

RULES FOR LOUISIANA DISTRICT COURTS

TITLES I, II, and III

Twenty-Second Judicial District Court

Parishes of St. Tammany and Washington

Chapter: 2

Chapter Title: Dates of Court

Appendix 1

Mardi Gras Day;

Rule No: 2.0

Friday of the Washington Parish Free Fair in Washington Parish. Sec R.S. 1:55 (A) (3).

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

Chapter: 3

Chapter Title: Judges and Facsimile Transmissions to the Court

Appendix 2

Rule No: 3.1

Divisions or Sections of Court
As amended effective January
1, 2003; January 1, 2009

The ten general jurisdiction divisions, A through J, will hear all civil cases in both parishes, including all civil jury trials, by random allotment. While the general jurisdiction divisions continue to have jurisdiction over all district court matters, including family and juvenile matters, the subject matter jurisdiction of divisions K and L shall be limited to family and juvenile matters as provided by law for other family and juvenile courts in the State.

All existing family matters shall be randomly re-allotted in St. Tammany and Washington Parishes, beginning January 1, 2009, from divisions A through J to Divisions K and L, such re-allotment to occur as pleadings are filed or as existing matters are set for hearing in 2009. All new family matters in St. Tammany and Washington Parishes, as of January 1, 2009, shall be randomly allotted to Divisions K and L.

There shall be one judicial commitment docket, one protective order docket, and one non-support appeal docket. The general jurisdiction divisions shall be assigned on a monthly rotating basis to the judicial commitment and non-support dockets while the two family/juvenile divisions shall hear protective order appeals.

When suits are filed which are consolidated after hearing or consent of the parties, it shall be transferred to the division to which the case with the lowest docket number has been allotted. The consolidation order shall be signed by the Judge of the division the case is transferred from and the Judge of the division it is transferred to.

Appendix 3

Rule No: 3.2 and 9.3

Duty Judges; Allotments;
Signing of Pleadings in
Allotted and Non-Allotted

Confirmations of default judgment in civil cases may be taken by any general jurisdiction division (A through J) regardless of allotment, unless the judgment sought contains discretionary damages, in which case it must be confirmed before the division to which it is allotted. For confirmations of defaults in divorce matters, see 22nd Judicial District Court rules under "Title IV Family and Domestic Relations Proceedings."

Cases

Amended effective April 1,
2009

All motions, orders and preliminary matters requiring hearing shall be filed and allotted to the proper division prior to being presented to the judge for signature and assignment. If the judge in the allotted division is unavailable, any matter which may be signed by a duty judge under the Code of Civil Procedure Article 253.3 should first be presented to the duty judge for the week in Washington and St. Tammany Parishes, as shown by the designation “WPD” or “STPD” on the Court calendar. If the duty judge is unavailable, such order may be signed by any available judge who shall be the duty judge for the purpose of that Article. All pleadings requiring signature by a judge shall be presented by the attorney, or a member of his/her staff, and not by the client.

Chapter: 4

Chapter Title: Court Personnel

Appendix 4

Rule No: 4.1

Judicial Administrators and
Clerks of Court

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Court Administrator
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Hon. Malise Prieto
Clerk of Court
Parish of St. Tammany
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www.sttammanyclerk.org

Hon. Johnny D. Crain
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Parish of Washington
P.O. Box 607
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Chapter: 5

Chapter Title: Courtroom Use, Accessibility and Security

Appendix 5A

Rule No: 5.1

Americans with Disabilities
Form

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5A.PDF>

Appendix 5B

Rule No: 5.2

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5b.PDF>

Appendix 5C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX5C.PDF>

Rule No: 5.1

Interpreters Oath

Chapter: 8

Chapter Title: Indigents and In Forma Pauperis

Appendix 6

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX6.PDF>

Rule No: 8.0

In Forma Pauperis Affidavit

Chapter: 9

Chapter Title: Procedure

Appendix 7

None.

Rule No: 9.4

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

Appendix 8

ASSIGNMENT OF CASES FOR HEARING OR TRIAL

Rule No: 9.14

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

Amended effective January 1, 2009

1. Assignment of civil cases on the merits shall be made only on written motion in the section in which the case has been allotted or transferred. Any objection to the motion to set for trial must be filed within the (10) days. The motion shall certify that all exceptions, motions, discovery and other preliminary matters have been disposed of and shall be served on all opposing counsel. Assignments may also be made at pre trial and status conferences.

2. Exceptions and motions may be fixed for hearing by the Clerk of Court at the written request of any party, or by motion in open court. The Court may fix a hearing on any exception or motion on its own motion or refer such matters to trial on the merits.

3. Unless it is otherwise specifically provided by statute at least ten (10) days notice will be required for trial on the merits and five (5) days notice on motions, rules and exceptions.

CONTINUANCES

A continuance will not be granted because of prior conflicts in assignment unless request for a continuance because of such conflict is made within ten (10) days from the date that notice of the assignment is received.

PRE TRIAL

1. No pre trial conferences will be set until a motion to set for trial has been filed in the Clerk of Court's office.

2. A pre trial order, in the format approved by the Court (See Form 1, hereinbelow), shall be filed at least seven (7) days prior to the pre trial conference; or if no pre trial conference is held, then seven (7) days prior to the trial.
3. Counsel for all parties will be notified of the procedure adopted by the Court for use at the pre trial conference, or trial.
4. In case of failure of a party or counsel to comply with the pre trial procedure, the Court shall impose appropriate sanctions.

FORM 1. PRE TRIAL ORDER

<p>_____</p> <p>VERSUS _____</p> <p>FILED: _____</p> <p>_____</p> <p>Deputy Clerk</p>	<p>CASE NO. _____</p> <p>CIVIL DOCKET _____</p> <p>22ND JUDICIAL DISTRICT COURT</p> <p>STATE OF LOUISIANA</p> <p>PARISH OF ST. TAMMANY</p>
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PRE TRIAL ORDER

IT IS ORDERED THAT a Pre Trial order in the format shown below be filed in a JUDGE Tried case at least seven (7) days prior to the Trial; OR, if in a JURY Case at least seven (7) days prior to the Pre Trial Conference.

The Pre Trial Order shall be complete and bear the signatures of all counsel at the time it is submitted to the Court (no separate inserts). The party moving for trial shall prepare this Order, and all counsel are ordered to participate. Compliance with this Order shall be strictly enforced. Failure to comply will result in appropriate sanctions by the Court.

FORMAT
PRE TRIAL ORDER

- A. Counsel. The appearance of counsel identifying the party(ies) represented.
- B. Parties. A description of the parties, and in cases of insurance carriers, their insured must be identified. The legal relationships of all parties with reference to the claims, counterclaims, third party claims and cross claims, etc.
- C. Case Statement. A concise statement of the case, and the applicable law is required.
- D. Stipulations, Witness and Exhibit Lists. It shall be mandatory for all counsel to confer in person not later than fifteen (15) days prior to trial in a JUDGE TRIAL; OR, fifteen (15) days prior to the scheduled PRE TRIAL CONFERENCE DATE FOR JURY TRIALS, in order to accomplish the following:
 - a.) Enter written into stipulations;
 - b.) Prepare the witness list: It is not sufficient to designate the witness simply "fact", "medical", or "expert". Indicate in good faith those who will be called and those who may be called.

c.) Prepare the exhibit list:

1. The exhibit list shall set forth exhibits in the following order:

a. Those exhibits that are to be admitted without objection.

b. Those exhibits which are stipulated to as to authenticity, but which are objected to as to admissibility, indicating by whom the objection is made, and the nature of the objection.

c. Those exhibits being offered by a party but which are objected to both as to authenticity and admissibility, noting by whom the objection is made, and the nature of the objection.

2. All exhibits are to be marked for identification.

3. As to any exhibits to which objection is raised, memoranda shall be submitted to the Court on or before seven (7) days prior to trial.

E. Trial Graphics. A list and brief description of any charts, graphs, models, schematic diagrams, and similar objects which, although not to be offered in evidence, respective counsel intend to use in opening statements or closing arguments shall be shown and delivered to all counsel at least fifteen (15) days prior to trial and, if there is then opposition to their use, written opposition shall be filed with the Court at least seven (7) days prior to trial.

F. Signature Lines. The Pre Trial Order must contain appropriate signature spaces for counsel for all parties.

NOTE

NO ADDITIONAL WITNESSES OR EXHIBITS SHALL BE ALLOWED EXCEPT BY ORDER OF THE COURT.

The Court may at any time dispense with these Orders, in whole or in part, in its discretion or in the interest of justice.

Covington, Louisiana this ___ day of _____, 20 ___.

JUDGE
DIVISION " ___ "

CIVIL JURY TERMS

1. Civil jury terms shall be set at the discretion of the Court.

2. No jury shall be ordered in any civil case unless the bond, as set forth in LSA R.S. 13:3050 has been given.

3. The party requesting a jury trial is also required to cover accrued jury costs, as and when required by the Court.

4. All cases requesting jury trials shall be allotted to all ten (10) general jurisdiction divisions of court as per the normal rules of this Court.

The pre trial conferences and actual civil jury trials will be presided over by the Judges of the ten sections.

Chapter: 13

Chapter Title: Civil Litigation Filed by Inmates

Appendix 9A

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9a.PDF>

Rule No: 13.0

Petition for Judicial Review

Appendix 9B

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9b.PDF>

Rule No: 13.0

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

Appendix 9C

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9c.PDF>

Rule No: 13.3

Application to Proceed In
Forma Pauperis Filed in
District Court

Appendix 9D

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX9d.PDF>

Rule No: 13.3

Motion to Proceed In Forma
Pauperis on Appeals/Writs

Appendix 10

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX10.PDF>

Rule No: 13.2

In Forma Pauperis Application;
Civil Litigation Filed by
Inmate - Appeal

Chapter: 14

Chapter Title: Allotment of Cases

Appendix 11

22nd Judicial District Felony Random Allotment Procedures

Rule No: 14.0

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

All felonies under the laws of the State of Louisiana shall be randomly allotted and assigned to the various Divisions of Court that comprise the 22nd Judicial District as dictated herein.

Criminal felony cases shall be divided into three categories which shall be designated as follows:

CATEGORY 1– All capital cases.

CATEGORY 2– All non-capital homicides defined in La. R.S.14:29 and all sex offenses defined in La. R.S. 15:541(14.1) and other offenses that may be included in these statutes by future amendment.

CATEGORY 3 – All other felonies.

I. Allotment of Capital Felony Cases—Category 1

All Category 1 cases in Washington and St. Tammany Parishes shall be heard by the ten general jurisdiction divisions of the 22nd Judicial District Court and shall be randomly allotted to those divisions by the respective Clerk of Court's offices utilizing the random allotment computer program approved by the 22nd Judicial District Court.

II. Allotment of Non-Capital Felony Cases—Categories 2 and 3

A. Assignment of Divisions to Washington and St. Tammany Parishes

Effective January 1, 2009, and pursuant to court rule dated September 11, 2008, all non-capital felony matters, Category 2 and Category 3 felonies, in St. Tammany Parish will be allotted to eight general jurisdiction divisions assigned to St. Tammany Parish. All Category 2 and Category 3 felony criminal matters in Washington Parish will be allotted to two general jurisdiction divisions assigned to Washington Parish. Beginning in 2009, Divisions A and E are the Washington Parish designated divisions and Divisions B, C, D, F, G, H, I and J are the St. Tammany Parish designated divisions.

B. Rotation of Divisional Assignments

The designation of divisions to either St. Tammany or Washington Parish for felony allotment purposes shall be on a three (3) year rotation beginning January 1, 2009. The designation of divisions shall be on a volunteer basis, and serving successive rotations by any division in Washington Parish shall not be precluded. Every three years the divisions that are newly designated to serve in Washington Parish shall randomly be assigned one of the two divisional dockets held by the previously designated Washington parish divisions, and the divisions rotating off service in Washington Parish shall randomly be assigned one of the two divisional dockets he/she is to assume in St. Tammany Parish, except that if a division serves successive rotation in either parish he/she shall retain that divisional docket.

After one year the Court shall review the random allotments to determine the average weekly allotment per division in both Parishes to determine if any corrective procedures to equalize the allotments should be adopted.

C. Post-Conviction Matters

All divisions will retain jurisdiction in cases in which the defendant has pled or been found guilty for purposes of post-conviction matters, including defendants awaiting sentence, post-conviction relief, post-conviction hearings and probation revocations.

□

D. St. Tammany Parish Non-Capital Felony Cases

The random allotment and assignment process for all Category 2 and 3 felonies in St. Tammany Parish shall be according to an allotment calendar and principally based upon the date of offense as alleged and reported at or prior to the arrest of the accused. The date of offense shall be shown in writing in a warrant of arrest or affidavit of probable cause or some other form of

writing which sets forth the date the accused is alleged to have committed the offense for which the offender has been arrested and booked into the Parish Jail facility. The following guidelines and procedures are hereby established:

1. The court shall make available to all St. Tammany Parish jail bonding personnel and other individuals responsible for this process an allotment calendar. The eight St. Tammany Parish divisions will be assigned weeks of the year alphabetically, excluding those divisions assigned to Washington Parish, and any offense occurring within a division's week will be assigned to that division subject to certain exceptions set forth below. For example, if the allotment calendar assigns the week of January 5, 2009 through January 11, 2009 to Division D, then any St. Tammany Parish Category 2 or 3 felony committed during that week shall be allotted to Division D. The next week is assigned to Division F, therefore any Category 2 or 3 felonies committed during that week will be allotted to Division F, and so on. An allotment calendar will be adopted by the Court annually beginning with 2009.

□

a. Dates of Offense 2004-2008

Under a previous court rule, an allotment calendar based on date of offense existed from January 2004 through June 2007. For current allotment purposes, any dates of offense in this period which would have been allotted to the Washington Parish criminal Judges shall be randomly allotted by computer to one of the St. Tammany Parish criminal judges.

Also under a previous court rule, from July 2007 through December 2008, no allotment calendar based on date of offense existed. An allotment calendar for this time period will be established by continuing, from June 2007, the assignment of court divisions, in alphabetical order (excluding Washington Parish criminal divisions), to the weeks of that year and a half.

b. Dates of Offense Prior to 2004

All felony offenders who are booked into the St. Tammany Parish Jail facility with a Category 2 or 3 felony and whose date of offense is prior to 2004 shall be randomly allotted by the Clerk of Court's office under the following procedure:

Within 24 hours after the arrest of an offender who has been charged with a felony, the jail booking officer shall notify the Clerk of Court by facsimile or otherwise in writing of the offender's name, date of birth, and other identifying information along with a list of the felony offenses charged. The Clerk of Court will immediately and randomly allot the individual through the computer allotment as provided by the 22nd Judicial District Court and assign a division and judge. The clerk shall immediately notify the jail booking officer by facsimile or otherwise in writing of the judge and division assignment in order to personally serve the court arraignment date upon the offender. If the person charged has completed the bail undertaking and is eligible to bond out from the parish jail facility prior to this allotment procedure, then the jail booking officer shall provide to the offender the next scheduled arraignment date of any judge.

2. At the time of booking an offender for a Category 2 or 3 felony violation, all law enforcement agencies and attesting officers shall declare to the jail booking officer that the arrested subject is charged with a felony offense under the laws of the State of Louisiana and shall present to the jail booking officer written verification of the alleged date of offense in the form of a warrant of arrest or statement of probable cause.

3. Based on the date of offense, the jail bonding officer will immediately determine the appropriate division to which the case is allotted using the allotment calendar provided by the court. That allotment shall be posted, manually and electronically, such that, within 24 hours (or the next working day, which ever occurs first) the jail bonding officer will notify the Clerk of

Court and all affected agencies of the assignment of the court division and judge through the use of this procedure.

4. The court will provide and maintain a list of assigned arraignment dates covering all divisions of court and will establish cut-off dates for the appearance of an offender in the respective assigned division for arraignment. The offender will be notified of the arraignment date at the time of posting bail and release from the parish jail facility. Otherwise, an arraignment date will be issued to the offender at his/her 72-hour hearing. The felony arraignment dates from the respective division of court shall be scheduled not less than six weeks from the date of arrest, subject to special considerations by the respective division of court and the charging decision process of the District Attorney.

5. All originals and copies of documents, paperwork, bonds, receipts and other booking process paperwork shall be boldly stamped and marked with the division and judge assignments and will be provided to all agencies and parties in interest within 24 hours of the booking process at the parish jail.

□

6. If an error occurs because a date of offense is incorrect or because it is discovered there is a pending felony previously assigned to another division (see Felony Following Felony Exception), the District Attorney, Indigent Defender or retained counsel shall file a motion to correctly allot the case or move the Court to transfer any case to the proper division. The order of transfer must be signed by both the transferring and receiving judges.

E. Washington Parish Non-Capital Felony Cases

All Category 2 and 3 felony indictments and felony bills of information filed in the Clerk of Court's Office in Washington Parish shall be randomly allotted to the two divisions assigned to Washington Parish by the Clerk of Court's office utilizing the random allotment computer program provided by the 22nd Judicial District Court and subject to certain exceptions set forth below.

III. Exceptions:

A. Felony Committed Over Period of Time □

All Category 2 and 3 felony cases in which the commission of the crime is alleged to have occurred over a period of time of more than one week shall be randomly allotted by the Clerk of Court's office utilizing the random allotment computer program approved by the 22nd Judicial District Court.

B. Co-Defendants Follow

With Category 2 or 3 felonies, co-defendants having the same date of offense shall, by application of these rules, be allotted to the same division as one another as determined by the allotment calendar. Co-defendants shall be allotted to the same division as one another regardless of the division(s) to which any of them may have been allotted in previous felonies.

C. See Appendix 13 for Allotment rules regarding Multiple Charges and Multiple Dates, Previously Committed but Subsequently Filed Offenses, Felony Following Felony, General Transfers, and Transfers for Pleas.

IV. Re-Filed Bills

Any true bills and/or bills of Information which are dismissed or quashed and subsequently re-filed shall be assigned to the division of original allotment. Re-filed bills shall be so designated

by the state.

V. Felony Reduced to Misdemeanor

An offense originally charged as a felony offense and assigned a division through this process, and that is subsequently screened by the District Attorney as a misdemeanor offense, will remain in this division through the arraignment process for plea and/or assignment for misdemeanor trial.

VI. Drug Court Allotments

After sentencing, if a condition of probation is referral to the 22nd Judicial District Drug Court in St. Tammany Parish, the defendant's case shall be allotted randomly to one of the two divisions of drug court in St. Tammany Parish unless the sentencing judge retains jurisdiction. However, if the sentencing judge is also a drug court judge, a defendant may be assigned automatically to the sentencing judge's drug court. If a condition of probation is referral to the 22nd Judicial District Court in Washington Parish, the defendant's case shall be allotted to the division holding drug court in Washington Parish. At the sentencing in which a drug court referral is made, if the defendant is sentenced in the same parish in which he will participate in drug court, the defendant may agree in writing to the transfer of his case to the drug court judge for all purposes including revocation. The defendant shall be subject to all of the terms and conditions of drug court. If the defendant's participation in drug court is terminated unsatisfactorily, the matter, unless previously transferred to the drug court judge, shall be returned to the originally allotted division for revocation or other appropriate proceedings.

The drug court office will assign a defendant to a drug court division. The allotment will be made to that division at the first court appearance in drug court. When a drug court case is assigned to a parish other than where the plea is taken there will be no re-allotment.

VII. DWI Court Allotments

There shall be one division of DWI Court in the 22nd Judicial District Court which will be held in St. Tammany Parish. Any defendants for whom a condition of probation is referral to the DWI court shall be allotted to that division unless the sentencing judge retains jurisdiction. At the sentencing in which a DWI court referral is made, if the defendant is sentenced in the same parish in which he will participate in DWI court, the defendant may agree in writing to the transfer of his case to the DWI court judge for all purposes including revocation. The defendant shall be subject to all of the terms and conditions of DWI court. If the defendant's participation in DWI court is terminated unsatisfactorily, the matter, unless previously transferred to the DWI court judge, shall be returned to the originally allotted division for revocation or other appropriate proceedings.

□

The drug court office will assign a defendant to a DWI court division. The allotment will be made to that division at the first court appearance in DWI court. When a DWI court case is assigned to a parish other than where the plea is taken there will be no re-allotment.

22nd Judicial District Misdemeanor (Other than Traffic Offenses, Wildlife Offenses, and Appeals from Courts of Limited Jurisdiction) 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.

22nd Judicial District Felony Random Re-Allotment Procedures

I. Pursuant to court order dated September 11, 2008, non-capital felonies shall be randomly re-allotted by the respective Clerks of Court such that in St. Tammany Parish, the felony dockets of the two Washington Parish designated divisions shall be randomly re-allotted among the eight St. Tammany Parish designated divisions, and in Washington Parish, the felony dockets of the eight St. Tammany Parish designated divisions shall be randomly re-allotted between the two Washington Parish designated divisions. Beginning in 2009, Divisions A and E are the Washington Parish designated divisions and Divisions B, C, D, F, G, H, I and J are the St. Tammany Parish designated divisions. Allotment of non-capital felonies to Divisions A and E in St. Tammany Parish will cease on October 23, 2008. Allotment of non-capital felonies to Divisions B, C, D, F, G, H, I and J in Washington Parish will cease on October 23, 2008.

II. Re-allotment out of Divisions A and E in St. Tammany Parish and Divisions B, C, D, F, G, H, I and J in Washington Parish will be from an "active case" pool and a "non-active case" pool.

"Active case" is defined as an open case with court dates pending.

"Non-active case" is defined as all other cases allotted to these divisions.

A. Active Case Re-Allotment

As Divisions A and E schedule criminal dockets during the balance of 2008 the active cases in these divisions will be individually re-allotted upon the close of these dockets. After each criminal court date scheduled in September, October, November and December of 2008 by Divisions A and E the Clerk of Court will re-allot the cases on these dockets or any previous docket by random computer allotment to all other divisions. All active cases on these dockets will be continued to January 9, 2009 and the defendants will be served with this January 9th date for the purpose of being served with a new court date for the newly allotted division.

B. Non-Active Re-Allotment

All non-active cases of Divisions A and E as defined above will be re-allotted to the remaining Divisions B, C, D, F, G, H, I and J on January 1, 2009.

III. Post-Conviction Matters

All divisions will retain jurisdiction in cases in which the defendant has pled or been found guilty for purposes of post-conviction matters, including defendants awaiting sentence, post-conviction relief, post-conviction hearings and probation revocations.

IV. Equalization

After one year the Court shall review the random allotments to determine the average weekly allotment per division in both Parishes to determine if any corrective procedures to equalize the allotments should be adopted.

Appendix 12

Rule No: 14.0

Random Allotment Traffic
Offenses, Wildlife Offenses,

22nd Judicial District Misdemeanor Allotment Procedures

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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.

Appendix 13

Rule No: 14.1

Allotment - Defendant with
More than One Felony Case

Amended effective January 1,
2009

I. The allotment of felonies on defendants with more than one felony shall be as follows:

A. Multiple Charges and Multiple Dates

Felony offenders having multiple charges and multiple dates of offenses at the time of booking shall be assigned a division and judge using the earliest date of offense identified during the booking process.

B. Previously Committed but Subsequently Filed Offenses

If a defendant has a case allotted as per Rule 14.0 in Appendix 11, and a bill on another case is subsequently filed that alleges a date of offense that pre-dates the previously allotted offense, the subsequently filed case will be allotted to the same division if it otherwise would follow as set forth below (see Felony following Felony).

C. Felony Following Felony

(See Rule 14.0 in Appendix 11 for definitions of Category 1, 2 and 3 felonies.)

Category 3 felonies follow prior Category 2 and other Category 3 felonies. If a defendant has a felony case which is pending and has been previously allotted, any subsequent Category 3 case filed against that defendant will be assigned the division of the first filed case regardless of the date of the offense of the subsequent case. Category 1 and Category 2 cases will not follow a defendant to a division in which a case is pending and has been previously allotted.

If a defendant has cases pending in two or more divisions and is subsequently arrested, any new charges will be allotted to the division of the lowest numbered existing file.

II. Transfers

A. General

Upon written or oral motion of the state, of the defense, or by the court on its own motion, any case may be transferred from one docket of the court to another by order of both of the judges.

B. Transfers for Plea

Transfer to a division that has a prior-filed case or a later-filed case may be accomplished by joint motion of the state and defendant and the judges of both divisions or may be granted on motion of either party after contradictory hearing before the proposed receiving division. By motion and order, one division may allow another to accept a plea from and to impose sentence on a defendant on charges pending in that division. In these circumstances, the state and the defendant must consent and waive any objection.

Appendix 14
Rule No: 15.0

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

The Court may set any pre trial and status conferences it deems necessary or appropriate upon written or oral motion by the state, the defendant or itself.

If a defendant fails to appear at a pre trial or criminal motion setting for which they have been served personally or through their attorney, an attachment will be issued for their arrest and the bond for this attachment shall be in an amount doubled that of the original bond set for the charge. If the original bond was set as a release on their own recognizance bond then the bond for the attachment shall be Cash, Property or Surety only. Any counsel who had notice and fails to appear may be appropriately sanctioned. The presence of both the client and attorney are required at pre trial and status conferences unless either's presence is expressly waived by the Court.

Appendix 15
Rule No: 15.1

Alternative Method of Service on District Attorney

None.

Appendix 16
Rule No: 15.2

Appointment of Counsel

1. At the hearing held for incarcerated defendants within 72 hours of incarceration, the Court shall make a preliminary determination of indigency. If there is a preliminary determination that the defendant is indigent, he is ordered to make appropriate application with the indigent defenders office. If the indigent defense office fails to concur in the preliminary determination of indigency, it shall traverse the appointment by motion with the Court.

2. If a defendant does not have a hearing under Subsection A when he/she appears for arraignment without counsel, the Court shall make a preliminary determination of indigence. The indigent defenders office shall immediately represent the defendant for arraignment purposes. The defendant shall be ordered to make appropriate application with the indigent defenders office which may traverse the preliminary determination of indigence.

3. If the Court makes a preliminary determination that the defendant is not indigent, it shall set a motion to determine counsel at which time the defendant shall have counsel. Nothing shall prohibit a defendant from making an application to the indigent defenders program despite a preliminary determination of non indigency. If a defendant does so and the indigent defender's office determines the defendant is indigent, it may file a motion to enroll which may be granted ex parts or set for hearing at the discretion of the Court.

Chapter: 18
Appendix 17
Rule No: 18.0

Chapter Title: Arraignment

<http://www.lasc.org/rules/dist.ct/COURTRULESAPPENDIX17.PDF>

Waiver of Formal Arraignment

Chapter: 19
Appendix 18
Rule No: 19.0

Chapter Title: Simultaneous Peremptory Challenges

Simultaneous peremptory exceptions are allowed at the trial judge's discretion.

Simultaneous Peremptory Challenges
