

**SUMMARY OF PROPOSED AMENDMENTS TO THE**  
**LOUISIANA DISTRICT COURT RULES**  
**Spring 2013**

In addition to some minor clerical edits included in the attached proposed amendments, the Court Rules Committee hereby requests that the following substantive edits be made to the Louisiana District Court Rules:

**Rule 6.5 (“Ex Parte Contact Between Attorneys of Record and/or Self-Represented Parties and Court-Appointed Special Master or Expert”):** The Committee has created this new Rule to bring about an end to ex parte contact between attorneys of record and/or self-represented parties and a special master or expert who has been appointed by the court, unless authorized by law or court order. The Rule includes provisions requiring that: (1) verbal contacts be made via teleconference or joint meeting; (2) all correspondence from the special master or expert be directed to all attorneys of record and/or self-represented parties; and (3) all correspondence to the special master or expert be by joint letter from all attorneys of record and/or self-represented parties, OR be pre-approved by all attorneys of record and/or self-represented and contain a certification by the attorney-author and/or self-represented party-author stating that a copy of the letter and attachments have been previously provided to and approved by all counsel of record or self-represented parties.

**Rule 9.4 (“Pleadings To Be Filed with Clerk; Prior or Multiple Filings of Pleadings”):** Section (b) of this Rule was amended to allow for an exception. Before this amendment, this Rule required that all subsequent suits asserting the same claim by the same parties in the initial suit be transferred to the division to which the initial suit filed was allotted, whether or not the first case was still pending. This newly-revised Rule now provides that if the subsequent suits asserting the same claim by the same parties as the initial suit are filed in a juvenile court with concurrent jurisdiction, these suits are not to be transferred to the division to which the first case filed was allotted, whether or not the first case is still pending.

**Rule 9.5 (“Court’s Signature; Circulation of Proposed Judgment; Request for Reasons for Judgment”):** The five paragraphs of this Rule are now lettered for ease of reference. The second paragraph of this Rule (now Section (b)) requires the attorney or self-represented party responsible for circulating a judgment to circulate it to all parties and/or self-represented parties and allow at least five (5) working days for comment before presentation to the court. Section (b) also requires that the judgment be accompanied by a separate certificate stating: (1) the date of mailing; (2) whether delivery of the document to other counsel of record and to self-represented parties was by hand or other method of delivery; (3) stating whether any opposition was received; and (4) stating the nature of the opposition (if any opposition was received). To assist practitioners and/or self-represented parties, Section (b) has been amended to include a sample certificate (much like the sample certificate in Rule 10.1).

Section (e) of Rule 9.5 has also been amended to now require that a request for written reasons pursuant to La. C.C.P. art. 1917 be communicated to the judge in open court or in writing so that judge is made aware of the request.

TITLE I

CHAPTER 6: COURTROOM DECORUM AND THE CONDUCT OF ATTORNEYS AND JUDGES

RULE 6.5: EX PARTE CONTACT BETWEEN ATTORNEYS OF RECORD AND/OR SELF-REPRESENTED PARTIES AND COURT-APPOINTED SPECIAL MASTER OR EXPERT (NEW RULE)

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Rule 6.5: Ex Parte Contact Between Attorneys of Record and/or Self-Represented Parties and Court-Appointed Special Master or Expert

When a special master or an expert has been appointed by the court, there shall be no ex parte contact between the attorneys of record and/or self-represented parties and the special master or expert, unless authorized by law or court order. All verbal contacts shall be by teleconference or joint meeting. All correspondence from the special master or expert shall be directed to all attorneys of record and/or self-represented parties. All correspondence to the special master or expert shall be by joint letter from all attorneys of record and/or self-represented parties, or if not by joint letter, the correspondence shall be pre-approved by all attorneys of record and/or self-represented parties, and shall contain the following certification by the attorney-author and/or self-represented party-author:

“I do hereby certify that a copy of this letter and attachments, if any, have been previously provided to and approved by all counsel of record or self-represented parties.”

**TITLE II**

**CHAPTER 9: PROCEDURE**

**RULE 9.4: PLEADINGS TO BE FILED WITH CLERK; PRIOR OR MULTIPLE  
FILINGS OF PLEADINGS**

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**Rule 9.4. Pleadings To Be Filed with Clerk; Prior or Multiple Filings of Pleadings**

(a) All pleadings shall be ~~presented to~~filed with the clerk of court ~~for filing~~ before presentation to the assigned judge. Exceptions to this Rule are noted in Appendix 9.4.

(b) Judge or forum shopping is prohibited. To achieve continuity of case management and avoid the appearance of judge or forum shopping, all subsequent actions asserting the same claim by the same parties, except for cases filed in juvenile courts with concurrent jurisdiction, shall be transferred to the division to which the first case filed was allotted, whether or not the first case is still pending. Any attorney or party who files more than one petition for the same party on the same cause of action shall attach to any subsequent petition a “Notice of Prior Filing or Multiple Filing,” regardless of whether any of the previous petitions were dismissed. This notice shall comply with La. Code Civ. Proc. art. 853.

TITLE II

CHAPTER 9: PROCEDURE

RULE 9.5: COURT’S SIGNATURE; CIRCULATION OF PROPOSED JUDGMENT

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Rule 9.5. Court’s Signature; Circulation of Proposed Judgment; Request for Reasons for Judgment

(a) All judgments, orders, and rulings requiring the court’s signature shall either be presented to the judge for signature when rendered or, if presented later, contain the typewritten name of the judge who rendered the judgment, order, or ruling.

(b) If presented later, the responsible attorney or the self-represented party shall circulate the proposed judgment, order, or ruling to counsel for all parties and to self-represented parties and allow at least five (5) working days for comment before presentation to the court. When submitted, the proposed judgment, order, or ruling shall be accompanied by a separate certificate regarding stating the date of mailing, hand delivery, or other method of delivery of the document to other counsel of record and to self-represented parties, and stating whether any opposition was received. This certificate shall read:

RULE 9.5 CERTIFICATE

I, the undersigned party or attorney, hereby certify that I did circulate the enclosed proposed judgment/order to counsel for all parties and/or to self-represented parties by [insert method of delivery] on [insert date], and that:

- no opposition was received; or
- the following opposition was received:

[Insert name of opposing party/attorney and nature of opposition.]

I have allowed at least five (5) working days before presentation to the court.

Certified this \_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[Insert typed or printed name]  
Attorney for [insert name of party, if applicable]

(c) The page of the judgment, order, or ruling containing the judge’s signature line shall reflect the docket number and title(s) of the pleading(s) at issue.

(d) This rule does not apply to ~~default~~ judgments by default.

(c) Requests for written reasons pursuant to La. Code Civ. Pro. art. 1917 shall be communicated to the judge either in open court or in writing.

TITLE II

CHAPTER 9: PROCEDURE

RULE 9.12: ENROLLMENT AS COUNSEL OF RECORD

**\*\*\*NOTE: WHILE RULE 9.12 AMENDMENTS APPEAR BELOW, NO AMENDMENTS TO THE FORMS IN APPENDICES 9.12A OR 9.12B ARE BEING MADE IN SPRING 2013.\*\*\***

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**Rule 9.12. Enrollment as Counsel of Record**

All licensed Louisiana attorneys in good standing may enroll as counsel of record: (1) by oral notice made in open court when all parties or their counsel are present; or (2) by filing a written Notice of Enrollment or a written Notice of Limited Appearance in accordance with La. Code Civ. Proc. art. 853 with the clerk of court, with copies to all other enrolled counsel or self-represented parties and to the court.

A Notice of Limited Appearance ~~must~~shall specifically state the limitation of legal services by subject matter, proceeding, date, or time period ~~as agreed to in accordance with under~~ Rule 1.2(c) of the Rules of Professional Conduct. ~~Attached as~~See forms in Appendix 9.12A ~~is a form Notice of Limited Appearance that may be used~~(family law ~~eases~~) ~~Attached as and~~ Appendix 9.12B ~~is a form Notice of Limited Appearance that may be used in~~ (non-family law ~~eases~~).

The applicable Appendix Form 9.12 shall be ~~completed and used for filing of a Notice of Limited Appearance when an attorney has entered into an agreement with a party to provide limited scope representation. filed~~ filed ~~If~~ an attorney is making a limited appearance, ~~the Notice of Limited Appearance shall be filed~~ with or prior to the initial pleading or prior to the initial hearing. The Notice shall bear the signatures of both the appearing attorney and the client, unless the client is unavailable to sign at filing. If the Notice does not bear the client's signature, a certificate attesting to the scope of limited enrollment, signed by the client, shall be filed into the record within ten (10) days of the filing of the initial Notice of Limited Appearance.

Any pleading filed by an attorney, ~~who has made~~making a limited appearance, shall state in bold type on the signature page of that pleading: "Attorney for [client] for the limited purpose of [matter or proceeding]."