

FIFTEENTH JUDICIAL DISTRICT COURT

LAFAYETTE PARISH, LOUISIANA

ORDER AMENDING LOCAL RULES OF COURT

IT IS ORDERED that Local Rule 14.0 of Chapter 14 of Title III and contained in Appendix 11 of the Louisiana Rules of Court entitled “**Allotment of Cases**” with an effective date of 4/1/09 which read:

The clerk in each parish shall obtain a mechanical or electronic device which will allot cases on an equal or random basis. Before allotment, any judge may issue orders and grant extension of time to plead.

A. Commissioner shall sign the duty basket except for motions for new trial, motions for continuance, motions for withdrawal of counsel (unless no opposition), motions for appeal, and judgments. He shall hear all hearings to reduce or increase bail and can set bail on persons arrested on probation violations. Can sign search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

ALLOTMENT OF CAPITAL CASES

A. Capital cases are randomly allotted among Divisions A, B, C, D, E, F, G, I, J, K and L (Divisions H and M which handle the domestic docket only are excluded), using the following method:

Each of the 11 divisions begins with 3 ping pong balls, for a total of 33. As a capital case is allotted to a Division, that ping pong ball is removed. After a capital case is resolved or if it is reduced to a non capital offense, a ping pong ball for the division to which that case was allotted is replaced. The Clerk shall keep the bin containing the active ping pong balls and the box containing the removed ping pong balls under lock and key and shall not divulge the contents of either except upon Court order.

B. Whenever a capital case or cases are allotted, and subsequent thereto are dismissed by the state, and the same defendant is re indicted under substantially the same operative facts, then the allotment of that case will remain with the judge the case was originally allotted to.

C. Whenever one defendant is charged with two or more capital cases arising out of facts that they could have been joined in a single indictment, and the state dismisses the indictments, then subsequently re indicts the defendant in a single indictment, then the allotment of that case will remain with the judge the original case was allotted to.

D. When multiple defendants are tried together, the first docket case shall determine which divisions shall handle the trial and pretrial motions. If severed, all cases shall be randomly reallocated.

E. Once a capital case has been set for trial, if the state chooses to amend the charge to a lesser offense, the trial date shall not be set aside solely by reason of the amendment.

ALLOTMENT OF NON CAPITAL CASES

In Lafayette Parish, all cases charging the offenses of Issuing Worthless Checks are allotted to the IWC track. All drug cases are allotted to Tracks 1 & 3. All drug offenses committed on days 1 through 10 of each month will go to Track 3. All drug offenses committed after the 10th will go to Track 1. If a bill of information charges multiple counts, the date of the commission of the earliest felony count will control allotment. All felony cases, other than first degree murder cases, are allotted to Tracks 2, 3 or 4. All Traffic/Wildlife & Fisheries/Misdemeanor cases are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor docket and judges rotate through the docket. The Judges of all divisions, with the exception of Divisions M and H, hear cases on these

dockets, on a rotating basis, with the exception of cases allotted to the Therapeutic Drug Track. All adult cases on the Therapeutic Drug Track are allotted to Division B; all juvenile drug cases are allotted to Division I.

In Acadia and Vermilion parishes, all cases charging felony violations are allotted to the Felony Docket. All Traffic/Wildlife & Fisheries/Misdemeanor cases are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor docket. The judges of all divisions, with the exception of Divisions M and H, hear cases on these dockets, on a rotating basis.

THERAPEUTIC DRUG COURT

Pursuant to the authority provided by Articles 893 and 894 of the Code of Criminal Procedure and LSA R.S. 13:5301 et seq., Division D of the 15th Judicial District Court is authorized to administer a Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention Through Sanctions and Treatment (FIST). This is a post conviction program and its mission is to get the offender sober, employable, and employed by reducing abuse of alcohol and other mind altering chemicals, thus decreasing related criminal activity.

HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction shall be heard by the judge presiding in the division of the Court in which the conviction was obtained. All criminal habeas corpus petitions filed on behalf of a defendant who is not being detained by virtue of a conviction shall be reviewed by the Commissioner, who shall determine whether it meets the requirements for expedited consideration by a judge of the Court. If the Commissioner determines the petition requires such expedited consideration, the Commissioner shall transmit the petition immediately to the Clerk of Court for random allotment of the matter to one of the Divisions of the Court, except Divisions H or M.

be and is hereby amended effective 1/1/10 to read as follows:

The clerk in each parish shall obtain a mechanical or electronic device which will allot cases on an equal or random basis. Before allotment, any judge may issue orders and grant extension of time to plead.

A. Commissioner shall sign the duty basket except for motions for new trial, motions for continuance, motions for withdrawal of counsel (unless no opposition), motions for appeal, and judgments. He shall hear all hearings to reduce or increase bail and can set bail on persons arrested on probation violations. Can sign search warrants, arrest warrants, juvenile probable cause affidavits, forfeiture motions, transportation writs, and such other orders as may need signing.

ALLOTMENT OF CAPITAL CASES

A. Capital cases are randomly allotted among Divisions A, B, C, D, E, F, G, I, J, K and L (Divisions H and M which handle the domestic docket only are excluded), using the following method:

Each of the 11 divisions begins with 3 ping pong balls, for a total of 33. As a capital case is allotted to a Division, that ping pong ball is removed. After a capital case is resolved or if it is reduced to a non capital offense, a ping pong ball for the division to which that case was allotted is replaced. The Clerk shall keep the bin containing the active ping pong balls and the box containing the removed ping pong balls under lock and key and shall not divulge the contents of either except upon Court order.

B. Whenever a capital case or cases are allotted, and subsequent thereto are dismissed by the state, and the same defendant is re indicted under substantially the same operative facts, then the allotment of that case will remain with the judge the case was originally allotted to.

C. Whenever one defendant is charged with two or more capital cases arising out of facts that they could have been joined in a single indictment, and the state dismisses the indictments, then subsequently re indicts the defendant in a single indictment, then the allotment of that case will remain with the judge the original case was allotted to.

D. When multiple defendants are tried together, the first docket case shall determine which divisions shall handle the trial and pretrial motions. If severed, all cases shall be randomly reallocated.

E. Once a capital case has been set for trial, if the state chooses to amend the charge to a lesser offense, the trial date shall not be set aside solely by reason of the amendment.

ALLOTMENT NON-CAPITAL CRIMINAL CASES

LAFAYETTE PARISH

All Lafayette Parish juvenile matters (including Child in Need of Care cases) will be allotted to two judges. These sections shall be known as Juvenile 1 and Juvenile 2. When a petition is filed (or in the case of a juvenile held in continued custody pending a delinquency hearing, at the 72 hour hearing) the case shall be randomly allotted by the clerk of court. In Child in Need of Care cases, once a case has been allotted to a judge, all cases pertaining to that family shall remain with that judge unless the earlier case has already been close by termination of parental rights. In delinquency matters, once a case has been allotted to a judge, all cases pertaining to that juvenile shall remain with that judge. If multiple juveniles are involved in an offense, all involved juveniles shall be allotted to the same judge for the disposition of the charges arising out of that offense. If a matter must be heard on an expedited basis (72 hour hearings) and the allotted judge is not available, the other Lafayette juvenile judge or the Lafayette duty judge will handle those matters.

All adult felony criminal cases in Lafayette Parish shall continue to be allotted to Tracks 1, 2, 3, and 4 based upon date of offense. A single judge shall be assigned to each track and will, therefore be allotted the cases in that track. All cases in which the offender is charged with Issuing Worthless checks shall be allotted to Track 5 which shall be consolidated with Track 4 and allotted to that Track. Felony drug cases will continue to be allotted to Track One or Three. All felony drug offenses committed on the 1st through the 10th of the month are allotted to Track 3. All drug offenses committed on the 11th of the month through the last day of the month are allotted to Track 1. Track 1 shall be allotted drug cases only. However, if an incident results in a drug offense, along with other felony offenses, those non-drug felonies alleged to have been committed at the same time and as part of the same incident will follow the felony drug case and are allotted in the drug rotation to Track 1 or Track 3, as set forth above. The allotment of non-drug, non-IWC felonies will continue to be based upon date of offense, with a rotation which runs on a Sunday through Saturday schedule. Under the current system, which will continue, beginning with January 3, 2010, the rotation is as follows:

January 3- January 9, 2010- Track 3

January 10-January 16, 2010-Track 4

January 17-January 23, 2010- Track 2

The allotment system will continue utilizing this three week rotation.

If a Defendant is simultaneously charged with multiple offenses committed over the course of more than one date, the date of commission of the earliest offense shall govern the allotment. If a Defendant has a pending case in a track and commits a new offense resulting in new charges, those new charges, whether felony or misdemeanor, may, at the request of the State, be transferred to the felony track where charges are already pending.

All Traffic/Wildlife & Fisheries/Misdemeanor cases in Lafayette Parish are allotted to the Traffic/Wildlife & Fisheries/Misdemeanor Docket. The six judges sitting in Lafayette Tracks 1, 2, 3 & 4 and Juvenile 1 and Juvenile 2 will have an extra week of criminal every other year, during which week they shall preside over this docket. The judges assigned to Acadia tracks A-1, A-2 and A-3 shall each preside over 2 weeks of this docket each year. The judges assigned to

Vermilion tracks V-1 and V-2 shall preside over one week of this docket every other year.

All adult cases on the Therapeutic Drug Track are allotted to Division D; all juvenile drug cases are allotted to Division I.

THERAPEUTIC DRUG COURT

Pursuant to the authority provided by Articles 893 and 894 of the Code of Criminal Procedure and LSA R.S. 13:5301 et seq., Division D of the 15th Judicial District Court is authorized to administer a Therapeutic Drug Court Docket. The court's Drug Court Program is called Focused Intervention Through Sanctions and Treatment (FIST). This is a post conviction program and its mission is to get the offender sober, employable, and employed by reducing abuse of alcohol and other mind altering chemicals, thus decreasing related criminal activity.

VERMILION PARISH

All adult felony criminal cases in Vermilion Parish shall be randomly allotted to Tracks V-1 or V- 2. Cases shall be randomly allotted based upon date of offense. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track. If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges, whether felony or misdemeanor, may, at the request of the State, be transferred to the track where charges are already pending. The judges assigned to Tracks V-1 and V-2 will also preside over all misdemeanor and juvenile matters in Vermilion parish.

ACADIA PARISH

All adult felony criminal cases in Acadia Parish shall be randomly allotted to Tracks A-1, A-2 or A-3, using the clerk of court's random allotment software. Cases shall be randomly allotted at the time of filing of the bill of information. A single judge shall be assigned to each track and will, therefore, be allotted the cases in that track . If a Defendant has a pending case in a track and commits a new offense, resulting in new charges, those new charges may, whether felony or misdemeanor, at the request of the State, be transferred to the track where charges are already pending. The judges assigned to Tracks A-1, A-2 and A-3 will also preside over all misdemeanor and juvenile matters in Acadia parish.

For the Court terms of January, 2010 through December, 2011, the assignment of divisions of court to preside over each track shall be as follows:

Divisions A, F, and J shall be assigned to Tracks A-1, A-2 and A-3, respectively. Divisions C and G shall be assigned to Tracks V-1 and V-2, respectively. Lafayette Tracks Juvenile 1, Juvenile 2, Track 1, Track 2, Track 3 and Track 4 shall be assigned to Divisions B, D, E, I, K or L via random drawing. The assignment of the three Lafayette divisions which will handle misdemeanor cases in a given year shall initially be by random drawing. Thereafter, the assignment of a Lafayette division to a misdemeanor week will fall every other year.

For the Court term beginning January, 2012, and every year thereafter, there will be a random reassignment of all divisions listed in this Section entitled "Allotment Non-Capital Criminal Cases."

HABEAS CORPUS PETITIONS

All criminal habeas corpus petitions filed on behalf of a defendant who is being detained by virtue of a conviction shall be heard by the judge presiding in the division of the Court in which the conviction was obtained. All criminal habeas corpus petitions filed on behalf of a defendant who is not being detained by virtue of a conviction shall be heard by the judge to whom the case is allotted or would be allotted by virtue of the above rules.

IT IS ORDERED that Local Rule 3.1 of Chapter 3 of Title I and contained in Appendix 2 of the Louisiana Rules of Court entitled "Judges and Facsimile Transmissions to the Court" with an effective date of 4/1/09 which read:

The Court shall be divided into thirteen (13) divisions, "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L" and "M", and each judge shall preside in the divisions to which the Judge has been elected, as provided in R.S. 13:582. This rule is adopted pursuant to the authority granted Divisions or Sections of Court in R.S. 13:472. All divisions shall be allotted adoption matters randomly by the Clerk of Court in the Parishes where the Judges' respective chambers are located. Cases assigned to the therapeutic drug court are allotted to Division D. Cases assigned to Juvenile Drug Court are allotted to Division I. Suits for annulment, divorce and separation where there are no minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105, including a request for protective order instituted after the filing of the suit, and the community property partitions associated with the dissolution of said marriages shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L". Matters assigned to the Family Docket are allotted to Divisions H and M.

Any document filed with the Court or sent to a judge's chambers must be sent to all counsel by the same method used (hand-delivered, mail, email, fax).

be and is hereby amended effective 1/1/10 to read as follows:

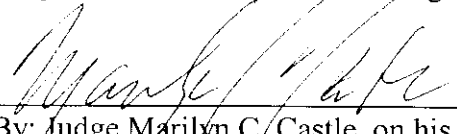
The Court shall be divided into thirteen (13) divisions, "A", "B", "C", "D", "E", "F", "G", "H", "I", "J", "K", "L" and "M", and each judge shall preside in the divisions to which the Judge has been elected, as provided in R.S. 13:582. This rule is adopted pursuant to the authority granted Divisions or Sections of Court in R.S. 13:472. All divisions shall be allotted adoption matters randomly by the Clerk of Court in the Parishes where the Judges' respective chambers are located. Cases assigned to the therapeutic drug court are allotted to Division D. Cases assigned to Juvenile Drug Court are allotted to Division I. Suits for annulment, divorce and separation where there are no minor children born of, adopted or legitimated by the marriage together with all related incidental matters as defined by La. C.C. Art. 105, including a request for protective order instituted after the filing of the suit, and the community property partitions associated with the dissolution of said marriages shall be allotted to Divisions "A", "B", "C", "D", "E", "F", "G", "I", "J", "K" and "L". Matters assigned to the Family Docket are allotted to Divisions H and M. Criminal matters shall be allotted to Divisions A,B,C,D,E,F,G,I,J,K, and L in the manner set forth in Appendix 11.

Any document filed with the Court or sent to a judge's chambers must be sent to all counsel by the same method used (hand-delivered, mail, email, fax).

IT IS FURTHER ORDERED that these amendments shall take effect January 1, 2010.

THUS DONE AND SIGNED on this 1st day of September, 2009.

Judge Glennon Everett, Chief Judge


By: Judge Marilyn C. Castle, on his behalf
and at his direction

**Louisiana Rules for District Courts
Appendix 19 Amendment Form**

Send to: Office of the Judicial Administrator
Supreme Court of Louisiana
400 Royal Street, Suite 1190
New Orleans, LA 70130-8101

Judicial District: 15th Judicial District

Parish: Lafayette, Acadia & Vermilion
(If Multi-Parish District)

Division: A, B, C, D, E, F, G, I, J, K, & L
(If particular to specific division(s), indicate which division(s). If all divisions, then indicate "All.")

Appendix Amended: 11

Effective Date: January 1, 2010

Note: Changes will be posted to the Louisiana Supreme Court website as close as possible to the Effective Date indicated. The deadline for publication in the June bound edition of Louisiana Court Rules is the previous April 1st. The deadline for the December supplement is the previous October 1st.

Signed: Glenn Everett by Judge Wanda C. He, with
(Chief Judge, 15th Judicial District) his permission.
(337) 788-8814 (337) 783-1017 gpeverett@cox-internet.com
(Telephone Number) (Fax Number) (Email)

Pursuant to Rule 1.3(e), attach Court Order amending the Appendix and submit to the Office of the Judicial Administrator within thirty (30) days of the signing of the Order.

**Louisiana Rules for District Courts
Appendix 19 Amendment Form**

Send to: Office of the Judicial Administrator
Supreme Court of Louisiana
400 Royal Street, Suite 1190
New Orleans, LA 70130-8101

Judicial District: 15th Judicial District

Parish:
(If Multi-Parish
District) Lafayette, Acadia & Vermilion

Division: All
(If particular to specific division(s), indicate which division(s). If
all divisions, then indicate "All.")

Appendix
Amended: 2

Effective Date: January 1, 2010

Note: Changes will be posted to the Louisiana Supreme Court website as close as possible to the Effective Date indicated. The deadline for publication in the June bound edition of Louisiana Court Rules is the previous April 1st. The deadline for the December supplement is the previous October 1st.

Signed: Glenn Everett by Judge Mungie/Catle
(Chief Judge, 15th Judicial District) with his permission

(337) 788-8814 (337)783-1017 gpeverett@cox-internet.com
(Telephone Number) (Fax Number) (Email)

Pursuant to Rule 1.3(e), attach Court Order amending the Appendix and submit to the Office of the Judicial Administrator within thirty (30) days of the signing of the Order.