

APPENDICES
FOURTH JUDICIAL DISTRICT COURT
EFFECTIVE JAN. 1, 2010

TITLE I
RULES FOR PROCEEDINGS IN DISTRICT COURTS,
FAMILY AND DOMESTIC RELATIONS COURTS,
AND JUVENILE COURTS

Appendix 1. (Rule 2.0)
Local Holidays in Addition to Legal Holidays
Listed in La. R.S. 1:55

None.

Appendix 2. (Rule 3.1)
Divisions or Sections of Court

Pursuant to LSA-R.S. 13:587.2, effective January 1, 2010, the Judges of the Court are divided into Section 1, Section 2, Section 3, Section 4, Section 5 and the Juvenile Section. Two Judges are assigned to each numbered Section. One Judge in each numbered Section, hereinafter referred to as the criminal judge, shall primarily handle criminal matters and the other Judge in the same numbered Section, hereinafter referred to as the civil judge, shall primarily handle civil matters. The Judge in the Juvenile Section shall primarily handle juvenile matters. All Judges retain general jurisdiction. Rotations of primary duties within each Section shall be in accordance with the Court Schedule published annually and posted to the Court web site www.4jdc.com, and in the office of the Clerk of Court.

To avoid confusion and for judicial economy, when the initial division into criminal/civil Sections occur on January 1, 2002, and later when Divisions rotate in and out of civil/criminal Sections, each Division may keep any case originally assigned to it, including but not limited to cases where testimony has been taken or substantial hearings held. All criminal probation violation hearings will be heard by the sentencing judge

Appendix 3. (Rules 3.2 and 9.3)
Duty Judges; Allotments; Signing of Pleadings in
Allotted and Non-Allotted Cases

The civil duty judge shall be the judge presiding at motion hour each week. Civil duty shall begin at 5:00 p.m. on the Friday before the motion hour week, and shall end at 5:00 p.m. on the Friday of motion hour week. Orders, unassigned successions and other matters authorized by law to be handled by a duty judge may be presented in chambers from 8:30 a.m. to 9:30 a.m. and 1:30 p.m. to 2:00 p.m. daily, Monday through Friday. Emergency civil matters may be presented to the duty judge at any time. Motion hour shall be held at 9:30 a.m.

The Court shall enact a criminal duty judge and back-up criminal duty judge schedule, which shall be displayed prominently throughout the courthouse in Morehouse and Ouachita Parishes and posted on the Court's website at www.4jdc.com.

In both parishes, criminal duty shall begin at 7:00 a.m. on the Friday before the Monday when the judge is to preside as criminal duty judge and end at 7:00 a.m. the following Friday. Provided, however, that the criminal duty judge, who has presided all week, shall conduct 72-hour hearings on Fridays at 8:30 a.m.

All initial pleadings must be presented to the Clerk of Court for random allotment to a Section, to remain with said section regardless of the rotation of judges in divisions. Thereafter, the judge assigned to the Section will act on all filings requiring orders or settings. Related cases will be assigned to the Section of the court to which the lowest numbered case was allotted. Related cases are cases arising out of the same accident, transaction or occurrence. Cases asserting the same or substantially the same claims, refiled after dismissal without prejudice either voluntarily or involuntarily shall also be considered related cases.

Existing cases which have never been assigned to a division or allotted to a section shall be randomly allotted to a section.

It shall be the duty of every lawyer enrolled in related cases to call to the Court's attention the fact that it is a related case. All pleadings, orders and judgments shall be filed with the Clerk of Court and then presented to the trial or duty civil judge.

**Appendix 4. (Rule 4.1)
Judicial Administrators and Clerks of Court**

Scott F. Kadar www.4jdc.com
Fourth Judicial District
Parishes of Morehouse and Ouachita
300 St. John Street, Suite 400
Monroe, LA 71201
(318) 361-2252

Carol Jones, Clerk www.4jdc.com
Parish of Morehouse
P. O. Box 1543
Bastrop, LA 71221
(318) 281-3343

W. J. Hodge, Clerk
Parish of Ouachita
P. O. Box 1862
Monroe, LA 71210
(318) 327-1444

TITLE II
RULES FOR CIVIL (EXCEPT FOR FAMILY, JUVENILE AND DOMESTIC
RELATIONS) PROCEEDINGS IN DISTRICT COURTS

Appendix 7. (Rule 9.4)
Presentation of Pleadings to the
Court and Filing with the Clerk of Court

All initial pleadings must be presented to the Clerk of Court for filing and random allotment to a Section. Thereafter, the civil judge assigned to the Section will act on all filings requiring orders or settings, with the exception of those pleadings which may be presented to the duty judge.

Appendix 8. (Rule 9.14)
Fixing for Trial or Hearing; Scheduling Orders;
Contact with Jurors

After all parties have answered, made a general appearance, or had a preliminary default entered against them, any party or counsel may request in writing a scheduling/status conference with the civil judge of the assigned Section, by submitting a Return Date/Hearing Cover Sheet (Pink Slip), which may be found at <http://www.4jdc.com/forms.htm> The original and one copy of the request shall be delivered to the Clerk of Court. The Clerk shall file the original in the suit record and stamp "Filed" on the copy and route the copy to the civil judge of the assigned Section. Within thirty (30) days following receipt of a request for a scheduling conference, the civil judge of the assigned Section shall:

- (a) Schedule a conference for the purpose of setting such deadlines as the judge deems appropriate, and the judge shall issue a Scheduling Order which shall include a trial date; or,
- (b) Issue a Scheduling Order which shall include a trial date; and
- (c) Notify the parties that Court Reporters will not record civil proceedings unless requested by counsel or the Court. This notice may be given by reference to this Court Rule only.

Should a Scheduling Order require the issuance of a pretrial statement, it should be in accordance with the Pretrial Statement form, which can be found at <http://www.4jdc.com/forms.htm>.

Any request for a status conference shall include the name, address, telephone, fax numbers and email addresses of each attorney and the name of the party each attorney represents. Additionally, the party requesting the status conference shall state if his client is amenable to mediation. If so, the remaining parties shall notify the court in writing prior to the status conference if each is amenable to mediation. Additionally, counsel shall state whether any party has requested trial by jury.

If a party is not represented by counsel, the request shall so indicate, and list the address and telephone number of each unrepresented party. A scheduling conference involving a case in which there is an unrepresented party may be held either by telephone, in chambers, or in open court at the discretion of the judge, and with notice to any person requesting same and with notice to any unrepresented party, or the judge may set the matter for trial per Section 1(b) above.

TITLE III
RULES FOR CRIMINAL PROCEEDINGS IN DISTRICT COURTS

Appendix 11. (Rule 14.0)

System of Random Allotment of Criminal Cases

(Other than Traffic, Wildlife, and Appeals from Lower Courts)

All criminal cases shall be allotted to the numbered Sections of this court as follows:

(a) Cases which were pending on January 1, 2002 (the effective date of rule changes creating the initial division into Criminal/Civil Sections) and which had previously been allotted to a particular division of this court shall be allotted to the numbered Section to which that division has been assigned. However, effective January 1, 2010, while allotted to either Section #1, #2, #3, #4 or #5, all criminal cases shall be handled by the criminal judge of the allotted section.

(b) Criminal cases arising on or after January 1, 2002 through and including February 25, 2005 at 7:00 a.m. shall be allotted to the Sections of this court as follows:

Capital Offenses. All cases in which the death penalty may be imposed shall be allotted to a Section by random allotment by the Clerk of Court.

Felony Offenses. All other felony offenses shall be allotted to the Section of the court on duty at the time the defendant is booked into the parish jail. However, when multiple arrests occur simultaneously as a result of long-term investigation, etc., irrespective of any other rules herein to the contrary, those cases shall be allotted randomly by the Clerk of Court when notified by the Chief Judge.

Misdemeanor Offenses. All Title 14 misdemeanor offenses shall be assigned to the Section of the court on duty at the time the defendant is booked into the parish jail or issued a summons or citation.

(c) All other criminal cases arising after 7:00 a.m. on February 25, 2005, with the exception of offenses prosecuted under Title 32 of the Louisiana Revised Statutes, wildlife offenses prosecuted under Title 56 of the Louisiana Revised Statutes, and appeals from courts of limited jurisdiction, shall be randomly allotted by the Clerk of Court in accordance with Rule 14.0 of the Rules for Louisiana District Courts at the time a docket number is assigned.

Further, the requirements of Rule 14.2 of the Rules for Louisiana District Courts shall also apply to affidavits in support of arrests made without warrant (commonly referred to as "48 hour affidavits"). The Clerk of Court shall be required to file the original affidavits in support of arrests made without warrant, assign a docket number and allot in the manner established by Rule 14.0(a) of the Rules for Louisiana District Courts.

(d) Multiple cases. When a defendant has a felony case pending and the defendant is charged with one or more additional felony crimes, the new felony cases shall be allotted to the section to which the pending felony case is allotted. See rule 14.1. Furthermore, when a defendant is on active felony probation with a division of this Court, any new felony case shall be allotted to the criminal section to which that division is currently assigned.

(e) Multiple Defendants. When there are multiple defendants in the same case, all defendants are allotted to the Section receiving the allotment of the first booked defendant, unless one or more of the subsequently booked defendants has a case pending, or is on probation. In this circumstance, the case is allotted according to the multiple cases rule above. In such instance, the transfers shall be allotted to the section which has the oldest pending case.

(f) Transfers of Allotted Cases. The transfer of an allotted case from the Section to which the case was originally allotted to another Section shall be controlled by Rule 14.3.

(g) Recusals. When a judge is recused, the Clerk of Court shall re-allot the case randomly to another Section of the court.

(h) Drug Court Cases. Notwithstanding any of the above provisions, there is created within the court, a Drug Court. One of the judges shall, by a majority vote of all judges of the court, be designated to preside over all sessions of the Drug Court. Cases determined to be eligible for Drug Court, as recommended by the District Attorney, will be transferred to the Drug Court with the permission of the judge for the Section to which the case had been allotted. Cases not accepted into Drug Court will be transferred back to the Section from which the case was originally referred. The Drug Court shall be established in accordance with the Provisions of LSA—R.S.13:5301–5304.

Appendix 12. (Rule 14.0)
Random Allotment Traffic Offenses, Wildlife Offenses,
and Appeals from Courts of Limited Jurisdiction

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

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

Appendix 13. (Rule 14.1)
Allotment - Defendant with More than One Felony Case

See Appendix 11.

Appendix 14. (Rule 15.0)
Assignment of Cases, Filing of Motions,
Pre-Trial and Status Conferences

Unless a pretrial or status conference date is set in open court, it must be arranged with the Judge, District Attorney and Defense Counsel.

Appendix 16. (Rule 15.2)
Appointment of Counsel

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.

Appendix 18. (Rule 19.0)
Simultaneous Peremptory Challenges

Except in Capital Cases, the court has adopted a system of simultaneous challenges as allowed by C.Cr.P. Art. 788. After consideration of cause challenges, each side will exercise peremptory challenges in writing and present them to the court at the same time. If both sides challenge the same prospective juror, each will be charged with a peremptory challenge.

TITLE IV
NUMBERING SYSTEM FOR FAMILY AND DOMESTIC RELATIONS
PROCEEDINGS IN DISTRICT COURTS AND IN FAMILY COURT
FOR THE PARISH OF EAST BATON ROUGE

NO APPENDICES

TITLE V
RULES FOR JUVENILE PROCEEDINGS
IN DISTRICT COURTS AND IN JUVENILE COURTS FOR THE PARISHES
OF EAST BATON ROUGE, ORLEANS, JEFFERSON AND CADDO

Appendix 20. (Rule 41.0)
General Organization of Court; Divisions or Sections of Court

While recognizing that each judge of this District has original juvenile jurisdiction for the parishes comprising this District, the Court, by local court rule, is comprised of one primary juvenile division.

The Juvenile Division shall hear all cases involving juveniles including:

- A. Delinquency proceedings, except when a child either:
 - 1. Is subject to the jurisdiction of the criminal courts for prosecution and liability as an adult.
 - 2. Has been transferred by the juvenile division for criminal prosecution and liability as an adult.
- B. Abandonment proceedings.
- C. Child in need of care proceedings.
- D. Child in need of supervision proceedings.
- E. Families in need of services proceedings.
- F. Parents in need of supervision proceedings.
- G. Involuntary termination of parental rights proceedings.
- H. Voluntary termination of parental rights proceedings.
- I. Adoption proceedings.
- J. Civil and criminal non support.
- K. URESA proceedings.
- L. Traffic.
- M. Marriage of Minors.

N. Judicial Commitments.

O. Mental health proceedings pursuant to Title XVI of the Louisiana Children's Code.

P. Any proceedings necessary to implement the provisions of interstate compacts affecting children pursuant to Title XVI of the Louisiana Children's Code.

All juvenile matters shall be heard pursuant to the Juvenile Court Schedule which can be obtained from the Judicial Administrator's Office and found on the Court's website at www.4jdc.com.

**Appendix 24. (Rule 41.2)
Court Procedures**

All court proceedings must be initiated by a written request of a party or attorney. The written request must set forth in general terms the relief sought by the moving party, or the category of hearing which is being requested, as well as the names of all relevant parties and the docket number of the case.

Curators *ad hoc*; Duties, Procedures, Fees

When appointment of a Curator is required by law, the petitioner in the adoption proceedings shall deposit the sum of One Hundred Fifty and No/100 (\$150.00) Dollars with the Clerk's Office to cover the Curator's fee and his/her out of pocket expenses. Any additional costs incurred by the Curator in his/her efforts to locate the missing parent shall be brought to the attention of the Court, and if approved, shall be taxed as costs of court and paid by petitioner.

The Curator must file with the Clerk of Court a complete resume in the form of a "Note of Evidence" detailing all of the diligent efforts made by the Curator in his/her attempts to locate the absent parent.

When a Curator successfully locates a missing or absent parent, he/she shall send the absent parent notice of the fixing of the adoption petition.

Informal Families in Need of Services ("FINS") Process

Initial Appearances in Truancy Cases

A. Pursuant to LSA R.S. 46:236.5 and The Louisiana Children's Code, the Court hereby authorizes the Hearing Officer(s) to hear and dispose of all matters pertaining to initial appearances in truancy cases (except contempt of court) in Ouachita and Morehouse Parishes as authorized by said statutes.

B. The Hearing Officer(s) shall hear all initial appearances in Ouachita and Morehouse Parishes at such time and place and in such courtroom as may be specified in the order and approved by the Court.
