

SUPREME COURT OF LOUISIANA

ORDER

Acting under the authority of Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, the Court hereby adopts amendments and additions, annexed hereto as Attachment A and incorporated herein, to the Rules for Louisiana District Courts, duly presented to this Court by the Supreme Court Committee on District Court Rules.

This Order shall become effective January 1, 2012, and shall remain in full force and effect thereafter, until amended or changed under the authority of future orders of this Court.

New Orleans, Louisiana this 21st day of November, 2011.

FOR THE COURT:



Chief Justice Catherine D. Kimball
Supreme Court of Louisiana

SUPREME COURT OF LOUISIANA
A TRUE COPY



Robin A. Burras
Deputy Clerk of Court

ATTACHMENT “A”

TITLE PAGE

PAGE I OF 2011 BOOK

Please make the following changes to the language on this page:

**INCLUDES RULES FOR LOUISIANA DISTRICT COURTS,
AND JUVENILE COURTS, AND NUMBERING SYSTEM FOR
LOUISIANA FAMILY ~~AND DOMESTIC RELATIONS~~COURT PROCEEDINGS**

TABLE OF CONTENTS

PAGE 235 OF 2011 BOOK

Please make the following changes to the language on this page:

1. Change title of Rules as follows:

**RULES FOR LOUISIANA DISTRICT COURTS AND JUVENILE COURTS AND
NUMBERING SYSTEM FOR LOUISIANA FAMILY ~~AND DOMESTIC RELATIONS~~
~~PROCEDURE~~COURT PROCEEDINGS**

2. Change title of Title I as follows:

**RULES FOR PROCEEDINGS IN DISTRICT COURTS, FAMILY ~~AND DOMESTIC~~
~~RELATIONS~~ COURTS, AND JUVENILE COURTS**

3. Change title of Title II as follows:

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY ~~AND~~
~~DOMESTIC RELATIONS~~COURTS AND JUVENILE COURTS)**

4. Change title of Title IV as follows:

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

5. Change title of Title VI as follows:

RULES FOR LITIGATION FILED BY INMATES

Please include these edits wherever the above items are mentioned in the Rules.

TITLE I

**RULES FOR PROCEEDINGS IN DISTRICT COURTS, FAMILY ~~AND DOMESTIC~~
RELATIONS COURTS, AND JUVENILE COURTS**

Please change the title of Title I (p. 236 of 2011 book) as follows:

**RULES FOR PROCEEDINGS IN DISTRICT COURTS, FAMILY ~~AND DOMESTIC~~
RELATIONS COURTS, AND JUVENILE COURTS**

TITLE I

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

CHAPTER 1: CONSTRUCTION, APPLICATION, AND AMENDMENT

RULE 1.1: APPLICATION OF RULES AND APPENDICES; CITATION FORM

Rule 1.1. Application of Rules and Appendices; Citation Form

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

TITLE I

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

**CHAPTER 6: COURTROOM DECORUM AND THE CONDUCT OF ATTORNEYS
AND JUDGES**

RULE 6.1: GENERAL COURTROOM CONDUCT

Rule 6.1. General Courtroom Conduct

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

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

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

(c) No one may wear a hat or be barefoot in the courtroom. Witnesses and spectators shall appear neat and clean, within the limits of propriety. The court will make allowances for those who shall appear in work clothes and for those whose attire is dictated by their religion.

(d) No one is allowed inside the rail except for attorneys, litigants, officers of the court, and anyone else that the court specifically authorizes.

(e) A judge should prohibit broadcasting, televising, recording, or the taking of photographs in the courtroom and areas immediately adjacent thereto, at least during sessions of court or recesses between sessions. *See* Code of Judicial Conduct Canon 3A(9).

(f) A judge may prohibit the use of electronic ~~transmitters~~ devices, receivers, and entertainment devices such as including cellular telephones, beepers, computer disc players, etc., and recording devices, in a courtroom.

TITLE II

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY
~~AND DOMESTIC RELATIONS~~COURTS AND JUVENILE COURTS)**

Please change the title of Title II (p. 245 of 2011 book) as follows:

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY ~~AND~~
~~DOMESTIC RELATIONS~~COURTS AND JUVENILE COURTS)**

TITLE II

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS)**

CHAPTER 9: PROCEDURE

RULE 9.5: COURT'S SIGNATURE; CIRCULATION OF PROPOSED JUDGMENT

Rule 9.5 Court's Signature; Circulation of Proposed Judgment

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.

If presented later, the responsible attorney or the ~~unrepresented~~ self-represented party shall circulate the proposed judgment, order, or ruling to counsel for all parties and to ~~unrepresented~~ self-represented parties and allow at least ~~three~~ five (5) working days for comment before presentation to the court. When submitted, the proposed judgment, order, or ruling shall be accompanied by a certificate regarding the date of mailing, hand delivery, or other method of delivery of the document to other counsel of record and to ~~unrepresented~~ self-represented parties, stating whether any opposition was received.

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.

This rule does not apply to default judgments.

TITLE II

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS)**

CHAPTER 9: PROCEDURE

RULE 9.7: SIGNING OF THE PLEADINGS

Rule 9.7 Signing of the Pleadings

Each pleading shall be signed by an attorney or by the ~~self-represented~~ party ~~thereto proceeding~~ ~~therein~~. The correct mailing address, street address, phone number, and facsimile number, 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.

TITLE II

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS)**

CHAPTER 9: PROCEDURE

RULE 9.12: ENROLLMENT AS COUNSEL OF RECORD

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 in accordance with La. Code Civ. Proc. art. 853 with the clerk of court, with copies to all other enrolled counsel or ~~unrepresented~~ self-represented parties and to the court.

TITLE II

**RULES FOR CIVIL PROCEEDINGS IN DISTRICT COURTS (EXCEPT FOR FAMILY
AND DOMESTIC RELATIONS COURTS AND JUVENILE COURTS)**

CHAPTER 9: PROCEDURE

RULE 9.15: SUBPOENAS

Rule 9.15 Subpoenas

(a) 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.

TITLE II

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

CHAPTER 10: DISCOVERY

RULE 10.1: DISCOVERY MOTIONS

Rule 10.1 Motions To Compel Discovery ~~Motions~~

(a) Before filing any motion to compel discovery ~~motion~~, the moving party or attorney shall attempt to arrange a conference ~~confer~~ in person or by telephone with the opposing party or counsel for the purpose of amicably resolving the discovery dispute. ~~The~~ 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 ~~may~~ date, unless an earlier date is agreed upon or good cause exists for a shorter time period. If by telephone, the conference shall be conducted ~~initiated~~ by the person or by telephone. ~~These~~ seeking the discovery motion shall include a certificate stating: responses.

(b) No counsel for a ~~that~~ 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 have conferred in person or by telephone as required by or counsel personally conducted a conference on [insert date]. At this Rule conference, there was a substantive discussion of every item presented to the court in this motion and the reasons why they, despite their best efforts, the parties or counsel were unable to agree; or resolve the matters presented.

(b) that opposing counsel has refused to confer after reasonable notice.

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

TITLE II

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

CHAPTER 12: JURORS, COSTS, CHALLENGES, EXEMPTIONS

RULE 12.0: DEPOSIT FOR JURY COSTS

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.

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 ~~\$16.00~~ \$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.

TITLE V

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

CHAPTER 43: DEPENDENCY PROCEEDINGS [CHILD IN NEED OF CARE (“CINC”) AND JUDICIAL CERTIFICATION FOR ADOPTION/TERMINATION OF PARENTAL RIGHTS]

RULE 43.5: REPORTS

Rule 43.5 Reports

(a) All reports and evaluations pertaining to a dispositional hearing shall be submitted to the court, in writing, no later than seventy-two hours before the scheduled hearing. When OCS has been granted custody of the child, the reports shall contain all requirements set forth in La. Child. Code art. 675.

(b) The initial case plan developed by OCS shall be filed with the court before or at the time of the pre-hearing conference or within sixty days of the entry into the custody of OCS.

(c) All reports pertaining to CINC reviews shall be in writing and submitted to the court no later than ten calendar days before the review hearing. The report will be in the form set forth in La. Child. Code art. 675.

(d) At the case review hearing, OCS shall submit a report to the court, in writing, no later than ten calendar days before the hearing. The report will relate information regarding the placement status of the child.

(e) OCS shall forward copies of all reports and case plans to all attorneys of record, ~~unrepresented~~self-represented parties, and CASA on the same date of the filing of the report with the court. If for any reason the court continues a scheduled hearing for more than a thirty day period, OCS shall prepare and send an update letter to all attorneys of record, ~~unrepresented~~self-represented parties, CASA, and the court at least three days before the hearing.

Adopted April 29, 2008, effective July 1, 2008; amended November 20, 2009, effective January 1, 2010; amended April 20, 2010, effective June 1, 2010.

Comments

(a) Caddo Parish Juvenile Court requires as follows:

(1) Objections to a DSS report and recommended case plan or other responses to DSS reports shall be written and filed in the record at least five days before the hearing with copies submitted to the Court and all counsel of record.

(2) Failure to comply with this Rule (stated in Comment 1, above) may result in sanctions against the offending party, or counsel, and a waiver of the right to raise the issues at hearing unless good cause is shown.

(b) East Baton Rouge Juvenile Court requires as follows:

(1) All court reports by OCS shall be filed with the Juvenile Court Docket Clerk. OCS shall forward copies to all attorneys of record, ~~unrepresented~~self-represented parties, and CASA at least ten (10) days before the scheduled Disposition Hearing. See Appendix 41.0.

(2) Copies shall be forwarded by OCS to all attorneys of record, ~~unrepresented~~self-represented parties, and CASA at the same time the case plan is filed with the court.

TITLE V

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

CHAPTER 43: DEPENDENCY PROCEEDINGS [CHILD IN NEED OF CARE ("CINC") AND JUDICIAL CERTIFICATION FOR ADOPTION/TERMINATION OF PARENTAL RIGHTS]

RULE 43.6: COURT-APPOINTED SPECIAL ADVOCATE

Rule 43.6 Court-Appointed Special Advocate

(a) The court acknowledges that the appointment of a Court-Appointed Special Advocate (CASA) may be in the best interest of a child who is the subject of a child protection case. Appointments shall be made on the criteria that are, from time to time, established by the CASA governing body, the CASA program, and/or the court.

(b)(b) A CASA should be appointed at the continued custody hearing or as soon thereafter as possible. A copy of the order shall immediately be forwarded to CASA.

(e)(c) Whenever possible, after a CASA accepts an appointment, that advocate's involvement with the case should continue through all stages of the proceedings until the case has been dismissed.

TITLE V

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

CHAPTER 47: CHILD SUPPORT PROCEEDINGS

RULE 47.3: PAYMENT; COLLECTION PROCEDURES

Rule 47.3 Payment; Collection Procedures

(a) Payment and collection of support shall be in accordance with La. R.S. 46:236.5, et seq., and any other applicable laws.

~~(b)~~(b) The defendant's failure to appear for a bond hearing, after notice, will be deemed as acquiescence by the defendant to the court's forfeiture of the bond for any arrearage due by the defendant.

(c) On or after April 1, 2000, all Title IV-D, AFDC (Social Security Act) and all Title IV-D, Non-AFDC (Social Security Act) obligors or payors shall make any and all payments for support, including any additional administrative fee amount of up to five percent, payable to the DSS. Such payments shall be made by money order and shall be mailed directly to DSS, P.O. Box 260222, Baton Rouge, LA 70826-0222. DSS shall collect and remit the court-ordered administrative fee of up to five percent by contract with the court.

TITLE V

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

CHAPTER 48: TRAFFIC PROCEEDINGS

RULE 48.1: TRAFFIC PROCEDURE

Rule 48.1 Traffic Procedure

(a) The Juvenile Traffic Referee shall have the authority and duties set forth in La. Child. Code art. 422 and art. 951, et seq.

~~(b)~~(b) The court may promulgate a table of traffic dispositions, including costs and requirements to attend traffic school.

TITLE V

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

CHAPTER 48: TRAFFIC PROCEEDINGS

RULE 48.2: FINES, FEES, AND COSTS

Please add a comma after the word "Fees" in rule title in Title V's Table of Contents (p. 755 in 2011 book). Title above the Rule itself (p. 763 in 2011 book) is correct. Title of Rule as it appears in Table of Contents should read:

Fines, Fees, and Costs

TITLE V

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

CHAPTER 49: OTHER PROCEEDINGS

RULE 49.3: MARRIAGE OF MINORS

Rule 49.3 Marriage of Minors

- (a) For the purpose of marriage, the court shall retain jurisdiction over all minors, unless the minor has been previously emancipated.
- (b) When a minor under the age of sixteen wishes to marry, the clerk of court may issue a marriage license only if the following documents are produced:
 - (1) Written waiver of minority signed by a juvenile court judge of the parish where the minor resides or where the marriage is to be performed;
 - (2) Written consent to the marriage by both of the minor's parents, tutors, or legal custodian. Exceptions to the requirement that both parents' consent to the minor's marriage exist when one parent is deceased, when the parents are divorced and one parent has sole custody, when only one parent is indicated on the birth certificate, or when the juvenile court exercising jurisdiction over the proceeding signs a written waiver of parental consent;
 - (3) A certified copy of the minor's birth certificate, unless waived by the court exercising jurisdiction over the proceeding; and
 - (4) Proof that at least one (1) of the parties resides in that parish or the marriage is to be performed in that parish.
- (c) Both of the minor's parents shall consent to the marriage of the minor if the parents are presently married, or if the parents are divorced or judicially separated and no order of custody for the minor has been produced.
- ~~(d)~~(d) If a situation exists whereby consent of both parents is needed, but the whereabouts of one parent is unknown, the court may, on a case-by-case basis, waive the absent parent's consent.
- (e) For good reason shown, and if it is in the best interest of the minor, the court may waive the seventy-two hour waiting period required between the issuance of the marriage license and the performance of the marriage ceremony.

(9)(1) Notwithstanding any provision of law to the contrary, the court may grant a minor permission to marry should the court find that there are compelling reasons for the marriage and that it is in the best interest of the minor.

TITLE V

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

CHAPTER 49: OTHER PROCEEDINGS

RULE 49.7: EXPUNGEMENTS

Rule 49.7 Expungements

(a)(1) If a form for expungement is provided by the court exercising juvenile jurisdiction, any motion for expungement shall utilize that form.

(b) A person seventeen years of age or older who has been the subject of a juvenile court proceeding, appearing in proper person, or through his or her attorney, may file a Motion for Expungement. The parents of the former juvenile may not file the motion, nor may any other person. If information regarding the case is needed to file the Motion for Expungement, the mover shall file a Motion for Disclosure with the court exercising juvenile jurisdiction.

TITLE V

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

CHAPTER 50: APPEALS AND WRITS

RULE 50.0: TRANSCRIPTS

Rule 50.0 Transcripts

~~(a)~~(a) In all cases, transcripts of the proceedings will be prepared by the court reporter only upon the attorney's request and judicial authorization.

(b) Unless ordered otherwise by the court, the time allowed for preparation of transcripts on appeals taken in delinquency, CINC, and FINS proceedings shall conform to the requirements found in Chapter 9 of Title III of the Children's Code. The time allowed for preparation of transcripts on appeals taken pursuant to involuntary termination of parental rights, surrenders, and adoption proceedings shall conform to the requirements of Titles X, XI, and XII, respectively, of the Children's Code.

~~(e)~~(c) Unless ordered otherwise by the court, the time allowed for preparation of transcripts on appeals taken in proceedings concerning support of family shall conform to the requirements of Title XIII of the Children's Code.

~~(d)~~(d) Costs for the preparation of transcripts shall be fixed pursuant to a schedule adopted by the court en banc and published at the court.

TITLE V

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

CHAPTER 50: APPEALS AND WRITS

RULE 50.1: TIME LIMITATIONS

Rule 50.1 Time Limitations

(a) Appeals taken on delinquency, CINC, and FINS proceedings shall conform to the requirements found in Chapter 9 of Title III to the Children's Code.

(b) Appeals taken pursuant to involuntary termination of parental rights, surrenders, and adoption proceedings shall conform to the requirements of Titles X, XI, and XII, respectively, of the Children's Code.

(e)(c) Appeals taken in proceedings concerning child support shall conform to the requirements of Title XIII of the Children's Code

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

Please change the title of Title VI as follows:

RULES FOR LITIGATION FILED BY INMATES

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.0: COMPLIANCE WITH ADMINISTRATIVE PROCEDURES IN ACTIONS FILED BY OFFENDERS/PRISONERS

Please change title in rule name that appears in Title VI Table of Contents to match title above rule itself. Title in Table of Contents should read:

Compliance ~~W~~ith Administrative Procedures in Actions Filed by Offenders/Prisoners

Also, please make the following changes:

Rule 60.0 Compliance with Administrative Procedures in Actions Filed by Offenders/Prisoners

A. Any offender/prisoner, as defined in La. R.S. 15:1171–1179 (Corrections Administrative Remedy Procedure Act) ~~hereinafter “CARP”~~ or La. R.S. 15:1181–1191 (Prison Litigation Reform Act) ~~hereinafter “PLRA”~~, shall initiate and exhaust the Administrative Remedy Procedure established by the Department of Corrections or the parish sheriff, if available, before filing an appeal or suit subject to the ~~Corrections Administrative Remedy Procedure Act, La. R.S. 15:1171, et seq.,~~ CARP or the ~~PLRA~~ Prison Litigation Reform Act, La. R.S. 15:1181, et seq., whichever is applicable.

B. To show compliance with the law and this Rule, any suit or appeal filed by an offender/prisoner subject to ~~the CARP or the PLRA~~ La. R.S. 15:1171, et seq., or La. R.S. 15:1181, et seq., shall have attached to the appeal or suit a copy of the final agency decision.

C. ~~Pro se~~ Self-represented offender/prisoner ~~litigants~~ in the custody of the Department of Corrections appealing a decision of the Department or prison administration in accord with the CARP shall use the form IJR–1, “Petition for Judicial Review,” available from the Department and the Clerk of Court for East Baton Rouge Parish, to apply for review of an administrative decision, excluding delictual actions for injury or damages. See Appendix 60.2.

D. The provisions of this section shall not apply to:

1. Appeals of judicial decisions;
2. Pending criminal matters;
3. Applications for post-conviction relief or habeas corpus applications attacking the petitioner's conviction.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.1: GENERAL VENUE STATUTES FOR LITIGATION BY INMATES

Rule 60.1 General Venue Statutes for Litigation by Inmates

A. Appeals of Administrative Decisions filed under ~~the La. R.S. 15:1171, et seq. (Corrections Administrative Remedy Procedures, hereinafter referred to as "CARP")~~ shall be filed in the 19th Judicial District Court. Suits seeking monetary damages or based on delictual actions for injury caused by prison personnel are not subject to the CARP, but must be filed in accordance with La. Code Civ. Proc., arts. 851 – 893 in the exclusive venue set forth in La. R.S. 15:1184 (see Rule 60.3).

B. All Post-Conviction Relief actions shall be filed in the parish of conviction pursuant to La. Code Crim. Proc. art. 924.

C. Any ordinary civil actions, including torts or suits seeking monetary damages, shall be filed in accordance with the applicable venue statutes and ~~the La. R.S. 15:1184, et seq. (Prison Litigation Reform Act, hereinafter referred to as "PLRA")~~, in the parish where prisoner was incarcerated at the time the action arose. Post-conviction relief applications and habeas petitions are excluded from the requirements of the PLRA and shall be filed in accord with the venue statutes applicable to such actions.

D. All Parole Revocation Complaints/Appeals are proper only in the 19th Judicial District Court, pursuant to La. R.S. 15:574.11.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.2: PROCEEDINGS IN THE 19TH JUDICIAL DISTRICT COURT

Rule 60.2 Proceedings in the 19th Judicial District Court

A. Proceedings that shall be filed in the 19th Judicial District Court include:

1. Appeals of administrative decisions pursuant to ~~the La. R.S. 15:1171-77 (CARP)~~, venue for which is proper only in the 19th Judicial District Court for offenders/prisoners in the custody or under the supervision of the Department of Corrections. Administrative Appeals are defined in La. R.S. 15:1171, et seq., and La. R.S. 15:1181, et seq., and include actions against the Department of Corrections for judicial review (appeal) of an administrative decision, including but not limited to Prison Administrative Remedy Requests (that do not involve tortious conduct or request damages); Disciplinary Board Appeals; Lost Property Claims (that do not involve tortious conduct); Time Calculation or Good Time Complaints (even if urged as a Writ of Habeas Corpus); Duty Status Complaints (that do not involve medical care complaints or other tortious conduct); or any other complaints involving an internal prison grievance.

2. Parole Revocation Appeals pursuant to La. R.S. 15:574.11. *See also* Rule 60.8 for further procedures and forms required for Parole Revocations.

3. Ordinary civil actions or prisoner suits filed by prisoners, as defined in La. R.S. 15:1181 of the ~~Prison Litigation Reform Act (PLRA)~~, filed against the Sheriff of East Baton Rouge or any employee thereof, when based on a cause of action that arose while the plaintiff was incarcerated in East Baton Rouge Parish or in the custody of the Sheriff of East Baton Rouge or any employee thereof. Such ordinary suits that involve a jury trial shall be heard and tried by the allotted judge.

B. Referral to Commissioners in the 19th Judicial District Court:

1. Proceedings set forth in A(1) and A(2), above, that are properly filed in the 19th Judicial District Court shall be randomly allotted to a section of court, and may then be referred to a commissioner for initial screening and further action in accordance with law.

2. Proceedings set forth in A(3), above, with consent of the parties and when the suit does not involve a jury trial.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.3: PLRA CIVIL ACTIONS OR PRISONER SUITS, DEFINED BY LA. R.S. 15:1184(2) (PLRA), BASED ON DELICTUAL ACTIONS OF GOVERNMENT OFFICIALS OR EMPLOYEES

Please note the changes to the title of this Rule, and implement these changes in Title VI's Table of Contents (p. 766 of 2011 book) and in title above the Rule itself.

Rule 60.3 PLRA Civil Actions or Prisoner Suits, Defined by La. R.S. 15:1184(2) (PLRA) Based on Delictual Actions of Government Officials or Employees

A. Suits against corrections officers or other governmental personnel that are based on personal injury or delictual actions of corrections officers or other government employees or officials filed by offenders/prisoners seeking monetary damages, injunction or related relief, whether in the custody of the Department of Corrections or the sheriff, shall be filed in the original jurisdiction of the district court of proper venue. Exclusive venue is addressed in La. R.S.15:1184(F) of the (PLRA).

B. Exhaustion of administrative remedies, when available, is required before filing suit in the parish of proper venue. See La. R.S. 15:1177(C) of the CARP (Corrections Administrative Remedy Procedure Act) and La. R.S. 15:1184(A)(2) of the PLRA (Prison Litigation Reform Act).

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.4: ADDITIONAL PROCEDURES IN ACTIONS BY PRISONERS BASED ON DELICTUAL ACTIONS OF GOVERNMENTAL OFFICIALS OR EMPLOYEES

Rule 60.4 Additional Procedures in Actions by Prisoners Based on Delictual Actions of Governmental Officials or Employees

A. When an **self-represented** offender/prisoner files a complaint/petition that is not subject to judicial review under La. R.S. 15:1177, the inmate is required to follow the ~~Prison-Litigation Reform Act~~PLRA procedures and law in La. R.S. 15:1181, et seq. In addition, the offender/prisoner must follow the law and procedures for civil complaints set forth in the Louisiana Code of Civil Procedure, the Louisiana Civil Code, and any other applicable law, as well as the civil rules of the court of proper venue that are not in conflict with the ~~Prison Litigation Reform Act~~PLRA or the Rules of this section.

B. Any ordinary petition filed pursuant to Chapter 9 of the Louisiana Rules for District Courts shall specifically comply with La. Code Civ. Proc. arts. 851–893, set forth specific facts to support the elements of each claim pursued, and designate a physical address – not a post office box – for each opposing party sufficient for service of pleadings.

C. Discovery Limitations

1. No discovery may be filed before service and until the court has had an opportunity to screen the petition to consider the petitioner's "strike" status, set the costs due, consider the mandatory venue, order service on the defendants, or dismiss the suit in accordance with the ~~Prison Litigation Reform Act, La. R.S. 15:1181, et seq~~PLRA.

2. All discovery requests in prisoner suits shall be filed into the court record by sending the original to the clerk of court, in addition to sending a copy by mail to the opposing party or counsel therefor, and shall include a certificate of compliance with this Rule.

3. Once the defendant has made an appearance (filed an answer or motion), discovery in prisoner suits is governed by the Louisiana Code of Civil Procedure, the Louisiana Civil Code, the Louisiana Rules for District Courts, and other applicable Louisiana law, subject to the restrictions set forth in this section and pursuant to the ~~Prison Litigation Reform Act, La. R.S. 15:1181, et seq~~PLRA.

D. Memoranda Required

Any pre-trial motion, rule, exception, etc., including those incorporated into an answer, shall have attached to it a supporting memorandum that cites both the relevant facts and the applicable law, and which includes a declaration that a copy of same has been provided to the opposing

party or his or her counsel at a specific address. The memorandum shall be mailed to 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. Any opposition briefs shall be filed with the clerk of court and delivered to the office of the assigned judge or commissioner presiding at least eight calendar days before the date of any hearing set. No motion, rule, exception, etc., shall be assigned for hearing until the above-required memorandum, as well as the name and address of opposing counsel, have been furnished to the judge or commissioner hearing the matter.

E. Pre-trial and Trial Matters

1. In accordance with statutory law, prisoners filing ~~in Forma Pauperis~~ may subpoena up to six witnesses for trial, but only after a proper pre-trial order has been completed by the plaintiff and approved by the court as required hereinafter. For additional witnesses, *see* La. Code Civ Proc. art. 5185(A)(2)(a).

2. Pre-trial Conference-

(a) Unless otherwise provided herein or by law, no suit requiring a trial on the merits may be assigned a trial date except at pre-trial conference. Any party desiring to assign a case for trial shall, after all issues have been joined and all contemplated motions, rules, exceptions, interrogatories, requests for admissions, or other discovery proceedings have been filed and answered, make a written request for pre-trial conference to the judge or commissioner to whom the case has been assigned.

(b) The party requesting the pre-trial conference shall certify in his or her request that all pre-trial matters have been completed and that the matter is ready for trial. If the party requesting the conference has any outstanding motions, exceptions, discovery, or other pre-trial matters, such pre-trial matters will be considered waived or withdrawn once a pre-trial conference is requested in writing.

(c) The ~~pre-self-represented~~ prisoner requesting a pre-trial conference shall complete and attach his or her completed portion of the ~~Pre-Self-Represented Prisoner-Plaintiff's~~ Portion of the Pre-Trial Order, Appendix 60.4 hereto, to his or her request for a pre-trial conference, and certify that he or she has provided opposing counsel with a copy of the completed Pre-Trial Order and the specific address to which this copy was sent.

3. Jury Trial Requests

Any request for a jury trial and bond shall be made in accordance with the requirements of the Louisiana Code of Civil Procedure and Rule 12 of the Louisiana ~~Rules for~~ District Court ~~Rules~~.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.4: ADDITIONAL PROCEDURES IN ACTIONS BY PRISONERS BASED ON DELICTUAL ACTIONS OF GOVERNMENTAL OFFICIALS OR EMPLOYEES

Please change title of Appendix 60.4 (top of page 1042 of 2011 book) to:

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

Also, please change title of document in Appendix 60.4 (beneath document's caption on page 1042 of 2011 book) to:

~~PRO SE~~SELF-REPRESENTED PRISONER SUIT –
PRE-TRIAL ORDER FOR PLAINTIFF

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.5: DECLARATION OF INMATE COUNSEL ASSISTANCE

Please change title in rule name that appears in Title VI Table of Contents (p. 766 of 2011 book) to match the title above the rule itself. Title in Table of Contents should read:

Declaration of Inmate Counsel Assistance

Also, please make the following changes:

Rule 60.5 Declaration of Inmate Counsel Assistance

If the suit was prepared or filed by or with the help or advice of inmate counsel substitute, counsel substitute's name and D.O.C. number shall be legibly printed on the appropriate line on the face of the petition. Failure to comply with this requirement may result in delay in the service and review of the petition. If no counsel substitute was involved in the preparation or filing of the petition, the plaintiff shall print "NONE" in the blank for the inmate counsel substitute's name.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.6: IN FORMA PAUPERIS OFFENDER/PRISONER SUITS AND PLRA STAYS

Rule 60.6 In Forma Pauperis Offender/Prisoner Suits and PLRA Stays

A. La. R.S. 15:1186 governs in forma pauperis motions in actions filed pursuant to ~~the La. R.S. 15:1171, et seq. (Corrections Administrative Remedy Procedure Act) ("CARP") and La. R.S. 15:1181, et seq. (Prison Litigation Reform Act) ("the PLRA").~~

B. In ordinary civil suits governed by the PLRA, pursuant to La. R.S. 15:1186(B)(2), the order granting a prisoner's request to proceed in forma pauperis automatically stays all proceedings, including any service of process, until all court costs or fees due the clerk by the prisoner are paid. If the prisoner does not pay the full court costs or fees within three years from when incurred, the suit shall be considered abandoned and dismissed without prejudice pursuant to subsection La. R.S. 15:1186(B)(2)(c).

C. A prisoner may not bring a civil action, or appeal a judgment in a civil action or proceeding, in forma pauperis if the prisoner has, on three or more prior occasions while incarcerated or detained in any facility, brought an action or appeal in a state court that was dismissed on the grounds it was frivolous, malicious, failed to state a cause of action, or failed to state a claim upon which relief may be granted pursuant to La. R.S. 15:1187. If a prisoner has at least three dismissals as described in La. R.S. 15:1187 that are not yet final, and further, if the prisoner is disqualified from proceeding as a pauper either in federal court by operation of 28 U.S.C. § 1915(g) or in the courts of another state by operation of a similar law of that state, then the court on its own motion may, or on motion of a party shall, stay all proceedings in any other prisoner suit or appeal in which the prisoner is proceeding as a pauper until such time as the dismissals become final, unless the court finds that the prisoner is in imminent danger of serious physical injury.

D. Actions filed in forma pauperis not governed by the CARP or the PLRA are governed by La. Code Civ. Proc. arts. 5181–5185. *See also* Louisiana Rules for District Courts, Rules 8.0–8.2.

E. Rules 8.1 and 8.2 of the Louisiana ~~Rules for District Courts~~ **Rules** apply to suits brought by offenders/prisoners who proceed in forma pauperis.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.7: FORMS TO BE USED FOR OFFENDER/PRISONER IN FORMA PAUPERIS APPLICATIONS

Please change title in rule name that appears in Title VI Table of Contents (p. 766 of 2011 book) to match the title above the rule itself. Title in Table of Contents should read:

Forms ~~t~~**To** ~~b~~**Be** Used for Offender/Prisoner In Forma Pauperis Applications

Also, please make the following changes:

Rule 60.7 Forms To Be Used for Offender/Prisoner In Forma Pauperis Applications

To proceed in forma pauperis, an offender/prisoner shall complete and file one of the following:

DISTRICT COURTS

For proceedings in district courts, including ordinary suits or other proceedings subject to the ~~Prison Litigation Reform Act (La. R.S. 15:181-119)~~PLRA appeals, ~~Corrections Administrative Remedy Procedure Act (La. R.S. 15:1171-1179)~~CARP appeals, and Parole Revocation appeals, ~~La. R.S. 15:574.11~~, use the pauper form in Appendix 60.7A.;

APPELLATE COURTS

For appeals to Louisiana Courts of Appeal, use the forms in Appendix 60.7 B.

TITLE VI

RULES FOR LITIGATION FILED BY INMATES

RULE 60.8: PAROLE REVOCATION APPEALS

Rule 60.8 Parole Revocation Appeals

Parole is governed by La. R.S. 15:574.2, et seq. Venue for any action by an individual committed to the Department of Public Safety and Corrections contesting any action of the Board of Parole shall be in the Parish of East Baton Rouge pursuant to La. R.S. 15:574.11. Subject to the limitations set forth in La. R. S. 15:574.11, an offender/prisoner appealing the validity of his or her parole revocation shall use the appellate form Appeal of Parole Revocation in Appendix 60.8 and attach to his or her petition a copy of the Order of Revocation provided to him or her by the Parole Board. Service, if ordered by the court, shall be requested on the Parole Board only. Within thirty days of service of the petition on the Parole Board, counsel for the Parole Board shall file a copy of the appellate record of the parole revocation maintained by the Department/Parole Board, and provide the petitioner with a copy of same. Any motions/exceptions requested to be heard before the merits of the appeal shall be filed within fifteen days of the filing of the appellate record. Thereafter, the matter will be reviewed and set for hearing on any motions/exceptions filed and/or alternatively for oral argument on the appeal, upon notice by the court to the parties, unless the court orders the appeal heard on the briefs.