

PINEVILLE CITY COURT

COURT RULES

Upon authority of R.S. 13:2487.29, the following rules are hereby adopted for the conduct of the judicial business to be heard before this court. Effective July 1, 2015.

JURISDICTION

The civil jurisdiction of this court is derived from the LA Code of Civil Procedure, Articles 4843 through 4852. Articles 4843A states:

Art. 4843. City court jurisdiction; amount in dispute A. The civil jurisdiction of the city court is concurrent with the district court in cases where the amount in dispute , or the value of the property involved, does not exceed FIFTY THOUSAND dollars (\$50,000.00).

Civil appeals from this court are covered by the LA Code of Civil Procedure, Article 501 through 5003. Article 5001 states:

A. Appeal from a judgment rendered by a parish court or by a city court shall be taken to the court of appeal.

B. Appeal shall be on the record and shall be taken in the same manner as an appeal from the district court.

The criminal jurisdiction of this court is derived from LA Revised Statues, 13:1894 and 13:1894.1 R. S. 13:1894 states:

R. S. 13:94. Criminal Jurisdiction

The criminal jurisdiction of city courts is limited to the trial of offenses committed within their respective territorial jurisdiction which

are not punishable by imprisonment at hard labor, including the trial of cases involving the violation of any city or parochial ordinance.

Criminal appeals from this court are covered by LA R. S. 13:1896 and LA R. S. of Criminal Procedure Article 912.1.

The Juvenile jurisdiction of this court is derived from the LA Code of Juvenile Procedure, Act 172, Fourth regular session, 1978, effective January 1, 1979, specifically article 14D which states:

City courts, except where a separate juvenile or family court with exclusive original juvenile jurisdiction is established by law, shall have original juvenile jurisdiction of their territorial jurisdiction. This jurisdiction shall be concurrent with that of the district court.

VENUE

The venue of this court includes Wards 9 and 10, Rapides Parish, Louisiana. L. A. 13:1951.1 increases the venue of this court to include Ward 11 of Rapides Parish, for civil matters.

RULES OF COURT

ORGANIZATION OF THE COURT:

The organization of the Court shall be as follows:

COURT OPERATION:

The court operations shall consist of the day to day operations pertaining to civil, criminal and juvenile matters within the jurisdiction of the court. The court operation shall be staffed as follows:

JUDGE
COURT ADMINISTRATOR/CLERK OF COURT
CIVIL CLERK OF COURT
CRIMINAL CLERK OF COURT
3 DEPUTY CLERK CIVIL/CRIMINAL

COURT PROGRAMS:

The following are court programs and are initiated at the discretion of the judge to enhance the effectiveness of the court and the administration of justice. These programs shall be self funded and manned at a sufficient level necessary to administer the programs as determined by the judge.

PROBATION
DRUG TESTING

1. TERM OF COURT:

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

2. REGULAR HOURS, DAYS OF COURT, HOLIDAYS:

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 4:00 P.M., except on legal holidays.

The last Wednesday of each month beginning at 9:00 a.m. Small Claims
Thursdays, beginning at 9:00 a.m. Criminal Proceedings.

Fridays, beginning at 9:00 a.m., Civil Proceedings and Evictions.

Holidays will be observed as provided by LA R.S. 1:55(E).

3. COURT CONDUCT:

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.

All persons appearing in the 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. No spectator shall address the Court in any way unless requested to do so by the Court.

There shall be no smoking in the Courtroom.

There shall be no food or beverage consumed in the Courtroom.

No person shall be allowed to read any newspapers, magazines, or other material in the Courtroom, except a participant in the proceedings for use in connection with said proceedings, or bring into the courtroom while court is in session Any sign, placard, photographic equipment, television equipment, beepers, electronic recording equipment, radios, firearms, or other weapons, except with permission of the court.

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, unless prior permission is granted by the Court.

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. The Court shall always allow leeway for the working person when necessity requires that person to appear in work attire.

All male court officials and attorneys appearing shall be in appropriate attire. All female court officials and attorneys appearing shall be dressed in appropriate attire.

All persons attending a court session will not enter or leave the courtroom during court session except during recesses or in cases of special needs and as directed by the Court officials.

No person shall be permitted to sit on the railings, or tables in the Courtroom and 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.

All attorneys are expected to abide at all times by the Code of Professional Responsibility.

4. ORDER OF BUSINESS:

The regular order of business shall be as follows:

1. Rendering opinions and decrees.
2. Roll call of attorneys present.
 - A. Making or filing of any motions, exceptions, answers or any other pleading.
 - B. Entry of any preliminary judgments by default.
 - C. Confirmation of defaults.
 - D. Any other preliminary matter.

3. Trial of rules, motions, and exceptions.
4. Trial of cases on merits.

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.

The Court may, in its discretion, suspend the regular order of business at any daily session or sessions whenever circumstances arise that warrant such action.

5. ORDER OF CASES:

In Civil matters the Clerk's office shall decide the order in which cases shall be called. Trials will have First Settings through Fifth Settings. The Clerk will give you written or verbal notice of your trial setting.

In Criminal matters the prosecutor shall decide the order in which cases shall be called.

Cases in which an attorney is involved shall normally be given preference.

6. PLEADINGS:

All pleadings shall be typed or printed or reproduced copies on legal size (8 1/2 X 14) bond paper and be in the English language. 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. We accept fax filings, and charge an additional \$5.00 for fax filing any documents.

Discovery: Unless otherwise permitted by the court, for cause shown, no party may serve upon another party more than one set of twenty-five (25) interrogatories pursuant to Code of Civil Procedure Article 1457, including all parts and sub-parts. Interrogatories, the answers thereto, request for production or inspection, request for admissions and the responses thereto, or any other discovery materials shall not be filed with the court.

Written Motions: All written motions must bear the signature of the mover or his counsel.

Judgments: Default judgments may be confirmed on Fridays beginning at 9:00 a.m., prior to Civil Trials, except when said day is a legal holiday. The party desiring to confirm a default shall notify the Clerk of Court in writing, not less than two (2) working days prior to desired date for confirmation hearing. Service of notice of judgment must be requested by counsel; the court will not automatically serve notice except in Small Claims Division.

Continuances: No continuance will be made by telephone or fax. All requests for continuances must be made to the Court in writing as soon as the reason for the continuance is known to the mover. The mover for a continuance shall obtain the agreement to the continuance of all opposing parties, and so note such agreement or lack thereof in his motion for continuance. Any contested motion for continuance shall be decided in accordance with the Louisiana Code of Civil Procedure.

If a case, which has been previously assigned for trial, is settled, or

for some other reason will not be tried on the day scheduled for the trial, the parties, or their attorneys, will promptly notify the Clerk of Court and all witnesses to this effect. Failure to comply with this provision may result in the offending parties being held in contempt of court or other sanction deemed advisable by the Court.

The failure of a witness to appear will not be grounds for continuance unless the request for his subpoena was received by the Clerk of Court at least ten days before the trial date.

7. PROCEEDINGS IN FORMA PAUPERIS:

Before any judicial proceedings are permitted to be prosecuted or defended pursuant to LA Code of Civil Procedure Article 5181/ et seq., (Waiver of costs 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 indigence.** 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, and containing not less than the information provided for in Appendix A of these Rules. The applicant shall appear in court to be questioned under oath by the Judge.

Should the litigant or counsel for any litigant who has been permitted to prosecute or defend in 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 cost but with out in any way prejudicing such litigant's's cause or rights accorded him by the LA Code of Civil Procedure Article 5181, et seq.

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 of same, order the dismissal without prejudice of the proceedings. In the further event that the applicant does not within fifteen (15) days from the date of filing the Rule, the proceeding may be dismissed without prejudice and ex parte on the motion of any party at interest.

8. SMALL CLAIMS DIVISION:

The Small Claims Division of this Court shall be governed by the Louisiana Revised Statutes 13:5200, et seq., a current copy of which is on file in the Office of the Clerk of Court. A schedule of all fees applicable to the Small Claims Division is on file in the office of the Clerk of Court. Pursuant to R. S. 13:5202 B.,

A small claims division shall have authority to grant any appropriate relief, including money damages and equitable relief. Injunctions and restraining orders shall not issue from a Small Claims Division, except to arrest the execution of its on writ. Class actions, summary proceedings, and executory proceedings shall be prohibited.

Services of pleading may be made in accordance with the LA Code of Civil Procedure provided the requesting party pays the service charge therefor ®. S. 13:5204A).

Attorneys are expressly prohibited from practicing the Small Claims Division of this court. Should a party request the services of an attorney, the attorney shall, within the time allowed by law, transfer the

matter to the regular civil docket of the court.

9. CIVIL COSTS OF COURT:

The Clerk of Court will require an advance deposit for court costs in all civil suits. A copy of the schedule of advance costs will be furnished upon request.

The Clerk of Court may require additional deposits for costs, as they are needed.

Notwithstanding the fact that the Judge of this Court may have already signed any order, the Clerk of Court shall not perform any service or function required thereunder, until such time as all of the costs in such matter are brought current.

10. CRIMINAL COURT COST:

The Clerk of Court shall maintain a schedule of criminal court costs according to the latest order signed the judge. A copy of the schedule of costs will be furnished upon request.

11. CRIMINAL RECORDS (EXPUNGEMENTS):

The Court will assess \$100.00 for any request for expungement of a criminal record pertaining to the Pineville City Court. This fee will be assessed as a cost of court and deposited in the operating expense account.

12. SPECIAL CRIMINAL RULES:

A). **Criminal Docket:** The City Prosecutor shall submit a criminal docket to the Clerk of Court at least one week prior to the court date. "Add-ons", meaning arrests made after submission of that docket, shall

be made in open court at the beginning of court on Thursday mornings.

B). Payment of Fines for Tickets: Traffic summons information entered into the Clerk of Court's computer system, by the Pineville Police Department, allows those wishing to plead guilty to a traffic offense prior to their court date to do so. Any amendments to that original offense must be provided by the City Prosecutor, in writing, to the Clerk of Court. The City Prosecutor may notify the Clerk of Court, in writing of any designee of his/her office, or any changes thereto, who is authorized to make such written amendments.

Once a fine is paid prior to the appearance date, the Clerk of Court shall forward a copy of the guilty plea form and amount of fine paid to the City Prosecutor, who shall then turn over the ticket to the Clerk of Court.

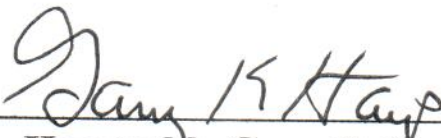
C). Criminal Notice Rules: Notices for appearance to criminal defendant must also be filed, contemporaneously, into the criminal file maintained in the Clerk of Court's office. Once so noticed of the appearance date contained within a summons, a matter can only be continued upon the agreement of the parties, prior to that appearance date, or by written motion or oral motion made in open court. Contested motions for criminal continuances shall be tried contradictorily, in accordance with the Louisiana Code of Criminal Procedure.

D). Criminal Files Maintained by the Clerk of Court: Criminal files maintained by the Clerk of Court shall only consist of pleadings filed into the Clerk's Office or in open court, as well as any evidence admitted in open court, minute entries, and any transcripts of testimony prepared.

13. AMENDMENT, SUSPENSION OR PROMULGATION OF RULES:

These rules may be suspended at any time by Order of the Judge, where necessary to prevent injustice, inconvenience or delay. Effective July 2, 2015, all proceedings in the City Court of Pineville, in and for Wards 9, 10, and 11 Rapides Parish, Louisiana, shall be governed by the above and foregoing rules, and all previous rules of this court are hereby set aside. These rules shall be entered into the minutes of this court and printed with copies to be furnished on upon request, by the Clerk of Court.

THUS DONE, ORDERED AND SIGNED IN PINEVILLE, RAPIDES PARISH, LOUISIANA, ON THE 25th DAY OF June, 2015.



Honorable Gary K. Hays
Pineville City Court JUDGE