

TITLES I, II, and III

Chapter: 15 Chapter Title: Assignment of Cases and Preliminary Motions

Appendix 16

Rule No: 15.2

Appointment of Counsel

**1st Judicial District
Court**

Parish of Caddo

REVISED
PROCEDURE - -
ADOPTED MARCH
19, 2003;
AMENDED
EFFECTIVE APRIL
1, 2003

Appointment of Counsel Amended Procedure for Court Appointed Counsel –First Judicial District

1. Application for Representation. Each person asserting indigency and requesting representation by the Indigent Defender or a conflict attorney shall complete an application for those services which shall include accurate current financial information as provided in Section 9 below.
2. Application for Continued Representation. Each person, on and after the effective date of these amended procedures, asserting indigency and requesting continuing representation by the Indigent Defender or a conflict attorney shall complete an application for those services which shall include accurate current financial information as provided in Section 9 below.
3. Service and Facilities Fee. Pursuant to R.S.15:148, to help defray the cost of necessary services and facilities of the Indigent Defender Office, at the time of the application for services mentioned in Sections 1 and 2 hereinabove the applicant shall pay a Service and Facilities Fee of \$40.00 if the person faces pending felony charges and \$25.00 if the person faces only misdemeanor charges. In the event payment as provided herein is not made at the time of application, payment is to be made within 7 days of said application. All payments are to be made at the Indigent Defender's Office by cash, money order or other certified funds.
4. Special Condition of Bail. In all cases in which the accused has posted bail (whether cash, surety, property, or release on recognizance) and is not incarcerated, completion of the application for representation/continued representation and payment of the Service and Facilities Fee provided in Section 3 in full shall be a special conditions of bail. Payment of the Service and Facilities Fee is due and payable within 7 days of posting bail or within 7 days of appointment of the Indigent Defender or a conflict attorney, whichever is later.
5. Deferred Payment. After application is made, in the event the Indigent Defender Office determines that the person is so indigent that payment of the Service and Facilities Fee cannot be made timely, then and in that event the court, after review of the application and financial information affidavit, may defer the payment of the fee until a later time. If unpaid at the time of any sentencing of that defendant on any charge, whether reduced from the original charge or not, payment of the unpaid Service and Facilities Fee shall be made a special condition of any probation and any defendant placed on probation shall be placed on supervised probation at least until such time as the fee is paid in full.
6. Incarcerated Defendant - Waiver of Service and Facilities Fee. If a person asserting indigency is incarcerated and requesting representation/continued representation by the Indigent Defender or a conflict attorney, a complete application for services including financial information shall be made. Payment of the Service and Facilities Fee may only be waived if the court finds that the accused is so indigent that payment is impossible or if the accused is sentenced to hard labor and no portion of the sentence is suspended in any fashion.
7. Credit Toward Contract for Services. Payment of the Service and Facilities Fee provided herein shall be credited toward any contract for services subsequently entered into between the accused and the Indigent Defenders Office / Indigent Defender Board arising out of the criminal charges existing at the time of application.
8. Enforcement. Enforcement of these procedures may be instituted by the Indigent Defender Board, by the Indigent Defender Office, or by the Court on its own motion.

9. Penalties for False Reporting of Financial Information. The financial information in the application shall be as required by the Indigent Defender Office and shall be in affidavit form, subject to penalties of perjury and/or contempt of court. The form shall include all income and assets and shall include the following statements: "I agree to report in writing any change in my financial situation to the Indigent Defender Office."

10. Effective Date. The effective date of these procedures shall be APRIL 1, 2003.

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

Appointment occurs at the 72 hour hearing if defendant is detained or in open court if defendant is free on a bail obligation. Except for Department of Corrections (DOC) prisoners at Camp David Wade Correctional Center (DWCC) or in the parish prisons, all appointments are made to the Second Judicial District Indigent Defender Board which hires indigent defenders. The DOC prisoners charged with new crimes while in prison are represented by attorneys who have a contract with the Louisiana Department of Public Safety and Corrections.

72-HOUR APPEARANCE

In lieu of the Code of Criminal Procedure Article 230.1 personal appearance of the defendant before a Judge of this Court, such appearance may be by telephone or audiovideo electronic equipment.

3rd Judicial District Court
Parishes of Lincoln and Union

In compliance with Article 230.1 of the La. Code of Criminal Procedure, as amended, each defendant, in the discretion of the particular district judge, may be brought before the court via telephone for the appointment of counsel. When utilizing this method, the custodian of the prisoner shall make notation of the date and time of such appointment, the division of the court making the appointment, and the name of the officer or deputy of the custodian verifying the conversation, all on a form approved by the court. The original of this form shall be delivered to the District Attorney and a copy shall be delivered to the Clerk of Court for notation in the minutes of the court, or at arraignment, if not previously appointed.

4th Judicial District Court
Parishes of Morehouse and Ouachita

Please note: Text effective until January 1, 2010

The judge shall order a review of the defendant's financial status by a representative of the Indigent Defender Board. Upon certification of indigency, the judge will order representation by the IDB.

Amended effective
January 1, 2010

Please note: Text effective January 1, 2010

The judge shall order a review of the defendant's financial status by a representative of the Louisiana Public Defender Board. Upon certification of indigency, the judge will order representation by the Louisiana Public Defender Board.

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

Counsel for indigent defendants is appointed from a rotation list of indigent defense attorneys. The Court advises the indigent at Code of Criminal Procedure Article 230.1 hearing or at arraignment or answer hearing if no prior hearing held.

6th Judicial District Court
Parishes of East Carroll, Madison

The appearance of arrested persons pursuant to C.Cr.P. Art. 230.1 may be made in person, by telephone or by audio video electronic equipment, at the discretion of the presiding judge.

The custodian of the prisoner shall make notation on a form approved by the court of the date and time of

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such appointment, the division of the court making the appointment and the name of the officer or deputy of the custodian verifying the conversation. The original of this form shall be delivered to the Clerk of Court for filing in the record and notation in the minutes of the court. A copy shall also be delivered to the District Attorney, and to the office of any attorney appointed to represent an indigent defendant.

If defendant makes bond before the 72 hour hearing counsel for indigent is appointed at arraignment.

7th Judicial District Court
Parishes of Catahoula and Concordia

Court advises at C.C.P. Art. 230.1 hearing or at arraignment or answer hearing if no prior hearing held.

8th Judicial District Court
Parish of Winn

Counsel for indigent defendants appointed on motion of Indigent Defender Board.

1. Rights Hearing. Any person entitled to a hearing pursuant to LSA CCrP Article 230.1 shall be timely brought before the presiding judge for the purpose of fixing bail and/or appointment of counsel in accordance with the provisions therein, except that the defendant shall be allowed to make appearance by telephone and/or audio/video electronic equipment, within the discretion of the presiding judge.

9th Judicial District Court
Parish of Rapides

Court advises at Code of Crim. Pro. Art. 230.1 hearing or at arraignment or answer hearing if no prior hearing held.

PAYMENT TO IDB ATTORNEYS

Revised effective
Nov. 16, 2005

Attorneys appointed to represent defendants in criminal cases shall neither solicit, nor receive payment for their services, except front the Indigent Defender Board.

WITHDRAWING AS COUNSEL

All motions to withdraw as counsel of record in a case must include a statement setting forth:

- A. the reason for the withdrawal;
- B. whether any aspect of the matter is set for trial, pre-trial or other hearing, and, if so, the date thereof, and
- C. a certificate that the client and opposing counsel have been notified of the proposed withdrawal.

If the case has been allotted to a division, the motion must be presented to the judge of that division for signature.

10th Judicial District Court
Parish of Natchitoches

After random allotment and assignment of a criminal case, the court, through the Natchitoches Parish Indigent Defender Board, appoints an attorney to represent indigent defendants in accordance with local court rules.

Effective June 1,
2007.

In compliance with Code of Criminal Procedure Article 230.1, the personal appearance of the defendant before a judge of this court may, at the discretion of the presiding judge, be made by telephone or audio-video electronic equipment.

**11th Judicial District
Court
Parish of Sabine**

Determination of counsel shall be made within 72 hours for detained persons or at arraignment.

**12th Judicial District
Court
Parish of Avoyelles**

Counsel for Indigent Defendants shall be selected and paid by the Avoyelles Parish Indigent Defender Board. Once selected, these attorneys shall be appointed on a rotating basis.

**13th Judicial District
Court
Parish of Evangeline**

Each judge refers the indigent defendant to the Indigent Defender Board.

**COURT APPOINTED COUNSEL FOR INDIGENT
DEFENDANTS IN CRIMINAL CASES**

Any attorney appointed by the Court to represent an indigent defendant in a criminal case is prohibited from, and under no circumstances whatsoever, will charge said defendant any sums whatsoever, regardless of whether it is a fee, reimbursement for expenses, travel, or any expenditures made on behalf of said defendant

Whoever violates this provision shall be deemed in violation of substantive law, civil and criminal, and subject to criminal indictment and/or civil damages.

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

Every Tuesday and Thursday, a right-to-counsel hearing is held via video, in person or by telephone, during which each inmate who has been arrested within the previous 72 hours, not including Saturdays, Sundays, and Legal Holidays, is informed of his right-to-counsel. If the inmate is found indigent, a public defender or other counsel who serves on a voluntary appointment list is appointed. If counsel has not been appointed at the right-to-counsel hearing, then one is appointed at the indigents' first appearance in court.

Amended effective
December 12, 2006.

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

(AS AMENDED
THROUGH
9/10/2002)

After the Court makes the preliminary determination that the accused is or may be indigent, the Court shall refer the accused to the Indigent Defender's Office, which shall inquire further into the accused's economic status and upon determining that the accused is indigent, shall file in the record of the proceeding, a certification of indigency and order appointing counsel. Any oral or written statement made by the accused in the determination of his economic status shall be made under oath or an equivalent affirmation.

Any person whose application is denied may request a hearing to review the matter. A person found "partially indigent" under L.S.A. R.S. 15:148, shall have counsel appointed immediately, without regard to when he makes the payment to partially reimburse the cost of his defense.

APPOINTMENT OF COUNSEL AT 72 HOUR APPEARANCE

When audio visual electronic equipment is not available, a defendant may appear at his seventy two hour hearing by telephone as authorized by La. C.Cr.P Art. 230.1. The judge conducting such hearing by telephone shall insure that the hearing is conducted in the presence and within the hearing of the criminal records minute clerk who shall make a record thereof.

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

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

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

At the magistrate hearing conducted pursuant to La. C.Cr.P. Art. 230.1, the Court will appoint counsel for defendants who request counsel and who are determined by the Court to be indigent. In cases where the defendant is not incarcerated, the appointment of counsel will be made at arraignment or at such other time as the defendant may request counsel and the Court determines that the defendant is indigent.

An arrested person brought before a judge of the Seventeenth Judicial District Court for the purpose of appointment of counsel in conformity with Louisiana Code of Criminal Procedure Article 230.1 may make an appearance by telephone or audio-video equipment.

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

When the defendant first appears before the court without counsel, the court shall inform him of his right to counsel and of his right to have the court appoint counsel to defend him if he is financially unable to procure counsel. If an individual is determined to be indigent, the court shall appoint an attorney employed by the 18th Judicial District Public Defender's Office.

**19th Judicial District
Court
Parish of East Baton
Rouge**

Counsel for indigent defendants may be appointed at jail call out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

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

Court advises of right to counsel at the appearance mandated by C.Cr.P. 230.1 and at arraignment.

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

Counsel for indigent defendants may be appointed at jail call out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

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

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.

**23rd Judicial District
Court
Parishes of
Ascension,
Assumption and St.
James**

The appointment of attorneys may be conducted in person or by video conference or telephone. Counsel for indigent defendants may be appointed at jail call out by the presiding Duty Judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

**24th Judicial District
Court
Parish of Jefferson**

I.D.B. appointed by order of court on case-by-case basis.

**25th Judicial District
Court
Parish of
Plaquemines Parish**

The judge shall order a review of the defendant's financial status by a representative of the Indigent Defender Board. Upon certification of indigency, the judge will order representation by the Indigent Defender Board.

**26th Judicial District
Court
Parishes of Bossier
and Webster**

All indigent criminal defendants are referred to the IDB for representation.

**27th Judicial District
Court
Parish of St. Landry**

A preliminary determination of indigency shall be made by the Court at magistrate's hearing. The preliminary focus shall be on the accused's resources, liabilities, and ability to pay.

WITH
AMENDMENTS OF
JUNE 2, 2003;
EFFECTIVE JULY
1, 2003

**28th Judicial District
Court
Parish of LaSalle**

Appointment of Counsel

Defendants may be referred by the Court for evaluation by the intake officer of the 28th Judicial District indigent defender at any time after arrest and before the lapse of seven (7) days following arraignment.

**29th Judicial District
Court
Parish of St. Charles**

1. Three (3) indigent defenders assigned to each division of court.
2. Judges appoint counsel at 72 hour hearing or at arraignment after testing of indigency.

**30th Judicial District
Court
Parish of Vernon**

Counsel is appointed for indigent defendants upon request at the 72 hour hearing, arraignment, or any other time a defendant applies for such.

**31st Judicial District
Court
Parish of Jefferson
Davis**

The appointment of counsel for indigent defendants is done at the 72 hour hearing on a rotating basis between counsel who serve on the indigent defendant counsel list. Appointments of counsel by the court are made at a defendant's advisement, if he is unable to make bail, or at arraignment, if a defendant has made bail.

**32nd Judicial District
Court
Parish of
Terrebonne**

Court inquiry at magistrate hearing and/or arraignment; appointed by court after determination of indigency.

**33rd Judicial District
Court
Parish of Allen**

Indigent counsel is appointed at seventy two hour hearing (La. C.Cr.P. Art. 230.1), or if no such hearing is had, as soon as practicable.

**34th Judicial District
Court
Parish of St. Bernard**

Counsel for indigent defendants may be appointed at magistrate court, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency or whether Defendant has retained own counsel. If the Court appoints, it appoints the Office of Public Defender.

**35th Judicial District
Court
Parish of Grant**

When the defendant is arraigned, he/she is interviewed to determine if he/she is eligible for an indigent defense. The judge makes a determination upon reviewing the defendant's financial resources and the defendant is notified by certified mail.

**36th Judicial District
Court
Parish of
Beauregard**

The Indigent Defender Board appointed in accordance with the statute, contracts annually with volunteer attorneys to handle all indigent criminal cases. The volunteer attorneys are maintained on an alphabetical list. Assignments are made alphabetically on strict rotation by judge as cases arise at 72 hour hearings or arraignments.

**37th Judicial District
Court
Parish of Caldwell**

Court appoints IDB at C.Cr.Pr. Art. 230.1 Court Hearing or Arraignment. All Indigent Criminal Defendants are referred to the Indigent Defender Board (IDB) for representation.

WITH
AMENDMENTS OF
JUNE 2, 2003;

**38th Judicial District
Court
Parish of Cameron**

Indigent defendants are primarily served by attorneys under contract to the Indigent Defender Board. In the event of a conflict, special counsel are randomly appointed by the judge from a list of volunteer attorneys maintained by the court.

**39th Judicial District
Court
Parish of Red River**

One of two indigent counsel appointed by Judge except for conflicts.

Attorney/Bail Hearings:

WITH
AMENDMENTS OF
JUNE 2, 2003;
EFFECTIVE JULY
1, 2003

Any person entitled to a hearing pursuant to La. C.Cr.P. Art. 230.1 shall either be timely brought before the presiding judge for the purpose of fixing or amending bail and/or appointment of counsel in accordance with the provisions therein, or make appearance by telephone and/or audio/video electronic equipment within the discretion of the presiding judge.

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

Section A. On Mondays and Thursdays of each week at 8:30 a.m., or on any other day and time to be determined by the duty judge, the duty judge will appoint counsel in accordance with Code of Criminal Procedure Article 230.1. These hearings may be conducted in person at the Parish Jail or in court, or they may be conducted by telephone or audio video electronic equipment, at the discretion of the duty judge. Section B. The Sheriff shall file into the record Criminal Code of Procedure Article 230.2 documents (warrant or affidavit of probable cause) within forty eight hours of arrest for review by the duty judge when appointing counsel.

**Criminal District Court
Parish of Orleans**

Counsel for indigent defendants may be appointed at the magistrate hearing by the presiding duty judge, if appropriate. Alternatively, appointment of counsel may wait until arraignment in order to determine true indigency, or whether defendant has retained other counsel. If the Court appoints, it appoints the Office of Public Defender.

**Civil District Court
Parish of Orleans**

None.

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

Determination of counsel shall be made within 72 hours for detained persons or at arraignment.

Adopted effective
December 17, 2008
