

TITLES I, II, and III

Chapter: 14 Chapter Title: Allotment of Cases

Appendix 14.0B

Rule No: 14.0

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

**1st Judicial District
Court
Parish of Caddo**

All cases in which a law enforcement officer issues a summons in lieu of arrest (and the defendant is not booked) shall be assigned to the section on duty at the time the offense allegedly occurred, except all Title 40 Controlled Dangerous Substances cases will be assigned to Criminal Section 5.

**2nd Judicial District
Court
Parishes of
Bienville, Claiborne
and Jackson**

Misdemeanor, traffic and wildlife cases are set by citation for the arraignment day next following the issuance of the citation with trials fixed for month following arraignment.

**3rd Judicial District
Court
Parishes of Lincoln
and Union**

Misdemeanor, traffic and wildlife cases are not assigned for purposes of trial; only assignment for purpose of sentencing and probation revocation in division where defendant was convicted.

**4th Judicial District
Court
Parishes of
Morehouse and
Ouachita**

(a) All Title 32 Traffic Offenses, Parish Ordinance Violations and Title 56 Wildlife Offenses in which a law enforcement officer issues a summons or citation (and the defendant is not booked into the parish jail) shall be randomly allotted to the five Sections of this court, effective January 1, 2010, by the District Attorney, in accordance with the pre-determined appearance dates provided to law enforcement officers to be recorded on the summons or citation.

Amended effective
Jan 9, 2004; amended
effective Jan. 1, 2010

(b) Appeals from Courts of Limited Jurisdiction shall be randomly allotted by the Clerk of Court.

**5th Judicial District
Court
Parishes of
Franklin, Richland
and West Carroll**

See Appendix 14.0A.

**6th Judicial District
Court
Parishes of East
Carroll, Madison
and Tensas**

See Appendix 14.0A.

**7th Judicial District
Court**

**Parishes of
Catahoula and
Concordia**

Traffic & wildlife cases involving arrest and booking are docketed and allotted in same manner as other criminal cases.

Traffic & wildlife cases where citation and summons is issued are docketed and allotted in accordance with the number of the ticket or citation. Even numbered tickets or citations go to Div. A and odd numbered ones go to Div. B, except where multiples are issued to one individual for one particular episode or event. Those will be allotted to the division which receives the first ticket of the series.

Officers issuing tickets and summonses shall notify the party to which Division it will be assigned and the Court appearance date.

In those criminal cases wherein multiple Defendants are involved in one criminal episode or affair, or there are multiple charges against one or more persons, or in such other cases as the law may allow joinder of one or more offenses or persons, it is the intent of these rules that normally all matters be handled by one Division. Accordingly, it shall be the duty of the District Attorney and Defense Counsel to immediately inform the Judges of the existence of this situation so that a reallocation and other adjustment may be made.

**8th Judicial District
Court**

Parish of Winn

See Appendix 14.0A.

**9th Judicial District
Court**

Parish of Rapides

Class IV misdemeanor cases shall be set before the misdemeanor court by the District Attorney or in accordance with rules set forth herein. See Appendix 14.0A.

**10th Judicial District
Court**

**Parish of
Natchitoches**

See Appendix 14.0A.

**11th Judicial District
Court**

Parish of Sabine

See Appendix 14.0A.

**12th Judicial District
Court**

Parish of Avoyelles

See Appendix 14.0A.

**13th Judicial District
Court**

Parish of Evangeline

These cases come up once a month and are alternated between divisions A & B.

**14th Judicial District
Court
Parish of Calcasieu**

Appeals from lower courts are randomly allotted by computer upon filing. Traffic and wildlife offenses are randomly allotted by the Clerk of Court in the same manner provided for misdemeanors. See Appendix 14.0A.

**15th Judicial District
Court
Parishes of Acadia,
Lafayette and
Vermilion**

In Lafayette Parish, all traffic offenses and wildlife offenses are allotted to the Commissioner.

In Vermilion and Acadia Parishes, all traffic offenses and wildlife offenses are allotted to the traffic/wildlife docket. The Judges of all Divisions, with the exception of Divisions M and H, hear cases on this docket, on a rotating basis.

WITH
AMENDMENTS OF
3/07/02

For handling of appeals from lower Courts, all cases are randomly allotted among the Judges of all divisions, with the exception of Divisions M and H.

APPEALS FROM CITY COURT TO DISTRICT COURT

A. A transcript of the proceedings in City Court must be submitted on the appeal rather than recordings thereof.

B. The following matters and no others shall be considered on appeal:

(1) An error designated in the assignment of errors; and

(2) An error that is discoverable by a mere inspection of the pleadings and proceedings and without inspection of the evidence.

C. Upon the lodging of the appeal, the Clerk of this Court shall notify the appellant and/or his counsel that the appellate record has been lodged with this court and that briefs or memoranda thereon shall be filed within twenty (20) days thereafter.

D. Appellant shall submit a brief or memorandum to this court within twenty (20) days of lodging the appeal. The prosecuting attorney of the court from which the appeal is taken shall have ten (10) days thereafter to submit an answering brief or memorandum. Unless otherwise ordered by the Court, all appeals shall be decided on the briefs submitted.

E. If no assignments of error are included in the record lodged with this court only errors patent on the face of the record will be reviewed.

F. Appeals from City Court shall be subject to random allotment among all Divisions, with the exception of Divisions H and M.

G. A certified copy of the minute entry indicating the final determination made by the reviewing court shall be sent to the Judge and/or Clerk of the City Court from which the appeal was taken. This notice should be sent within fifteen (15) days of rendition of the judgment.

**16th Judicial District
Court
Parishes of Iberia,
St. Martin and St.
Mary**

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

**17th Judicial District
Court
Parish of Lafourche**

See Appendix 14.0A.

18th Judicial District Court
Parishes of Iberville, Pointe Coupee and West Baton Rouge

See Appendix 14.0A.

19th Judicial District Court
Parish of East Baton Rouge

As amended through April 29, 2005; amended effective March 31, 2016.

A. Traffic Offenses: Traffic charges filed pursuant to Title 32 and Title 47 shall be assigned by a deputy clerk of court to a section of criminal court based on the date of offense and all docketing and notices shall be the responsibility of the Coordinator of Traffic Court. All traffic charges shall be adjudicated by the judge assigned to preside over the traffic court, or in his or her absence, the Criminal Duty Judge.

B. Wildlife Offenses: Wildlife offenses under Title 56 shall be randomly allotted as any other felony or misdemeanor, as stated in Appendix 14.0A herein.

C. City Court Appeals: Appeals from City Court shall be allotted to the criminal section on duty on the date the appeal is lodged/filed in the 19th Judicial District Court pursuant to the authority of Rule 17.2 herein.

20th Judicial District Court
Parishes of East Feliciana and West Feliciana

Allotment of traffic and wildlife offenses shall be by date of arrest or date of issuance of summons. See Appendix 14.0A for allotment of appeals.

21st Judicial District Court
Parishes of Livingston, St. Helena and Tangipahoa

RANDOM ALLOTMENT OF TRAFFIC OFFENSES, WILDLIFE OFFENSES

Section 1

All traffic offenses shall be allotted to the arraigning judge.

Section 2

All wildlife offenses shall be allotted in the same manner as other non-capital criminal cases in accordance with Appendix 14.0A.

RANDOM ALLOTMENT OF APPEALS FROM COURTS OF LIMITED JURISDICTION

All appeals from courts of limited jurisdiction in criminal matters shall be allotted in the same manner as other non-capital criminal case in accordance with Appendix 14.0A.

22nd Judicial District Court
Parishes of St. Tammany and Washington

Amended effective January 1, 2009

22nd Judicial District Misdemeanor Allotment Procedures

Misdemeanor cases are not allotted. There shall be one misdemeanor docket in each parish and any of the ten general jurisdiction divisions of court may be scheduled for criminal misdemeanor matters.

23rd Judicial District Court

Parishes of Ascension, Assumption and St. James

Amended effective September 4, 2017.

Title 32 Allotment of Traffic Offenses, Wildlife Offenses and Appeals from Courts of Limited Jurisdiction

A. Ascension Parish

1. All Title 32 traffic offenses and Title 56 wildlife offenses in which a law enforcement officer issues a summons or citation shall be allotted to Ascension Parish Court.

2. Appeals from Justice of the Peace Courts shall be allotted to Ascension Parish Court. Appeals from Ascension Parish Court shall be randomly allotted among Divisions A, B, C, D and E by the Clerk of Court.

B. Assumption and St. James Parishes

1. All Title 32 traffic offenses and Title 56 wildlife offenses in which a law enforcement officer issues a summons or citation shall be randomly allotted among Divisions A, B, C, D and E in accordance with the pre-determined appearance dates provided to law enforcement officers to be recorded on the summons or citation.

2. Appeals from courts of limited jurisdiction shall be randomly allotted among Divisions A, B, C, D and E by the Clerk of Court.

24th Judicial District Court

Parish of Jefferson

See Appendix 14.0A.

25th Judicial District Court

Parish of Plaquemines

See Appendix 14.0A.

26th Judicial District Court

Parishes of Bossier and Webster

See Appendix 14.0A.

27th Judicial District Court

Parish of St. Landry

See Appendix 14.0A.

28th Judicial District Court

Parish of LaSalle

Single judge district.

29th Judicial District Court

Parish of St. Charles

All traffic cases and misdemeanors where the defendant is not arrested shall be allotted by adherence to a schedule prepared annually by an en banc order of the court and posted in the Office of the Clerk of Court.

**30th Judicial District
Court**

RANDOM ALLOTMENT OF TRAFFIC OFFENSES

Parish of Vernon

Traffic offenses shall be scheduled for arraignment. If a plea of not guilty is entered at arraignment, the case shall be allotted to the arraigning Judge in accordance with the Court Calendar.

Amended effective
January 3, 2018.

Upon the consent of all parties and the Judge before whom he appears, a defendant in a traffic offense may plead guilty or nolo contendere before any Judge of any division and may be sentenced by that Judge.

RANDOM ALLOTMENT OF APPEALS FROM COURTS OF LIMITED JURISDICTION

All appeals from courts of limited jurisdiction in criminal matters shall be randomly allotted in the same manner and in accordance with Appendix 14.0A.

In the event a Judge is recused from a particular case, the case shall be allotted at random to another Division.

**31st Judicial District
Court**

Single judge district.

**Parish of Jefferson
Davis**

**32nd Judicial District
Court**

See Appendix 14.0A.

**Parish of
Terrebonne**

**33rd Judicial District
Court**

See Appendix 14.0A.

Parish of Allen

**34th Judicial District
Court**

See Appendix 14.0A.

Parish of St. Bernard

**35th Judicial District
Court**

See Appendix 14.0A.

Parish of Grant

**36th Judicial District
Court**

See Appendix 14.0A.

**Parish of
Beauregard**

37th Judicial District Court
Parish of Caldwell

Single judge district.

38th Judicial District Court
Parish of Cameron

Single judge district.

39th Judicial District Court
Parish of Red River

Single judge district.

40th Judicial District Court
Parish of St. John the Baptist

Cases classified as Misdemeanors, Traffic, and Wildlife shall be assigned to the respective judge according to the court date given when the offense is committed.

Amended eff. Aug. 1, 2010.

Civil District Court
Parish of Orleans

Not applicable to the Orleans Parish Civil District Court.

Criminal District Court
Parish of Orleans

APPELLATE DIVISION

Amended effective April 4, 2014;
amended effective August 13, 2015;
amended effective April 7, 2016.

1. This Court has appellate jurisdiction over misdemeanor convictions not appealable to the Supreme Court. For the expeditious hearing of these appeals, there shall be four Appellate Divisions in this Court, designated as First Appellate Division, Second Appellate Division, Third Appellate Division, and Fourth Appellate Division.
2. Criminal District Court's Appellate Division will randomly select annually, at its December En Banc, the judges for each appellate panel. The Judge of the Magistrate Section will be available to sit on any Appellate Division if there is a direct need by way of recusation of any Judge of any of the four Appellate Divisions.

APPELLATE DIVISION ALLOTMENT

3. Misdemeanor convictions appealed to an Appellate Division of the Criminal District Court shall be randomly allotted to one of the four appellate divisions. No appellate division shall be allotted an appeal from one of its member sections of court. If this should occur, the case shall be randomly reallocated to one of the three remaining appellate divisions.
4. Notice of an appeal taken from the New Orleans Municipal Court or New Orleans Traffic Court shall be filed with the Appellate Clerk in the Judicial Administrator's Office in the Criminal District Court. The appeal will be assigned a new case number and shall be randomly allotted to ONE JUDGE of the Criminal District Court. Once the case has been allotted, the Magistrate Clerk's Office shall forward the case record to the Appellate Clerk in the Judicial Administrator's Office.

5. Application for Writs. An application for writs of any kind taken from an adverse ruling at Municipal or Traffic Court, along with all documents and exhibits in connection therewith, shall be filed in an original and 3 duplicate copies with the Appellate Clerk in the Judicial Administrator's Office in the Criminal District Court. The Magistrate Clerk shall randomly allot the writ application to a THREE JUDGE PANEL (one of the four Appellate Divisions provided in A-1). The writ shall include the entire record along with all transcripts and briefs. An incomplete record shall not be allotted. Once the writ has been allotted, the Magistrate Clerk shall forward the original writ application and all copies to the Appellate Clerk in the Judicial Administrator's Office. The Appellate Clerk shall provide a copy of the writ and all attachments to each judge on the respective appellate division. The judge who has been given notice of intention shall immediately set a reasonable return date within which the application shall be filed with the Appellate Division. When the judge orders the ruling to be reduced to writing, the return date shall not exceed 30 days from the date the ruling is signed. In all cases, the judge shall set an explicit return date; the appellate division will not infer a return date from the record. If a writ should be converted to an appeal, it shall then be assigned to the original section of court that it was originally allotted to when the writ was filed.

APPELLATE DIVISION PROCEDURES

6. Stay of Proceedings. When an application for writs is sought, further proceedings may be stayed at the discretion of the Municipal or Traffic Court judge. Any request for a stay of proceedings should be presented first to the Municipal or Traffic Court. The filing of, or the granting of, a writ application does not stay further proceedings unless the Municipal or Traffic Court judge, or the Appellate Division, expressly orders otherwise.

7. Expedited Consideration. When expedited consideration by an appellate division is requested, including, but not limited to, a request for a stay order, the application shall include on the cover a statement in bold print that such consideration is sought and a statement within the application itself, entitled "REQUEST FOR EXPEDITED CONSIDERATION", setting forth justification for the request and a specific time within which action by the appellate division is sought by the applicant. The "REQUEST FOR EXPEDITED CONSIDERATION" shall be included as a separate page and properly noted in the index. The applicant shall notify the appellate division immediately of any change in the status of the case.

In all applications requesting a stay order or other priority consideration, the applicant must certify in affidavit form that the trial court and all counsel and unrepresented parties have been notified by telephonic or other equally prompt means of communication that said writ application has been or is about to be filed and that said application has been served forthwith on the trial court and all parties at interest or their counsel, by means equal to the means used to effect filing with the appellate court. (That is, if filing with the appellate division is by overnight mail, the same means shall be employed for service on the lower court and all parties at interest or their counsel. If filing is by hand to the appellate division, service must be made on the lower court and all parties at interest or their counsel by an equally prompt means.) On a writ application, the moving party shall file all necessary and applicable pleadings and documents with the writ application that petitioner wishes the court to consider. Record may be supplemented, with transcript, at a later date with permission of or by order of the Court.

8. The Appellate Division will meet in the courtroom of the most Senior Judge on each Appellate Division.

9 Two (2) Judges of any Appellate Division shall constitute a quorum and a majority must concur in any finding.

10. Any Judge who is absent at the hearing in the Appellate Proceedings shall not participate in that particular case.

11. Any appeal may be transferred, with good cause shown by moving party, from one Appellate Division to the other on the written motion of the State or the Appellant, provided that at least two (2) of the Judges of the Appellate Division to which the appeal is to be transferred consent to the transfer.

12. When multiple cases of the same issue are pending on appeal in the same appellate division, for judicial efficiency those matters may be consolidated by order of that appellate division.

13. The return date on misdemeanor convictions appealed to an Appellate Division of this Court shall be set by the trial Judge at the time the motion for appeal is filed. The return date may be extended by the trial Judge at any time prior to the expiration of the sixtieth (60th) day. The court reporter shall move the Court for an extension of time in which to prepare the transcript if it is not prepared within sixty (60) days. Unless

good cause is shown, the Trial Judge shall not extend the return date more than an additional sixty (60) days. On or before the return date, the court reporter shall file a certified copy of the transcript of the trial proceedings with the Appellate Division. If the transcript is not timely lodged with the minute clerk of the trial court, the record shall be forwarded to the Appellate Clerk in the Judicial Administrator's Office for review of the record.

14. The verbatim transcript of oral testimony of the witnesses in the order in which it is taken shall be included in the record. The transcript of testimony shall indicate the party in whose behalf each witness was called (whether on direct, on cross-examination, or in rebuttal), and by whom examined or cross-examined. The record must also contain all or any portion of the following designated by the defendant, the state, or the trial judge: preliminary hearing; statements, rulings and orders by the trial court; objections, questions, statements and arguments of counsel. The Appellate Clerk of the Criminal District Court shall notify counsel of the briefing schedule by way of U.S. mail. The brief of the appellant shall be filed fourteen calendar days after receipt of the Appellate Clerk's notification of the record being lodged. The brief of the appellee shall be filed twenty-one calendar days after receipt of appellant's brief. Each party shall file an original and four (4) copies of the brief in every case. If either counsel fails to file their brief within the specified time, counsel's right to oral argument shall be forfeited. The reply brief, if any, of the appellant shall be filed not later than 10 calendar days after the appellee's brief is filed.

15. Briefing Schedule. The Appellate Clerk of the Criminal District Court shall notify counsel of the briefing schedule by way of U.S. mail. The brief of the appellant shall be filed fourteen calendar days after receipt of the Appellate Clerk's notification of the record being lodged. The brief of the appellee shall be filed twenty-one calendar days after receipt of appellant's brief. Each party shall file an original and four (4) copies of the brief in every case. If either counsel fails to file their brief within the specified time, counsel's right to oral argument shall be forfeited. The reply brief, if any, of the appellant shall be filed not later than 10 calendar days after the appellee's brief is filed.

16. Format of Brief and Other Pleadings. All briefs and other motions or pleadings (e.g., answers to appeals) filed originally with the appellate division shall be typewritten and double-spaced on white paper of legal size, with proper margins, and shall bear the number and title of the case in the appellate court, the nature of the motion or pleading, the name of counsel filing the motion or pleading, and the name of the party on whose behalf it is filed. The motion or pleading shall bear a certificate showing that a legible copy thereof has been delivered or mailed to opposing counsel of record, and to each opposing party not represented by counsel, and showing the date of service thereof. All motions filed with the Appellate Division shall include a proposed order. An original and 4 copies of each motion or brief shall be filed for the Appellate Clerk to present to the court for consideration.

17. Request for Oral Argument. Appeals in all cases shall be submitted for decision without oral argument unless a written request for permission to orally argue is filed in the appellate clerk's office by a party within thirty (30) days after the filing of the record with the Appellate Clerk. Pursuant to this rule, the request for oral argument must be in the form of a motion or a letter. A request made within a party's brief will NOT suffice. A request for oral argument by only one of the parties is acceptable. Ordinarily, timely requests for oral argument will be granted, except in cases assigned for summary disposition. When permission for oral argument has been granted to one party, the right to oral argument extends to all parties, unless the right to orally argue has been forfeited. The court shall retain its authority to order oral argument in any case.

18. Extensions of Time. An extension of time within which to file the brief may be granted by the court for good cause shown on written motion filed with the Appellate Clerk on or before the date the brief was due. If an extension of time is granted to an appellant to file the original brief, time for filing the appellee's brief is extended for a period of twenty days from the date of the extended time granted the appellant, without the necessity of a motion or request by the appellee. To preserve the right to oral argument, an appellee must file the brief within the extended twenty-day period, whether or not the appellant's brief is timely filed. An extension of time may not be granted if such extension will retard the hearing or determination of the case.

19. Summary Disposition. Any case may be assigned for summary disposition with or without oral argument when the appellate division so orders. Any case may be submitted at any time for decision without oral argument, on joint motion of all parties or counsel of record.

20. Oral Argument. Oral arguments shall convene in the courtroom of the senior judge of the Appellate Division. The court reporter of the senior judge of the appellate division shall record all portions of the oral argument as required by law or the court and shall, when required by law or the court, transcribe those portions of the proceedings. A case assigned for oral argument, in which the argument is not held or

completed on the assigned day, shall be reassigned by the court to a particular date. No case fixed for argument or submission on the calendar may be continued, except in extraordinary situations which the court deems to justify the continuance.

21. Judgments. The judgment of the appellate division shall be drafted by the senior judge of the appellate division within 30 days from the date oral argument is held or 60 days after briefs are filed if the matter is submitted without oral argument, or summarily. If a written judgment has not been rendered by the appellate division within the aforesaid timeframe, the party may file with the Appellate Clerk a written request for consideration from the en banc.

The original draft of the signed judgment shall be submitted to the Appellate Clerk for dissemination. The Appellate Clerk shall make certified copies of the judgment and transmit one copy of the opinion to the Clerk of the Criminal District Court, all appellate counsel, and all parties not represented by counsel. The Appellate Clerk shall place the original judgment in the court record and return the court record to the Clerk of Court's Office. The minute clerk of the senior judge shall prepare the minute entry on the date the judgment is signed by all judges of the panel.

22. Application for Rehearing. An application for rehearing shall state with particularity contentions of the applicant and shall contain a concise argument in support of the application. Except by permission of court, an application for rehearing shall not exceed 10 pages. An original and 4 copies of the application for rehearing shall be filed. Oral argument in support of the application will not be permitted. An application for rehearing must be filed with the Appellate Clerk on or before 14 days after the receipt of the judgment by U.S. mail.

23. Action on Writ Application. In exercise of its supervisory jurisdiction, the appellate division may act peremptorily on the application, if circumstances warrant such action, with or without a response by the opposing party. The court alternatively may order a response by the opposing party and/or a per curiam by the court from which the writ has been taken, or the appellate division may assign the case for argument and/or submission on any day that the appellate division shall select.

Appellate Procedures may be found on the Court's website, www.criminalcourt.org.

**42nd Judicial District
Court
Parish of DeSoto**

See Appendix 14.0A.