

TITLE I

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CHAPTER 1 CONSTRUCTION, APPLICATION, AND AMENDMENT

Rule 1.0 Construction of Rules and Appendices

These Rules and Appendices are intended to govern interaction between the courts, counsel, and litigants, and to ensure the administration of justice in an efficient and effective manner.

Administrative rules governing internal operating procedures of individual courts on topics not otherwise covered by these Rules may be adopted by en banc order of the court.

Such administrative rules shall be made available to the public by filing a copy with the Judicial Council of the Supreme Court and by filing a copy with the clerk of court for the appropriate parish or parishes.

Adopted April 1, 2002, effective April 1, 2002. Amended November 20, 2009, effective January 1, 2010.

Comments

- (a) The Louisiana Supreme Court has constitutional authority to promulgate these Rules under La. Const. art. V, ' 5. These Rules are intended to supplement the Codes of Civil and Criminal Procedure. Therefore, a conflict between a Rule and legislation should be resolved by following the legislation.
- (b) The Appendices are subordinate to the Rules. Therefore, a conflict between a Rule and an Appendix should be resolved by following the Rule. The information in the Appendices was provided by the various judicial districts and may be revised in accordance with the procedure found in Rule 1.3(b).
- (c) Previous district court rules adopted by individual judicial districts often included various rules that duplicated the Code of Civil Procedure and

applicable Revised Statutes. No provisions restating existing law have been included in these Rules. The citations to authorities for deleted topics are as follows:

- (1) Construction of Pleadings – La. Code Civ. Proc. art. 865.
- (2) Form of Pleadings – La. Code Civ. Proc. arts. 853, 854 and 862.
- (3) Signing Pleadings – La. Code Civ. Proc. art. 863.
- (4) Exceptions and Motions – La. Code Civ. Proc. arts. 852-54, 862, 865, 921-24, and 962.
- (5) Time of trial of exceptions – La. Code Civ. Proc. art. 929.
- (6) Curators ad hoc – La. Code Civ. Proc. arts. 5091-5098; La. R.S. 13:3421-3445; and La. Civ. Code arts. 47-53.
- (7) Motions for summary judgment – La. Code Civ. Proc. arts. 966 and 967.

Rule 1.1 Application of Rules and Appendices; Citation Form

- (a) Title I and Appendices 2.0 through 8.0 apply to all proceedings in district courts, family courts, and juvenile courts.
- (b) Title II and Appendices 9.3 through 9.14 apply to all civil proceedings in district courts, except for juvenile proceedings, and as otherwise limited within these Rules.
- (c) Title III and Appendices 14.0A through 19.0 apply to criminal proceedings in all district courts.
- (d) Title IV applies to all family law proceedings in district courts and in the Family Court for the Parish of East Baton Rouge.
- (e) Title V applies to all juvenile proceedings in district courts and in juvenile courts for the Parishes of East Baton Rouge, Orleans, Jefferson, and Caddo.
- (f) Title VI applies to all litigation filed by inmates in district courts.
- (g) Titles I through IV and Title VI of these Rules shall be known as the “Louisiana District Court Rules” and may be officially cited: La. Dist. Ct. R. _____. The Appendices to these Rules may be officially cited: La. Dist. Ct. R. _____, App. _____.
- (h) Title V of these Rules shall be known as the ALouisiana Juvenile Court Rules@ and may be officially cited: La. Juv. Ct. R. _____. The Appendices to Title V may be officially cited: La. Juv. Ct. R. _____, App. _____.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended November 21, 2011, effective January 1, 2012; amended April 29, 2014, effective June 1, 2014; amended October 7, 2015, effective January 1, 2016.

Comment

The full citation of the Rules for use in Tables of Authorities shall be as follows:

La. Dist. Ct. R. 1.0, La. R.S. Title 13, Vol. 8 (West 20XX and Supp. 20XX).

Rule 1.2 Effective Date

The effective date of the Louisiana Rules for District Courts and all Appendices is April 1, 2002. These Rules and all Appendices shall govern all proceedings commenced thereafter and, insofar as just and practicable, all proceedings then pending.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003.

Rule 1.3 Amendment of Rules and Updating Appendices

- (a) Proposed rules or amendments to existing Louisiana Rules for District Courts shall be approved by the Supreme Court. Proposed amendments may be submitted by any Louisiana judge or licensed member of the Louisiana bar to the Office of the Judicial Administrator of the Supreme Court.
- (b) Amendments to the information contained in the Appendices to the Louisiana Rules for District Courts shall be made by Court Order attached to the Appendix Amendment Form (Appendix 1.3) and submitted to the Office of the Judicial Administrator of the Supreme Court within thirty days of the signing of the Order. The Office of the Judicial Administrator of the Supreme Court shall update the Appendices annually by communication with the chief judge and the clerk of court for each judicial district, family court, or juvenile court.

- (c) The Rules and Appendices shall be published annually by West Publishing Company and shall be available on the official website of the Louisiana Supreme Court.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended May 18, 2016, effective July 1, 2016.

Comment

Amendments to the appendices shall be posted to the Louisiana Supreme Court website as close as possible to the effective date of the amendment.

Rule 1.4 Deviations from Rules

An individual judge may, in the interest of justice and upon notice to all parties, permit deviations from these Rules in a particular proceeding. Any such deviation shall be noted on the record in open court in the presence of all parties or by written order filed into the record of the proceedings and mailed to all parties or their counsel of record.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 1.5 Computation of Time

The following rules apply in computing any period of time specified in these Rules provided they do not conflict with legislation:

- (a) Exclude the day of the act, event, or default that begins the period.
- (b) Exclude intermediate legal holidays when the period is fewer than seven days, unless the period is stated in calendar days.
- (c) Include the last day of the period, unless the last day is a legal holiday, in which case the period runs until the end of the next day that is not a legal holiday. *See* La. Code Civ. Proc. art. 966, as amended by House Bill No. 696 of the Louisiana Legislature’s 2015 Regular Session, which shall govern the computing times on motions for summary judgment effective January 1, 2016. For example:
 - (i) When a rule requires an act be done ten days before an event, and the tenth day falls on a Sunday, the act shall be done no later than the preceding Friday (assuming Friday is not a legal holiday). This does not apply to motions for summary judgment – *see* La. Code Civ. Proc. art. 966.
 - (ii) When a rule requires an act be done ten days after an event, and the tenth day falls on a Sunday, the act shall be done no later than the following Monday (assuming Monday is not a legal holiday).

Adopted June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010; amended October 7, 2015, effective January 1, 2016.

Comments

- (a) To determine whether a day is a legal holiday, refer to La. Code Civ. Proc. art. 5059 and La. R.S. 1:55.
- (b) Computation example for cases in which a Rule requires an act be done after an event: Rule 17.5 requires that a minute entry be sent to the judge, the clerk of the court of limited jurisdiction, and the parties or their counsel of record within fifteen days after the reviewing court renders judgment. If the district court rendered judgment on the appeal on Tuesday, December 10, 2002, the deadline for sending the notice of judgment is Thursday, December 26, 2002 because Wednesday, December 25 is a legal holiday.
- (c) Computation example for cases in which a Rule requires an act be done before an event: Rule 9.9(b) requires any opposition memorandum be filed at least eight calendar days before the scheduled hearing. If you wish to oppose an exception or motion that is set for hearing on Monday, December 16, 2002, the deadline for filing and serving an opposition memorandum is

Friday, December 6, 2002 because Sunday, December 8, 2002 is a legal holiday.

- (d) This Rule governs only the computation of time under these Rules. This Rule is not intended to apply to computation of time under any legislation or any other law.

CHAPTER 2 DATES OF COURT

Rule 2.0 Dates of Court

The local holidays observed by each judicial district or court, in addition to legal holidays, are listed in Appendix 2.0 to these Rules.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

- (a) See La. R.S. 1:55 for a listing of legal holidays.
- (b) 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.

CHAPTER 3 JUDGES, FACSIMILE TRANSMISSIONS TO THE COURT, AND TECHNOLOGY-RELATED RULES

Rule 3.0 Office Hours

When not on the bench, each judge shall maintain such regular office days and hours as may be necessary to conduct public business.

Adopted April 1, 2002, effective April 1, 2002.

Rule 3.1 Divisions or Sections of Court

Courts may, by en banc order, divide into divisions or sections for the purpose of allotting matters within the court=s jurisdiction. Those courts that have done so, and their respective methods for assigning judges to divisions or sections, are indicated in Appendix 3.1.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 3.2 Duty Judges

Each judicial district or court may designate one or more of its members to act as a duty judge. In civil proceedings, the duties assigned to a duty judge shall comply with La. Code Civ. Proc. art. 253.3. The identity of each duty judge shall be prominently displayed in a manner deemed appropriate by the court. If the court chooses to use multiple duty judges to perform various functions, the delineation of each duty judge=s duties shall also be prominently displayed.

The length of term and duties of the duty judge shall be at the sole discretion of the judges in each judicial district or court sitting en banc. For those judicial districts or courts that have designated duty judges, the office hours for performance of his or her duties, and the duties assigned, are listed in Appendix 3.2.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

- (a) Previous rules of court adopted by individual judicial districts often included various rules dealing with judges, such as selection of a chief judge; courts sitting en banc; duties and powers of judges; duty judges; random allotment; recusal, transfer, and consolidation; accessibility; and judicial accounts. Many of those rules duplicated articles of the Louisiana Constitution, applicable Revised Statutes, or Supreme Court of Louisiana decisions. Furthermore, many of those rules dealt with the internal administration of the court rather than with the interaction of counsel and litigants with the judicial process. No provisions restating existing law have been included in these Rules. The citations to authority for the deleted topics are as follows:
- (1) The Court En Banc – La. R.S. 13:472; La. R.S. 13:474; La. R.S. 13:991- 999; La. R.S. 13:1221; La. R.S. 13:1312; La. Code Civ. Proc. art. 193.
 - (2) Chief Judge – La. Const. art. 5, § 17.
 - (3) Duties and Powers of Judges – La. Code Civ. Proc. art. 191; La. R.S. 13:501.
 - (4) Random Allotment – *State v. Sprint Communications Co., L.P.*, 96-3094 (La. 9/9/97); 699 So.2d 1058; La. Code Civ. Proc. art. 253.1.
 - (5) Recusal – La. Code Civ. Proc. arts. 151-158, 161.
 - (6) Transfer of Actions – *Sprint, supra*; La. Code Civ. Proc. art. 253.2.
 - (7) Consolidation of Actions – La. Code Civ. Proc. art. 1561.
 - (8) Cumulation of Actions – La. Code Civ. Proc. arts. 461, et seq.
- (b) The constitutional implications of the decision in *Sprint, supra*, regarding random allotment of cases affect a court=s ability to appoint duty judges and, more importantly, the designation of duties to such judges. Act 24, ' 1 of the 1st Extraordinary Session of the 2000 Legislature enacted La. Code Civ. Proc. art. 253.3, effective June 6, 2000, which clarifies the matters that a duty judge may hear. The Louisiana Constitution and Code of Criminal Procedure govern the appointment of duty judges in criminal proceedings.

- (c) Previous rules adopted by individual courts often included various provisions regarding quasi-judicial officers. Many of those rules duplicated applicable revised statutes or code articles.

No provisions restating existing law have been included in these Rules. The citations to authority for the deleted topics are as follows:

- (1) Judges Ad Hoc – La. Const. art. 5, §§ 5(A), 22(B); La. Code Civ. Proc. arts. 157, 158, and 161.
- (2) Magistrate Commissioners – La. R.S. 13:713.
- (3) The clerk of court acting as justice of the peace – La. Code Civ. Proc. art. 284.
- (4) Court-Appointed Special Masters – La. R.S. 13:4165.
- (d) See La. R.S. 13:501 regarding sessions of court.
- (e) The constitutional implications of the decision in *State v. Sprint Communications Co., L.P.*, 96-3094 (La. 9/9/97); 699 So.2d 1058, regarding random allotment of cases, affect a court=s ability to appoint duty judges and, more importantly, the designation of duties to such judges. Act 24 of the 1st Extraordinary Session of the 2000 Legislature enacted La. Code Civ. Proc. art. 253.3 to clarify the matters that may be heard by a duty judge.

Rule 3.3 Facsimile Transmissions to Judges

Any document sent to a judge by facsimile transmission shall not exceed fifteen pages, unless the judge has granted permission for a longer transmission. Before sending a facsimile transmission in excess of fifteen pages, an attorney or party sending such facsimile transmission must contact the court for permission.

Adopted October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comment

La. R.S. 13:850 allows for facsimile filings and lists the requirements for such filings.

Rule 3.4 Use of Electronic Signatures by Judges

See Appendix 3.4 for courts enacting rules related to a judge, justice, or other presiding officer’s electronic signature pursuant to La. Code Civ. Proc. arts. 253, 1911, or other applicable law.

Adopted October 7, 2015, effective January 1, 2016.

Comment

See Attorney General Opinion 14-0187 (“Act 606 of the 2014 Regular Session authorizes judges to use electronic signatures when signing court orders, notices, official court documents, and other writings to be executed in connection with both civil and criminal proceedings, subject to the adoption of court rules establishing the method and ensuring the authenticity of such signatures”).

Rule 3.5 Simultaneous Appearance by a Party or Witness by Audio-Visual Transmission

Courts may authorize simultaneous appearance by a party or witness by audio-visual transmission as allowed by law and/or by order of the Louisiana Supreme Court. *See* Appendix 3.5 for courts enacting rules related to simultaneous appearance by a party or witness by audio-visual transmission.

Adopted May 14, 2020, effective May 14, 2020.

Comments

- (a) This Rule and its accompanying Appendix replace former Rule 15.3 and Appendix 15.3.
- (b) La. Code. Crim. Proc. arts. 522, 551, and 553 address audio-visual appearance through simultaneous transmission in criminal proceedings.
- (c) *See* Orders of La. Supreme Court, April 6, 2020 and April 22, 2020, referencing remote proceedings, and that the consent in civil matters required in Section 6 of the Court’s April 6, 2020 Order shall not be unreasonably withheld by any party, which shall be enforced by the trial judge pursuant to the authority granted by Louisiana Code of Civil Procedure Article 191, or as expressly provided by law.

Rule 3.6 Recording of Protected Persons Pursuant to La. R.S. 15:440.2

See Appendix 3.6 for courts adopting a local rule pursuant to La. R.S. 15:440.2 for the recording of protected persons.

Adopted December 14, 2022, effective December 14, 2022.

CHAPTER 4 COURT PERSONNEL

Rule 4.0 Court Reporters

The court shall provide a method for making a verbatim recording of all proceedings conducted in open court.

Adopted April 1, 2002, effective April 1, 2002.

Rule 4.1 Judicial Administrators

The court en banc may appoint and fix the salary of a judicial administrator to assist the court in fulfilling its administrative obligations. Those judicial districts that have appointed an administrator are listed in Appendix 4.1.

Websites for district courts and clerks of court, where available, are also listed in Appendix 4.1.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

- (a) Previous rules of court adopted by individual judicial districts often included various rules dealing with court reporters, court criers, and bailiffs. Many of those rules duplicated revised statutes or code articles.
- (b) No provisions restating existing law have been included in these Rules. The citations to authority for the deleted topics are as follows:
 - (1) Court Reporters – La. R.S. 13:961, 982; La. Code Civ. Proc. art. 372.
 - (2) Criers – La. Code Civ. Proc. art. 333.
 - (3) Docket and Minute Books – La. Code Civ. Proc. arts. 254 and 256.
 - (4) Costs of transcription, maximum and minimum court reporter fees – La. R.S. 13:961, et seq.

CHAPTER 5 COURTROOM USE, ACCESSIBILITY, AND SECURITY

Rule 5.0 Courtroom Use

The name of the judge assigned to a particular courtroom shall be prominently displayed outside the courtroom in a manner deemed appropriate by the court. The clerk of court shall maintain a list of all courtrooms, their locations, and the judges assigned to each.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 5.1 Accessibility to Judicial Proceedings

- (a) The facilities, services, and programs of the court shall be readily accessible to persons with disabilities. Attached as Appendix 5.1A is a form that may be used to request reasonable accommodations extended under the Americans with Disabilities Act. Attached as Appendix 5.1B is a form that may be used to request an interpreter.
- (b) In addition to the above requirements, courts having fifty or more employees shall develop, promulgate, and maintain a problem-resolution process and designate a responsible court officer or employee to coordinate access to court programs and services by persons with disabilities and to resolve complaints regarding lack of access for such persons.

Adopted April 1, 2002, effective April 1, 2002; amended November 3, 2008, effective January 1, 2009; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended May 10, 2023, effective May 10, 2023.

Comment

For rules concerning court interpreters, the interpreter's oath, and other matters related to language access in court proceedings and operations, *see* Part G, Section 14 of the Rules of the Supreme Court of Louisiana (https://www.lasc.org/Supreme_Court_Rules?p=PartGSection14). This Rule was reenacted effective January 4, 2023.

Rule 5.2 Courtroom Security

The sheriff or his or her designated deputies shall provide security for the courtrooms, chambers, judicial offices, and hallways within the courthouse. Security procedures shall be approved by the chief judge of the district court or other court.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

CHAPTER 6 COURTROOM DECORUM AND THE CONDUCT OF ATTORNEYS AND JUDGES

Rule 6.0 The Opening of Court

The bailiff shall open each session of court with an appropriate recitation and order, such as the following:

“Oyez, Oyez, Oyez, Section (or Division) _____, the Honorable _____ Judicial District Court (or other court) of the State of Louisiana, in and for the Parish of _____, is now in session. The Honorable Judge _____ presiding. Order and silence are commanded. God save the State and this Honorable Court.”

The bailiff shall direct all persons in the courtroom when they are to rise, in accordance with the directions of the court.

Adopted April 1, 2002, effective April 1, 2002; amended December 11, 2018, effective January 1, 2019.

Rule 6.1 General Courtroom Conduct

(a) No person may engage in any conduct that would be disruptive to the business of the court, including the following:

- (1) Using tobacco in any form at any time.
- (2) Reading newspapers while court is in session.
- (3) Displaying any political advertisement of any nature.

(b) Attorneys, as officers of the court, shall help to maintain the dignity of the court. Male attorneys and clerks of court shall wear coats and ties in the courtroom. Female attorneys and clerks of court shall wear a comparable level of attire.

- (c) No one may wear a hat or be barefoot in the courtroom. Witnesses and spectators shall appear neat and clean, within the limits of propriety. The court will make allowances for those who shall appear in work clothes and for those whose attire is dictated by their religion.
- (d) No one is allowed inside the rail except for attorneys, litigants, officers of the court, and anyone else that the court specifically authorizes.
- (e) A judge shall prohibit broadcasting, televising, recording, or the taking of photographs in the courtroom and areas immediately adjacent thereto, at least during sessions of court or recesses between sessions. *See Code of Judicial Conduct Canon 3A(9).*
- (f) A judge may prohibit the use of electronic devices, including cellular telephones and recording devices, in a courtroom.

Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended December 14, 2022, effective December 14, 2022.

Rule 6.2 Attorney Conduct

- (a) Any attorney who tenders himself or herself before the court and represents that he or she is duly authorized to practice law, but who has been declared ineligible, suspended, or disbarred from practice before the courts of this State, shall be subject to contempt proceedings.
- (b) No one may represent a party in any proceeding except counsel of record, unless allowed to do so by law.
- (c) When an attorney is interested in two or more matters fixed for hearing in different sections or divisions of court on the same day, that attorney shall notify the minute clerk of the section or sections from which he or she expects to be temporarily absent as to his or her presence in another court.
- (d) As a general rule, attorneys desiring to address the court while it is in session shall do so while standing. Unless directed otherwise by the judge, all judgments, orders, decrees, or other documents shall be handed to the clerk, who shall hand them to the judge.
- (e) Private conversation or conference between attorneys or others in attendance during any court session should not be disruptive to the proceedings.
- (f) Attorneys shall address all remarks, objections, and comments to the judge, never to opposing counsel. Impromptu argument or discussion between counsel will not be permitted.
- (g) Except with leave of court obtained, only one attorney for each party shall examine any one witness.

- (h) Counsel may not approach the witness in the witness chair without first obtaining the court's permission.
- (i) Before showing an exhibit to a witness, counsel shall first either show opposing counsel the exhibit or provide opposing counsel with a copy of the exhibit.
- (j) Counsel and parties to any litigation shall not send the court copies of correspondence between them.
- (k) Attorneys shall abide by the Rules of Professional Conduct and should abide by the Louisiana Code of Professionalism, the latter of which is set forth below:

The Louisiana Code of Professionalism

- My word is my bond.
- I will conduct myself with honesty, dignity, civility, courtesy and fairness and will not engage in any demeaning or derogatory actions or commentary toward others.
- I will not knowingly make statements of fact or law that are untrue or misleading and I will clearly identify for other counsel changes I have made in documents submitted to me.
- I will be punctual in my communication with clients, other counsel and the court. I will honor scheduled appearances and will cooperate with other counsel in all respects.
- I will allow counsel fair opportunity to respond and will grant reasonable requests for extensions of time.
- I will not abuse or misuse the law, its procedures or the participants in the judicial process.
- I will cooperate with counsel and the court to reduce the cost of litigation and will not file or oppose pleadings, conduct discovery or utilize any course of conduct for the purpose of undue delay or harassment of any other counsel or party.
- I will not engage in personal attacks on other counsel or the court or use the threat of sanctions as a litigation tactic.
- I will support my profession's efforts to enforce its disciplinary rules and will not make unfounded allegations of unethical conduct about other counsel.
- I will work to protect and improve the image of the legal profession in the eyes of the public.
- I will endeavor to improve our system of justice.
- I will use technology, including social media, responsibly. My words and actions, no matter how conveyed, should reflect the professionalism expected of me as a lawyer.
- I will seek opportunities to be of service to the bench and bar and assist those who cannot afford legal help.
- I will be supportive of new members in the profession.
- I will stay informed about changes in the law, communication, and technology which affect the practice of law.

Adopted April 1, 2002, effective April 1, 2002; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended December 11, 2018, effective December 11, 2018.

Comments

- (a) The Louisiana Code of Professionalism was authored by the Professionalism and Quality of Life Committee of the Louisiana State Bar Association in 1991. It was adopted by the Louisiana State Bar Association House of Delegates and approved by the Supreme Court of Louisiana in January 1992.
- (b) Rule 6.2(j) is not intended to prohibit attaching correspondence between counsel to a pleading where appropriate, such as to show that attempts have been made to schedule a conference to resolve discovery disputes under Rule 10.1.

Rule 6.3 Code of Professionalism in the Courts

Attorneys and judges should conform to the Code of Professionalism adopted as Section 11 of Part G, General Administrative Rules, Supreme Court of Louisiana:

The Code of Professionalism in the Courts

PREAMBLE

The following standards are designed to encourage us, the judges and lawyers, to meet our obligations to each other, to litigants and to the system of justice, and thereby achieve the twin goals of professionalism and civility, both of which are hallmarks of a learned profession dedicated to public service.

These standards shall not be used as a basis for litigation or sanctions or penalties. Nothing in these standards alters or detracts from existing disciplinary codes or alters the existing standards of conduct against which judicial or lawyer negligence may be determined.

However, these standards should be reviewed and followed by all judges of the State of Louisiana. Copies may be made available to clients to reinforce our obligation to maintain and foster these standards.

JUDGES= DUTIES TO THE COURT

We will be courteous, respectful, and civil to lawyers, parties, and witnesses. We will maintain control of the proceedings, recognizing that judges have both the obligation and authority to insure that all litigation proceedings are conducted in a civil manner.

We will not employ hostile, demeaning, or humiliating words in opinions or in written or oral communications with lawyers, parties, or witnesses.

We will be punctual in convening all hearings, meetings, and conferences; if delayed, we will notify counsel, if possible.

We will be considerate of time schedules of lawyers, parties, and witnesses in scheduling all hearings, meetings and conferences.

We will make all reasonable efforts to decide promptly all matters presented to us for decision.

We will give the issues in controversy deliberate, impartial, and studied analysis and consideration.

While endeavoring to resolve disputes efficiently, we will be considerate of the time constraints and pressures imposed on lawyers by the exigencies of litigation practice.

We recognize that a lawyer has a right and a duty to present a cause fully and properly, and that a litigant has a right to a fair and impartial hearing. Within the practical limits of time, we will allow lawyers to present proper arguments and to make a complete and accurate record.

We will not impugn the integrity or professionalism of any lawyer on the basis of clients whom or the causes which a lawyer represents.

We will do our best to insure that court personnel act civilly toward lawyers, parties, and witnesses.

We will not adopt procedures that needlessly increase litigation expense.

We will bring to lawyers' attention uncivil conduct which we observe.

We will be courteous, respectful, and civil in opinions, ever mindful that a position articulated by another judge is the result of that judge's earnest effort to interpret the law and the facts correctly.

We will abstain from disparaging personal remarks or criticisms, or sarcastic or demeaning comments about another judge in all written and oral communications.

We will endeavor to work with other judges in an effort to foster a spirit of cooperation in our mutual goal of enhancing the administration of justice.

LAWYERS= DUTIES TO THE COURTS

We will speak and write civilly and respectfully in all communications with the court.

We will be punctual and prepared for all court appearances so that all hearings, conferences, and trials may commence on time; if delayed, we will notify the court and counsel, if possible.

We will be considerate of the time constraints and pressures on the court and court staff inherent in their efforts to administer justice.

We will not engage in any conduct that brings disorder or disruption to the courtroom. We will advise our clients and witnesses appearing in court of the proper conduct expected and required there and, to the best of our ability, prevent our clients and witnesses from creating disorder or disruption.

We will not knowingly misrepresent, mischaracterize, misquote, or miscite facts or authorities in any oral or written communication to the court.

We will not engage in ex parte communication on any pending action.

We will attempt to verify the availability of necessary participants and witnesses before dates for hearings or trials are set, or if that is not feasible, immediately after such date has been set, so we can promptly notify the court of any likely problems.

We will act and speak civilly to court marshals, clerks, court reporters, secretaries, and law clerks with an awareness that they too, are an integral part of the judicial system.

Adopted April 1, 2002, effective April 1, 2002.

Rule 6.4 District Court Standards

The district courts, family and domestic relations courts, and juvenile courts should comply with the District Court Standards adopted as Section 10 of Part G, General Administrative Rules, Supreme Court of Louisiana:

I. ACCESS TO JUSTICE

Standard 1.1 Public Proceedings

The court conducts openly its judicial proceedings that are public by law or custom.

Standard 1.2 Safety, Accessibility, and Convenience

The court encourages responsible parties to make court facilities safe, accessible and convenient.

Standard 1.3 Effective Participation

All who appear before the court are given reasonable opportunities to participate effectively without undue hardship or inconvenience.

Standard 1.4 Courtesy, Responsiveness, and Respect

Judges and other trial court personnel are courteous and responsive to the public and accord respect to all with whom they come into contact.

Standard 1.5 Affordable Cost of Access

The court encourages all responsible public bodies and public officers to make the costs of access to the trial court=s proceedings and records – whether measured in terms of money, time, or the procedures that must be followed – reasonable, fair, and affordable.

II. EXPEDITION AND TIMELINESS

Standard 2.1 Case Processing

The trial court encourages timely case management and processing.

Standard 2.2 Required Reports and Requests for Information

The trial court promptly provides required reports and responds to requests for information.

Standard 2.3 Prompt Implementation of Law and Procedure

The trial court promptly implements changes in the law and procedure.

III. EQUALITY, FAIRNESS, AND INTEGRITY

Standard 3.1 Fair and Reliable Judicial Process

Trial court procedures faithfully adhere to laws, procedural rules, and established policies.

Standard 3.2 Juries

The jury venire is representative of the jurisdiction from which it is drawn.

Standard 3.3 Court Decisions and Actions

Trial courts give individual attention to cases, deciding them without undue disparity among like cases and upon legally relevant factors.

Standard 3.4 Clarity

Decisions of the trial court address clearly the issues presented to it and, where appropriate, specify how compliance can be achieved.

Standard 3.5 Responsibility for Enforcement

The trial court takes appropriate responsibility for the enforcement of its orders.

Standard 3.6 Production and Preservation of Records

Records of all relevant court decisions and actions are accurate and properly preserved.

IV. INDEPENDENCE AND ACCOUNTABILITY

Standard 4.1 Independence and Comity

The trial court maintains its constitutional independence and observes the principle of cooperation with other branches of government.

Standard 4.2 Accountability for Public Resources

The trial court responsibly seeks, uses, and accounts for its public resources.

Standard 4.3 Personnel Practices and Decisions

The trial court uses fair employment practices.

Standard 4.4 Public Education

The trial court informs the community of its structure, function, and programs.

Standard 4.5 Response to Changes

The trial court recognizes new conditions or emergent events and adjusts its operations as necessary.

V. PUBLIC TRUST AND CONFIDENCE

Standard 5.1 Accessibility

The trial court and the justice it renders are perceived by the public as accessible.

Standard 5.2 Fair, Impartial, and Expeditious Court Functions

The trial court functions fairly, impartially, and expeditiously in order that the public has trust and confidence in the integrity of the decisions of the court.

Standard 5.3 Judicial Independence and Accountability

The trial court is perceived to be independent, cooperative with other components of government, and accountable.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

While many of these standards may be applicable to juvenile and family courts, some of the standards will need to be modified in consideration of the special needs and functions of those specialized jurisdiction courts.

CHAPTER 7 RECORD MANAGEMENT

Rule 7.0 Record Management

Each clerk of court shall maintain and destroy records according to law.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Comment

No provisions restating existing law have been included in these Rules. The citations to the deleted topics are as follows:

- (1) Withdrawal of records – La. R.S. 44:32, et seq., and La. R.S. 13:4681.
- (2) Destruction of records – La. R.S. 13:917 and La. R.S. 13:1221.
- (3) Preservation of records – La. R.S. 44:36.
- (4) *See* Title III, Rule 15.0 regarding case records in criminal proceedings.

CHAPTER 8 INDIGENTS AND IN FORMA PAUPERIS

Rule 8.0 Uniform In Forma Pauperis Affidavit

A party, other than an inmate, who wishes to proceed in forma pauperis shall complete and file the affidavit in Appendix 8.0.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Rule 8.1 Traversal of In Forma Pauperis Status

The court, on its own motion or the motion of any party, may hold a hearing to traverse the right of any litigant to proceed in forma pauperis.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010.

Rule 8.2 No Recommendation from Clerk of Court Required

No recommendation from the clerk of court=s office as to whether a litigant is in fact indigent need be attached to an affidavit of poverty submitted by a party wishing to proceed in forma pauperis. No requirement that such a recommendation be attached, pursuant to La. Code Civ. Proc. art. 5183, may be instituted except by amendment to these Rules.

Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

- (a) *See* La. Code Civ. Proc. art. 5181, et seq., for general rules for proceeding in forma pauperis. *See* Chapter 13 of the Louisiana Rules for District Courts for special rules governing civil litigation filed by inmates.
- (b) Federal laws, including the Social Security Act and the Privacy Act of 1974, provide that Social Security numbers are confidential and that governmental benefits may not be denied because of a person=s refusal to provide that information, unless its provision is required by federal statute. Accordingly, providing the applicant=s Social Security number is optional in the affidavit in Appendix 8.0.