Court adopted on April 20, 2010 and take effect on June 1, 2010; and (2) the latest amendments to all appendices to the rules.

SUMMARY OF AMENDMENTS TO RULES

In addition to some minor grammatical changes, the Committee made the following edits to the District Court Rules:

1. Title of Title II: This title has been changed from “RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY AND DOMESTIC RELATIONS AND JUVENILE PROCEEDINGS)” to “RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY AND DOMESTIC RELATIONS AND JUVENILE COURTS).”

2. District Court Appendices Page: This table has been added to inform readers of the existence of the various appendices and to clarify that the appendices to the rules have been re-numbered so that every appendix number now matches the number of the rule in which it is referenced. Any and all references to appendix numbers in the rules have been edited to reflect this change.

3. Rule 1.1: Subsection (f) has been added to reference new Title VI.

4. Rule 3.3, second sentence: This sentence currently reads: “Before sending a facsimile transmission in excess of fifteen pages, the attorney or a party must contact the court for permission.” The Committee has changed this language to: “Before sending a facsimile transmission in excess of fifteen pages, the attorney or a party sending such facsimile transmission must contact the court for permission” for clarification purposes.

5. Rule 9.8, second sentence: This rule currently reads: “If the exceptor or mover fails to comply with this requirement, the court may strike the exception or motion, or may set the matter for hearing on its own motion.” The Committee has added “or take other action as the court

deems appropriate” to this sentence to recognize that the judge has discretion to fashion other appropriate remedies.

6. Rule 9.9(f): Number 12 (“Any motions allowed to be granted ex parte under LA-C.C.P. art. 963”) was added as another exception to the rule that a memorandum must accompany a motion or exception.

7. Comment to Rule 9.20: This comment has been removed entirely, as it does not pertain to the random allotment of appeals addressed in Rule 9.20.

8. Chapter 13 (“Civil Litigation by Inmates”): All Chapter 13 content has been moved to new Chapter 60 (“Litigation Filed by Inmates”) in new Title VI. Any and all references to Chapter 13 have been edited to reflect this change. Title VI was added because the Committee concluded that the topic did not “fit” well with the subject matter of Title II.

9. Title of Chapter 21: The title has been changed from “NOTICE TO STATE OF POST-CONVICTION RELIEF PROCEEDINGS” to simply “POST-CONVICTION RELIEF PROCEEDINGS” to more accurately reflect the content of this chapter.

10. Rule 41.0 and Rule 41.1: Both of these rules have been eliminated, as the content in both rules already appears in Title I.

11. Comment (b) to Rule 46.5: This comment has been removed entirely, as it does not pertain to the subject matter addressed in Rule 46.5.

SUMMARY OF AMENDMENTS TO APPENDICES

In addition to some additional amendments requested by individual courts, the Committee made the following edits to the appendices to the District Court Rules:

Appendix 1 (now Appendix 2.0): Appendix number changed to match number of rule in which appendix is referenced; all mentions of Mardi Gras removed; juvenile court information moved from old Appendix 21 to here.

Appendix 2 (now Appendix 3.1): Appendix number changed to match number of rule in which appendix is referenced; juvenile court information moved from old Appendix 20 to here.

Appendix 3 (now Appendix 3.2): Appendix number changed to match number of rule in which appendix is referenced; all language pertaining to duty judges moved from old Appendix 3 to here. All language pertaining to allotment moved to new Appendix 9.3 All old Appendix 22 juvenile information moved here.

Appendix 4 (now Appendix 4.1): Appendix number changed to match number of rule in which appendix is referenced; all juvenile court judicial administrator information moved from old Appendix 23 to here.

Appendix 5A (now Appendix 5.1A): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 5B (now Appendix 5.1B): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 5C (now Appendix 5.1C): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 6 (now Appendix 8.0): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 9.3: Brand new appendix; all old Appendix 3 language pertaining to allotment moved here.

Appendix 7 (now Appendix 9.4): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 8 (now Appendix 9.14): Appendix number changed to match number of rule in which appendix is referenced; only contents of 15th JDC, 24th JDC, and CDC/Orleans entries changed. All other entries unchanged.

Appendix 9A (now Appendix 60.2): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 9B (now Appendix 60.4): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 9C (now Appendix 60.7A): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 9D (now Appendix 60.7B): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 10 (now Appendix 60.8): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 11 (now Appendix 14.0A): Appendix number changed to match number of rule in which appendix is referenced; any language not pertaining to methods of criminal allotment moved from here to old Appendix 14 (new Appendix 15.0).

Appendix 12 (now Appendix 14.0B): Appendix number changed to match number of rule in which appendix is referenced; changes only to entries of 5th JDC, 6th JDC, 8th JDC, 9th JDC, 10th JDC, 11th JDC, 12th JDC, 14th JDC, 17th JDC, 18th JDC, 19th JDC, 20th JDC, 24th JDC, 25th JDC, 26th JDC, 27th JDC, 30th JDC, 32nd JDC, 33rd JDC, 34th JDC, 35th JDC, 36th JDC, and 42nd JDC. All other entries unchanged.

Appendix 13 (now Appendix 14.1): Appendix number changed to match number of rule in which appendix is referenced; changes only to entries of 4th JDC, 9th JDC, 13th JDC, 14th JDC, 22nd JDC, 24th JDC and Orleans Criminal District Court. All other entries unchanged.

Appendix 14 (now Appendix 15.0): Appendix number changed to match number of rule in which appendix is referenced; any language removed from old Appendix 11 (new Appendix 14.0A) was moved here. 35th JDC entry changed.

Appendix 15 (now Appendix 15.1): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 16 (now Appendix 15.2): Appendix number changed to match number of rule in which appendix is referenced; changes only to entries of 6th JDC and 36th JDC. All other entries unchanged.

Appendix 17 (now Appendix 18.0): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 18 (now Appendix 19.0): Appendix number changed to match number of rule in which appendix is referenced; changes only to entries of 21st JDC and 36th JDC. All other entries unchanged.

Appendix 19 (now Appendix 1.3): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

Appendix 20: Appendix deleted with Rule 41.0; contents moved to new Appendix 3.1.

Appendix 21: Appendix deleted with Rule 41.1; contents moved to new Appendix 2.0.

Appendix 22: Appendix deleted with Rule 41.1; contents moved to new Appendix 3.2.

Appendix 23: Appendix deleted with Rule 41.1; contents moved to new Appendix 4.1.

Appendix 24 (now new Appendix 41.0): Appendix number changed to match number of rule in which appendix is referenced; minor change only to contents of East Baton Rouge Juvenile Court entry. All other entries unchanged.

Appendix 25 (now Appendix 42.0): Appendix number changed to match number of rule in which appendix is referenced; contents unchanged.

The edits above are listed in their old numerical order. In the 2010 *Louisiana Rules of Court – State* book, the appendices will appear in numerical order according to their new appendix numbers.

Also, please know that nearly all edits mentioned above have been made due to: (1) a amendment request made by an individual court; (2) movement of some language from one

appendix to another that the Committee deemed more appropriate (i.e., language was moved when it was deemed to “fit” better elsewhere in the appendices); and/or (3) the need to change the appendix numbers referenced in some courts’ appendix entries from the old appendix number to the new one.