

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, III, IV, V, and VI

Sixteenth Judicial District Court

Parishes of Iberia, St. Martin and St. Mary

Title - I Chapter Title - Dates of Court

Chapter - 2 None.

Rule - 2.0

Appendix - 2.0

Local Holidays in
Addition to Legal
Holidays
Listed in La. R.S. 1:55
See 2004 Amendment to
La. R.S. 1:55(E)(1)(b)
which, by reference to
La. R.S. 1:55(B)(1)(a),
adds Mardi Gras Day and
General Election Day as
legal holidays.

Title - I Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules

Chapter - 3 There are eight divisions of court, lettered "A" through "H".

Rule - 3.1

Appendix - 3.1

Divisions or Sections of
Court

Title - I Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules

Chapter - 3

Rule - 3.2

Appendix - 3.2

Duty Judges

Title - I Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules

Chapter - 3 ELECTRONIC WARRANTS

Rule - 3.4 Warrantnow is designated and approved for the purposes of receiving electronic applications for warrants in the Sixteenth Judicial District Court.

Appendix - 3.4

Court-Specific Rules
Concerning Judges' Use
of Electronic Signatures

ELECTRONIC SIGNATURES

Any judge of the Sixteenth Judicial District Court may electronically sign court orders, notices, official court documents, judgments and other writings, whether civil or criminal, if the electronic signature

Effective January 1,
2016; amended effective
March 12, 2020.

consists of a computer data compilation of any symbol or series of symbols executed, adopted or authorized by the judge to be the legally binding equivalent of the judge's handwritten signature.

Title - I **Chapter Title - Judges, Facsimile Transmissions To The Court, and Technology-Related Rules**

Chapter - 3

Unless defense counsel requests defendant's appearance in open court, defendant may appear for arraignment and enter his/her plea by way of simultaneous transmission through audio visual electronic equipment.

Rule - 3.5

Appendix - 3.5

Court-Specific Rules
Concerning
Simultaneous
Appearance by a Party or
Witness by Audio-Visual
Transmission

Effective January 1,
2016.

Title - I **Chapter Title - Court Personnel**

Chapter - 4

Angela Sorrel Moore
Court Administrator
16th Judicial District Court
300 Iberia Street, Suite 350
New Iberia, LA 70560
Telephone: (337) 369-4466
Facsimile: (337) 364-5621
E-Mail: amooore@16jdc.org

Rule - 4.1

Appendix - 4.1

Judicial Administrators
and Clerks of Court

Amended effective
September 13, 2016;
amended effective June
28, 2019; amended
effective January 1,
2020.

David Ditch
Clerk of Court
Parish of Iberia
P.O. Drawer 12010
New Iberia, LA 70562-2010
Telephone: (337) 365-7282
Facsimile: (337) 369-2928
E-Mail: dditch@iberiaclerk.com

Hon. Becky P. Patin
Clerk of Court
Parish of St. Martin
P.O. Box 308
St. Martinville, LA 70582
Telephone: (337) 394-2210
Facsimile: (337) 394-7772
E-Mail: beckypatin@stmartinparishclerkofcourt.com

Hon. Cliff Dressel
Clerk of Court
Parish of St. Mary
500 Main Street
P.O. Drawer 1231
Franklin, LA 70538-1231
Telephone: (337) 828-4100, Ext. 200
Facsimile: (337) 828-2509
E-Mail: stmaryclerk@teche.net

Title - I **Chapter Title - Courtroom Use, Accessibility and Security**

Chapter - 5

Rule - 5.1 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1A.PDF>

Appendix - 5.1A

Americans with
Disabilities Form

Title - I **Chapter Title - Courtroom Use, Accessibility and Security**

Chapter - 5

Rule - 5.1 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1B.PDF>

Appendix - 5.1B

Request for Interpreter
and Order

Title - I **Chapter Title - Courtroom Use, Accessibility and Security**

Chapter - 5

Rule - 5.1 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5.1C.PDF>

Appendix - 5.1C

Interpreter's Oath

Title - I **Chapter Title - Indigents and In Forma Pauperis**

Chapter - 8

Rule - 8.0 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX8.0.PDF>

Appendix - 8.0

In Forma Pauperis
Affidavit

Title - II **Chapter Title - Procedure**

Chapter - 9 ALLOTMENT OF CIVIL CASES

Rule - 9.3 1. After an initial marital proceeding has been allotted, all subsequent proceedings shall be assigned to the same division. The subsequent proceedings may be assigned a new docket number. Contested adoptions and successions shall be allocated similarly.

Appendix - 9.3

Allotments: Signing of Pleadings in Allotted and

2. Before allotment, any Judge may issue orders, including but not limited to preliminary and interlocutory orders, writs, executory process, pauper orders, and may grant extensions of time in

which to plead.

3. Once a case has been allotted all exceptions, motions, rules and trials on the merits shall be taken up by the Judge of the division to which the case is allotted, provided, however, that any uncontested matter, preliminary default or confirmation of default may be taken up before any division.

4. In the event of legal or voluntary recusal, the clerk shall re allot the case using the same procedure as for the initial allotment. Where the docket is carrying more than its fair share of the cases, or otherwise according to the discretion of the Judges, any case may be transferred from one division to another by order approved by both Judges concerned; provided, however, that when two cases are consolidated for the purpose of trial, the case having the highest docket number shall be transferred to the court division to which the case having the lower docket number has been allotted.

5. In the event of emergency, including prolonged absence of the Judge of any division and the anticipation thereof, the remaining Judges shall order that no case shall be allotted to said division until there is a Judge thereof available to conduct the Court's business, and in such absence or anticipated absence due to death, resignation, incapacity or otherwise, the remaining Judges may likewise order reallotment of all pending cases or such of them as the interests of justice may require, and each remaining Judge is empowered in such event to transfer, from such division then inoperative, any particular case in which a party is entitled under the law to a speedy hearing or any such particular in which the interests of justice call for such transfer and hearing.

6. The drawing for allotment referred to herein shall be made by the Clerk of Court or the Chief Deputy Clerk of Court, or by the acting minute or docket clerk duly designated.

7. After any case has been allotted, the Clerk of Court shall at once cause the division to which the case has been allotted to be noted on the outside of the jacket of the record, and in the docket book.

8. Any uncontested adoption or succession matter may be presented to any Judge for hearing or for signature of orders.

9. When a motion is made pursuant to LSA C.C.P. art. 154 to recuse a judge, and said judge chooses not to recuse himself or herself, then said judge shall have the motion to recuse referred to another judge of this court in the manner provided herein for allotment of civil cases, except that the Clerk of Court (or his Chief Deputy) shall immediately thereafter return the ping pong type ball to the machine, since the judge to whom the motion is thereby impartially referred will not be allotted the case but only the disposition of the motion. Should the judge to whom the motion is thus referred rule in favor of recusal, then the case shall be re-allotted in the said manner provided for allotment of civil cases, except that allotment thereof shall not be made to either the recused judge or the judge to whom the motion was referred.

The provisions contained in this appendix may be relaxed in the discretion of a Judge where unreasonable delay may be occasioned by its enforcement.

Title - II

Chapter Title - Procedure

Chapter - 9

Pleadings in Succession and Tutorship matters and Domestic Abuse Restraining Orders are routinely presented to any Judge available in Chambers before filing with clerk. All other pleadings and Orders must be filed with the Clerk of Court. All "pauper" proceedings must first be submitted to the Clerk.

Rule - 9.4

Appendix - 9.4

Presentation of Pleadings to the Court and Filing with the Clerk of Court

Title - II

Chapter Title - Procedure

Chapter - 9

Rule - 9.6

http://www.lasc.org/rules/supreme/Louisiana_Civil_Case_Reporting_Form.pdf

Appendix - 9.6

Louisiana Civil Case Reporting

Title - II

Chapter Title - Procedure

Chapter - 9

Rule - 9.12

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12A.pdf>

Appendix - 9.12A

Notice of Limited Appearance – Family Law Cases

Title - II

Chapter Title - Procedure

Chapter - 9

Rule - 9.12

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9.12B.pdf>

Appendix - 9.12B

Notice of Limited Appearance – Non-Family Law Cases

Title - II

Chapter Title - Procedure

Chapter - 9

CONFIRMATIONS, CIVIL RULES, EXCEPTIONS, SUMMARY MATTERS AND TRIALS ON MERITS

Rule - 9.14

Appendix - 9.14

Fixing for Trial or Hearing; Scheduling Orders; Contact with Jurors

1. When a party moves to set for hearing a rule, exception, motion for summary judgment or other preliminary matter, he shall attach an adequate brief or financial declaration to that motion; otherwise, the Court will decline to sign the order setting the matter for a hearing. The other parties shall file their response memorandum at least five days prior to the hearing. With respect to trials on the merits, all parties will file pre trial memoranda at least five days prior to the date on which the merits are fixed for trial.

In all alimony cases, counsel shall file a financial declaration of the client on forms to be supplied by the office of the Clerk of Court. In all child support cases, counsel shall file the worksheet required by LSA R.S. 9:315.2. These affidavits shall serve as pre trial memoranda if the only contested issues are the amounts of alimony and/or child support.

The original memorandum or declaration is to be filed in the record. Copies are to be sent by United States mail, postage prepaid, to all parties to the action or their counsel of record and to the Judge of the division at home chambers.

The memorandum shall set forth the date and place of trial in the first sentence of the first paragraph. That same information shall be set forth where indicated on the declaration. The memorandum shall also set forth a statement of the facts and the law applicable to the contested matters of the case.

Failure to file and distribute said memorandum or declaration shall subject said party to discipline by the Court. This discipline may take the form of an assessment of costs and/or, after having been

warned on a previous occasion, the attorney for the party may be held in contempt of court. In the event both parties fail to fulfill the pre trial requirement, the matter will be continued.

2. All rules, motions and exceptions shall be tried on those days designated for rules on the court calendar; provided, however, that any civil rule requiring extended testimony shall be fixed on the regular civil docket.

3. Preliminary defaults shall be confirmed only on Fridays in weeks in which civil or criminal jury cases are to be tried. They may be confirmed on any other days when Court is in session with the prior consent of the Presiding Judge.

4. An order allowing an attorney to withdraw from a case, or to substitute counsel, will be considered only upon motion to the Court to which is attached a certificate of the attorney(s) indicating the reason for withdrawal or substitution, that the client has been notified and that there is presently no matter fixed for trial or hearing or, if any matter in the case is fixed, the date thereof; and that the withdrawal or substitution will not delay the proceedings.

5. The Clerk of Court's office shall immediately send copies of all written orders and an extract of the minutes showing oral orders to the attorneys of record. In the case of unrepresented parties, said written order or extract of minutes shall be served on the parties according to law.

ASSIGNING CIVIL CASES FOR TRIAL

1. Civil cases shall be fixed for trial upon the motion of a party in interest certifying to the Court that:

- a. All issues have been joined,
- b. All depositions, interrogatories, and other discovery have been completed,
- c. All exceptions, motions for summary judgment, etc. filed, except those which may have been referred to the merits, have been disposed of,
- d. The parties have discussed seriously a settlement or compromise of the action, without avail,
- e. The case is ready for trial on the merits, and
- f. In civil jury cases, the time for filing bond for costs has been set.
- g. Days will be required for trial. If no number is requested, one trial day will be assigned. In the event the case is not concluded in the number of days allotted for trial, the case will not be continued the following day but must be refiled for additional trial days.

The Clerk of Court is authorized to return motions to fix in which a), c) or f) are not satisfied or the certificate is incomplete.

The certification shall be made in writing and all opposing parties and/or their counsel shall be mailed a copy of said certification by the office of the Clerk of Court. Any party opposing said motion shall do so within ten days after mailing of the notice. Any opposition shall be in the form of a motion to traverse the trial date and any party not timely filing said motion to traverse within the ten day period shall be deemed to have acquiesced in the trial date and in the fact that the case is ready for trial.

In civil jury cases, the following procedure may be used in lieu of the motion and certification provided for hereinabove. When all issues have been joined, any party in interest may move the court for a scheduling conference for the purpose of setting deadlines and dates for (by way of illustration, but not exclusively) filing bond for costs, discovery, filing of reports of experts, exchange of information (such as medical reports and bills, exhibits, documents and witness lists), filing of exceptions and motions, hearing of exceptions and motions, settlement conference, pre trial conference, and date(s) of trial; to insure the orderly but expeditious progress of the case to trial.

2. On motion of any party, or on its own motion, the Court may order a pre trial conference. The pre trial procedure shall be in accordance with Code of Civil Procedure Article 1551, and may be supplemented by order of the Trial Judge.

At the pre trial conference all counsel shall be fully prepared to inform the Court on all matters pertinent to the issues. If unable to attend the pre trial conference, trial counsel shall be represented by other counsel who shall be authorized to enter into stipulations, agreements, admissions of fact or law and able to discuss all issues of the case, including settlement.

3. It is the obligation of the attorney for the plaintiff to notify the docket clerk and the Trial Judge immediately when a case that is fixed for trial is settled or continued.

4. A motion for continuance shall indicate that the mover has contacted all counsel and shall indicate whether or not counsel consents or objects to the continuance. Continuances are not favored as they are a disservice to the litigants and will be granted only in exceptional circumstances.

5. In the event special fixings are agreed to by the Court and the parties, it is the obligation of the attorney for the plaintiff or mover to notify the Clerk of Court and to then make arrangements as necessary, such as for Court Reporter, Minute Clerk, and courtroom location.

TRIAL OF CIVIL CASES

At the conclusion of each civil jury trial, the trial judge shall order the party obtaining the order for trial by jury conditioned upon posting the bond ordered by the court (which by definition excludes parties proceeding under the provisions of LSA C.C.P. art. 5181 et seq.), to pay over and advance to the Clerk of Court, within ten (10) days of that date, an amount sufficient to cover all costs related to the trial by jury, including juror per diem and mileage, payment of jury commissioners, payment for advertisement of the list of veniremen, and preparation and service of notices (see LSA C.C.P. art. 1734, 1983 Revision Comment (a)), in accordance with the bond undertaking, as all such costs will have then accrued and are then payable by the Clerk of Court, reserving unto such party his right to judgment for such amount against the party or parties cast for the costs of the proceedings.

All jury bonds posted pursuant to LSA C.C.P. art. 1734 shall be on a form approved by this court and obtainable from the Clerk of Court.

Title - III

Chapter Title - Allotment of Cases

Chapter - 14

JUVENILE

Rule - 14.0

1. A. In Iberia and in St. Martin Parish and in St. Mary Parish, the juvenile docket will be divided into two sections in each parish. Section 1 will handle FINS and Delinquency cases and Section 2 will handle "child protection cases," which is defined as any child in need of care, termination of parental rights, voluntary surrender of parental rights or an adoption matter properly brought before the Court pursuant to the provisions of the Louisiana Children's Code.

Appendix - 14.0A

System of Random Allotment of Criminal Cases (Other than Traffic, Wildlife, and Appeals from Lower Courts)

B. The court will designate one Judge for each section each year when the calendar is adopted for the upcoming year. Any judge who is interested may volunteer for service in that section, and if more than one Judge volunteers for that particular section, the Judge will be selected by random allotment from the list of volunteer Judges for that particular section. Section 2 in Iberia and St. Martin and St. Mary Parishes is subject to the provisions and limitations of Supreme Court Rule XXXIII.

May 26, 2004; amended effective February 27, 2012; amended effective September 13, 2016; amended effective November 14, 2017.

2. If no judge volunteers for duty in a particular section or Court for a particular year, the judge for that particular section or Court shall be selected by random allotment from the list of all the judges serving at the time the court adopts its calendar for the upcoming year.

3. Nothing herein contained shall deprive any Judge of legal or Constitutional Power and Authority to fulfill any and all duties and responsibilities of the office of District Judge.

ALLOTMENT OF CAPITAL CASES

1. All capital cases filed in this district shall be allotted to a division of this Court indiscriminately and by lot, by the Iberia Parish Clerk of Court.

The Clerk shall provide a suitable machine, containing one ping-pong type ball for each division of this Court. Each ball shall bear a letter corresponding to a division of this Court. The machine used for capital allotment shall be a different machine from that used in civil cases.

A case shall be considered a "capital case" if the defendant is charged at arrest with an offense for which the possible penalty is death. The allotment shall occur after the 72 hour hearing that the defendant is advised of the charge to which the penalty may be death. The minute clerk of the Parish of

the 72 hour hearing shall notify the Clerk of Iberia Parish of the pending capital case.

2. Once a division has been allotted a capital case, its ball shall not be returned to the machine until the machine is empty, unless the case is converted to a non-capital case or concludes before the jury is sworn.

3. After allotment, all matters tried in a capital case shall be tried only by the Judge of the division to which the case has been allotted, unless the case is converted to a non-capital case. In the event that a case is converted to a non-capital case it shall be re-allotted using the same procedure as the allotment of non-capital cases, unless the judge of the division to which the case was originally allotted elects to try the case and issues an order to that effect within thirty days after the case is converted to a non-capital case.

Upon the decision of the district attorney not to seek the death penalty or to convert a case to a non-capital case, the district attorney shall file a certificate that the State of Louisiana is not seeking the death penalty and the Court shall enter an order converting the case to a non-capital case. This order will be served on the Court, the District Attorney, the Defense Attorneys, the Clerk of Iberia Parish and the 16th Judicial District Administration Office. Additionally, if the defendant is declared unlikely in the foreseeable future to be capable of standing trial, then the presiding judge of that case will be available for selection in a new case.

4. In the event of legal or voluntary recusal, the clerk shall re-allot the capital case using the same procedure as for the initial allotment.

ALLOTMENT OF NON-CAPITAL CRIMINAL CASES

1. Annually the court administrator will randomly assign each judge to one of eight criminal sections of the Court. The court administrator shall not assign a judge to a section in the same parish for two consecutive years. Beginning with 2002 and every year thereafter, a judge may elect to serve in the parish in which the judge has not served during the two prior years. When a judge makes that election, the court administrator will randomly assign the judge to a section in that parish.

2. The clerk will randomly allot non-capital felony criminal cases filed in St. Martin Parish between sections one and two. The clerk will randomly allot non-capital felony criminal cases filed in Iberia Parish among sections three, four and five. The clerk will randomly allot non-capital felony criminal cases filed in St. Mary Parish among sections six, seven and eight.

In the same manner, the clerks of the various parishes will randomly allot misdemeanor cases for trial at arraignment.

3. The judge of the section to which a case is allotted, will conduct all pre-trial hearings, trials, guilty pleas and sentencing. The sentencing judge will handle all post-trial motions and petitions, regardless of section assignment.

4. A case may be transferred to a particular section only by the mutual agreement of the two judges involved.

5. In the event of legal or voluntary recusal, the clerk will reallocate the case. In St. Martin Parish the case will be transferred to the other section. In Iberia and St. Mary Parishes the clerk will randomly allot the case to one of the two remaining sections. In the event that all of the judges serving in the criminal sections in one parish recuse themselves from any case, that case will be randomly allotted among the remaining judges.

6. Nothing herein contained shall deprive any Judge of legal and Constitutional Power and Authority to fulfill any and all duties and responsibilities of the office.

APPEALS

1. The trial of all appeals to this Court shall be governed by the same rules as herein provided for the trial of civil or criminal cases.

Misdemeanor and traffic are not randomly allotted.

Title - III

Chapter Title - Allotment of Cases

Chapter - 14

Misdemeanor and traffic offenses are given the first arraignment date after filing, in the event of a not guilty plea at arraignment.

Rule - 14.0

Appendix - 14.0B

Random Allotment
Traffic Offenses,
Wildlife Offenses, and
Appeals from Courts of
Limited Jurisdiction)

Title - III

Chapter Title - Allotment of Cases

Chapter - 14

Rule 14.1 is hereby adopted.

Rule - 14.1

Appendix - 14.1

Allotment - Defendant
with More than One
Felony Case

Title - III

Chapter Title - Assignment of Cases and Preliminary Motions

Chapter - 15

GENERAL CRIMINAL RULES

Rule - 15.0

1. The Court shall schedule certain days for hearing of juvenile, nonsupport, misdemeanor and felony arraignments, motions and cases.

Appendix - 15.0

Assignment of Cases,
Filing of Motions, Pre-
Trial and Status
Conferences

2. The District Attorney shall control the fixing of criminal cases under the discretionary power of the Court.

3. The District Attorney shall have the privilege of calling for arraignment of defendants in criminal cases during civil terms of Court, with the Court's consent.

Amended effective
September 10, 2015;
amended effective
January 1, 2016;
amended effective
November 14, 2017;
amended effective May
8, 2018.

4. Except as otherwise specifically provided by law, defendants and their counsel shall comply with the orders of the Court which fix a deadline for the filing of motions, pleas, demurrers, and preliminary hearings; and the date of hearing itself. When such motions are simultaneously filed, wherever practicable they shall be consolidated and fixed for trial by one judicial order.

5. All counsel for defendants, whether appointed or otherwise, shall exercise all reasonable diligence and competence in the protection of the rights of their clients. However, the filing of frivolous and unnecessary motions or writ applications, without foundation in fact or law, is discouraged.

6. Defendants filing preliminary motions and pleas which involve complex questions of law or which the nature and circumstances of same reasonably warrant, shall file a pretrial memorandum at least five days prior to the hearing on same. The State, in opposing same, shall do likewise. As a non exclusive illustration of the foregoing, such memoranda may be necessary in connection with Motions to Suppress, Motions to Quash, Motions to Sever and Motions to Exclude Public from the Courtroom, but would ordinarily not be required in connection with Prayers for Oyer, Discovery Motions and Motions for Bill of Particulars.

The original memorandum is to be filed in the Clerk of Court's office, in the record but sealed if desired by the defendant, and a copy is to be sent by United States mail to the Presiding Judge at his domicile, and also to the prosecuting attorney unless Fifth Amendment considerations warrant otherwise.

The memorandum shall set forth the style and caption of the case, the date and place of the hearing in the first sentence of the first paragraph. The memorandum shall also set forth a statement of the facts and law applicable thereto.

Failure to file and distribute the memorandum shall subject the responsible party and/or attorney to such disciplinary or other measures as the Court deems appropriate.

7 A. In order to provide the information required by C.Cr.P. 334(7), all persons arrested in the district shall be drug tested for cocaine and marijuana in accordance with C.Cr.P. 336. The Judges will not set a bond on felony charges without the drug test results, except at the seventy-two hour first appearance. Each arrestee shall pay to the agency administering the drug test a testing fee of fifteen dollars as a condition of his/her release on bail.

B. The amount and type or form of bail ordered and fixed by one judge shall not be modified by another judge except at an adversary hearing held specifically for that purpose upon written motion duly made and filed, after due notice of same having been given.

C. All juveniles arrested in St. Mary Parish shall be notified by the arresting officer to report to the Fairview Treatment Center, Bayou Vista, Louisiana, within forty-eight hours of his or her release, for the purpose of a urine drug screen. In order to provide the information required by Children's Code Article 826(C), all juveniles detained in the district shall be drug tested in accordance with C.Cr.P. Art. 336. Each juvenile detained shall pay to the agency administering the drug test a testing fee of Ten (\$10.00) Dollars as a condition of his/her release.

8. A. At each felony arraignment, the Court will schedule the following events, which shall be attended by the parties as indicated with each event:

1) a status conference between the prosecutor and defense attorney (or self-represented litigant) to begin working on the pretrial order form completion (anytime not less than 15 days prior to pretrial conference). The Pretrial Order Form that will be provided by the court reads (form also available at <https://bit.ly/2IX1jek>):

PRE-TRIAL ORDER

STATE OF LOUISIANA 16TH JUDICIAL DISTRICT COURT

VS. NO. _____ PARISH OF _____

_____ STATE OF LOUISIANA

PRESENT AT THE CONFERENCE WAS:

_____, Assistant Attorney General/Assistant District Attorney
_____, Attorney for Defendant
_____, Defendant

After discussion of the case with counsel, the Court made the following determination as to the status and issued the following Orders, to wit:

DISCOVERY/PRE-TRIAL MOTIONS

DISCOVERY IS _____ COMPLETE _____ INCOMPLETE

WHAT DISCOVERY IS STILL OUTSTANDING?

STATE PROVIDE ADDITIONAL DISCOVERY ITEMS BY: _____

DEFENSE TO PROVIDE STATE REQUESTED DISCOVERY BY: _____

OUTSTANDING PRE-TRIAL MOTIONS: _____ NO _____ YES

WHAT MOTIONS OUTSTANDING: _____

HEARING DATE OF PRE-TRIAL MOTIONS: _____

WHAT MOTION(S) INTEND TO FILE: _____

DEADLINE FOR FILING OF MOTIONS: _____

TRIAL DATE IS FIXED FOR: _____ # OF TRIAL CONTINUANCES _____

_____ CASE IS TRIAL READY BY STATE

_____ CASE IS TRIAL READY BY DEFENSE

ONLY OPEN-END PLEA ACCEPTED AFTER THIS DATE _____
PLEA OFFER MADE BY THE STATE: ____ YES ____ NO
PLEA ACCEPTED BY THE DEFENSE: ____ YES ____ NO
COUNTER OFFER MADE BY DEFENSE: ____ YES ____ NO
PLEA OFFER ACCEPTED BY THE COURT: ____ YES ____ NO
PLEA OFFER ACCEPTED BY THE VICTIM: ____ YES ____ NO
GUILTY PLEA TO BE ENTERED ON: _____
ADDITIONAL ORDER OF THE COURT:

ASST DA/ ASST AG

ATTORNEY FOR DEFENDANT

JUDGE

- 2) the delivery of a prioritized pre-certification list by the prosecutor to the judge and the Public Defender's Office on or before the pretrial conference;
- 3) a pretrial conference among the judge, the prosecutor, the defense attorney, and the defendant to discuss the matters listed on the pretrial order form;
- 4) a motion day available for any pretrial motions filed by the State or defense;
- 5) a plea day;
- 6) a trial date.

At the felony arraignment, the defendant will be served with notice of the mandatory pretrial date and mandatory trial date.

B. The prosecutor and the defense attorney shall conduct the status conference in person or via telephone. During or before the status conference, the prosecutor shall complete a plea offer. During the status conference the prosecutor and the defense attorney shall complete as much of the pretrial order form as possible to present to the court at pretrial for completion and filing into the record. After status conference and prior to pretrial conference, the defense attorney shall communicate the plea offer to the defendant.

C. During the pretrial conference, the parties will advise the judge of the status of the case via completion of the pretrial order form, the judge will establish a scheduling order for completion of discovery and the hearing of any unresolved motions, the judge will advise the attorneys which plea offers s/he will approve, and the defendant will be served with any necessary motion or plea dates.

D. If the defendant does not accept a plea agreement, prior to the start of trial, the defense attorney and the defendant shall certify on the record that the defense attorney has advised the defendant of the plea offer and when the State will no longer extend such offer.

9. Unless defense counsel requests defendant's appearance in open court, defendant may appear for arraignment and enter his/her plea by way of simultaneous transmission through audio visual electronic equipment.

10. The court reporter shall produce the transcript of a misdemeanor plea or trial within thirty (30) days of an attorney's written request for production.

CENTRAL JURY POOL

1. Pursuant to statutory authorization, there is hereby created the Sixteenth Judicial District Court Central Jury Pool which shall be constituted and administered in accordance with these rules.

2. There shall be a central jury pool for criminal and civil cases. The central jury pool shall be administered by the Jury Administrative Judge who shall be the judge presiding over the petit jury and shall be assisted by such other persons appointed by the Court.

3. The cost of convening the jury commissioners for the drawing of jurors for a particular term of summoning the jurors shall be divided equally between the criminal and civil. Civil is to be further

divided by the cases which are on the docket for that part of the jury term as of the date the panel is drawn by the jury commissioners.

4. The judge presiding over the petit jury shall serve as the Jury Administrative Judge. The Jury Administrative Judge shall have the following duties:

- a. To approve excuses, exemptions and reassignments pursuant to law and these rules.
- b. To welcome members of the jury pool.
- c. To qualify the members of the jury pool.
- d. To issue orders as may be required to carry out the jury selection and management process.

5. Jurors selected to serve in the central jury pool may serve as jurors in either civil or criminal matters, or both.

6. Any person requesting to be excused from jury service shall present the reasons in writing the Jury Administrative Judge who shall determine whether or not the request to be excused is to be granted. Those jurors excused for undue hardship or extreme inconvenience shall be re-scheduled for a specific subsequent jury term.

7. The central jury pool shall be selected at random from persons included within the general venire. The number of persons selected to comprise the central jury pool shall be one hundred and fifty or such other number as may be designated by the Court. Jurors shall be required to serve in the central jury pool until discharged by the presiding judges.

8. Persons shall be called from the central jury pool at random and indiscriminately to serve in either section of court in accordance with the procedures established hereafter.

9. Persons selected to serve on a central jury pool panel and not selected to serve on a jury shall be returned to the central jury pool. Persons who have been selected to serve on a jury or as an alternate, upon completion of the service, shall be returned to the central jury pool and shall be eligible for service in any other trial.

10. Persons summoned for the central jury pool shall serve a period of one week unless sooner discharged. A person serving on jury or as an alternate shall serve until discharged if the case is not completed at the end of the week.

11. Upon initiation of trial by jury, the Court shall be assigned a panel of jurors randomly selected from the jury pool, the number to be determined by the request of the Court. If the need arises, the Court may request additional persons from the central jury pool. These additional persons shall be provided in jury pool panels selected at random and indiscriminately from the central jury pool.

12. If either division of the court anticipate the trial of more than one jury case during the week, juries for the week shall be selected on Monday, and if necessary, also on Tuesday so that the remaining members of the jury pool not selected for jury service may be released from further duties during that week.

POST-CONVICTION RELIEF

Applications for post-conviction relief shall be referred by the Clerk of Court to the Judge who imposed sentence in the case or to the sentencing Judge's successor.

ELECTRONIC WARRANTS

Warrantnow is designated and approved for the purposes of receiving electronic applications for warrants in the Sixteenth Judicial District Court.

WAIVER OR REDUCTION OF ANNUAL REGISTRATION FEE REQUIRED BY LA. R.S. 15:542D

If an offender is unable, because of indigency, to pay the annual fee required by La. R.S. 15:542D, he may apply to a District Judge for a waiver or reduction of the fee. An offender shall apply for a waiver or reduction by completing the form below.

FORM:

APPLICATION FOR WAIVER OR REDUCTION OF ANNUAL REGISTRATION FEE

NAME OF APPLICANT _____

ADDRESS _____

OFFENSE COMMITTED _____

PARISH OF CONVICTION _____ DATE OF CONVICTION _____

MONTHLY EXPENSES:

Rent/House Note _____ Medical Expenses _____

Utilities _____ Child Support _____

Car Note/Expenses _____ Food _____

I certify that the information provided above is true and correct.

Date: _____ Signature: _____

Approval/Disapproval

Considering the foregoing application, Offender (shall/shall not) pay an annual registration fee of (\$60/____).

Date: _____ Judge's Signature: _____

Title - III

Chapter Title - Assignment of Cases and Preliminary Motions

Chapter - 15

The Court appoints the Indigent Defender Board for the District and the Board hires attorneys to represent indigent defendants in criminal matters. Appearances before a judge for the purpose of appointment of counsel for an arrested person within seventy two hours from the time of the arrest, as provided by La. C.Cr.P. Art. 230.1, may be made by telephone or audio video electronic equipment, as well as in person, in the discretion of said judge.

Rule - 15.1

Appendix - 15.1

Appointment of Counsel

Title - III

Chapter Title - Assignment of Cases and Preliminary Motions

Chapter - 15

None.

Rule - 15.2

Appendix - 15.2

Alternative Method of Service on District Attorney

Title - III

Chapter Title - Arraignment and Pleas

Chapter - 18

Rule - 18.0

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX18.0.PDF>

Appendix - 18.0

Waiver of Formal
Arraignment and Pleas

Title - III **Chapter Title - Simultaneous Peremptory Challenges**

Chapter - 19 No provision for simultaneous peremptory challenges is adopted.

Rule - 19.0

Appendix - 19.0

Simultaneous
Peremptory Challenges

Title - IV **Chapter Title - Application of Rules**

Chapter - 22 All sections hear family law matters.

Rule - 22.0

Appendix - 22.0

Courts That Have
Created Specialized
Divisions or Sections of
Court That Handle
Family Law Proceedings

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0A.pdf

Appendix - 23.0A

Courts Requiring the Pre-
Hearing Filing,
Exchange, or Submission
of a Family Law
Affidavit and/or Joint
Custody Implementation
Plan; Courts That May
Issue Pre-Hearing Orders

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0B.pdf

Appendix - 23.0B

Family Law Affidavit
(form)

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0C.pdf

Appendix - 23.0C

Hearing Information
Order (form)

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_23.0D.pdf

Appendix - 23.0D

Hearing Officer
Conference and
Information Order (form)

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.0

Appendix - 23.0E

Courts That Require Use
of a Specific Hearing
Information Order or
Hearing Officer
Conference and
Information Order

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.0

Appendix - 23.0F

Court-Specific Rules
Concerning Arrearages

Title - IV **Chapter Title - Notice and Exchange of Information**

Chapter - 23

Rule - 23.1

Appendix - 23.1

Court-Specific Rules
Concerning Pre-Trial
Orders in Non-
Community Property
Cases

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.0

Appendix - 24.0

Court-Specific Rules
Concerning Form of
Pleadings and Caption
Requirements in Family
Law Proceedings

When a party moves to set for hearing a rule, exception, motion for summary judgment or other preliminary matter, he shall attach an adequate brief or financial declaration to that motion; otherwise, the Court will decline to sign the order setting the matter for a hearing. The other parties shall file their response memorandum at least five days prior to the hearing. With respect to trials on the merits, all parties will file pre-trial memoranda at least five days prior to the date on which the merits are fixed for trial.

In all alimony cases, counsel shall file a financial declaration of the client on forms to be supplied by the office of the Clerk of Court. In all child support cases, counsel shall file the worksheet required by LSA R.S. 9:315.2. These affidavits shall serve as pre-trial memoranda if the only contested issues are the amounts of alimony and/or child support.

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.1

Appendix - 24.1

Court-Specific Rules
Concerning Prior or
Multiple Filing of
Pleadings

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.2

Appendix - 24.2

Court-Specific Rules
Concerning Allotment of
Cases

Family Docket cases shall be allotted to divisions of the court by the Clerk of Court of each parish in the same manner as allotment of other civil issues.

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.3

Appendix - 24.3

Court-Specific Rules
Concerning Walk-
Through of Pleadings

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.4

Appendix - 24.4

Court-Specific Rules
Concerning Appointment
of Attorneys To
Represent Absentee
Defendants

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.5

Appendix - 24.5

Court-Specific Rules
Concerning Extensions
of Time To Plead in
Family Law Proceedings

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.6

Appendix - 24.6

Court-Specific Rules
Restricting the
Preparation of Answers
or Other Pleadings;
Procedure When a Self-
Represented Party Has
Filed an Answer

Title - IV

Chapter Title - Procedure

Chapter - 24

Rule - 24.7

Appendix - 24.7A

Court-Specific Rules
Concerning Scheduling
Hearings and Trials

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.7

Appendix - 24.7B

Court-Specific Rules
Concerning Order of
Business

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.8

Appendix - 24.8A

Court-Specific Rules
Concerning
Continuances in Family
Law Proceedings

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.8 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_24.8B.pdf

Appendix - 24.8B

Uncontested Motion To
Continue (form)

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.8 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_24.8C.pdf

Appendix - 24.8C

Contested Motion To
Continue (form)

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.9

Appendix - 24.9

Court-Specific Rules
Concerning Discovery

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.10

Appendix - 24.10

Court-Specific Rules
Concerning Setting of
Pre-Trial Conferences

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.11

Appendix - 24.11

Court-Specific Rules
Concerning Hearings in
Chambers in Family Law
Proceedings Pursuant to
La. R.S. 9:302

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.12

Appendix - 24.12

Court-Specific Rules
Concerning the Presence
of Children in the
Courtroom and/or
Hearing Officer
Conferences

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.13

Appendix - 24.13

Court-Specific Rules

A. At the time of the Hearing Officer Conference, if either party has moved for a mental health or custody evaluation under La. R.S. 9:331, the parties or their respective counsel shall have an opportunity to provide a verbal statement and other documentary evidence of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. In the event the Hearing Officer believes the matter is appropriate for an evaluation by a mental health professional, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including

recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said evaluation should be advanced by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mental health professional to perform the evaluation.

B. If the Hearing Officer recommends that the matter be referred to a mental health professional for evaluation, the Hearing Officer shall prepare an Order for Custody Evaluation at the time of the Hearing Officer Conference, in substantial compliance with the Order for Custody Evaluation for the review and consideration of the presiding Judge. A party objecting to the recommendation that a matter should be referred to a mental health professional for evaluation shall file a written objection with the clerk of court as provided elsewhere in these rules. In the event the Court orders the matter referred to a mental health professional for evaluation, the Clerk of Court shall send a certified copy of the order to the mental health professional and any unrepresented party, by certified mail, return receipt requested, to the address contained on the order, simultaneously with the mailing of Notice to all counsel of record.

C. In the event the parties agree to the recommendation of the Hearing Officer that the matter should be referred to a mental health professional for an evaluation, the Hearing Officer shall prepare the appropriate consent Order for Custody Evaluation for the review and approval of the parties and, if they are represented by legal counsel, their respective counsel of record, which shall then be submitted to the Court for approval and execution.

Comment
Custody Evaluations, former Sixteenth Judicial District Court Rule 5A.7.

Title - IV **Chapter Title - Procedure**

Chapter - 24

Rule - 24.14

Appendix - 24.14

Court-Specific Rules
Concerning Proof of
Uncontested Paternity by
Affidavit Pursuant to La.
R.S. 9:572

Title - IV **Chapter Title - Judgments and Stipulations**

Chapter - 25

Rule - 25.0

Appendix - 25.0

Court-Specific Rules on
Preparation and
Submission of Judgments
in Family Law
Proceedings

Title - IV **Chapter Title - Judgments and Stipulations**

Chapter - 25

Rule - 25.1

Appendix - 25.1

Court-Specific Rules on
Income Assignment
Orders

Title - IV

Chapter Title - Domestic Violence Protective Orders

Chapter - 26

Rule - 26.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_26.0A.pdf

Appendix - 26.0A

Louisiana Protective
Order Registry Index of
Uniform Abuse
Preventive Order Forms
(Forms 1 through 23
Mandated by La. R.S.
46:2136.2(C))

Title - IV

Chapter Title - Domestic Violence Protective Orders

Chapter - 26

Rule - 26.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_26.0B.pdf

Appendix - 26.0B

Louisiana Protective
Order Registry Courtesy
Forms Index:
Instructions, Petitions,
Supplemental Forms, etc.

Title - IV

Chapter Title - Divorces Pursuant to La. Civ. Code Article 102

Chapter - 27

Rule - 27.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_27.0A.pdf

Appendix - 27.0A

La. C.C. art. 102 Divorce
Checklist (form)

Title - IV

Chapter Title - Divorces Pursuant to La. Civ. Code Article 102

Chapter - 27

Rule - 27.0

Appendix - 27.0B

Courts That Require the
Filing of a La. C.C. art.
102 Divorce Checklist,
the Entire Record, and/or
Other Documentation in
a La. C.C. art. 102
Divorce

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

Chapter - 27

Rule - 27.0

Appendix - 27.0C

Court-Specific Rules
Concerning Allowance
of Divorce by Affidavit
in a La. C.C. art. 102
Divorce

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

Chapter - 27

Rule - 27.1

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_27.1A.pdf

Appendix - 27.1A

Waiver of Service and
Citation of an Original
Petition in a La. C.C. art.
102 Divorce Proceeding
(form)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

Chapter - 27

Rule - 27.1

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_27.1B.pdf

Appendix - 27.1B

Waiver of Service and
Citation of Rule To
Show Cause in a La.
C.C. art. 102 Divorce
(form)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 102**

Chapter - 27

Rule - 27.1

Appendix - 27.1C

Courts That Require Use
of a Specific Waiver of
Service and Citation
Form in a La. C.C. art.
102 Divorce

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.0

Appendix - 28.0

Court-Specific Rules
Concerning Confirmation
of Preliminary Defaults

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.1

Appendix - 28.1A

Court-Specific Rules
Concerning Allowance
of Divorce by Affidavit
in a La. C.C. art. 103
Divorce Under La. Code
Civ. Proc. art. 1702(E)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.1 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.1B.pdf

Appendix - 28.1B

La. C.C.P. art. 1702(E)
Divorce Checklist (form)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.1

Appendix - 28.1C

Courts That Require the
Filing of a La. C.C.P. art.
1702(E) Divorce
Checklist

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.2

Appendix - 28.2A

Courts That Require the
Filing of a La. C.C.P. art.
969(B) Divorce
Checklist

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.2 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.2B.pdf

Appendix - 28.2B

La. C.C.P. art. 969(B)
Divorce Checklist (form)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.3 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_28.3A.pdf

Appendix - 28.3A

Acceptance of Waiver
and Waiver of Service
and Citation and Delays
in a La. C.C. art. 103
Divorce (form)

Title - IV **Chapter Title - Divorces Pursuant to La. Civ. Code Article 103**

Chapter - 28

Rule - 28.3

Appendix - 28.3B

Courts That Require a
Specific Form for Waiver
of Service and Citation in
a La. C.C. art. 103
Divorce

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.0A.pdf

Appendix - 29.0A

Application for Ex Parte
Temporary Custody
Order – Affidavit of
Mover in Compliance
with La. C.C.P. art. 3945
(B) (form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.0B.pdf

Appendix - 29.0B

Application for Ex Parte
Temporary Custody
Order –Certification by
Applicant’s Attorney in
Compliance with La.
C.C.P. art. 3945(B)
(form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.0

Appendix - 29.0C

Court-Specific Rules
Concerning Ex Parte
Custody Orders

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.1

Appendix - 29.1

Court-Specific Rules
Concerning Temporary
Custody Orders

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.2 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.2A.pdf

Appendix - 29.2A

Joint Custody Plan (With
Domiciliary Parent)
(form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.2 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.2B.pdf

Appendix - 29.2B

Joint Custody Plan
(Without Domiciliary
Parent) (form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.3

Appendix - 29.3

Court-Specific Rules
Concerning Parenting
Classes

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.4

Appendix - 29.4

Court-Specific Rules
Concerning Mediation

A. At the time of the Hearing Officer Conference, the parties or their respective counsel shall have an opportunity to provide a verbal statement of their positions to the Hearing Officer with regard to the custody and/or visitation issues before the Court. In the event the Hearing Officer believes the matter is appropriate for mediation, a recommendation to that effect shall be included in the Hearing Officer Conference Report, including recommendations regarding the time within which to comply with any order implementing the recommendation and the manner in which the costs of said mediation should be paid by the parties. The Hearing Officer may, but is not required to, include a recommendation of a specific mediator to perform the mediation.

B. If the Hearing Officer recommends that the matter should be referred to mediation, the Hearing Officer shall prepare an Order of Mediation at the time of the Hearing Officer Conference for the review and consideration of the presiding Judge. A party objecting to the recommendation that a matter should be referred to mediation shall file a written objection with the clerk of court as provided elsewhere in these rules.

C. In the event the parties agree to the recommendation of the Hearing Officer that the matter should be referred to mediation, the Hearing Officer shall prepare the appropriate consent Order of Mediation for the review and approval of the parties and, if they are represented by legal counsel, their respective counsel of record, which shall then be submitted to the Court for approval and execution.

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.5 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_29.5.pdf

Appendix - 29.5

Form Letter To Register
a Foreign or Out-of-State
Custody Order (form)

Title - IV **Chapter Title - Custody and Visitation Orders**

Chapter - 29

Rule - 29.6

Appendix - 29.6

Court-Specific Rules
Concerning Modification
of an Existing Custody or
Visitation Order

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0A.pdf

Appendix - 30.0A

Sworn Detailed
Descriptive List (form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0B.pdf

Appendix - 30.0B

Sample, Completed
Sworn Detailed
Descriptive List (form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0C.pdf

Appendix - 30.0C

Joint Detailed
Descriptive List (form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0 http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_30.0D.pdf

Appendix - 30.0D

Sample, Completed Joint
Detailed Descriptive List
(form)

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.0

Appendix - 30.0E

Court-Specific Rules
Concerning Detailed
Descriptive Lists

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.1

Appendix - 30.1

Court-Specific Rules
Concerning Appointed
Special Masters and
Experts

Title - IV **Chapter Title - Partition of Community Property**

Chapter - 30

Rule - 30.2

Appendix - 30.2

Court-Specific Rules
Concerning Partition of
Community Property

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.0

Appendix - 31.0

Court-Specific Rules
Concerning Use of
Electronic and Recording
Devices

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.1

Appendix - 31.1

Court-Specific Rules
Concerning Oral
Arguments

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.2

Appendix - 31.2

Court-Specific Rules
Concerning Enrollment
and Withdrawal of
Counsel

Title - IV **Chapter Title - Other Rules**

Chapter - 31

Rule - 31.3

Appendix - 31.3

Court-Specific Rules
Concerning
Collaborative Divorce
Procedures

Title - IV

Chapter Title - Use of Hearing Officers and Domestic Commissioners for Family Law Proceedings

Chapter - 32

Rule - 32.0

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_32.0A.pdf

Appendix - 32.0A

Courts Authorizing and Directing Court-Appointed Hearing Officers, Commissioners, and/or Magistrates Pursuant To La. R.S. 46:236.5

Title - IV

Chapter Title - Use of Hearing Officers and Domestic Commissioners for Family Law Proceedings

Chapter - 32

USE OF HEARING OFFICERS

Rule - 32.0

A. There shall be such number of Hearing Officers for Family Docket cases as authorized by a majority of the District Judges.

Appendix - 32.0B

Court-Specific Rules on Hearing Officers and Domestic Commissioners

B. The District Judges, by majority vote shall fix the salary, or salaries, of the Hearing Officer(s) and any such other personnel hired or employed to implement the procedure.

Comment:

Former Sixteenth Judicial District Court Rule 5A.3

C. Unless otherwise ordered by a Judge of this Court, the Hearing Officer shall perform Hearing Officer Conferences on all matters filed on the Family Docket. Any request to have the matter heard by the Court, without a Hearing Officer Conference in advance of the court hearing, shall be presented to the Hearing Officer, who shall then present the request to the presiding Judge with an appropriate recommendation regarding whether a Hearing Officer Conference should take place or may be bypassed.

Comment:

Former Sixteenth Judicial District Court Rule 5A.3.

HEARING OFFICER CONFERENCE

A. After filing initial pleadings on the Family Docket, all parties will be required to attend a Hearing Officer Conference with a Hearing Officer and to provide documentation to the Hearing Officer and the other party in accordance with any order(s) issued by a Hearing Officer. The office of the Hearing Officer shall issue or cause to be issued (1) an original Appendix 23.0D Hearing Officer Conference and Information Order, and provide same to the appropriate individual in the office of the Clerk of Court to prepare certified copies for service on the parties, and (2) duplicate copies of an Appendix 23.0B Family Law Affidavit, and provide them to the Clerk of Court for service on the parties.

B. The initial Hearing Officer Conference will, to the extent feasible, be scheduled within twenty one (21) days following the rendition of the order scheduling a court hearing on the issues which should be considered in a Hearing Officer Conference. All parties shall be required to submit to the Hearing Officer, and other party/parties a completed Appendix 23.0B Family Law Affidavit together with all documentation ordered by the Appendix 23.0D Hearing Officer Conference and Information Order and the Appendix 23.0B Family Law Affidavit not less than five (5) days, exclusive of weekends and legal holidays prior to the Hearing Officer Conference. It is within the discretion of the Hearing Officer to permit a party to submit the Appendix 23.0B Family Law Affidavit and its attachments later than five (5) days prior to the Hearing Officer Conference.

C. If there are complicated or extraordinary issues which will require a Hearing Officer Conference which is longer than what is usually and customarily scheduled by the Hearing Officer in each parish,

the parties shall notify the Hearing Officer of this fact at the time the initial pleading is filed. Thereafter, the Hearing Officer may schedule a longer Hearing Officer Conference to accommodate the issues of the case.

D. If there exists a situation of immediate danger, the Hearing Officer Conference may be scheduled at an earlier date at the request of any party, or may, in the discretion of the Court, bypass the Hearing Officer Conference, taking into consideration the recommendation of the Hearing Officer.

E. At the Hearing Officer Conference, the Hearing Officer will make findings of fact and recommendations regarding the issues that are before the Court.

F. At the Hearing Officer Conference, the Hearing Officer will also prepare a written Hearing Officer Conference Report which includes a summary of the facts and circumstances underlying the issues before the Court, and provides specific recommendations to the Court regarding the manner in which those issues should be decided, including, within the discretion of the Hearing Officer, a recommendation that an issue should be deferred to the presiding judge. The Hearing Officer Conference Report shall indicate the parties and legal counsel in attendance, and shall further note the failure to appear or to remain for the duration of the Hearing Officer Conference by any party or legal counsel.

G. Objections to Hearing Officer Conference Report

See 16th JDC entry in Appendix 35.5 See 16th JDC entry in Appendix 35.5 (“Court-Specific Rules Concerning Objections to Hearing Officer Recommendations and Judgments of Domestic Commissioner”).

H. Adoption of Hearing Officer Recommendations

See 16th JDC entry in Appendix 35.5 (“Court-Specific Rules Concerning Objections to Hearing Officer Recommendations and Judgments of Domestic Commissioner”).

I. If both parties agree on some or all of the issues before the Court during the Hearing Officer Conference, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgement that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.

J. In the event the parties settle all issues prior to the scheduled Hearing Officer Conference, they shall prepare the appropriate settlement documents and provide an executed copy of same to the Hearing Officer prior to the scheduled Conference in order to cancel the scheduled Conference as well as the Court date, and shall be further obligated to advise the offices of the presiding Judge and the clerk of court when the settlement has been finalized and executed.

K. If one party does not provide the necessary information for the Hearing Officer to make a determination as to the issues before the Court, then the Hearing Officer will have the discretion to render a Hearing Officer Conference Report based on the information provided by the other party, or such other relief as is appropriate under the circumstances, including continuing the Hearing Officer Conference and the scheduled Court date, if the failure to provide documentation is attributable to the party seeking relief from the Court. This interim recommendation shall be without prejudice and shall not affect the retroactivity of the claims of either side.

Comment:

Hearing Officer Conference Rule, former Sixteenth Judicial District Court Rule 5A.4.

CUSTODY AND VISITATION

A. If the parties have agreed to custody and/or visitation at the Hearing Officer Conference, the parties will sign a stipulation to that effect and a consent judgment incorporating same.

B. If the parties do not agree to custody and/or visitation, the Hearing Officer will render a Hearing Officer Conference Report, summarizing the facts presented at the Conference, and making appropriate recommendations for a resolution of the issues, including, but not limited to, mediation, psychological evaluation(s), and/or a recommendation on the merits to be determined by the Court.

C. If mediation or psychological evaluations are recommended by the Hearing Officer in the

Hearing Officer Conference Report, the Hearing Officer will include, as part of the recommendation(s), the terms and conditions upon which the parties should pay for the mediation or psychological evaluations and prepare an order to that effect. The Hearing Officer shall attach a copy of the proposed order to the Hearing Officer Conference Report, and shall provide the original of same to the presiding Judge for review and approval. If to the terms and/or conditions for payment recommended by the Hearing Officer for the mediation or psychological evaluation, that party shall file a written objection with the clerk of court as provided elsewhere in these rules.

D. If no written objection to the Hearing Officer Conference Report is filed as provided elsewhere in these rules, the Court may, after the passage of all delays within which to file an objection, adopt the recommendations of the Hearing Officer and execute the proposed order which was provided to the presiding Judge by the Hearing Officer.

Comment:

Custody/Visitation, 3 paragraphs, former Sixteenth Judicial District Court Rule 5A.5.

MEDIATION

• See 16th JDC entry in Appendix 29.4 (“Court-Specific Rules Concerning Mediation”),

CUSTODY EVALUATIONS

See 16th JDC entry in Appendix 24.13 (“Court-Specific Rules Concerning Mental Health Evaluations in Family Law Proceedings”).

PARTITION OF COMMUNITY PROPERTY

A. At or about twenty one (21) days prior to any partition trial on the merits, counsel and the parties shall attend a Hearing Officer Conference to discuss the nature and basis of their claims and defenses.

B. The Hearing Officer(s) shall be responsible for the scheduling of the Hearing Officer Conference, and shall issue or cause to be issued any orders necessary to procure the attendance of the parties and the production of information and documentation necessary to address the issues.

C. At the Hearing Officer Conference, counsel and 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.

D. In the event the parties are unable to resolve all the issues regarding the partition of the community, the Hearing Officer shall prepare a Hearing Officer Conference Report, summarizing the relevant facts and making recommendations regarding the manner in which the assets and obligations of the parties should be partitioned between them, and making recommendations regarding the characterizations of property and/or obligations as separate or community if those issues are presented.

E. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and list of recommendations on those issues on which there is no agreement.

F. Any party objecting to any portion of the Hearing Officer Conference Report shall file a written objection with the clerk of court as provided elsewhere in these rules.

G. In the event the parties are able to reach an agreement on the manner in which the community obligations and assets are to be partitioned between them, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating or implementing the agreement of the parties.

Comment:

Partition of Community, paragraphs above, former Sixteenth Judicial District Court Rule 5A.8.

DOMESTIC VIOLENCE PROTECTIVE ORDERS

Forms, Notices and Orders Required

A. Upon the filing of any petition alleging domestic abuse under Title 46 of the Louisiana Revised Statutes, the Clerk shall assign a date and time for hearing on Protective Orders before the Hearing

Officer and the Judge assigned to hear rules to show cause on that same day, and shall insure that the appropriate citations and notices required by law for service on the parties shall instruct the parties to report to the Hearing Officer on the date and at the time of the scheduled hearing.

B. The Hearing Officer shall conduct a pre-trial hearing with the parties prior to their appearance before the Judge hearing those matters on the scheduled court date, and shall attempt to have the parties reach an agreement regarding an appropriate resolution of the issues before the Court.

C. If the parties reach an agreement, the Hearing Officer shall prepare the appropriate documentation for the review and execution of the parties, and for subsequent review and approval of the Judge.

D. If the parties fail to reach a complete agreement, the Hearing Officer shall verbally advise the parties of the recommendation and determine whether either or both of the parties object to the recommendation. If either or both of the parties voice an objection, the Hearing Officer shall communicate the recommendation to the Judge which was provided to the parties, and shall refer the parties to the Judge for an adversarial hearing, which shall be taken up by the Judge on the docket for that same day.

E. It shall not be necessary for either party to file a written objection to the Hearing Officer's verbal recommendation in matters seeking relief for protection from abuse or harassment (protective orders) which are being heard on the same day as the Hearing Officer's pre-trial hearing, and it shall be sufficient for a party to voice an objection to the Hearing Officer. Notwithstanding, if a request for protection from abuse or harassment is presented to the Court in a civil proceeding other than a protective order hearing and which is heard in a Hearing Officer Conference, a party objecting to a recommendation in a Hearing Officer Conference Report shall be required to file a written objection as provided elsewhere in these rules.

Comment:

Domestic Violence Protective Petitions/Orders, paragraphs above, former Sixteenth Judicial District Court Rule 5A.9

ALIMONY AND CHILD SUPPORT MATTERS ANCILLARY TO CIVIL DIVORCE PROCEEDINGS

Notice and Exchange of Information

In all alimony cases, counsel shall file a financial declaration of the client on forms to be supplied by the office of the Clerk of Court. In all child support cases, counsel shall file the worksheet required by LSA-R.S. 9:315.2. These affidavits shall serve as pre-trial memoranda if the only contested issues are the amounts of alimony and/or child support.

Comment:

Alimony/Child Support, paragraphs above, former Sixteenth Judicial District Court Rule 7.1

CHILD SUPPORT PURSUANT TO HEARING OFFICER PROCEEDING CRIMINAL NON-SUPPORT; NON-SUPPORT HEARING OFFICER

A. Pursuant to LSA-R.S. 46:236.5, this Court hereby implements an expedited process for the establishment, modification, and enforcement of support obligations by authorizing and directing a Hearing Officer, appointed by a majority of the entire Court to hear support and support related matters.

B. The Hearing Officer shall be an attorney who is a member in good standing of the Louisiana State Bar Association. The salary of the Hearing Officer shall be fixed by majority vote of the Court.

C. The Hearing Officer shall have authority to perform and shall perform any and all duties provided by LSA-R.S. 46:236.5 as it presently exists or as it may be, from time to time, supplemented or amended, unless limited by the Court.

D. The Court shall hold a hearing on a matter that has been the subject of a Hearing Officer's hearing upon the filing with the Clerk of Court of the motion for same provided by LSA-R.S. 46:236.5C(5) within seventy-two (72) hours from the date of the Hearing Officer's recommendation to the Court. Such hearings shall be governed by the General Criminal Rules as herein provided.

E. If no request for a hearing before a Judge is filed within said seventy-two (72) hour period, an order shall be signed by any Judge of the Court confirming the recommendation of the Hearing Officer,

which order shall be a final judgment and be appealable to the appropriate Court of Appeal. Sixteenth Judicial District Court Rule 14A

Comment:

Child Support Pursuant to Hearing Officer Proceedings, Criminal Non-Support, paragraphs above, former Sixteenth Judicial District Court Rule 14A, 14A.1-14A.5.

Title - IV **Chapter Title - Hearing Officer Procedure for Title IV-D Federal Social Security Act**

Chapter - 33

Rule - 33.0

Appendix - 33.0

Court-Specific Rules
Concerning Objections to
Recommendations of
Hearing Officers in Title
IV-D Matters

Title - IV **Chapter Title - Hearing Officer Procedures for Domestic Violence Protective Orders**

Chapter - 34

Rule - 34.0

Appendix - 34.0

Court-Specific Rules
Concerning Hearing
Officer Procedures for
Domestic Violence
Protective Orders

Title - IV **Chapter Title - Hearing Officer Procedures for Domestic Violence Protective Orders**

Chapter - 34

Rule - 34.2

Appendix - 34.2

Court-Specific Rules
Concerning Objections to
Rulings of Hearing
Officer or Domestic
Commissioner; Time for
Filing

Title - IV **Chapter Title - General Procedures for Hearing Officer Conferences**

Chapter - 35

Rule - 35.1

Appendix - 35.1

Court-Specific Rules
Concerning Failure To
Timely Comply with an
Appendix 23.0D Hearing
Officer Conference and
Information Order and/or
an Appendix 23.0B
Family Law Affidavit

Title - IV

Chapter Title - General Procedures for Hearing Officer Conferences

Chapter - 35

Rule - 35.4

http://www.lasc.org/rules/dist.ct/Title_IV/APPENDIX_35.4.pdf

Appendix - 35.4

Stipulation Form (form)

Title - IV

Chapter Title - General Procedures for Hearing Officer Conferences

Chapter - 35

Rule - 35.5

Appendix - 35.5

Court-Specific Rules
Concerning Objections to
Hearing Officer
Recommendations and
Judgments of Domestic
Commissioner

A. If any recommendation of the Hearing Officer in the Hearing Officer Conference Report is objected to as provided by these rules, then the recommendation may become an interim order, upon approval and execution of the presiding Judge, pending the final disposition of the claims by the Court. This interim order shall be without prejudice and shall not affect the retroactivity of the claims of either side. It shall be the responsibility of the party seeking to have the recommendations made an interim order to prepare the appropriate judgment or order for presentation to the presiding Judge for approval and execution, but the District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, if there are no appearances by any of the parties affected by the recommendations.

B. A party's objection shall be directed to specific recommendations and shall provide a legal and/or factual basis for the objection.

C. A party filing an objection shall be obligated to provide the Hearing Officer and all parties with a copy of the objection. If a party files an objection on the last day on which an objection may be filed in accordance with these rules, that party shall provide a copy of the objection to all parties at the same time and in the same manner in which said objection was delivered to the Clerk of Court, or in a manner which is the functional equivalent thereof. Thus, if an objection is hand delivered to the Clerk of Court on the last day, all parties are entitled to receive a copy of same at the same time or earlier by hand delivery or its functional equivalent, such as by facsimile transmission.

D. If one party files an objection on the last day on which an objection may be filed, and the other party has not yet filed an objection, the party which did not file an objection within the time limit allowed shall have one (1) day, exclusive of weekends and legal holidays, within which to file a written objection. This shall not be construed to allow a party which has already filed an objection to amend or supplement the objection which has been filed.

E. A party who, after having been duly cited and served with process, fails to appear or remain for the duration of a Hearing Officer Conference waives the right to file an objection to the recommendations contained in the Hearing Officer Conference Report, unless the Hearing Officer has excused the failure to appear or to remain for the duration of the Hearing Officer Conference.

F. If all or part of the recommendation contained in the Hearing Officer Conference Report is not objected to in writing with the clerk of court within the delays provided in these rules, then those recommendations contained in the Hearing Officer Conference Report which are not objected to may be adopted by the Court and a judgment or order adopting uncontested portions of the Hearing Officer

Conference Report may thereafter be presented to the court for signature by either party.

G. A party submitting a judgment or order adopting the uncontested portions of the Hearing Officer Conference Report shall be responsible for preparing an appropriate judgment or order which accurately incorporates the recommendations into the form of a judgment or order, and shall attach a copy of the Hearing Officer Conference Report to the proposed judgment or order.

H. If both parties agree on some or all of the issues before the Court during the Hearing Officer Conference, the Hearing Officer shall prepare a written agreement for the review and execution of the parties and their legal counsel (if represented), together with an appropriate judgment or order incorporating and implementing the agreement of the parties. Any such agreement shall contain an acknowledgement that no objection or appeal may be filed to same. In the event the agreement is only a partial agreement, the Hearing Officer shall prepare a Hearing Officer Conference Report containing a summary of facts and a list of recommendations on those issues on which there is no agreement.

I. The District Judge to whom a case has been assigned may, in his or her discretion, adopt some or all of the recommendations of the Hearing Officer on the day on which the matter is scheduled for trial, regardless of whether an objection has been filed, if there are not appearances by any of the parties.

Title - IV

Chapter Title - General Procedures for Hearing Officer Conferences

Chapter - 35

Rule - 35.7

Appendix - 35.7

Court-Specific Rules
Concerning the Setting of
Hearing Dates

Title - IV

Chapter Title - General Procedures for Hearing Officer Conferences

Chapter - 35

Rule - 35.8

Appendix - 35.8

Court-Specific Rules
Concerning Adoption of
Hearing Officer's
Recommendation as
Temporary Order After
Objection

Title - V

Chapter Title - Adoption Proceedings

Chapter - 46

Rule - 46.0

Appendix - 46.0

Court-Specific Rules
Concerning Filing of
Pleadings and Required

Title - VI Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.2 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.2.PDF>

Appendix - 60.2

Form IJR-1: Petition for
Judicial Review

Title - VI Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.4 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.4.PDF>

Appendix - 60.4

Pro Se Prisoner-
Plaintiff's Portion of the
Pre-Trial Order

Title - VI Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.7 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7A.PDF>

Appendix - 60.7A

Application To Proceed
In Forma Pauperis Filed
in District Court

Title - VI Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.7 <http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.7B.PDF>

Appendix - 60.7B

Motion To Proceed In
Forma Pauperis on
Appeals/Writs

Title - VI Chapter Title - Litigation Filed by Inmates

Chapter - 60

Rule - 60.8

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX60.8.PDF>

Appendix - 60.8

Appeal of Parole
Revocation