

RULES OF THE FIRST CITY COURT OF THE CITY OF NEW ORLEANS

Revised September 3, 1986

Including Amendments Received Through May 15, 2020

Rule

1. Sitting En Banc.
2. Chief Judge.
3. Sections of the Court.
4. Opening and Closing Court.
- 4A. Duty Judge.
5. Dockets.
- 5A. Small Claims Cases.
6. Docketing Cases.
7. Pleadings.
- 7A. Forma Pauperis Pleadings.
- 7B. Signatures.
8. Request for Subpoenas.
9. Writ of Preliminary and Permanent Injunction and Temporary Restraining Orders.
10. Allotment of Cases.
11. Trial of Rules, Exceptions and Summary Matters.
12. Assigning Cases on the Merits, Exceptions, Rules and Motions for Trial.
13. Defaults.

Rule

14. Trial of Cases.
15. Continuances.
16. Argument.
17. Notice.
18. Agreements.
19. Motions in Writing.
20. Ex Parte Applications.
21. Lists of Members of the Bar and Notaries.
22. Withdrawal of Records.
23. Crier.
24. Intermeddling.
25. Appointments.
26. Constables' Return.
27. Appeal Transcripts.
28. Holidays.
29. Discovery Proceedings.
30. Withdrawal as Attorney of Record.
31. Dismissal and/or Compromise of Lawsuit.
32. Mediation.

RULE 1. SITTING EN BANC

The Judges of the First City Court of New Orleans shall sit en banc at such times and for such purposes as may be authorized by law.

RULE 2. CHIEF JUDGE

Section 1. The Chief Judge of First City Court for the City of New Orleans shall be the Judge longest in service.

Section 2. In case of the absence of the Chief Judge, or his disability or inability to serve, the duties of the position shall devolve, for the time being, upon the Judge next in precedence.

Section 3. The Judge next in precedence shall be the Judge longest in service. Should the Judge next in precedence, as herein provided, decline to act for reasons of absence, the duties of the position shall devolve, for the time being, on the Judge then next in precedence.

RULE 3. SECTIONS OF THE COURT

There shall be four sections of the Court, which shall be designated as Sections "A", "B", "C" and "D" and which shall be presided over by the Judges respectively elected to such sections and their successors in office.

RULE 4. OPENING AND CLOSING COURT

Section 1. Court shall be opened for general purposes on all legal days.

Section 2. Court shall be opened at 10 o'clock A.M. and closed at 3 P.M., unless the business of the day be sooner concluded; or as otherwise designated by the Judge for his Section.

RULE 4A. DUTY JUDGE

Section 1. The position of duty judge is established to be rotated by Section among the judges weekly, starting with Section A.

Section 2. The duty judge shall serve from 10:00 a.m. on Monday until 3:00 p.m. Friday.

Section 3. Cases, pretrial conferences or rules may be heard by the duty judge during such duty week.

Section 4. (a) When Sections A, B, and C sit as duty judge, each shall hear all confirmations of default with testimony for those cases allotted to the general docket of First City Court, Monday through Friday, at 10 a.m., for those parties checking in with the court by 9:30 a.m. When Section D sits as duty judge, the judge shall hear all confirmations of default with testimony for those cases allotted to the small claims division, at 10 a.m., for those parties checking in with the court by 9:30 a.m. No confirmations of default will be heard when the duty judge is attending en banc meeting or other court holiday.

(b) The judge to whom the case is allotted shall hear all motions for preliminary injunctions.

(c) The duty judge shall handle all emergency matters such as protective orders and motions to quash when requested by the Section.

(d) Rules for eviction shall be heard by the duty judge.

Section 5. The duty judge shall not sign, unless presented and initialed by a member of the referring judge's staff, or the referring judge's designee, such orders as: supplemental or amending petitions; motions for trial, pretrial or other hearing or the continuance thereof, orders allowing incidental demands;

extension of deadlines set by court order; motions of counsel to withdraw; amendments to pretrial orders or witness lists.

Section 6. The duty judge may handle any matter when presented to the duty judge by the staff of the referring judge or such judge's designee.

Section 7. In the event of illness or other unavailability, the duty judge may make arrangements with any other judge of the court to serve in the judge's place and by agreement may exchange weeks or days of duty. In the event the duty judge is unable to secure a replacement because of illness or other unavailability, the chief judge shall assign another judge of the court to the position of duty judge, who shall receive full credit for the substitute service. Thereafter, the chief judge may adjust the rotation assignment to reestablish equality of service.

Adopted effective Jan. 1, 2006. Amended effective November, 2009; April 27, 2011; amended May 7, 2020, effective May 15, 2020.

RULE 5. DOCKETS

Section 1. Except for pleadings filed in accordance with the provisions of Rule 6A, no original suit or proceeding shall be filed and/or docketed as provided by Rule 6, and no subsequent pleading shall be received and filed and/or docketed by the Clerk of First City Court, unless and until all fees for filing such suit and/or pleading are paid to said Clerk of the First City Court. The amount of such fees is as set forth in such Tariff of Costs and Charges which has previously been adopted and published by the Judges of the Civil District Court for the Parish of Orleans and the First City Court for the City of New Orleans sitting en banc in accordance with the provisions of Revised Statutes 13:1312.

Section 2. Costs. Costs shall be paid to the clerk at the time of filing of any pleadings as specified on the current list of fees in the Clerk's Office. In all instances, the amount provided for is not a deposit, but is a filing fee, no part of which is refundable.

Filing fees shall be as listed on the current "Filing Fees" in the Office of the Clerk, First City Court, City of New Orleans. Amended effective November, 2009.

RULE 5A. SMALL CLAIMS CASES

Small Claims Division proceedings shall conform to the rules prescribed in La. R.S 13:5200 et seq. and as supplemented by the Court.

Persons filing civil claims in the Small Claims Division in which the amount in dispute is five thousand dollars (\$5,000) or less shall complete a form with the Clerk of First City Court setting forth the nature of such claims and shall include a street address, phone number(s), facsimile number (if any) and e-mail address (if any) where the claimant may be contacted during the pendency of the proceedings.

Section 1. No litigant may file more than six (6) lawsuits per year.

Section 2. In all small claims cases, service of all pleadings shall be made in accordance with the Louisiana Code of Civil Procedure.

Section 3. All small claims cases shall be allotted to and heard before Section D of First City Court, including, but not limited to small claims defaults.

Section 4. Should the Judge of Section D be recused the case shall be transferred to the section of First City Court to which it was originally allotted.

Adopted February, 1988; amended October, 1988; May, 1993; April 27, 2011; April 30, 2018; amended May 7, 2020, effective May 15, 2020.

RULE 6. DOCKETING CASES

Section 1. Upon the filing of the petition in any original suit or proceeding, and in cases of attachment and sequestration, upon the filing of the affidavit and bond, if filed before the petition, the suit shall be docketed.

Section 2. All petitions shall be docketed and numbered consecutively in the order of their institution. The docket shall show the section of the Court to which the cause is allotted, with the date of allotment, amount paid respectively for filing, and the name of the respective attorneys.

Section 3. The Clerk shall keep an index of the dockets. These indexes shall be double, and the name of all plaintiffs and all defendants, respectively, shall be arranged in alphabetical order.

Section 4. All suits, or proceedings, entered in this Court, shall be docketed according to their respective characters in the dockets provided for in Rule 5 above.

Section 5. All suits or proceedings shall bear the proper title, i.e. names of Plaintiffs and Defendants. When there is more than one plaintiff or defendant, it shall suffice for the purpose of the title to give the name of each first party, with the addition "et al".

Amended May 7, 2020, effective May 15, 2020.

RULE 7. PLEADINGS

Section 1. All pleadings, motions or other papers filed with the court shall be typed or printed, double spaced on either legal size, i.e. 8 1/2 inch by 14 inch or letter size, i.e. 8 1/2 inch by 11 inch, paper and shall be in the English language. Margins shall be two (2) inches at the top and one (1) inch at the sides and the bottom. An exception shall be made for exhibits which may be other sizes, unless specifically prepared for court use in which case they shall be letter size.

Section 2. Each pleading shall be signed by an attorney or by a self-represented litigant. The correct mailing address, street address, post office box (if applicable), phone number, facsimile number, and e-mail address, if any, of the person signing the pleading, and in the case of an attorney, the Louisiana Bar Identification Number, shall appear typewritten or printed below the signature.

Section 3. Each attorney and self-represented litigant has a continuing obligation to advise the Court, in writing, of any address, telephone number, facsimile number and/or e-mail address change. The failure to do so will bar such attorney or self-represented litigant from pleading the nonreceipt of notice mailed by the Court to his address originally shown on the pleadings.

Section 4. In or at the foot of the pleading by which any party first appears, if he is represented by more than one attorney or by a firm of attorneys, one of them shall be designated as trial attorney and no such pleading shall be filed without such designation. In the event of noncompliance with

this rule, such designation may be made on motion. The Clerk shall enter the names of trial attorneys on all his dockets.

Section 5. All pleadings, motions, and other papers filed subsequent to the complaint or petition shall be accompanied by a certificate showing that a copy was delivered or mailed to the opposing counsel, or to the opposing litigant or litigants, if not represented by counsel.

Section 6. Pleadings shall not be accepted for filing until the foregoing sections of this rule have been complied with. Adopted May 7, 2020, effective May 15, 2020.

RULE 7A. FORMA PAUPERIS PLEADINGS

All petitions, answers, reconventional demands and all other pleadings being filed by any party to any proceeding, in which said party claims the right to litigate as a pauper, without prior payment of costs or furnishing security therefor, must have attached to said pleading an affidavit which recites that said party is a pauper and sets forth in detail his (her) financial condition, amount of income, sources of income, number of dependents, description and worth of any property owned.

With such aforesaid affidavit, the court shall issue the following order:

“IT IS ORDERED that _____ shall be and is hereby declared to be a pauper and as such entitled to litigate in these premises without payment of court costs in advance, or as they accrue, and without being required to give security for such costs.”

Nothing in the aforesaid affidavit or order shall be interpreted as denying to any opposing party or the Court the right to traverse the contents of said affidavit or said order at any time. Renumbered May 7, 2020, effective May 15, 2020.

RULE 7B. SIGNATURES

Any judge of this court may electronically sign, or by facsimile sign, a court order, judgment, notice, minute entry, official court documents or other writing by electronic signature which is as an electronic sound, symbol, or process attached to, or logically associated with, a record and executed or adopted by a person with the intent to sign the record. An electronic or facsimile signature of a judge shall have the same force and effect as a conventional document signed by a judge.

The Clerk of First City Court is authorized to use electronic and/or facsimile signatures on subpoenas, summons and citations, such documents having the same force and effect as a conventional document signed by the clerk of court. Adopted May 7, 2020, effective May 15, 2020.

RULE 8. REQUEST FOR SUBPOENAS

Section 1. It shall be the duty of the Clerk to provide forms for the following:

- A) Request for subpoena for deposition
- B) Request for subpoena for appearance in court
- C) Request for subpoena duces tecum

Section 2. It shall be the duty of any party desiring issuance of a subpoena for deposition, subpoena for appearance in court, or subpoena duces tecum, to complete the forms

supplied by the Clerk of Court and file them with the Clerk of Court.

Renumbered and amended May 7, 2020, effective May 15, 2020.

RULE 9. WRIT OF PRELIMINARY AND PERMANENT INJUNCTION AND TEMPORARY RESTRAINING ORDERS

No writ of preliminary or permanent injunction, nor temporary restraining order, shall be issued until the applicant or petitioner has deposited with the Clerk a sum sufficient to warrant the issuance of the petition and citation by the Clerk; and the constable shall serve no preliminary injunction, permanent injunction, or temporary restraining order, unless he has a deposit sufficient to warrant such service.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 10. ALLOTMENT OF CASES

Section 1. It shall be the duty of the Clerk of Court, either personally or through a deputy, to publicly allot each case immediately following its filing, docketing and payment of costs chargeable thereto, in order to equally assign by lot, among Sections “A”, “B” and “C” of this Court all cases of whatever nature or character entered upon the general docket, but not previously allotted; except that all small claims cases shall be separately allotted and numbered.

Section 2. Cases are to be allotted to Sections “A”, “B” and “C”, in an even distribution and in an indiscriminate manner. Allotment is to be made by the Clerk’s office by lottery form to insure even distribution.

Section 3. No case shall be allotted which has not been regularly filed and docketed.

Section 4. Before allotment, any Judge of the Court may render preliminary and interlocutory orders, grant conservatory writs and issue executory process in any case without, however, preventing the regular allotment thereof. And before allotment, any Judge may, in his discretion and upon proper showing, grant an order for extension of time in which to plead. After allotment, any Judge of the Court may render in any case all such orders as are allowable “ex parte”.

Section 5. In case of absence or disability of the Judge to whose section a case has been allotted, or in the event of vacancy in his office, any other Judge of the Court shall be empowered to act in said case as fully as if it had been originally allotted to the division over which he presides, until the absence or disability shall have ceased, or the vacancy shall have been filled.

Section 6. Any case may be transferred by the Judge to whom it has been assigned to any other Judge of the Court, with the consent of the latter, and such case shall thereafter remain within the jurisdiction of the Judge to whom it has been transferred, as if it had been originally assigned to him; or, by request of a Judge, at any hearing or in any matter or proceeding in a case assigned to him, any other Judge of the Court may act for him. Any other Judge of the Court may act for him with all his powers and jurisdiction, without transfer of the case.

Section 7. Whenever the Court en banc shall consider such action to be in the interest of the proper and expeditious administration of justice, it may order that all or any of the

cases allotted or assigned to any section be reallocated or reassigned, or that one or more sections be left out of the allotment as prescribed by Section 1, until the further orders of the Court. Whenever the Court en banc shall have reason to believe that any absence, disability or vacancy will continue for more than two weeks, it shall have power to designate one of its members to act as Judge of such section, with all the powers and jurisdiction of the Judge thereof, until the absence or disability shall have ceased, or the vacancy shall have been filled. Each Judge who knows, or believes he will be absent or disabled for less than two weeks, shall have the right to designate one of the other Judges to take charge of his division for this time, with all his powers and jurisdiction.

Section 8. Deleted effective November, 2009.

Section 9. In the event of recusal, upon the order of the recused Judge the case shall be randomly reallocated to another section of court by the Clerk, First City Court, City of New Orleans.

Section 10. Suits or proceedings that are filed subsequent to suits or proceedings already filed, but which grow out of those previously filed suits or proceedings, shall not be docketed as separate suits, but shall be treated as parts of the previously pending suits and shall follow the prior allotment or assignment to the respective section of the Court. However, all motions for a new trial and all actions for nullity shall be heard by the Judge who signed the original judgment. Whenever, by error or by oversight, this rule shall be violated, the Judge to whom the matter shall have been allotted shall have the power to order same transferred to the proper section, there to be consolidated with the previously pending suit.

Section 11. Whenever, by reason of the institution or pendency of two or more suits by creditors claiming as against a common debtor, conflicts may arise as between such creditors, whether as to the validity of their claims, or to the legality of the seizure levied, or as to the order in which they shall be paid, and there is a common fund which is the subject of such controversy and in all cases which may give rise to a conflict of jurisdiction between the sections, all such suits shall be assigned to the section first acquiring jurisdiction between the sections. Where, notwithstanding this rule, there has been an allotment made, the Judge to whom it had been allotted shall order the case to be transferred to the section first seized of jurisdiction, there to be consolidated with the original suit.

Section 12. When two or more separate suits involving a common issue of law or fact are filed and are allotted to different sections of the Court, at any time prior to the trial the Judge to whom the higher number suit has been allotted shall have the right to request same transferred to the section having the lower numbered suit, there to be consolidated with the lower numbered suit for trial with the consent of the Judge with the lower numbered suit. Once this consolidation has been made, then the section of Court with the lower numbered suit shall retain jurisdiction over the higher numbered suit(s) notwithstanding the fact that the lower numbered suit may be settled subsequent to the transfer and consolidation.

Section 13. When there are two or more suits pending that arise out of a related transaction or involve a community of interests between all or some of the parties involved in the suit, and notwithstanding that the suits may assert different causes

of action and/or employ different forms of procedure, then the Judge to whom the higher numbered suit or suits has been allotted shall have the right to have same transferred to the division having the lower numbered suit with the consent of the Judge with the lower numbered suit, there to be consolidated with the lower numbered suit for trial. In the event that the lower numbered suit shall settle prior to trial, then the division with the lower numbered suit shall still retain jurisdiction over the higher numbered suit(s) so long as the higher numbered suit(s) were transferred prior to settlement of the lower numbered suit.

Section 14. If any part or provision of this rule should subsequently become inoperable because of a Supreme Court directive or otherwise, such inoperable provision shall not affect other provisions or parts which can be or remain operable without the inoperable provision. To this end, all the provisions of this rule are hereby declared to be severable.

Amended effective November, 2009; renumbered and amended May 7, 2020, effective May 15, 2020.

RULE 11. TRIAL OF RULES, EXCEPTIONS AND SUMMARY MATTERS

Section 1. All exceptions, rules, motions and other matters entitled by law to summary trial shall be assigned for trial in all Sections at 10 A.M. on any legal day or at any other hour set by the Court during the session of the Court. Continuances in such matters shall be at the discretion of the Judge.

Section 2. The party filing an exception, contradictory motion or rule, shall file with his pleadings a brief statement or reasons in support thereof and a citation of authorities relied upon. The opposing party shall file at least 72 hours prior to the time of the hearing a brief statement of the reasons in opposition with a citation of authorities relied upon. Failure of counsel to comply with this rule may be deemed sufficient justification for a denial by the Judge of the right to oral argument and a justification to dismiss the exception, motion or rule.

Section 3. Notice requirements of Rule 12, Section 8, shall be complied with. Rules, motions, exceptions, and other matters assigned for trial as provided therein shall be tried in their order as assigned, unless otherwise ordered by the Judge.

Section 4. Any rule, motion, or exception not concluded, or not reached on the day of trial, or continued for cause, shall be continued to any other available day or as otherwise directed by the Judge.

Section 5. Motions for new trial shall be submitted by the movers on briefs. Should the Judge desire oral argument, he will so order.

Section 6. When an exception is overruled or referred to the merits, the defendant shall file responsive pleadings before the opening of the Court within fifteen calendar days, or judgment by default may be taken unless, for good reasons shown, the Judge may grant a longer delay.

Section 7. No default shall be entered until the expiration of ten calendar days, or as otherwise directed by the Court, after the filing of a bond for costs, when such bond has been required.

Renumbered and amended May 7, 2020, effective May 15, 2020.

RULE 12. ASSIGNING CASES ON THE MERITS, EXCEPTIONS, RULES AND MOTIONS FOR TRIAL

Section 1. An appropriate Trial Docket shall be maintained for each division of the Court.

Section 2. All trials on the merits, exceptions, rules, motions (and other matters entitled by law to summary trial) shall be fixed for trial on any legal day at 10 A.M. Each section of Court may fix matters at any other time.

Section 3. Each section of the Court shall permit the fixing of three cases. More may be accepted at the discretion of the Judge.

Section 4. Contested Cases and Rules will be fixed for trial in the following manner:

(a) Counsel for a litigant (or the litigant if in proper person) shall request a day and date for trial of any case by requesting to set the matter for trial. Or the Court, on its own, may set a matter for trial.

(b) In cases where there is an agreement by both parties on a trial date and all parties require that no service of a notice of trial is needed, or if the Judge deems it proper, the Judge may set the trial "By Order of Court" either orally or in writing, or the following format may be used for a joint motion:

TITLE OF CASE _____ VS. _____
 NO. _____ DOCKET _____ SECTION _____

The undersigned counsel for all parties in the above captioned cause, jointly request that said cause be fixed for trial on _____ the _____ day of _____ 19____, on which said date we will be ready for trial of said case.
 Counsel for Plaintiff _____
 Counsel for Defendant _____
 Counsel for _____
 (All Counsel of record (or litigants) must be a party to this form when used.)

(c) If the matter to be set is for trial on the merits, the request to set the matter for trial can only be made after issue is joined, and all exceptions, motion for summary judgment, and any and all other preliminary matters have been disposed.

Section 5. The date fixed for trial shall not be more than 90 days from the date of filing of said request for said fixing, except by consent of the Court in which the case has been allotted.

Section 6. Promptly upon the above request, the Clerk of First City Court or the individual section to which the case is allotted shall enter the number and title of the cause referred to in said request in the trial docket of the respective section of the Court to which the said cause may have been theretofore allotted on the day and date available for the trial. When two or more cases are fixed for trial on the same day, the case set forth in the first filed request will take precedence over the subsequently filed request or requests, unless the Judge for good cause changes the order of trials.

Section 7. Pending the entry of the case in the trial docket as provided in Section 6 hereof, the Clerk of Court's office or the individual section shall maintain a brief record from day to

day, showing such days in each section as may have been previously selected for trial, in order that an attorney filing a motion to fix a case for trial on any given day may be able to determine the rank of such case on said docket on such date, prior to the actual entry in the trial docket as provided in Section 6 hereof.

Section 8. Except as otherwise provided by law, all rules, motions and summary cases may be heard only after two days' notice to the adverse party or his attorney. In all other cases, five judicial days shall intervene between the notice of trial and the day of trial, which notice of trial shall be given to the adverse party or his attorney of record, either through service by the Constable, or by "Order of Court", in writing or orally, unless otherwise provided by law.

Section 9. Causes shall be tried in the order in which they are fixed, but the Judges may call their dockets and dispose of such causes as they deem just and proper. For purposes of convenience, any Judge may cause judgment debtor rules to be heard privately and without the necessity of the Judge's presence, provided that either party may request that the matter be heard in open Court before the Judge.

Section 10. The court, with the consent of the parties, may conduct any hearing, trial, rule or other proceeding of any kind remotely, such as by teleconferencing, videoconferencing, or other means. Consent shall not be unreasonably withheld by any party.

Renumbered and amended May 7, 2020, effective May 15, 2020.

RULE 13. DEFAULTS

Default judgments may be taken ten days after valid service, or as otherwise provided by law, provided no answer, exception or extension has been filed. All defaults must be taken in open court at 10:00 a.m. If testimony is required, then defaults must be taken at 10:00 A.M., provided the mover has checked in by 9:30 A.M., unless the Judge allows otherwise.

Amended effective November, 2009. Renumbered May 7, 2020, effective May 15, 2020.

RULE 14. TRIAL OF CASES

Section 1. Cases shall ordinarily be tried in the order in which they are assigned, but the Judges may call their dockets and dispose of all cases and other matters in such order as they deem proper.

Section 2. Ordinary and summary cases not finished shall be continued to any subsequent day, entirely in the discretion of the Judge.

Section 3. The order of trial shall be determined by the Judge at the commencement of the trial pursuant to Article 1632, Code of Civil Procedure, and surrebuttal shall not be allowed any party unless the Judge allows otherwise.

Section 4. At the termination of any trial or hearing, each attorney shall file with the Court a statement setting out the exhibit numbers, and a brief description of each exhibit which he has offered in the case. This statement shall be signed by the Trial Attorney and given to the Clerk, together with all exhibits. Exhibits remain the responsibility of the attorney introducing and offering same until submitted to the Clerk in accordance herewith.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 15. CONTINUANCES

Section 1. A continuance may be granted in any case only if there is good ground therefor, consistent with the Louisiana Code of Civil Procedure.

Section 2. If counsel is unable, for any reason, to try the case on the day fixed, he SHALL notify opposing counsel AND file a written motion for continuance giving his reasons for being unable to try said case, and present it to the Judge for his signature. The motion for continuance must show that the opposing counsel has been contacted (or that due diligence has been made to so contact) and whether said counsel opposes or does not oppose the said continuance.

The Court may grant a continuance notwithstanding the above.

Section 3. Subpoenas for witnesses shall be applied for at least 10 days before trial (unless otherwise allowed by the Court).

Renumbered May 7, 2020, effective May 15, 2020.

RULE 16. ARGUMENT

Section 1. The Judge shall fix the time to be allowed for oral argument and shall designate the sequence thereof.

Section 2. In all arguments, and especially in arguments on the merits of the case, counsel opening shall present his whole case as he relies on it, both of law and facts, and shall be heard in the concluding argument only in reply to counsel on the other side.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 17. NOTICE

Section 1. In all cases where notice is required and no time is specified by law, by these rules, or by order of Court, forty-eight hours shall be allowed.

Section 2. In all cases where an attorney of record exists, all notices may be sent to the address as provided pursuant to Rule 6, sections 6 and 7.

Section 3. In any matter in which a litigant is not represented by an attorney of record, all notices shall be mailed to the litigant to his address. If the litigant's address is not set out in the pleadings, posting of such Notice of Trial date on the bulletin board shall constitute ample notice to the litigant. Amended effective November, 2009. Renumbered May 7, 2020, effective May 15, 2020.

RULE 18. AGREEMENTS

No agreement or stipulation between or among attorneys or parties outside the presence of the Judge with respect to the proceedings in a case will be recognized by the Judge, unless it be in writing, signed and filed as a part of the record, unless the Judge allows otherwise.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 19. MOTIONS IN WRITING

Section 1. All motions, except for default, must be submitted to the Court in writing, unless made during trial or hearing or in open court, and must be entered on the minutes with the order of the Court thereon.

Section 2. All petitions and orders from the Clerk's office or from attorneys, except when presented to the Court by the

attorneys themselves, shall be handed to the Minute Clerks or Criers of the various sections to which the case has been allotted, and the Minute Clerk or Crier shall submit same to the Judge of his respective section. When signed or refused, it is the duty of the Minute Clerk or Crier to return same to the Docket Clerk of the Clerk's office.

Section 3. Orders shall not be presented for signature during the progress of a trial where the same may interrupt or delay the proceedings therein.

Section 4. Wherever a rule or other document requiring service without the issuance of a citation is filed with the Clerk of this Court, the party filing same shall be required to obtain an additional certified copy of the rule or document, over and above the number of copies to be served, which additional certified copy shall be delivered to the Constable with the copy or copies to be served, and shall be used by the Constable to make return or returns of service. When such return or returns have been made, the additional certified copy shall be delivered by the Constable to the Clerk of this Court, to be filed and placed in the record.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 20. EX PARTE APPLICATIONS

Section 1. Ex parte motions must be presented either at the opening of Court or at the close of the day's session.

Section 2. Whenever application is made ex parte for an order, counsel presenting it shall state whether any previous application has been made for such order, and if made, to what Judge, and what order or decision was made thereon, and what new facts, if any, are claimed to be shown, and why the application is not renewed to the Judge who originally refused the order.

Section 3. Any motion for an extension of time shall contain a statement as to whether this motion is for the first, second, or subsequent extensions requested.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 21. LISTS OF MEMBERS OF THE BAR AND NOTARIES

Section 1. It shall be the duty of the Clerk to keep a list of the Members of the Bar entitled to practice, and he shall refuse to file any document presented to him for that purpose unless he shall be satisfied that such document is signed by an attorney at law entitled to practice, a party litigant, or the specially authorized attorney in fact of such party litigant.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 22. WITHDRAWAL OF RECORDS

Section 1. Any attorney or litigant withdrawing a record shall leave a receipt therefor with the clerk.

Section 2. Any attorney or litigant withdrawing an exhibit must leave a copy thereof with the clerk, but no exhibit may be permanently withdrawn without an Order of Court.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 23. CRIER

The Court Crier, or other designee in attendance in the several sections, shall notify counsel when the case is called for trial, and shall seek for counsel in the sections of the Court, Clerk's and Constable's office, when counsel shall have previ-

ously informed him of the particular place where they may be found.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 24. INTERMEDDLING

No clerk, constable or deputy shall be permitted to appear before the Court as an attorney-in-fact. Any constable, clerk or deputy who shall intermeddle in behalf of either party during or at any state of the proceedings, shall be guilty of contempt and shall be dealt with accordingly. Any constable filing answer in any suit shall have his commission revoked.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 25. APPOINTMENTS

Section 1. No suggestions of names of curators ad hoc or other officers to be appointed will be received unless requested by the Judge by whom such appointments are to be made.

Section 2. Whenever a party litigant provokes the appointment of a curator ad hoc, attorney, surveyor, certified public accountant, auditor or other expert, the party so provoking said appointment shall, when ordered by the Court, deposit cash or a bond satisfactory to the Court, conditioned that the said appointee shall be immediately paid upon completion of the services rendered under said appointment, reserving unto the said party litigant the right to have the fees of such appointee taxed as costs, as provided by law.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 26. CONSTABLES' RETURN

The constable shall make his return within 24 hours after the service of all papers intrusted to him for service, which return shall be placed in the record before the hour fixed for the trial of any cause. Failure to comply with this rule shall subject the officer violating the same to punishment for contempt.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 27. APPEAL TRANSCRIPTS

Section 1. In preparing transcripts for appeals the uniform rules of Court of Appeals in and for the State of Louisiana shall be complied with.

Section 2. In this regard the Clerk of the First City Court for the City of New Orleans may require of the appellants, if appearing in proper person or of counsel for appellant, legible copies of all pleadings and depositions to be included in the record.

If the appellant or counsel does not comply with the request of the clerk within thirty (30) days, he may provide copies of all pleadings and depositions to be included in the record and charge the appellant or counsel the published per page rate.

As an alternative, the Clerk may rule the appellant into Court to show cause why the costs and/or copies of depositions should not be produced, or the appeal dismissed.

No testimony necessary to be included in any transcript of appeal (or transcribed for any other purpose) shall be transcribed until a cost bond in such amount as fixed by a Judge of the First City Court for the City of New Orleans shall have been furnished, and no such transcript of such testimony shall be returned to the Appellate Court by said Clerk of First City Court for the City until the charge for such transcription (as

provided in the "Tariff of Costs and Charges" referred to herein) shall have been paid to the said Clerk of Court. Amended effective November, 2009. Renumbered May 7, 2020, effective May 15, 2020.

RULE 28. HOLIDAYS

Except as otherwise specially provided, when the day fixed by these rules for the performance of any act falls on a legal holiday, the next day not a legal holiday shall be substituted therefor.

Renumbered and amended May 7, 2020, effective May 15, 2020.

RULE 29. DISCOVERY PROCEEDINGS

Section 1. No party shall serve on any other party more than 25 interrogatories in the aggregate without leave of Court. Each sub-part of an interrogatory shall count as an additional interrogatory. Any party desiring to serve additional interrogatories shall file a written motion setting forth the proposed additional interrogatories and the reason establishing good cause for their use. The motion must be heard contradictorily with the party to whom the interrogatories would be submitted.

Section 2.

(A) Interrogatories under Article 1421 of the Louisiana Code of Civil Procedure, and the answers thereto, Requests for Production or Inspection under C.C.P. 4121, and responses thereto, shall be served upon the other counsel or parties, but shall not be filed with the Court, unless a Judge of this Court orders that such be filed. The party responsible for service of the discovery material shall retain the original and become the custodian of any such non-filed materials.

(B) If a motion to compel is filed pursuant to Articles 1467 or 1469 of the Louisiana Code of Civil Procedure, said motion shall identify as a ground either (1) that no responses have been timely filed, or (2) that the answers are insufficient or non-responsive. In the latter case, the motion shall specify each question and response to which the motion is directed and, the parties shall submit a copy of the interrogatories and answers.

(C) If interrogatories, requests, answers, or responses are to be used at trial or are necessary to a pre-trial motion which might result in a final order on any issue, the portions to be used shall be filed with the Clerk at the outset of the trial or at the filing of the motion insofar as their use can be reasonably anticipated.

(D) When documentation of discovery not previously in the record is needed for appeal purposes, upon an application and order of the Court, or by stipulation of Counsel, the necessary discovery papers shall be filed with the Clerk.

(E) This Rule shall not be construed so as to preclude the filing of any of the aforesaid discovery materials as exhibits or as evidence in connection with a motion or at a trial.

Renumbered and amended May 7, 2020, effective May 15, 2020.

RULE 30. WITHDRAWAL AS ATTORNEY OF RECORD

Section 1. In every motion to withdraw as attorney of record, the moving attorney shall: 1) state in his motion that his client has been advised by letter that he is seeking to withdraw and has been sent by certified mail or given a copy of his motion to withdraw and letter; and 2) state in his motion a current address and phone number which will be used by the

Court and/or opposing counsel or litigant for all matters requiring notice.

Section 2. If there is any matter set for trial or hearing in the proceeding when the motion to withdraw is filed, the attorney seeking to withdraw shall be prepared to accept service if a new date is necessary before being allowed to withdraw.

Amended effective November, 2009. Renumbered May 7, 2020, effective May 15, 2020.

RULE 31. DISMISSAL AND/OR COMPROMISE OF LAWSUIT

Section 1. Before filing a motion for dismissal of any case for any reason, a certificate shall be added to said motion setting forth whether or not the case had been fixed for trial and if so on what date it had been so fixed.

Section 2. In any lawsuit terminated by compromise in whole or in part, it shall be the duty of the attorney for the settling party, as an officer of this Court, to see that all fees due the Clerk of Court or Constable be paid when such compromise is confectioned.

Renumbered May 7, 2020, effective May 15, 2020.

RULE 32. MEDIATION

Section 1. Any party may request mediation. Upon receiving such a request from any party, the court, in its discretion, may enter an order of Referral for mediation.

Any party may then oppose the order and urge that the case not be mediated. Such opposition shall be registered by written motion, specifying the reasons for the opposition, filed within ten court days of notice of the Order of Referral for Mediation. The courts shall consider any opposition to mediation upon the merits, and may retract to Order of Referral for Mediation for good cause shown.

Section 2. Qualifications of Mediators

Both attorneys and non-attorneys are eligible to mediate provided they have successfully completed at least thirty-two (32) hours of approved mediator training.

Section 3. Cost of Mediation

There shall be no costs to either party participating in mediation. All mediators shall provide their services on a pro bono basis.

Section 4. The Mediation Process. After mediation is ordered, the appointed mediator shall coordinate with the parties and schedule mediation sessions as appropriate. The mediator shall report back to the Court within the time limits noted in Section 7, advising the Court whether the litigation has been settled.

Section 5. Confidentiality. Mediators shall preserve and maintain the confidentiality of mediation proceedings. They shall keep confidential from opposing parties any information obtained in individual caucuses unless the party or parties to a caucus permit disclosure. They shall maintain confidentiality in the storage and disposal of records and shall render anonymous all identifying information when materials are used for research, training or statistical compilations.

Further, all proceedings of the mediation, including statements made by any party, attorney or other participant, are privileged in all respects. The proceedings may not be reported, recorded, placed into evidence, made known to the trial court, or construed for any purpose as an admission against interest. The mediator shall not be named as a witness, nor may the mediator's records be subpoenaed or used as evidence, nor may the mediator's deposition be taken or any discovery had against the mediator.

Section 6. Time of Mediation. Mediation shall be completed within 90 days of notice of the Order of Referral for Mediation unless extended by Order of the Court or by stipulation of all parties.

Section 7. Duties of the Mediator.

(a) The mediator shall file with the Court notice of his/her acceptance of the appointment. A copy of the notice of acceptance shall also be transmitted to the Louisiana Supreme Court Judicial Administrator's Office.

(b) The mediator shall encourage and assist the parties in reaching a settlement of their dispute but may not compel or coerce the parties to enter into a settlement agreement.

(c) Unless expressly authorized by the disclosing party, the mediator may not disclose to either party information given in confidence by the other and shall at all times maintain confidentiality with respect to communications relating to the subject matter of the dispute.

(d) Unless the parties agree otherwise, all matters, including the conduct and demeanor of the parties and their counsel during the settlement process, are confidential and may never be disclosed to anyone, including the appointing Court. The mediator shall be limited to informing the Court whether or not the case settled.

Section 8. Effect of Written Settlement Agreement. If the parties reach a mediated settlement and execute a written agreement disposing of the dispute, the agreement is enforceable in the same manner as any other written contract. Unless the settlement agreement provides for confidentiality, upon the application of any party thereto, the Court may in its discretion incorporate the terms of the agreement in a decree.

Adopted June 27, 1994. Amended effective July 20, 1995; amended and effective July 17, 1997; amended effective November, 2009; renumbered and amended May 7, 2020, effective May 15, 2020.