

City Court of Bossier City

COURT RULES

PARISH OF BOSSIER
STATE OF LOUISIANA

THOMAS A. WILSON, JR
JUDGE

RULES OF CITY COURT OF BOSSIER

RULE NO. 1

TERM OF COURT

The regular sessions of the Bossier City court shall be held continuously for periods of twelve months on a schedule as adopted by the court from time to time.

RULE NO. 2

TERMS OF SESSIONS

- A. The office of the Clerk of Court shall open Monday through Friday through the entire year from the hour of 8:00 A.M. until 4:45 P.M., except on legal holidays and other non-court days as determined by the Judge.
- B. The court shall hear cases in accordance with a schedule and routine as shall be determined by the Judge. Court shall begin at 9:00 A.M., or at such time, as the Judge shall determine.
- C. Attorneys are expected to timely appear at all proceedings unless appearance is statutorily excused.
- D. Attorneys have cases in other courts which may delay their timely appearance in this court shall notify the Clerk of Court and all opposing counsel prior to the date of their schedule appearance in this court. Providing this notice is mandatory but does not excuse an attorney's appearance.

RULE NO. 3

COURT ROOM CONDUCT

- A. All sessions of Court, except Juvenile sessions, will be open to the public. The Court may clear the Courtroom of spectators when it deems such action necessary to maintain order or achieve justice.
- B. All persons appearing in Courtroom shall at all times conduct themselves in a quiet and orderly manner and shall remain silent unless appearing before the court as a party to a proceeding or a witness to the same.
- C. No Spectator shall address the court in any way unless requested to do so by the Court.
- D. There shall be no smoking in the Courtroom.
- E. There shall be no food or beverage consumed in the Courtroom.

- F. No person shall be allowed to read any newspaper, magazines, or other material in the Courtroom, except a participant in the proceedings and for use in connection with said proceedings, or bring into the courtroom while court is in session any sign, placard photographic equipment, television equipment, pagers, telephonic equipment, electronic equipment, recording equipment, radios, firearms, or other weapons, except with permission of the court.
- G. There shall be no photographs taken in the courtroom or television cameras placed in the Courtroom, nor recording devices operated in the Courtroom, unless operated by the Clerk of Court or duly authorized Court Reporter.
- H. All persons appearing in the courtroom shall be attired in a neat and modest manner. No one will be allowed to appear in shorts, tank tops, micro-mini skirts, or other such revealing apparel. Saggy pants shall not be allowed. The Court shall always allow leeway for the working person when necessity requires that person to appear in work attire.
- I. Small children shall not be allowed.
- J. All male court officials and attorneys appearing shall be attired in coat and tie. All female court officials and attorneys appearing shall be dressed in comparable attire.
- K. All persons attending a court session shall leave the courtroom during session except during recesses or in cases of special need and as directed by the Court officials.
- L. No person shall be permitted to remain standing in the Courtroom during a session of Court unless he is engaged in the trial of a case or is a Court officer in attendance in such session.
- M. All attorneys shall abide at all times by the Code of Professional Responsibility.

RULE NO. 4

COUNSEL OF RECORD

- A. No one shall be permitted to represent any party to any proceedings, not even to the extent of making any motion or confirming any default therein, unless he is counsel of record or unless he is an attorney in fact for the party litigant.
- B. In civil cases, an attorney becomes the attorney of record by filing a petition or responsive pleading on behalf of a party *or* by written motion to be recognized as attorney of record *or* by making a court appearance.

- C. In Criminal cases, an attorney becomes the attorney of record by appearing in person in court with the defendant at the arraignment or determination of counsel hearing or by written motion to enroll, which the Judge may grant.

RULE NO. 5

ORDER OF BUSINESS

- A. The regular order of business shall be as follows:
1. Rendering options and decrees.
 2. Roll call of attorneys present.
 - a) Making of filing of any motions, exceptions, answers or any other pleading.
 - b) Entry of any preliminary Judgments by default.
 - c) Default matters or other uncontested matters.
 - d) Any other preliminary matter.
 3. Trial of rules, motions and exceptions.
 4. Trail of cases on merits.
- B. The establishment of the foregoing "Order of Business " will not in any manner restrict, limit or circumscribe the rights of the court to render and sign decrees and judgments at any time at any sitting of the court.
- C. The Court may, in its discretion, suspend the regular order of business at any daily sessions whenever circumstances arise that warrant such action.

RULE NO. 6

ORDER OF CASES

- A. In Civil matters the Clerk of Court shall decide the order in which cases shall be called.
- B. In Criminal and Juvenile matters the prosecutor shall decide the order in which cases shall be called.
- C. Cases involving an attorney shall normally be given preference.

RULE NO. 7

PLEADINGS

- A. All pleadings shall be typed or printed, double spaced, on white legal size (8 ½ X 14) bond paper and shall be in the English language. Margins must be two (2) inches at the top and one (1) inch at both sides and bottom.
- B. Use of dot matrix or any printout of a similar nature unless of letter quality is expressly prohibited and the Clerk shall not accept any such pleading for filing.
- C. No pleading will be accepted via facsimile transmission, except as provided by statutory authority. The statutory authority shall be cited in the pleading or in some writing which accompanies same.

RULE NO. 8

CONTINUANCES

- A. A continuance shall not be requested by telephone.
- B. A motion for continuance shall not be filed by facsimile unless there is statutory authority for same. The statutory authority shall be cited in the motion. Motions submitted in violation of this rule shall not be filed by the Clerk of Court nor considered by the Judge.
- C. A motion for continuance shall be in writing and shall be filed as soon as the reason for the request becomes known to the mover. The mover shall make a good faith effort to obtain the consent of all opposing parties and shall note such consent or lack thereof in the motion.
- D. The failure of a witness to appear will not be sufficient grounds for a continuance unless the request for his subpoena was received by the Clerk of Court at least twenty-one (21) days prior to the appearance date.
- E. If a case is settled or, for some other reason, will not be tried on the date it is scheduled for trial, the parties and their attorneys, if represented, shall promptly notify the Clerk of Court and all their respective witnesses. Failure to comply with this provision may result in the offending party being cited for contempt or other appropriate sanction.

RULE NO. 9

WITNESS and SUBPOENAS (CIVIL and CRIMINAL)

- A. A written request for subpoenas shall be filed at least twenty-one (21) days prior to trial, unless otherwise ordered by the Judge.

- B. Witnesses shall be subpoenaed by written request filed with the Clerk and placed in the record of the case. There is no prescribed form for the written request but the correct name and correct street address (no post office box addresses) must be given.
- C. It shall be the responsibility of counsel to determine the availability of witnesses they plan to use at least twenty-one (21) days prior to the assigned trial date so that if it develops that a material witness will not be available, arrangements can be made to take the deposition of the witness, enter into a stipulation concerning the testimony, or immediately apply for a continuance on this ground. The Court may decide to have the trial and have the testimony of such unavailable witness(es) taken on another date.

RULE NO. 10 SPECIAL RULES APPLICABLE TO CRIMINAL CASES

A. ARRAIGNMENTS; WAIVER OF PRESENCE OF DEFENDANT/COUNSEL:

Attorneys may waive their own presence and the presence of their client at arraignment and enter a plea of not guilty in accordance with this rule.

Attorneys who wish to take advantage of this procedure shall:

1. Complete and sign a form, which shall be available in the office of the Clerk of Court. This may be done on the date of arraignment before court begins or prior to the date of arraignment; or
2. File a written motion prior to the date of arraignment requesting to enroll, enter a plea of not guilty and obtain a trial setting.

B. DEFENDANT'S PRESENCE BY AUDIO-VISUAL TRANSMISSION:

The appearance of a defendant at his arraignment and the entry of his plea may, in the Judge's discretion, be accomplished by way of simultaneous transmission through audio-visual electronic equipment. The appearance of a defendant at any other time or proceeding allowed by law may, in the Judge's discretion, be accomplished in the same way.

C. MOTION TO ENROLL:

An attorney desiring to enroll in a criminal proceeding shall be allowed to enroll by:

1. Complying with Rule 10 A; or
2. Filing a written motion which shall be delivered to the Clerk of Court in person, by mail, or by facsimile prior to arraignment date; or

3. Making a personal appearance at a matter which is set on the court's docket; or
 4. Filing a written motion to enroll which is filed in conjunction with a written motion for continuance to which the prosecutor has given his approval and which approval is stated in the motion.
- D. MOTIONS; MEMORANDUM: All motions requiring a hearing or a trial shall be accompanied by a memorandum of not more than five (5) pages, which shall be concisely set forth a summary of the facts and legal authority in support of said motion.
- E. WITDRAWAL OF COUNSEL: In all criminal matters, which have been fixed for trial, counsel will not be allowed to withdraw except for good cause (non-payment of attorney's fees is not good cause) and after a contradictory hearing with the client and appropriate prosecutor.
- F. EXPUNGEMENTS: A petition for expungement shall be tried contradictorily with the appropriate prosecutor.

RULE NO. 11 SPECIAL RULES APPLICABLE TO CIVIL CASES

A. COURT COSTS:

1. The clerk of Court will require an advanced deposit for court cost in all civil suits. A copy of the schedule of advanced cost will be furnished upon request.
2. Clerk of Court may require additional deposits for costs, as they become necessary.
3. Notwithstanding the fact that the Judge of this Court may have already signed an Order, the Clerk of court shall not perform any service or function required thereunder, until such time as all costs in such matter are brought current. The Clerk of Court will notify appropriate parties or counsel, in writing, when such situations arise.

B. DEFAULTS/UNCONTESTED MATTERS:

1. Default matters or uncontested matters may be taken up on any day that the court is in civil session, except when said day is a legal holiday. The party desiring to prove up a default shall notify the clerk of Court in writing, not less than five (5) working days prior to the desired date of the hearing.

2. A default matter, if statutorily authorized, may be submitted to the Judge in chambers and the Judge may grant judgment on such matter or order that it be tried in open court.
3. An Affidavit as to the amount owed on an obligation shall not be considered by the court if it is more that sixty (60) days old.
4. Notice of Judgment shall be automatically served in cases in the Small Claims Division of this court.
5. If notice of judgment is desired in any other civil case, same must be requested in writing by counsel.

C. CONSOLIDATION OF CASES:

1. A motion to consolidate two or more cases shall be heard contradictorily with all other parties.
2. In all matters wherein two or more cases are consolidated for purposes of trial, the cases as consolidated shall be assigned to the civil docket of the case carrying the lowest number previously allotted.

D. REQUEST FOR SETTINGS:

Requests for settings in all proceedings, except small claims, shall be made in writing to the Clerk of Court.

E. STATUS CONFERENCE/PRE-TRIAL CONFERENCE

1. Any request for a status conference to determine deadlines for discovery, other deadlines, trial dates and other preliminary matters shall be by written motion.
2. Any request for pre-trial conference shall be by written motion.
3. A Status Conference or Pre-Trial conference shall be conducted by telephone unless otherwise determined by the Judge.
4. A pre-trial conference shall not be conducted unless all parties are represented by counsel except as otherwise determined by the Judge.

F. ASSIGNMENT OF CIVIL CASES FOR TRIAL

1. In requesting the Court to set a civil case for trial on its merits or an exception requiring testimony, the written motion shall designate the number of hours or days that the requesting attorney anticipates the trial or hearing will take.
2. The written motion shall contain the names and current addresses of counsel or other parties to be notified.
3. A motion to assign a civil case for trial on its merits shall include in its body a statement to the following effect: "I hereby certify that all issues have been joined and all rules, motions, exception, interrogatories, request for admissions, depositions, and other discovery proceedings have been completed, and this matter is ready for trial I do/do not request a pre-trial conference."
4. Opposing parties and counsel shall be furnished by mail with copy of the Motion and shall notify the court, in writing of their request for a pre-trial conference, whether or not they agree the matter is ready for trial and/or whether or not they desire a Court Reporter.
5. The Court may schedule a pre-trial conference on its own motion.
6. Unless otherwise determined by the Judge, the parties shall submit pre-trial statements no later than five (5) days prior to trial, which pre-trial statement shall not exceed five (5) pages and shall contain:
 - a) A brief but comprehensive statement of the party's contentions.
 - b) A statement setting forth facts established by pleadings or by stipulation, agreement or admissions.
 - c) A statement setting forth the contested issues of fact and law.
 - d) A list and brief description of exhibits, which the party plans to offer in evidence. No other exhibit may be introduced except for good cause shown.
 - e) A list of witnesses which the party plans to call, (except those which may be called for impeachment or rebuttal), and a short statement as to the nature (not as to the content) of their testimony. No other witnesses may be called to testify except for a good case.

- f) A statement as to any other matters not coming under the previous headings, which may be relevant to a prompt and expeditious disposition of the case.
- g) A statement as to the estimated length of time necessary to try the case.

G. SUPOENAS

- 1. Witnesses shall be subpoenaed upon written request filed with the clerk of Court.
- 2. The clerk of court shall not issue subpoenas for witnesses unless the party requesting same deposits with the Clerk a sum of money sufficient to pay all fees and expenses incidental thereto.

H. WITHDRAWAL OF COUNSEL

1. CASES NOT SCHEDULED FOR TRIAL:

In all Civil cases which have not been scheduled for trial on any issue, an attorney who desires to withdraw as counsel for any party shall file a motion to withdraw.

The Motion shall set forth the current status of the case and shall state that the case is not presently set for trial on any issue.

A letter to the last know address shall be mailed to the attorney's client informing the client of the motion and copy of the letter shall be attached to the motion.

2. CASES THAT ARE NOT SCHEDULED FOR TRIAL:

In all civil cases, which have been set for trial on any issue, and attorney who desires to withdraw as counsel for any party shall promptly file a written motion and a contradictory hearing shall be held with the client and all other parties.

The moving attorney shall mail a letter to the last known address of the client informing the client of the motion and a copy letter shall be attached to the motion.

RULE NO. 12 SPECIAL RULES APPLICABLE TO JUVENILE CASES

A. HEARING OFFICER/ADMINISTRATIVE BODY/TRAFFIC REFEREE

1. The Court may, pursuant to the Louisiana Children's Code, appoint one or more qualified persons to serve as hearing officer(s). Hearing officer(s) shall be authorized to conduct pre-adjudication and post-disposition hearings and resolve matters preliminary to adjudication and subsequent to disposition in any proceedings as provided by the Louisiana Children's Code. The hearing officer is also authorized to serve as the court-appointed administrative body pursuant to the Louisiana Children's Code and to assist the Court with those hearings as provided for therein. The hearing officer is also authorized to serve as juvenile traffic referee pursuant to the Louisiana Children's Code and to adjudicate and dispose of traffic violations as provided therein.
2. Such hearing officer shall have all the authority to perform all duties set forth in the Louisiana Children's code and in any and all other relevant statutes.
3. Any exceptions or objections to the report, findings, or recommendations of the hearing officer or the court-appointed administrative body must be filed in writing within ten (10) days after the date of mailing by the Clerk of Court of such report, findings or recommendations. The party filing such exception or objection must specifically state in writing the basis or reason for same.

B. JUDGMENTS/ORDERS

In every trial, hearing or other court proceeding involving any juvenile, the individual(s) who appear in court on behalf of the department, office or agency of the State of Louisiana shall prepare a written order or judgment in conformity with the ruling of the Court.

Whenever possible, such orders or judgments shall be submitted by said individual(s) to the judge in open court for signature and filing into the record immediately after the proceeding is concluded.

Every other order or judgment shall be submitted by said individual(s) to the judge within fourteen (14) days of rendition of said order or judgment.

RULE NO. 13

PROCEEDINGS IN FORMA PAUPERIS

- A. Before any judicial proceedings are permitted to be prosecuted or defended pursuant to LA Code of Civil Procedure Article 5181/et seq., (Waiver of cost for indigent party), the court shall determine that the provisions of C.C.P. 5138 (2) have been complied with by inquiring into the facts and satisfying itself that the applicant is entitled to the privilege to be granted. **The applicant shall file a Motion and Order for hearing to establish indigency.** The applicant shall accompany a motion to proceed, and the required attestation of a third party, with detailed personal and economic facts all under oath. The applicant shall appear in court to be questioned under oath by the Judge.
- B. Should the litigant or counsel for any litigant who has been permitted to prosecute or defend forma pauperis desire to take action in the cause which would increase the expense over and above that normally attendant to trial and appeal, such as but not limited to, the taking of deposition to be used in lieu of a witness' testimony or otherwise, he shall first present to the Judge a motion which shall be tried contradictorily with the adverse parties to the end that the actual necessity for the same may be determined. The purpose of this section is to minimize the cost to the public or the party who may ultimately be cast for costs but with out in any way prejudicing such litigant's cause or rights accorded to him by the LA Code of Civil Procedure Article 5181, et seq.
- C. In the event a judicial proceeding is filed and sought to be prosecuted in forma pauperis and the Court refuses to permit the applicant to so proceed, the Court may order that the applicant be allowed fifteen (15) days to advance the necessary costs and, in default therefore, order the dismissal without prejudice of the proceedings. In the further event that the applicant does not advance necessary cost within fifteen (15) days of said order, the proceedings may be dismissed without prejudice on the ex parte motion of any party at interest.

RULE NO. 14

SMALL CLAIMS DIVISION

- A. The Small Claims Division of this Court is created and shall be governed by Louisiana Revised Statutes 13:5200, et seq.
- B. Attorneys are expressly prohibited from practicing in the Small Claims Division of this court. Should a party desire the services of an attorney, he shall, within the time allowed by law, move to transfer the case to the regular civil docket of this court. Failure to do so shall require him to proceed without an attorney.
- C. In The Court's discretion, certain small claim cases should be referred to and tried before and arbitrator, who shall be an attorney who is appointed by the Judge.

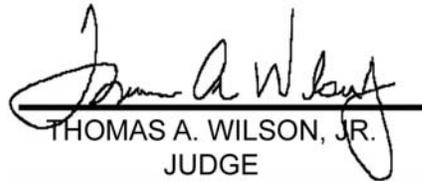
- D. Court-appointed arbitrators shall serve without compensation unless otherwise determined by the Judge.
- E. The arbitrator's decision shall be reduced to writing and shall be final and binding upon all parties. Upon ex parte motion by any party, the Court may grant judgment in accordance with the arbitrator's decision.

RULE NO. 15

ADMENDMENT, SUSPENSION OR PROMULGATION OF RULES

- A. These rules may be amended at any time by order of the Judge.
- B. These rules may be suspended at any time by order of the Judge, where necessary to prevent injustice, inconvenience or delay.
- C. Effective June 17, 2005 all proceedings in the City Court of Bossier City, Bossier parish, Louisiana, shall be governed by the above and foregoing rules, and all previous rules of this court are hereby set aside.
- D. These rules shall be spread upon the minutes of this court and printed in booklet form with copies to be furnished on request to any attorney licensed to practice law in the state.

THUS DONE, ORDERED AND SIGNED IN BOSSIER CITY, BOSSIER PARISH, LOUISIANA, ON THIS THE 17TH DAY OF JUNE, 2005.


THOMAS A. WILSON, JR.
JUDGE