

**TITLE II**

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS**

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***Note: Title II of the District Court Rules was made applicable to Title IV via Supreme Court Order that took effect on June 1, 2014, subject to exclusionary exceptions contained in Rules 9.8, 9.9, and 9.15 of Title II, due to the expedited nature of family law proceedings.***

**CHAPTER 9           PROCEDURE**

**Rule 9.0           Daily Order of Business**

To provide for the expeditious administration of justice to the extent practicable, the court shall hear uncontested matters and the trials of motions or exceptions on days on which trials on the merits are not scheduled.

If uncontested matters and the trials of motions or exceptions are heard on days on which trials on the merits are scheduled, the court will, where practicable, maintain the following order of business:

- (a)     Uncontested matters, including default judgments.
- (b)     The trial of motions or exceptions that do not require the testimony of witnesses.
- (c)     The trial of motions or exceptions that require the testimony of witnesses.
- (d)     Trials on the merits.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended March 31, 2022, effective March 31, 2022.*

**Rule 9.1           Matters Scheduled But Not Heard**

Whenever practicable, matters should be heard in the order placed on the docket. If the trial of a matter is begun but not concluded before court is adjourned, that trial should take precedence the following day, when practical.

If the court is unable to hear a scheduled matter, the matter should be rescheduled for hearing at the next available date and time.

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

## **Rule 9.2 Matter Heard by Judge to Whom Allotted**

Except as allowed by La. Code Civ. Proc. art. 253.3, all contested matters shall be heard by the judge to whom the matter was allotted. The judge to whom the action has been allotted may designate the order-signing judge or any other judge to sign such orders and set such hearings, and in his or her absence, to hear such matters where necessary to comply with law, or when deemed to be an emergency, in accordance with La. Code Civ. Proc. arts. 253.2 and 253.3.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 18, 2010, effective January 1, 2011.*

## **Rule 9.3 Allotment; Signing of Pleadings in Allotted or Non-Allotted Cases**

All pleadings filed shall be randomly assigned to a particular section or division of the court in accordance with La. Code Civ. Proc. art. 253.1 before presentation of a pleading to any judge. The method of allotment for each district court is set forth in Appendix 9.3. Provided, to the extent allowed by La. Code Civ. Proc. art. 253.3, each district court shall designate in Appendix 9.3: (1) those matters that ordinarily will not be allotted to a particular section or division of the court and instead will be signed by the duty judge or by any judge authorized to sign such pleadings; and (2) those pleadings that, although filed in actions that will be allotted, may be presented for signature to the duty judge or to any judge authorized to sign such pleadings.

*Adopted April 1, 2002, effective April 1, 2002; amended April 20, 2010, effective June 1, 2010.*

### **Comment**

*See Watson v. Lane Memorial Hospital, 99-0930 (La. 5/28/99); 743 So.2d 676, adopting Judge Shortess' dissent in Watson, 98-0273 (La. App. 1 Cir. 3/3/99); 734 So.2d 28, writ granted 5/28/99, regarding allotment of medical malpractice actions in which discovery proceedings have been pursued under La. R.S. 40:1299.47.*

## **Rule 9.4 Pleadings To Be Filed with Clerk; Prior or Multiple Filings of Pleadings**

- (a) All pleadings shall be filed with the clerk of court before presentation to the assigned judge. Exceptions to this Rule are noted in Appendix 9.4.
- (b) Judge or forum shopping is prohibited. To achieve continuity of case management and avoid the appearance of judge or forum shopping, all subsequent actions asserting the same claim by the same parties, except for cases filed in juvenile courts with concurrent jurisdiction, shall be transferred to the division to which the first case filed was allotted, whether or not the first case is still pending. Any attorney or party who files more than one petition for the same party on the same cause of action shall attach to any subsequent petition a "Notice of Prior Filing or Multiple Filing," regardless of whether any of the previous petitions were dismissed. This notice shall comply with La. Code Civ. Proc. art. 853.

*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 May 15, 2013, effective June 1, 2013.*

**Rule 9.5 Court's Signature; Circulation of Proposed Judgment; Request for Reasons for Judgment**

- (a) All judgments, orders, and rulings requiring the court's signature shall either be presented to the judge for signature when rendered or, if presented later, contain the typewritten name of the judge who rendered the judgment, order, or ruling.
- (b) If presented later, the responsible attorney or the self-represented party shall circulate the proposed judgment, order, or ruling to counsel for all parties and to self-represented parties and allow at least five (5) working days for comment before presentation to the court. When submitted, the proposed judgment, order, or ruling shall be accompanied by a Rule 9.5(b) certificate stating: the date of mailing; the method of delivery of the document to other counsel of record and to self-represented parties; whether any opposition was received; and the nature of the opposition. This certificate shall read:

RULE 9.5(b) CERTIFICATE

I certify that I circulated this proposed judgment/order to counsel for all parties and/or to self-represented parties by [insert method of delivery] on [insert date], and that:

- \_\_\_ no opposition was received; or
- \_\_\_ the following opposition was received:

[Insert name of opposing party/attorney and nature of opposition.]

I have allowed at least five (5) working days before presentation to the court.

Certified this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Insert typed or printed name]  
Attorney for [insert name of party, if applicable]

- (c) The page of the judgment, order, or ruling containing the judge's signature line shall reflect the docket number and title(s) of the pleading(s) at issue.
- (d) This rule does not apply to judgments by default.
- (e) Requests for written reasons pursuant to La. Code Civ. Pro. art. 1917 shall be communicated to the judge either in open court or in writing. If the request is in writing, it shall: (1) contain a completed Rule 9.5(e) certificate (set forth below); and (2) be contemporaneously provided to the ruling judge in chambers, filed with the clerk of court,

and served on all counsel of record and self-represented parties.

#### RULE 9.5(e) CERTIFICATE

I certify that I have delivered this request for written reasons for judgment to the clerk of court for filing into the suit record, and I have contemporaneously provided a copy of this request to the ruling judge in chambers and to counsel for all parties and/or to self-represented parties by [insert method of delivery] on [insert date].

Ruling Judge: \_\_\_\_\_  
Chambers Address: \_\_\_\_\_  
Case Caption: \_\_\_\_\_  
Date(s) of trial or hearing: \_\_\_\_\_

Certified this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Insert typed or printed name]  
Attorney for [insert name of party, if applicable]

*Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; 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 November 21, 2011, effective January 1, 2012; amended May 15, 2013, effective June 1, 2013; amended December 11, 2018, effective January 1, 2019.*

#### **Rule 9.6 Form of the Pleadings; Civil Case Cover Sheet Form**

All pleadings shall be typed or printed legibly, double-spaced, on legal-sized white paper, and written in the English language. Margins shall be 2" at the top and 1" on the sides and bottoms. Quotations and footnotes may be single-spaced. Once a matter is allotted, the docket number and the division or section assigned the matter shall be indicated in the caption.

At the commencement of any litigation involving an action for an offense or quasi-offense, counsel for the petitioner, counsel's representative, or the self-represented litigant, shall complete a Civil Case Cover Sheet Form authorized by the Supreme Court of Louisiana. The Civil Case Cover Sheet Form appears in Appendix 9.6.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 27, 2012, effective January 1, 2013.*

#### **Comment**

The Civil Case Cover Sheet Form may be found in Appendix 9.6 and Part G, § 13 of the Louisiana Supreme Court General Administrative Rules. The clerk of court's reporting requirement on actions for offenses and quasi-offenses is addressed in La. R.S. 13:4688 and Part G, § 13 of the Louisiana Supreme Court General Administrative Rules.

## **Rule 9.7      Signing of the Pleadings**

Each pleading shall be signed by an attorney or by the self-represented party. The correct mailing address, street address, phone number, facsimile number, and e-mail address, if any, of the person signing the pleading, and in the case of an attorney, the Louisiana Bar Identification Number, shall appear below the signature.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended April 29, 2014, effective June 1, 2014; amended May 18, 2016, effective July 1, 2016.*

## **Rule 9.8      Exceptions and Motions**

- (a) *Contradictory Exceptions and Motions.* All exceptions and motions, including those incorporated into an answer, shall be accompanied by a proposed order requesting that the exception or motion be set for hearing. If the exceptor or mover fails to comply with this requirement, the court may strike the exception or motion, may set the matter for hearing on its own motion, or take other action as the court deems appropriate. To assist the court in scheduling the hearing, the exception or motion, and any opposition thereto, shall state: (1) whether or not the case is set for trial and, if so, the trial date; and (2) whether testimony will be offered at the hearing.
- (b) Time between filing and hearing for motions for summary judgment is governed by La. Code Civ. Proc. art. 966.
- (c) *Time between filing and hearing.* In cases other than juvenile and family law proceedings, no hearing on an exception or motion will be scheduled until at least fifteen calendar days after filing. A party seeking to have an exception or motion heard less than fifteen days after filing shall show good cause and shall state in the exception or motion the reasons why an expedited hearing is necessary.
- (d) *Ex parte motions.* Paragraphs (a) and (b) do not apply to:
- (1) unopposed motions;
  - (2) motions in which all affected parties have joined; or
  - (3) motions permitted by law or by these Rules to be decided ex parte.

Any motion that may be decided ex parte shall be accompanied by a proposed order, except a motion for the court to give in writing its findings of fact and reasons for judgment under La. Code Civ. Proc. art. 1917.

- (e) *Motions and Exceptions Referred to the Merits.* If a party filing a motion or exception wishes to refer it to the merits, the party shall file an unopposed motion, accompanied by a proposed order, asking that it be referred to the merits. This Rule does not apply to motions for summary judgment (*see* Rule 9.10). If the court finds that the interests of justice would be served by referring the motion or exception to the merits, the court may do so.

- (f) *Unopposed motion.* An “unopposed motion” is one to which all affected parties have consented. Before representing to the court that the motion is unopposed, the mover shall contact all parties affected by the motion and obtain their consent. The moving party shall certify in the motion that the consent requirement has been met.

*Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; 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 April 29, 2014, effective June 1, 2014; amended October 7, 2015, effective January 1, 2016.*

### **Comments**

- (a) The Louisiana Code of Civil Procedure takes precedence over the District Court Rules *See* Comment (a) to Rule 1.0. *See also* Act 422 (House Bill No. 696) of the Louisiana Legislature’s 2015 Regular Session, which will after the deadlines for filing requirements and delays for motions for summary judgment effective January 1, 2016.
- (b) Rule 9.8(a) provides that the court may strike an exception or motion if not accompanied by an order scheduling the matter for a hearing or may set the matter for hearing on its own motion. *See* La. Code Civ. Proc. art. 964.
- (c) *See* La. Code Civ. Proc. art. 2593 with regard to exceptions to a contradictory motion, rule to show cause, opposition, or petition in a summary proceeding.
- (d) This Rule does not govern the time that an exception shall be pled. La. Code Civ. Proc. art. 928(B) permits a party to plead a peremptory exception “at any stage of the proceeding in the trial court prior to a submission of the case for a decision ....” But under La. Code Civ. Proc. art. 929(B), the trial court has the option of trying and disposing of a late-filed exception “either in advance of or on the trial of the case.” This Rule preserves the trial court’s option under La. Code Civ. Proc. art. 929(B). Although this Rule generally requires a fifteen day period between the filing and the hearing of an exception, it also gives the trial court discretion to shorten the period “for good cause shown.” *See also* Rule 1.4, which allows a trial judge in a particular case to deviate from a Rule “in the interest of justice and upon notice to all parties ....”

### **Rule 9.9 Memoranda Supporting or Opposing Exceptions and Motions**

- (a) This Rule does not apply to juvenile and family law proceedings. Due to the expedited nature of family law proceedings, time delays shall be at the discretion of the court.

- (b) When a party files an exception or motion, that party shall concurrently furnish the trial judge and serve on all other parties a supporting memorandum that cites both the relevant facts and applicable law. The memorandum for motions and exceptions, other than motions for summary judgment, shall be served on all other parties so that it is received by the other parties at least fifteen calendar days before the hearing, unless the court sets a shorter time. The delays for motions for summary judgment filings are set forth in La. Code Civ. Proc. art. 966.
- (c) A party who opposes an exception or motion shall concurrently furnish the trial judge and serve on all other parties an opposition memorandum so it is received at least eight calendar days before the scheduled hearing, except for motions for summary judgment, which delays are established by La. Code Civ. Proc. art. 966.
- (d) The mover or exceptor may furnish the trial judge a reply memorandum, but only if the reply memorandum is furnished to the trial judge and served on all other parties so that it is received before 4:00 p.m. on a day that allows one full working day before the hearing, except for motions for summary judgment, which delays are established by La. Code Civ. Proc. art. 966. For example, if the hearing is set for Friday, the reply memorandum shall be received no later than 4:00 p.m. the preceding Wednesday. If the hearing is set for Monday, the reply memorandum shall be received no later than 4:00 p.m. the preceding Thursday.
- (e) Parties who fail to comply with paragraphs (b) and (c) of this Rule may forfeit the privilege of oral argument. If a party fails to timely serve a memorandum, thus necessitating a continuance to give the opposing side a fair chance to respond, the court may order the late-filing party to pay the opposing side's costs incurred on account of the untimeliness.
- (f) Any party may, but need not, file a copy of the memorandum with the clerk of court. *See* Rule 9.4 and Appendix 9.4 to determine whether a particular judicial district requires that memoranda be filed with the clerk of court or sent directly to the presiding judge.
- (g) Paragraphs (b) - (d) do not apply to the following motions:
  - (1) A motion for an extension of time to perform an act.
  - (2) A motion to continue a pre-trial conference, hearing, motion, or trial of an action.
  - (3) A motion to add or substitute parties.
  - (4) A motion to amend pleadings or to file supplemental pleadings.
  - (5) A motion to appoint a guardian, curator, or tutor.
  - (6) A motion to intervene.
  - (7) A motion to withdraw or substitute counsel of record (but any such motion shall

comply with Rule 9.13).

- (8) A motion to consolidate.
- (9) Any unopposed motion or joint motion.
- (10) A motion for the court to give in writing its findings of fact and reasons for judgment under La. Code Civ. Proc. art. 1917.
- (11) A motion to compel a response to discovery when no response has been made.
- (12) Any motions allowed to be granted ex parte under La. Code Civ. Proc. art. 963.

Any motion listed in (1) through (12) shall state the grounds in support, cite any applicable rule, statute, or other authority justifying the relief sought, and comply with Rule 9.8 to the extent applicable.

*Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended April 29, 2014, effective June 1, 2014; amended May 28, 2015, effective July 1, 2015; amended October 7, 2015, effective January 1, 2016.*

#### **Comments**

- (a) The Louisiana Code of Civil Procedure takes precedence over the District Court Rules. *See* Comment (a) to Rule 1.0. *See also* House Bill No. 696 of the Louisiana Legislature's 2015 Regular Session, which will alter the deadlines for filing requirements and delays for motions for summary judgment effective January 1, 2016.
- (b) *See* La. Code Civ. Proc. art. 1313 regarding service of pleadings subsequent to the original petition.

#### **Rule 9.10 Motions for Summary Judgment**

- (a) A memorandum in support of a motion for summary judgment shall contain:
  - (1) A list of the essential legal elements necessary for the mover to be entitled to judgment;
  - (2) A list of the material facts that the mover contends are not genuinely disputed; and
  - (3) A reference to the document proving each such fact, with the pertinent part containing proof of the fact designated.
- (b) A memorandum in opposition to a motion for summary judgment shall contain:

- (1) A list of the material facts that the opponent contends are genuinely disputed; and
- (2) A reference to the document proving that each such fact is genuinely disputed, with the pertinent part designated.

*Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended October 29, 2003, effective January 4, 2004; amended November 20, 2009, effective January 1, 2010; amended May 28, 2015, effective July 1, 2015; amended October 7, 2015, effective January 1, 2016.*

### **Rule 9.11 Executory Process**

To assist the court, parties who file suit for executory process should clearly highlight or emphasize the language in the attached exhibits necessary for executory process, such as “confession of judgment” and “waiver of demand for payment.”

*Adopted April 1, 2002, effective April 1, 2002; amended June 2, 2003, effective July 1, 2003; amended November 20, 2009, effective January 1, 2010.*

#### **Comment**

Failure to comply with Rule 9.11 may, at the discretion of the court, result in delay while pleadings are conformed to the requirements of this Rule.

### **Rule 9.12 Enrollment as Counsel of Record**

All licensed Louisiana attorneys in good standing may enroll as counsel of record: (1) by oral notice made in open court when all parties or their counsel are present; or (2) by filing a written Notice of Enrollment or a written Notice of Limited Appearance in accordance with La. Code Civ. Proc. art. 853 with the clerk of court, with copies to all other enrolled counsel or self-represented parties and to the court.

A Notice of Limited Appearance shall specifically state the limitation of legal services by subject matter, proceeding, date, or time period in accordance with Rule 1.2(c) of the Rules of Professional Conduct. *See* forms in Appendix 9.12A (family law) and Appendix 9.12B (non-family law).

The applicable Appendix Form 9.12 form shall be filed if an attorney is making a limited appearance, with or prior to the initial pleading or prior to the initial hearing. The Notice shall bear the signatures of both the appearing attorney and the client, unless the client is unavailable to sign at filing. If the Notice does not bear the client’s signature, a certificate attesting to the scope of limited enrollment, signed by the client, shall be filed into the record within ten (10) days of the filing of the initial Notice of Limited Appearance.

Any pleading filed by an attorney making a limited appearance shall state in bold type on the signature page of that pleading: “Attorney for limited purpose of [matter or proceeding].”

*Adopted April 1, 2002, effective April 1, 2002; amended October 29, 2003, effective January 4, 2004; amended November 3, 2004, effective January 1, 2005; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended November 27, 2012, effective January 1, 2013; amended May 15, 2013, effective June 1, 2013.*

### Comments

Attorneys enrolling pro hac vice shall comply with Rule XVII, Section 13 of the Rules of the Louisiana Supreme Court.

Filing the initial petition or first responsive pleading constitutes enrollment, and no further notice of enrollment is needed unless the attorney is making a limited appearance as authorized by Rule 1.2(c) of the Rules of Professional Conduct.

Rule 1.2(c) of the Rules of Professional Conduct allows an attorney to limit the scope of the representation if the limitation is reasonable and the client gives informed consent. *See also* Rule 1.0(e) of the Rules of Professional Conduct.

The use of standard forms for limited appearances makes the notices easily recognizable to judge, court staff, opposing parties and the client. The form notices require the attorney to identify the scope of a limited representation with specificity.

### **Rule 9.13      Withdrawal as Counsel of Record**

Enrolled attorneys have, apart from their own interests, continuing legal and ethical duties to their clients, all adverse parties, and the court. Accordingly, the following requirements govern any motion to withdraw as counsel of record:

- (a) The withdrawing attorney who does not have written consent from the client shall make a good faith attempt to notify the client in writing of the withdrawal and of the status of the case on the court's docket. The attorney shall deliver or mail this notice to the client before filing any motion to withdraw.
- (b) If the action or proceeding has been assigned to a particular section or division of the court, then the motion to withdraw shall be submitted to the judge presiding over that section or division.
- (c) Any motion to withdraw shall include the following information:
  - (1) The motion shall state current or last-known street address and mailing address of the withdrawing attorney's client. The withdrawing attorney shall also furnish this information to the clerk of court.
  - (2) If a scheduling order is in effect, a copy of it shall be attached to the motion.
  - (3) The motion shall state whether any conference, hearing, or trial is scheduled and, if so, its date.
  - (4) The motion shall include a certificate that the withdrawing attorney has complied with paragraph (a) and with Rule 1.16 of the Rules of Professional Conduct, Louisiana State Bar Association, Articles of Incorporation, Art. 16. A copy of the

written communication required by paragraph (a) shall be attached to the motion.

- (5) If the motion is to withdraw upon completion of a limited appearance, the motion shall include a certification by the withdrawing attorney that the agreed upon limited services have been completed and that the withdrawing attorney has submitted all judgments or orders resulting from the limited appearance as ordered by the court. A copy of the relevant Notice of Limited Appearance shall be attached to the motion.

(d) The court may allow an attorney to withdraw by ex parte motion if:

- (1) The attorney has been terminated by the client; or
- (2) The attorney has secured the written consent of the client and of all parties or their respective counsel; or
- (3) A limited appearance, as authorized by Rule 1.2(c) of the Rules of Professional Conduct and consented to by the client, has been completed; or
- (4) The case has been concluded.

(e) The court may also allow an attorney to withdraw by ex parte motion if no hearing or trial is scheduled.

(f) If paragraph (d) does not apply, then an attorney may withdraw as counsel of record only after a contradictory hearing and for good cause. All parties and the withdrawing attorney's client shall be served with a copy of the motion and rule to show cause why it should not be granted.

(g) If counsel's withdrawal would delay a scheduled hearing or trial, the court will not allow the withdrawal unless exceptional circumstances exist or limited representation was undertaken pursuant to a Notice of Limited Appearance and completed.

(h) Paragraphs (a) through (f) do not apply to an ex parte motion to substitute counsel signed by both the withdrawing attorney and the enrolling attorney. The following rules govern such a motion:

- (1) The court may grant the motion without a hearing. Movers shall furnish the court with a proposed order.
- (2) Substitution of counsel will not, by itself, be good cause to alter or delay any scheduled matters or deadlines.

*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 November 27, 2012, effective January 1, 2013.*

### Comments

Rule 9.13 is not intended to supersede the Rules of Professional Conduct regarding the presentation of false testimony to the court.

Rule 9.13(d)(3) provides for ex parte withdrawal by an attorney upon completion of a limited scope representation. It is intended to facilitate limited representation services as contemplated by Rule 1.2(c) of the Rules of Professional Conduct.

### **Rule 9.14 Fixing for Trial or Hearing; Scheduling Orders; Contact with Jurors**

- (a) The date on which a motion to fix for trial on the merits may be made, and the method of setting a date for trial or hearing of a matter, including deadlines for scheduling orders, pre-trial briefs, contact with jurors, or any other matter, shall be determined by each district court as set forth in Appendix 9.14.
- (b) Any party may request in writing, or the court on its own motion may order, a La. Code Civ. Proc. art. 1551 scheduling conference between counsel and the court to which the case has been allotted. Within thirty days after receiving a request for a scheduling conference, the court shall schedule a conference for the purpose of addressing those matters set forth in La. Code Civ. Proc. art. 1551. The scheduling conference may be held by any appropriate means, including in person, by telephone, or teleconference.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010; amended November 18, 2010, effective January 1, 2011.*

### Comments

- (a) La. R.S. 13:1303 requires that the Civil District Court of the Parish of Orleans prescribe the order of preference for the trial of cases. La. Code Civ. Proc. art. 1571(A)(1)(b) states that the district court should prescribe the order of preference “in accordance with the law.”
- (b) La. Code Civ. Proc. art. 1551 lists the matters that may be considered at scheduling conferences.

### **Rule 9.15 Subpoenas**

- (a) In cases other than juvenile and family law proceedings, a request for issuance of a subpoena shall be filed with the clerk of court at least ten days before the desired appearance date, unless a different deadline is set by the court in the pre-trial or other order.
- (b) In the case of a settlement, counsel on whose client’s behalf the witness has been asked to testify should make reasonable efforts to notify the witness.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012; amended November 27, 2012, effective January 1, 2013; amended April 29, 2014, effective June 1, 2014.*

### **Comment**

La. Code Civ. Proc. art. 1355.1 deals with the reissuance of subpoenas.

#### **Rule 9.16 Agreements and Stipulations**

The court may recognize agreements and stipulations between counsel concerning the conduct, trial, or continuance of a suit only if they are:

- (1) written and filed in the record; or
- (2) made in open court and entered on the minutes.

*Adopted April 1, 2002, effective April 1, 2002; amended November 18, 2010, effective January 1, 2011.*

#### **Rule 9.17 Continuances**

(a) The court may grant a continuance of a trial or hearing for good grounds. Among the factors the court will consider are the diligence and good faith of the moving party, the reasonableness of the grounds, the fairness to both parties and other litigants before the court, and the need for the orderly and prompt administration of justice.

(b) The court will grant a continuance in any case where the law so requires.

(c) If the court grants a continuance, each party is responsible for contacting its own witnesses.

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

### **Comment**

*See* La. Code Civ. Proc. arts. 1601-1605 regarding the grounds for a continuance.

#### **Rule 9.18 Oral Arguments**

Oral argument is a privilege, not a right, and is within the court's discretion.

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

#### **Rule 9.19 Default Judgments**

By moving for a default judgment, the plaintiff or his attorney is certifying to the court that the defendant in the principal or incidental demand has failed to answer or file other pleadings within the time prescribed by law or by the court, provided notice that the plaintiff intends to obtain a default judgment is sent if required, unless such notice is waived.

*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 March 31, 2022, effective March 31, 2022.*

## **Rule 9.20 Appeals to the District Court**

Appeals to the district court shall be randomly allotted.

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

## **CHAPTER 10 DISCOVERY**

### **Rule 10.0 Interrogatories**

A party shall be allowed to serve upon any other party, without leave of court, thirty-five interrogatories, as allowed by La. Code Civ. Proc. art. 1457(B). A court may not restrict the parties to fewer than thirty-five interrogatories except by amendment to these Rules.

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

#### **Comment**

*See Nathaniel Gaines, et al. v. Avondale Industries, Inc., et al., Parish of Orleans, Civil District Court, Div. M, No. 95-1823, to the Court of Appeal, Fourth Circuit, No. 2001-C-0365, writ denied No. 2001-2348 (La. 11/16/01); 802 So.2d 616, holding that a local rule may not restrict the number of interrogatories to the defendants or plaintiffs in the aggregate.*

### **Rule 10.1 Motions To Compel Discovery**

- (a) Before filing any motion to compel discovery, the moving party or attorney shall confer in person or by telephone with the opposing party or counsel for the purpose of amicably resolving the discovery dispute. The moving party or attorney shall attempt to arrange a suitable conference date with the opposing party or counsel and confirm the date by written notice sent at least five (5) days before the conference date, unless an earlier date is agreed upon or good cause exists for a shorter time period. If by telephone, the conference shall be initiated by the person seeking the discovery responses.
- (b) No counsel for a party shall file, nor shall any clerk set for hearing, any motion to compel discovery unless accompanied by a “Rule 10.1 Certificate of Conference” as set forth below:

#### **RULE 10.1 CERTIFICATE OF CONFERENCE**

I, the undersigned party or attorney, certify to the court as follows:

*If discovery conference is held:*

The parties or counsel personally conducted a conference on [insert date]. At this conference, there was a substantive discussion of every item presented to the court in this motion and, despite their best efforts, the parties or counsel were unable to resolve the matters presented.

Certified this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Party or Attorney

*If discovery conference is not held:*

The moving party or counsel has personally attempted to contact the respondent or counsel to arrange a conference to resolve the matters presented in this motion as follows:

[Insert dates, times, methods of contact, and results here.]

Respondent or counsel has failed to respond or failed to confer in good faith in an attempt to resolve the matters presented.

Certified this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Signature of Party or Attorney

(c) If the court finds that the parties or counsel have failed to confer in good faith, or have willfully failed to confer, the court may impose, at its discretion, sanctions on the non-conferring party, including attorney fees and costs.

*Adopted April 1, 2002, effective April 1, 2002; amended November 20, 2009, effective January 1, 2010; amended November 21, 2011, effective January 1, 2012.*

**CHAPTER 11      ALTERNATIVE    DISPUTE    RESOLUTION    AND    SPECIAL  
   MASTERS**

**Rule 11.0      Louisiana Mediation Act**

The district courts of Louisiana encourage and support the use of alternative dispute resolution to promote resolution of disputes and refer all counsel to the Louisiana Mediation Act, La. R.S. 9:4101, et seq. Additionally, the district courts of Louisiana encourage and support the use of special masters in appropriate circumstances.

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

**Rule 11.1      Certification of No Opposition to Mediation**

Before submitting a request for mediation under La. R.S. 9:4103(A), a party shall certify that opposing counsel has been contacted and does not object to mediation.

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

**Comments**

- (a) La. R.S. 13:4165 allows the court to appoint special masters in civil actions under the circumstances set forth therein.
- (b) See La. R.S. 9:4103(A), which provides that, on motion of any party, a court

may order the referral of a civil case for mediation. In the interest of judicial economy, these rules require a certificate of no opposition by opposing counsel before filing a request for court-ordered mediation under La. R.S. 9:4102(A).

## **CHAPTER 12 JURORS, COSTS, CHALLENGES, EXEMPTIONS**

### **Rule 12.0 Deposit for Jury Costs**

In a civil case, the court shall fix an amount to cover the costs related to the jury, clerk of court, and sheriff. The court may not require that the bond be filed or the costs paid more than 180 days before trial. The failure to pay these costs timely will constitute a waiver of trial by jury.

*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 November 21, 2011, effective January 1, 2012.*

#### **Comments**

- (a) La. Code Civ. Proc. art. 1734 provides that the jury bond shall be filed no later than sixty days before trial. La. Code Civ. Proc. art. 1734.1 provides that the court may order, in lieu of the bond required in Article 1734, that a cash deposit for costs be made no later than thirty days prior to trial. Rule 12.0 provides further guidance by stating that the bond need not be filed or the costs need not be paid more than 180 days before trial. Of course, the jury bond may be filed at the time of filing, at the discretion of counsel.
- (b) La. R.S. 13:3105 sets the compensation to jurors in civil cases in Orleans Parish at \$25.00 per day. La. R.S. 13:3049 states that jurors shall be paid \$25.00 per day and that they should be reimbursed at a mileage rate not less than \$.16 a mile and not more than the rate in effect for state officials.
- (c) *See* La. Code Civ. Proc. art. 1761, et seq., regarding the procedure for calling and examining jurors.

### **Rule 12.1 Central Jury Pool**

There may be a central jury pool for civil cases. The central jury pool shall be administered by the clerk of court or the judicial administrator, if any has been appointed by the court, under the direct supervision of the court, in accordance with the following:

- (a) Authorized personnel shall assemble the members of the general venire, present the orientation, call roll, and account for those members present and absent.
- (b) The judges shall notify the clerk of court and the clerk of court shall notify the jury commission at least ninety days before the designated jury terms, which sections of the court will participate in each term. The jury commission shall select a general venire in a number directed by the judges. Authorized personnel shall randomly select from the

general venire those persons who will comprise the central jury pool and shall determine the number of persons selected to compose the central jury pool based upon the number of civil jury trials remaining on the dockets.

- (c) Authorized personnel shall select the required number of panels from the central jury pool. The panels shall be selected at random and indiscriminately from the central jury pool members then available. In civil cases, the number of jurors shall be determined by the judge presiding over the trial for which the panel is selected. If the need arises, the assigned judge may request additional persons from the central jury pool, who also shall be selected at random.
- (d) Persons selected to serve on the central jury pool panel and not selected to serve on a jury shall be returned to the central jury pool.
- (e) The chief judge, or his or her designee, shall qualify the members of the central jury pool.
- (f) Any person requesting to be excused from jury service shall present the reasons in writing to the court, the clerk of court, or to the judicial administrator, when one has been appointed, who shall then communicate that request and the necessary information to the court, which shall determine whether to grant the request.

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

#### **Comment**

*See Supreme Court Rule XXV, Section 2 regarding Jury Service.*

### **CHAPTER 13 CIVIL LITIGATION FILED BY INMATES [RENUMBERED]**

#### **Rule 13.0 Petitions Filed by Offenders/Prisoners [Renumbered]**

##### **Historical and Statutory Notes**

*Former Rule 13.0. Petitions Filed by Offenders/Prisoners was renumbered Rule 60.4 and amended by court order dated April 20, 2010, effective June 1, 2010.*

#### **Rule 13.1 Declaration of Inmate Counsel [Renumbered]**

##### **Historical and Statutory Notes**

*Former Rule 13.1. Declaration of Inmate Counsel was renumbered Rule 60.5 and amended by court order dated April 20, 2010, effective June 1, 2010.*

#### **Rule 13.2 In Forma Pauperis Offender/Prisoner Suits [Renumbered]**

##### **Historical and Statutory Notes**

*Former Rule 13.2. In Forma Pauperis Offender/Prisoner Suits was renumbered Rule 60.6 and amended by court order dated April 20, 2010, effective June 1, 2010.*

**Rule 13.3 Offender/Prisoner In Forma Pauperis Applications [Renumbered]**

**Historical and Statutory Notes**

*Former Rule 13.3. Offender/Prisoner In Forma Pauperis Applications was renumbered Rule 60.7 and amended by court order dated April 20, 2010, effective June 1, 2010.*

**Rule 13.4 Parole Revocation Appeals [Renumbered]**

**Historical and Statutory Notes**

*Former Rule 13.4. Parole Revocation Appeals was renumbered Rule 60.8 and amended by court order dated April 20, 2010, effective June 1, 2010.*