

APPENDIX 24.4: COURT-SPECIFIC RULES CONCERNING APPOINTMENT OF ATTORNEYS TO REPRESENT ABSENTEE DEFENDANTS

| COURT | PARISHES | COURT-SPECIFIC RULES CONCERNING APPOINTMENT OF ATTORNEYS TO REPRESENT ABSENTEE DEFENDANTS |
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| 14 th J.D.C. | Calcasieu Parish | <p>A. In any case in which a curator ad hoc is appointed to represent an absentee defendant, the petition shall contain information as to the residence address or whereabouts of the defendant. The curator ad hoc shall promptly make diligent effort to locate and contact the defendant either by personal contact or by certified or registered mail with return receipt requested. When the case is called for trial, the curator ad hoc shall be prepared to present competent evidence to show that a diligent effort was made to locate the defendant, to give him the information and render the services required by this rule.</p> <p>B. If the absentee defendant can be located or contacted, the curator ad hoc shall inform him, either by personal contact or by certified or registered mail with return receipt requested, of the nature of the proceedings and the date of the trial or hearing, and he shall render such other services as may be necessary for the protection of the rights of the absentee. At the trial or hearing, unless otherwise ordered by the Court, the curator ad hoc shall file in evidence copies of the letters written to or received from the defendant, and the return receipts of registered letters addressed to the defendant.</p> <p>C. Those attorneys appearing on the curator ad hoc list shall be required to accept not less than one appointment per calendar year in a Child in Need of Care and/or Termination of Parental Rights proceeding.</p> |
| 18 th J.D.C. | Iberville, Pointe Coupee, and West Baton Rouge Parishes | <p style="text-align: center;">FEES FOR ATTORNEYS APPOINTED TO REPRESENT ABSENTEE DEFENDANTS/CURATOR</p> <p>The fee for appointment as attorney to represent an absentee defendant is fixed at the sum of \$250.00 plus court cost unless good cause shown. Litigants desiring the appointment of an attorney to represent an absentee shall deposit the fee in advance with the Clerk of Court, and shall certify to the Court in the order seeking such appointment that the fee has been paid in advance in full. The Court may order an additional fee for the appointed attorney should it be necessary for multiple court appearances or extraordinary efforts to discharge duties pursuant to the appointment.</p> |
| Family Court for the Parish of East Baton Rouge | East Baton Rouge Parish | <p>1. The fee for the appointment of an attorney to represent an absentee or a child is fixed at the sum of \$350.00. Litigants desiring the appointment of an attorney shall deposit the fee in advance with the Clerk of Court, and shall certify to the Court in the order seeking such appointment that the fee has been paid in advance in full.</p> |

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| | | <p>2. Attorneys appointed after the filing of a Louisiana Civil Code article 102 divorce petition consent to subsequent re-appointment after the filing of the rule to show cause on the same divorce if necessary. The total fee for both appointments shall be \$350.00. Impediments to reappointment shall be brought to the Court's attention at the time of filing of the rule to show cause, and the Court may determine such reappointments are not possible.</p> <p>3. The Court may order an additional fee for the appointed attorney should it be necessary for multiple court appearances, or for extraordinary efforts to discharge duties pursuant to the appointment.</p> <p>4. To receive these appointments, attorneys must register with the Baton Rouge Bar Association Pro Bono Project, and either accept two domestic case referrals annually or commit to serve eight hours of time at the Self-Help Resource Center annually.</p> |
| 22 nd J.D.C. | St. Tammany and Washington Parishes | A motion to appoint an attorney to locate and represent the interests of an absentee party does not require a Hearing Officer Conference prior to presentation of an Order to the Judge for appointment. All attorneys who receive appointments pursuant to La. Code Civ. Proc. Art. 5091, et seq. must appear for all scheduled Hearing Officer Conferences, either in person or by pre-arranged telephone conference, and shall appear in open court on the date of all scheduled hearings and make a note of evidence on the record. |
| 23 rd J.D.C. | <p>Ascension, Assumption, and St. James Parishes</p> <p>Amended November 30, 2015, effective January 1, 2016.</p> | <p>A. Requests for appointment of attorneys to represent an absentee defendant or a child, shall be accompanied by an advance deposit of \$400.00. Litigants desiring such an appointment shall certify to the Court in the order seeking such appointment that the advance deposit has been made. No appointments shall be made without such certificate.</p> <p>B. Attorneys appointed after the filing of a Louisiana Civil Code Article 102 divorce petition consent to subsequent reappointment after the filing of the rule to show cause on the same divorce if necessary. No new advance deposit is required. Impediments to the reappointment shall be brought to the Court's attention at the time of the filing of the rule to show cause, and the Court may determine if such reappointments are not possible.</p> |
| 24 th J.D.C. | Jefferson Parish | A. The fee for appointment as attorney to represent an absentee defendant is fixed at the sum of \$375.00. Additionally, reasonable costs, such as certified mail and/or advertisement, shall be paid with leave of court. Litigants desiring the appointment of an attorney to represent an absentee shall deposit the fee, at the time of filing the request for appointment, with the clerk of court, and shall certify to the court in the order seeking such |

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| | | <p>appointment that the fee has been paid in full in advance. The court may order an additional fee for the appointed attorney should it be necessary for multiple court appearances or extraordinary efforts to discharge duties pursuant to the appointment.</p> <p>B. Attorneys appointed after the filing of a petition for divorce required by La. C.C. Art. 102 and before the filing of the rule to show cause required by La. C.C. Art. 102 shall be reappointed, if necessary, at the time of the filing of the rule to show cause, unless the court determines such re-appointment is not possible. Impediments to such re-appointments shall be brought to the court's attention at the time of filing of the rule to show cause. Attorneys accepting the initial appointment thereby consent to subsequent re-appointment.</p> <p>C. It is the duty of an attorney appointed to represent a defendant who is a non-resident, or absentee, to act in accordance with La. C.C.P. Art. 5093, et. seq. The plaintiff, or counsel, shall furnish to the attorney appointed to represent the absent defendant all information which he or she may have concerning the whereabouts of the absent defendant. All correspondence by an attorney appointed to represent an absentee shall be directed to the absentee by registered or certified mail.</p> <p>D. In all cases for separation and divorce where the defendant resides in a foreign country the government of which is recognized by the government of the United States, the attorney appointed by the court to represent the absent defendant shall, immediately upon his appointment, notify the consul or consular agent of such foreign country, in writing, of the number and title of the suit, the ground(s) of the complaint, the last known address of the absent defendant, and the name and address of the attorney for the plaintiff.</p> <p style="text-align: center;">REQUIREMENTS TO RECEIVE APPOINTMENTS</p> <p>In order to receive an appointment as an attorney for an absentee, an individual must be a member in good standing of the Louisiana State Bar Association.</p> |
| 25 th J.D.C. | Plaquemines Parish | <p>In all cases for separation and divorce where the defendant resides in a foreign country the government of which is recognized by the Government of the United States, the curator appointed by the Court to represent the absent defendant immediately upon his appointment shall notify the consul or consular agent of such foreign country, in writing, of the number and title of the suit, the ground of complaint, the address of the absent defendant, and the name and address of the attorney for the plaintiff.</p> |
| 28 th J.D.C. | LaSalle Parish | <p>The customary fee for an attorney appointed to represent a</p> |

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| | | litigant in a family matter is \$100.00 plus reimbursement of any costs incurred as a result of such appointment. In unusual cases, the court may consider a lesser or greater fee if the circumstances justify such. This shall be done only upon notice and opportunity to respond. |
| 33 rd J.D.C. | Allen Parish | In all matters where an attorney is appointed to represent an absentee defendant or to act as curator, a deposit will be required of \$100.00 at the time of filing of the order making the appointment of the attorney. The fee for the attorney's services is set at \$100.00 and is to be paid from said deposit. The Clerk of Court will disburse the said fee upon order or judgment of the Court. |
| 36 th J.D.C. | Beauregard Parish | In all matters where an attorney is appointed to represent an absentee defendant or to act as curator, a deposit will be required of \$75.00 at the time of the filing of the curator order making the appointment of the attorney. The fee for the attorney's services is set at \$75.00 and is to be paid from said deposit. The Clerk of Court will disburse the said fee upon order or judgment of the court. |
| 40 th J.D.C. | St. John the Baptist Parish Adopted November 29, 2016, effective January 1, 2017. | With the exception of curators appointed for domestic litigation, the fee of an attorney appointed to represent an absent defendant shall be fixed at the sum of \$350.00 plus costs, unless the court in its discretion fixes a greater or lesser sum. For domestic matters, the fee of an attorney appointed to represent an absent defendant shall be fixed at the sum of \$250.00 plus costs, unless the court in its discretion fixes a greater or lesser sum. Requests for fees exceeding the listed amounts and all requests for reimbursement of costs shall be accompanied by a certificate of the attorney for the absent defendant reflecting his/her work efforts and the expenses incurred in connection with the defense of the absent defendant. |
| Civil District Court | Orleans Parish | A. The deposit for appointment as an attorney to represent an absentee defendant is fixed at the sum of \$500.00. Additionally, reasonable costs, such as certified mail and/or advertisement may be reimbursed with leave of Court. B. In any case in which an attorney is requested to represent an absentee defendant, the petition/rule shall contain information as to the last known residence or whereabouts of the defendant. The curator ad hoc shall promptly make diligent effort to locate and contact the defendant either by personal contact or by certified/registered mail with return receipt requested. C. If the absentee defendant can be located or contacted, the curator ad hoc shall inform him of the nature of the proceedings and the date of the hearing/trial. If the absentee defendant cannot be located or contacted, the curator ad hoc shall comply with La. C.C.P. Art. 5095 to protect the rights of the absentee. |

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| | | <p>D. The curator ad hoc shall appear at all hearing/trial dates until discharged. Unless otherwise directed by the Court, the curator ad hoc shall file a Note of Evidence, attaching copies of the letters written to or received from the defendant, proof of publication of any advertisements made, and/or the return receipt of certified/registered letters sent to the defendant.</p> |
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