

Section “A”- First City Court General Information & Procedures

Civil Proceedings

Trials begin promptly at 10:00 a.m.

Pre-trial Conferences are required for all trials. Pre-Trial Conferences shall be held on the day of the Trial beginning at 9:00 am. Pre-Trial Outlines are due to the Judge’s Chambers 48 hours prior to the trial date.

The party requesting a trial date must file a Motion to Set Trial. A trial date will only be provided when parties certify that discovery is complete and all motions have been disposed of. A Status Conference will be held with all parties to select a trial date.

Local Rule 10 is strictly enforced. No trial dates will be given unless discovery is complete and the matter is ready for trial.

Settlement Conferences are set only when a Motion to Set Conference is filed. All parties shall to submit to the Judge’s chambers a written quantum memorandum 24 hours prior to the conference. Continuances will NOT be granted because discovery is not complete. Any party moving for a continuance of a trial date must file a written Motion to Continue.

Rule dates will not be given once a case is set for trial without leave of court.

Memoranda in Opposition to Rules are due 72 hours prior to hearing as required by Rule 8 of the Local Rules. Failure to comply may result in forfeiture of right to oral argument.

Motions for Summary Judgment must be filed within the delays provided by Louisiana Code of Civil Procedure *Art. 966, et seq.* Any Hearings scheduled during Section “A’s” duty week will be heard between 9:00 am and 10:00 am.

Defaults

Defaults can be taken any morning between 9:00 am and 10:00 am, if allotted to Section “A.”

During Section “A’s” scheduled Duty Week, Motions for Default Judgment for all First City Court cases (including Small Claims) shall be heard between 9:00 am and 10:00 am.

Defaults must be reviewed by the law clerk prior to confirmation.

Check List:

- Service
- Confirmation on the 11th day from service or on 16th day from service on Secretary of State.
- No Answer or Motion for Extension of Time filed.
- File updated by the Clerk’s Office
- Affidavit of Non-Military Service attached
- Complete Exhibit List

Oral testimony is required on all defaults. In some instances the Court will consider a Default Judgment on an open account without live testimony.

The Moving Party must comply with Louisiana Code of Civil Procedure article 4904, *et seq.*

QUESTIONS & ANSWERS TO COMMON PROBLEMS

How do I set a case for trial?

- File a Motion to Set for Trial with the Clerk’s Office...
- Pay for service in the Constable’s Office
- The Clerk’s office will send notice to all parties

What to do if my opponent won’t move the case so that it can be set for trial?

File a Motion for Status Conference wherein all parties must be present and a trial date will be selected with the Judge or a member of her staff.

Will my Rule be heard if service has not been perfected?

No

What is my position on the Trial Docket?

The Court will try all cases set on the docket for that day. All cases are position 1.

Are continuances ever granted?

Continuances are rarely granted and generally for emergencies only. Because the parties have certified that their case would be ready for trial on the date selected, good reason must be shown before a continuance will be considered. A Motion to Continue must be filed with an explanation of the reason a continuance is necessary as well as a statement as to whether opposing counsel has an objection to the Continuance.

How do I know if my opponent has been served?

Contact the Constable's Office at (504) 523-3258.

When is Ex Parte communication with the Judge acceptable?

Never. Written correspondence to the Judge is Ex Parte communication and will not be read. The staff will be happy to assist in resolving any problems.

QUESTIONS & ANSWERS TO COMMON EVICTION PROBLEMS

Eviction Proceedings:

Eviction Proceedings begin promptly at 10:00 am. If any party is not present in Court when the Eviction is called that party must immediately report to the Clerk of Court.

I have repeatedly begged my landlord to repair the property, but s/he refused to do so. Can I refuse to pay rent?

No. The tenant may not refuse to pay rent. However, under Louisiana Civil Code 2694 and case law, upon breach by the landlord to repair the property, the tenant may make the repairs and recover the reasonable cost of such repairs from the landlord or charge it against the rent. This is so long as the tenant first give the landlord sufficient notice of the repairs needed and the landlord refuses to make the repairs within a reasonable time. When the repairs necessary to remedy the defect are of a substantial nature, the tenant may make them if he or she chooses or the tenant may remain in possession and recover damages which were incurred as a lack of repair.

I told my tenant to move several times but he refused to do so, what should I do?

Begin the legal eviction process by requesting a 5 Day Notice to Vacate from the Constable's Office or you can prepare your own 5 Day Notice to Vacate.

After receiving a Judgment of Possession, may I throw the tenant's belongings on the sidewalk myself to avoid paying the Constable?

NO. NEVER.

Will the Court still evict my tenant when I have accepted partial rent after the Rule for Possession was filed?

No. Acceptance of rent after the Rule for Possession is filed voids the whole process.

Can I just require my landlord to use my security deposit in lieu of a month's rent if I am having trouble paying the rent?

No. A security deposit is just that, a deposit to secure return of the premises in a good condition.

How long does my landlord have to return my security deposit?

30 days