

APPENDIX 24.10: COURT-SPECIFIC RULES CONCERNING SETTING OF PRE-TRIAL CONFERENCES

COURT	PARISHES	<u>COURT-SPECIFIC RULES CONCERNING SETTING OF PRE-TRIAL CONFERENCES</u>
1 st J.D.C.	Caddo Parish	Pre-trial conferences are not mandatory, but may be scheduled in individual cases by the judge, either on his own motion or on request of a party.
5 th J.D.C.	Franklin, Richland, and West Carroll Parishes	<p>A. Original Fixing. Unless dispensed with by the Court in advance, the mover in a contested domestic relations case shall attach to the initial pleading an order and a fixing form setting a Pre-Trial Conference before the judge to whom the case has been divisioned. The judge will then set a date for the Pre-Trial Conference, which may be the next regularly-scheduled civil motion hour for that division in the parish where the case is pending. At the Pre-Trial Conference, the Court shall determine whether a hearing on the rule to show cause or trial on the merits is necessary, and if so, fix a trial date and may fix a Hearing Officer Conference. The Court may also issue an Interim Order to be in effect until the Hearing Officer Conference (if scheduled) or trial.</p> <p>B. Pre-Trial Conference. At the Pre-Trial Conference, the Court may set the case for a Hearing Officer Conference, to take place at least ten (10) days before the hearing on the Rule to Show Cause or trial on the merits.</p>
9 th J.D.C.	<p>Rapides Parish</p> <p>Adopted December 13, 2017, effective January 1, 2018.</p>	<p style="text-align: center;">CIVIL AND DOMESTIC CASEFLOW MANAGEMENT PROCEDURES</p> <p>All civil and domestic petitions must include a Civil Cover Sheet or Domestic Cover Sheet which shall be filed with the Clerk of Court. This cover sheet must be placed on top of the petition or motion so it is easily identifiable by all persons handling such paperwork. If the answering party/defendant disagrees with the case classification, he/she should request a telephone conference with the presiding judge of the section to which the case has been allotted.</p> <p>All pleadings in allotted cases that require an order prior to rendition of judgment must be presented to the presiding judge of the division to which the case</p>

has been allotted. All pleadings requiring the signature of a judge in cases which have not been allotted to a division, or pleadings in allotted cases after rendition of judgment, shall be filed in the with Clerk of Court and left there to be signed by the duty judge.

All pleadings in allotted cases that require an order prior to rendition of judgment must be presented to the presiding judge of the division to which the case has been allotted.

DOMESTIC PRE-TRIAL PROCEDURES

1. The Court may schedule a Pre-Trial Conference in all Summary Proceedings in any Family Law matter with the exception of the following classes of hearing:

A. A request for the grant of a Divorce under Civil Code Article 102;

B. A request that the community regime be terminated, based upon the parties living separate and apart for 30 days under Civil Code Article Civil Code Article 2378(c); or,

C. Any hearing which does not require testimony.

2. Unless no Pre-Trial Conference is required by Rule 1 above, any party filing a request for a hearing in a family law matter shall include the following language in the Order filed with the Court:

The Court orders that a Pre-Trial Conference shall take place on the _____ day of _____, _____ at _____ o'clock. All parties and their attorneys shall appear at the

Pre-Trial Conference.

3. The purposes of the Pre-Trial Conference are:
 - A. To discuss a resolution of any or all of the issues between the parties, without the necessity of a hearing;
 - B. To resolve any Preliminary Motions or Exceptions which may dispose of the need for a hearing of the pending hearing;
 - C. To resolve any issues affecting preparation for the Trial of the hearing;
 - D. To discuss rescheduling the hearing to the earliest possible date which allows all parties to adequately prepare for the hearing; and,
 - E. To enter an Order or Judgment as to all matters which can amicably be resolved without the necessity of a hearing on the issues pleaded.
4. All parties and their attorneys (if any) must attend the Pre-Trial Conference.
5. Each party shall prepare for the Pre-Trial conference as follows:
 - A. Each party shall be prepared to identify and discuss the testimony of any witnesses they intend to use, if any;
 - B. Each party shall be prepared to identify and discuss any exhibits which they intend to use;
 - C. Each party shall be prepared to inform the Court of how much time will be required for the Trial itself;
 - D. If child custody or visitation is an issue, each party shall prepare a proposed custody plan for discussion.

		<p>E. If child support or spousal support are requested in the Rule, each party shall comply with Rule 6 below.</p> <p>6. In support cases, the parties shall bring the following items to the Pre-Trial Conference:</p> <p>A. <i>If child support is an issue in the case</i>, the parties shall each bring with them a proposed Guideline Worksheet for Child Support and Verified Income Statement, as provided by R.S. 9:315.2. All parties are advised that this statute requires that the following items be attached to the Income Statement:</p> <p>a. If you are employed, documentation of your income, which can be either:</p> <ol style="list-style-type: none">1. Your most recent pay stubs; or2. A statement from your employer showing your rate of pay and average monthly income. <p>b. If you are self-employed, copies of the most recent and profit and loss statement from your business, or copies of your business receipts and expenses showing your net income.</p> <p>c. Your most recent federal tax return.</p> <p>d. Documentation of the cost of any Day Care, School Tuition and/or Health Insurance for the child or children.</p> <p>e. Documentation of any other expense or income the party may wish the Court to consider including those in support of any proposed deviations from the child support guidelines or in support of non-voluntary unemployment or underemployment, or in support of excessive community debts the party will be paying.</p>
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<p>14th J.D.C.</p>	<p>Calcasieu Parish</p>	<p>A. Upon request of either party, or at its own direction, the Court may order the attorneys for the parties to appear before it for a pretrial conference to consider the following:</p> <ol style="list-style-type: none"> (1) The simplification of the issues; (2) The necessity or desirability of amendments to the pleadings; (3) The possibility of obtaining admissions of fact and agreements on the admissibility of documents which will avoid unnecessary proof; (4) The limitation of the number of witnesses, lay and expert; and (5) Such other matters as may aid in the disposition of the action. <p>B. During such conferences, the parties are expected to disclose their respective positions and to stipulate as to all matters not at issue. The Court shall cause such stipulations to be placed on the record to conserve time at trial. The parties at pretrial conferences shall likewise be required to state objections or lack thereof to any exhibit, document, photograph or other such evidence which another party to the suit proposes to offer in evidence.</p> <p>C. At pretrial conferences, the Court, in its discretion, may seek to advise and assist the parties to a voluntary resolution of their differences.</p> <p>D. The Court should not be expected, at any stage of the proceedings, to force any compromise upon reluctant counsel or parties, but it is the intent of this rule to expedite final and just disposition of all cases. Consequently, counsel shall be expected to appear at pretrial conferences knowing what authority, if any, their respective client will grant with respect to resolving the differences between the parties. If there is any reasonable prospect of compromise, counsel are expected to exert reasonable efforts to that end prior to and during pretrial conferences, and not wait until it is too late for the Court to otherwise utilize the time set aside for the trial of the case.</p>

15 th J.D.C.	Acadia, Lafayette, and Vermilion Parishes	<p style="text-align: center;">REQUEST</p> <p>Either party may request a pre-trial conference or status conference. It shall be within the Court's discretion as to whether such conference shall be conducted. If a party desires a pre-trial or status conference, the requesting party shall obtain available dates and times from the judge's office. Once available dates and times are obtained, the requesting party shall confer with the other party to agree upon a mutually convenient time and the issues to be discussed. The requesting party shall fax a letter to the Judge stating that he has conferred with the opposing party. The letter shall also set forth the date and time of the conference and the issues to be discussed. The judge's office shall fax a confirmation to all parties.</p>
22 nd J.D.C.	St. Tammany and Washington Parishes	<p>A) Status Conferences</p> <p>It shall be within the Division Judge's discretion whether a status conference shall be scheduled. If a party desires a status conference, they shall fax a letter to the Judge's office stating that they have conferred with all opposing parties and all have agreed to a status conference. The letter shall set forth the issues to be discussed. The attorneys shall confirm with the Judge's office whether the status conference is to be held and whether their appearance is to be by telephone or they are to personally appear before the Judge.</p> <p>B) Scheduling Conferences</p> <p>Either party or the parties by joint motion shall file a motion to set for trial or a motion for a scheduling conference. Upon written request made in advance and at the discretion of the trial judge, parties and/or attorneys may participate at the scheduling conference by telephone. Upon conclusion of the scheduling conference, a case management scheduling order will be prepared and will be forwarded to the parties or their counsel within three business days after the scheduling conference.</p>
24 th J.D.C.	Jefferson Parish	<p style="text-align: center;">REQUEST FOR PRE-TRIAL CONFERENCE IN FAMILY LAW PROCEEDINGS</p> <p>A. Pre-trial conferences, scheduling, and status conferences are not mandatory, but may be scheduled in individual cases by the judge, or the domestic commissioner as to matters within his or her areas of</p>

		<p>responsibility, either on the judge or commissioner's own motion or on request of a party in conformity with La. C.C.P. Art. 1551. The domestic hearing officer, domestic commissioner, or district judge may, at his or her discretion, order that a pre-trial order or a memorandum of fact or law be prepared for submission prior to any motion, rule, hearing, trial, or conference.</p> <p>B. The following matters may be considered at the pre-trial, scheduling or status conference in conformity with La. C.C.P. Art. 1551.</p> <ol style="list-style-type: none">1. The simplification of the issues, including the elimination of frivolous claims or defenses;2. The necessity or desirability of amendments to the pleadings;3. What material facts and issues exist without substantial controversy, and what material facts and issues are actually in good faith controverted;4. Proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence;5. Limitations or restrictions on or regulation of the use of expert testimony under La. Code of Evidence Art. 702;6. The control and scheduling of discovery;7. The identification of witnesses, documents, and exhibits; conference may likewise be required to state objections or lack thereof to any exhibit, document, photograph, or other such evidence which another party to the suit proposes to offer in evidence.8. Such other matters as may aid in the disposition of the action. <p>C. During such conferences, the parties are expected to disclose their respective positions and to stipulate as to all matters not at issue. The court or commissioner shall cause such stipulations to be placed on the record to conserve time at trial or hearing. The parties at such conference may likewise be required to state objections or lack thereof to any exhibit, document, photograph, or</p>
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		<p>other such evidence which another party to the suit proposes to offer in evidence.</p> <p>D. At such conferences, the court or commissioner, in its discretion, may seek to advise and assist the parties to achieve a voluntary resolution of their differences.</p> <p>E. The court or commissioner should not be expected, at any stage of the proceedings, to force any compromise upon reluctant counsel or parties. Counsel are expected to appear at conferences knowing what authority, if any, their respective client will grant with respect to resolving the differences between the parties. If there is any reasonable prospect of compromise, counsel are expected to exert reasonable efforts to that end prior to and during such conferences.</p> <p>F. The court or commissioner, within the areas of his or her responsibility, may require counsel for the parties to confer in advance of the conference for the purpose of arriving at all possible stipulations, exchanging copies of all documents which may be offered in evidence at the trial or hearing, preparing a list of names and addresses of all witnesses (except those to be used for impeachment or rebuttal) who will or may testify at the trial, and for the further purpose of preparing for submission to the court or commissioner a pre-trial order.</p> <p>G. If a party's attorney fails to obey a pre-trial order, or to appear at the pre-trial, scheduling or status conference, or is substantially unprepared to participate in the conference or fails to participate in good faith, the court, or commissioner, on its own motion or on the motion of a party, after hearing, may make such orders as are just, including orders provided in La. C.C.P. Art. 1471 (2), (3), and (4). In lieu of or in addition to any other sanction, the court may require the party or the attorney representing the party or both to pay the reasonable expenses incurred by noncompliance with this paragraph, including attorney fees.</p> <p>H. The judge or commissioner, as to matters within his or her area of responsibility, shall render an order which recites the action taken at the conference. Such order controls the subsequent course of the action, unless modified at the trial to prevent manifest injustice.</p> <p style="text-align: center;">SCHEDULING CONFERENCES IN FAMILY LAW PROCEEDINGS</p>
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28 th J.D.C.	LaSalle Parish	A request for a pre-trial status conference shall be made for all contested ordinary matters and any summary matters which are expected to take more than five (5) court hours. A request for pre-trial status conference in other summary matters may be made orally at any time up to one half hour before the scheduled hearing. Early, before the day of hearing request, are encouraged.
40 th J.D.C.	St. John the Baptist Parish	Any party who desires a date for trial on the merits shall request a status conference before requesting a trial date in all cases except successions, collection cases, domestic matters (except partitions), and uncontested matters. Exceptions to this rule may be made by the individual judges depending on the nature or seriousness of the case. Pre-trial conferences may be scheduled at the discretion of the judge.