

**LOCAL RULES
OF THE
UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF LOUISIANA**

**EFFECTIVE MAY 15, 1997,
with amendments through
November 9, 2010**

PREAMBLE

Updated: 3/11/11

For ease of use, the United States District Court, Middle District of Louisiana, has taken the Uniform Local Rules of the Eastern, Middle and Western Districts of Louisiana and condensed them into Local Rules applicable just in the Middle District. The various rules may be cited as follows: Local Civil Rules as "LR_____"; Local Admiralty Rules as "LAR_____"; and Local Criminal Rules as "LcrR_____." For a copy of the Local Rules for all three courts, please consult the Middle District's website at **www.lamd.uscourts.gov**.

TABLE OF CONTENTS

PAGE
NO.

LOCAL CIVIL RULES

LOCAL CIVIL RULE 3 - COMMENCEMENT OF ACTION

LR3.1	Collateral Proceedings and Refiled Cases	1
LR3.1.1	Assignment of Collateral Proceedings and Refiled Cases	1

LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

LR5.1	Place of Filing	2
LR5.1.1	Filing of Extraordinary Pleadings	2
LR5.2	Advance Payment Required	2
LR5.3	Certificate of Service	2
LR5.4	Deposit for Service	2
LR5.5	Filing by Electronic Means2
LR5.5.1	Service of Documents by Electronic Means3

LOCAL CIVIL RULE 7 - PLEADINGS ALLOWED; FORM OF MOTIONS

LR7.1	Submission of Motions	4
LR7.2	Submission of Ex Parte or Consent Motions	4
LR7.3	Motions Must Be Accompanied by Memorandum	4
LR7.3.1	Motions Not Requiring Memorandum	5
LR7.4	Response and Memorandum	5
LR7.5	Memoranda	6
LR7.6	Extension of Time to Plead	6

LOCAL CIVIL RULE 9 - PLEADING SPECIAL MATTERS

[LR9.1](#) [Three Judge Cases](#) 6

[LR9.2](#) [Social Security Cases](#) 6

LOCAL CIVIL RULE 10 - FORM OF PLEADINGS

[LR10.1](#) [Form: Statement Regarding Filing of Papers](#) 7

[LR10.2](#) [Consolidated Cases](#) 7

[LR10.3](#) [Constitutional Questions](#) 8

**LOCAL CIVIL RULE 11 - SIGNING OF PLEADINGS, MOTIONS,
AND OTHER PAPERS; REPRESENTATIONS TO COURT; SANCTIONS**

[LR11.1](#) [Signing of Pleadings, Motions and Other Papers](#) 8

[LR11.2](#) [Trial Attorney](#) 9

[LR11.3](#) [Announcement of Representation](#) 9

**LOCAL CIVIL RULE 16 - PRETRIAL CONFERENCES;
SCHEDULING; MANAGEMENT**

[LR16.1](#) [Scheduling Orders](#) 9

[LR16.2](#) [Alternative Dispute Resolution](#) 10

[LR16.3](#) [Notice of Settlement to Clerk](#) 10

[LR16.4](#) [Cases to Be Tried on Date Assigned - Exceptions](#) 10

[LR16.5](#) [Absence of Material Witness](#) 10

LOCAL CIVIL RULE 23 - CLASS ACTIONS

[LR23.1](#) [Class Action](#) 11

**LOCAL CIVIL RULE 26 - GENERAL PROVISIONS GOVERNING DISCOVERY;
DUTY OF DISCLOSURE**

[LR26.1](#) [Format of Discovery Requests](#) 14

[LR26.2](#) [Meeting of Parties Under *FRCvP 26\(f\)*](#) 14

LR26.3	Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial	15
LR26.4	Filing of Disclosure or Discovery Materials for Appeal Purposes	15
LOCAL CIVIL RULE 33 - INTERROGATORIES TO PARTIES		
LR33.1	Objections to Interrogatories	15
LOCAL CIVIL RULE 36 - REQUESTS FOR ADMISSION		
LR36.1	Objections to Requests for Admission	16
LR36.2	Number of Requests for Admission	16
LOCAL CIVIL RULE 38 - JURY TRIAL OF RIGHT		
LR38.1	Designation of Jury Demand	16
LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS		
LR41.1	Dismissals	16
LR41.2	Dismissal for Failure to Prosecute	17
LOCAL CIVIL RULE 43 - TAKING OF TESTIMONY		
LR43.1	Oral Testimony on Hearing of Motion	17
LR43.2	One Counsel to Examine Witness and Present Objections	18
LOCAL CIVIL RULE 45 - SUBPOENA		
LR45.1	Witness Fees and Mileage	18
LR45.2	Notification of Witnesses	18
LR45.3	Subpoena Duces Tecum to Hospitals	18
LOCAL CIVIL RULE 47 - JURORS		
LR47.1	Voir Dire Examination	20
LR47.2	Argument of Law to Jury Prohibited	20
LR47.3	Contacting Prospective Jurors	20
LR47.4	Interviewing Jurors	20

LOCAL CIVIL RULE 48 - NUMBER OF JURORS - PARTICIPATION IN VERDICT

[LR48.1](#) [Jury Cases](#)..... 21

LOCAL CIVIL RULE 54 - JUDGMENTS; COSTS

[LR54.1](#) [Costs](#)..... 21

[LR54.2](#) [Award of Attorney's Fees](#)..... 21

[LR54.3](#) [Memorandum of Costs](#)..... 22

[LR54.4](#) [Objections](#)..... 22

[LR54.5](#) [Review of Taxation of Costs](#)..... 22

[LR54.6](#) [Security for Costs](#)..... 22

[LR54.7](#) [Payment and Application for Order of Satisfaction of Judgment](#)..... 22

[LR54.8](#) [Filing Acknowledgment of Satisfaction Notice in Docket](#)..... 23

[LR54.9](#) [Seaman and Pauper Cases](#)..... 23

LOCAL CIVIL RULE 55 - DEFAULT

[LR55.1](#) [Default Judgment](#)..... 23

LOCAL CIVIL RULE 56 - SUMMARY JUDGMENT

[LR56.1](#) [Motions for Summary Judgment](#)..... 24

[LR56.2](#) [Opposition to Summary Judgment](#)..... 24

LOCAL CIVIL RULE 58 - ENTRY OF JUDGMENT

[LR58.1](#) [Judgments/Orders](#)..... 24

[LR58.2](#) [Clerk May Require Draft of Judgment to Be Furnished](#)..... 24

[LR58.3](#) [Seaman Settlements](#)..... 24

LOCAL CIVIL RULE 62 - STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

[LR62.1](#) [Petitions to Stay Execution of State Court Judgments](#)..... 26

[LR62.2](#) [Supersedeas Bond](#)..... 27

LOCAL CIVIL RULE 65 - INJUNCTIONS

[LR65.1](#) [Temporary Restraining Orders and Preliminary Injunctions.](#) 27

LOCAL CIVIL RULE 65.1 - SECURITY: PROCEEDINGS AGAINST SURETIES

[LR65.1.1](#) [Qualifications of Sureties.](#) 27

[LR65.1.2](#) [Court Officers Not to Be Sureties.](#) 28

LOCAL CIVIL RULE 67 - DEPOSIT IN COURT

[LR67.1](#) [Receipt and Deposit of Registry Funds.](#) 28

[LR67.2](#) [Form of Order.](#) 28

[LR67.3](#) [Disbursement of Registry Funds.](#) 29

LOCAL CIVIL RULE 72 - MAGISTRATE JUDGES; PRETRIAL ORDERS

[LR72.1](#) [Referral of Pre-trial Proceedings in Civil Matters.](#) 30

**LOCAL CIVIL RULE 73 - MAGISTRATE JUDGES;
TRIAL BY CONSENT AND APPEAL OPTIONS**

[LR73.1](#) [Jurisdiction.](#) 31

[LR73.2](#) [Referral of Cases.](#) 31

[LR73.3](#) [Cases Referred for Trial Under 28 USC 636\(c\).](#) 31

[LR73.4](#) [Other Duties.](#) 31

**LOCAL CIVIL RULE 74 - METHOD OF APPEAL
FROM MAGISTRATE JUDGE TO DISTRICT JUDGE**

[LR74.1](#) [Review and Appeal.](#) 32

LOCAL CIVIL RULE 77 - DISTRICT COURTS AND CLERKS

[LR77.1](#) [Conference In Chambers - Notice.](#) 33

[LR77.2](#) [Sessions of Court.](#) 34

LOCAL CIVIL RULE 78 - MOTION DAY

[LR78.1](#) [Motion Days.](#) 34

**LOCAL CIVIL RULE 79 - BOOKS AND RECORDS
KEPT BY THE CLERK AND ENTRIES THEREIN**

LR79.1	Withdrawal of Files	34
LR79.2	Custody of Exhibits	34
LR79.3	Disposition of Exhibits	35
LR79.4	Offer and Marking of Exhibits	35
LR79.5	Obtaining Record From Appellate Court for Hearing on Motions	35

**LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES
LOCAL CIVIL RULE 83.1 - NATURALIZATION**

LR83.1	Naturalization	35
------------------------	--------------------------------------	----

LOCAL CIVIL RULE 83.2 - ATTORNEYS

LR83.2.1	Roll of Attorneys	35
LR83.2.2	Eligibility	36
LR83.2.3	Procedure for Admission	36
LR83.2.3.1	Payment of Annual Fees	36
LR83.2.4	Rules of Conduct	37
LR83.2.5	Attorney Representation	37
LR83.2.6	Visiting Attorneys	38
LR83.2.7	Waiver by Court Order of Requirements for Local Counsel	39
LR83.2.8	Familiarity With and Compliance With Rules	39
LR83.2.9	Suspension and Disbarment	39
LR83.2.10	Continuing Representation, Withdrawals, Substitution of Counsel	40
LR83.2.11	Additional Counsel	40
LR83.2.12	Appearances by Law Students	41
LR83.2.13	Courtroom Decorum	43

LOCAL CIVIL RULE 83.3 - BUILDING SECURITY

[LR83.3.1](#) [Reasons for Building Security](#)..... 44

[LR83.3.2](#) [Security Personnel](#)..... 45

[LR83.3.3](#) [Carrying of Parcels, Bags, and Other Objects](#)..... 45

[LR83.3.4](#) [Search of Persons](#)..... 45

[LR83.3.5](#) [Unseemly Conduct](#)..... 45

[LR83.3.6](#) [Entering and Leaving](#)..... 45

[LR83.3.7](#) [Spectators](#)..... 46

[LR83.3.8](#) [Cameras and Electronic Equipment](#)..... 46

[LR83.3.9](#) [Photographs, Radio or Television Broadcasting](#)..... 46

[LR83.3.10](#) [Unauthorized Presence When Grand Jury Is in Session](#)..... 46

[LR83.3.11](#) [Interviewing Witnesses Before Grand Jury](#)..... 47

[LR83.3.12](#) [Weapons](#)..... 47

[LR83.3.13](#) [Enforcement](#)..... 47

LOCAL CIVIL RULE 83.4 - BANKRUPTCY

[LR83.4.1](#) [Reference to Bankruptcy Judge](#)..... 47

[LR83.4.2](#) [Appeal to the District Court](#)..... 48

[LR83.4.3](#) [Motion Seeking Relief From a District Judge](#)..... 48

[LR83.4.4](#) [Record Transmitted to the District Court](#)..... 49

LOCAL ADMIRALTY RULES

LOCAL ADMIRALTY RULE 4 - SUMMONS AND PROCESS

[LAR4.1](#) [Process](#)..... 50

[LAR4.2](#) [Summons to Show Cause Why Funds Should Not Be Paid to Court](#)..... 51

LOCAL ADMIRALTY RULE 64 - SEIZURE OF PROPERTY

LAR64.1	Publication and Time to Claim and Answer Where Publication Necessary and Under Supplemental Rule C(4).	51
LAR64.2	Release of Vessel or Property Under Admiralty Rule E(5)(c).	52
LAR64.3	Movement of Vessels Under Seizure.	52
LAR64.4	Consent Guardian.	53
LAR64.5	Notices.	53
LAR64.6	Sales.	53

LOCAL ADMIRALTY RULE 65.1 - SECURITY

LAR65.1.1	Security for Costs.	55
LAR65.1.2	Sureties.	55

LOCAL CRIMINAL RULES

**LOCAL CRIMINAL RULE 5 - INITIAL APPEARANCE BEFORE
THE MAGISTRATE JUDGE**

LCrR5.1	Referral of Pre-trial Proceedings in Criminal Cases.	56
-------------------------	--	----

LOCAL CRIMINAL RULE 12 - PRETRIAL MOTIONS

LCrR12.1	Criminal Motion Practice.	56
--------------------------	---	----

LOCAL CRIMINAL RULE 32 - SENTENCE AND JUDGMENT

LCrR32.1	Sentencing.	56
LCrR32.2	Presentencing Memoranda.	58

LOCAL CRIMINAL RULE 49 - SERVICE AND FILING OF PAPERS

LCrR49.1	Filing by Electronic Means.	58
LCrR49.2	Service of Documents by Electronic Means.	59

LOCAL CRIMINAL RULE 53 - REGULATION OF CONDUCT IN THE COURTROOM

LCrR53.1	Dissemination of Information Concerning Pending or Imminent Criminal Litigation by Lawyer Prohibited.	59
LCrR53.2	Pending Investigations.	60

LCrR53.3	Extrajudicial Statements Concerning Specific Matters	60
LCrR53.4	Disclosures Authorized	61
LCrR53.5	Extrajudicial Statements During Trial	61
LCrR53.6	Extrajudicial Statements After Trial and Prior to Sentence	61
LCrR53.7	Matters Not Precluded	62
LCrR53.8	Disclosure of Information by Courthouse Personnel	62
LCrR53.9	Special Orders	62
LCrR53.10	Subjects of Special Order	62

**LOCAL CRIMINAL RULE 58 - PROCEDURE
FOR MISDEMEANORS AND OTHER PETTY OFFENSES**

LCrR58.1	Petty Offenses	64
LCrR58.2	Central Violations Bureau	64

APPENDICES

[Notice Regarding Complaints of Judicial Misconduct or Disability](#)

LOCAL CIVIL RULES

LOCAL CIVIL RULE 3 - COMMENCEMENT OF ACTION

LR3.1 Collateral Proceedings and Refiled Cases

Whenever a civil matter, commenced in or removed to the court, involves subject matter that either comprises all or a material part of the subject matter or operative facts of another action, whether civil or criminal, then pending before this or another court or an administrative agency, or previously dismissed or decided by this court, counsel shall append on a separate sheet of paper, to the front of the complaint, a list and description of all such actions then known to counsel and a brief summary of the relationship. If information concerning any such action or proceeding is obtained subsequent to the filing of the original pleading in the latter case, it shall be the duty of counsel obtaining such information to notify the court and opposing counsel in writing of the information so received in the same manner.

LR3.1.1 Assignment of Collateral Proceedings and Refiled Cases

In order to promote judicial economy and conserve judicial resources, and to avoid the potential for forum shopping and conflicting court rulings, all actions described in LR3.1 shall be transferred to the section to which the matter having the lowest docket number has been allotted, unless the two judges involved determine that some other procedure is in the interest of justice. If the transferee or transferor judges cannot agree upon whether a case should be transferred, the opinion of the transferee judge prevails.

If counsel fails to make the certification described in LR3.1, then the allotted judge shall take this action when he or she learns of the related nature of the proceedings. [Amended June 28, 2002]

LOCAL CIVIL RULE 5 - SERVICE AND FILING OF PLEADINGS AND OTHER PAPERS

LR5.1 Place of Filing

All filings shall be made with the office of the clerk.

LR5.1.1 Filing of Extraordinary Pleadings

All pleadings of an extraordinary nature (*e.g.*, temporary restraining orders, vessel seizures, writs of attachment, and other pleadings requiring immediate judicial action) shall be filed by an attorney signing the pleadings. The attorney filing said pleadings shall immediately contact the clerk's office for further instructions. . [Amended December 5, 1997, June 28, 2002, and November 24, 2009]

LR5.2 Advance Payment Required

The clerk shall not be required to file any paper or to render any service for which a fee is legally collectible unless the fee for the particular service is paid in advance.

LR5.3 Certificate of Service

Every pleading and every brief or memorandum filed in any proceeding in this court shall bear a certificate by the attorney or party who files it that, prior to filing, copies have been served on all parties or their attorneys, either in person or by mailing it postage prepaid, properly addressed. This certificate may be by rubber stamp or typing, or it may be contained in the text of the pleading.

LR5.4 Deposit for Service

Except as provided by law in cases involving indigent persons, the marshal shall not be compelled to perform any service until the deposit of a sum sufficient to cover the immediate costs shall have been made, and may demand security in a reasonable amount for further costs.

LR 5.5 Filing By Electronic Means

The court will accept for filing only those documents submitted and signed or verified by electronic means and only those electronic documents that comply with procedures established by the court, as authorized by Rule 5(e) of the Federal Rules of Civil Procedure. The electronic record shall be the official record of the court.

Notwithstanding the foregoing, an attorney may, for good cause shown, request by written motion a temporary exemption from mandatory electronic case filing. If the exemption pertains to a specific case, the motion should be filed in that case. If the exemption pertains to all cases before the court, current and future, said motion should be filed and will be submitted to the Chief Judge.

The filing of initial papers, including the complaint and the issuance and service of the summons, shall be accomplished as set forth in the administrative procedures for the U.S. District Court, Middle District of Louisiana, which is authorized by the General Order 2005-06. A copy of the administrative procedures may be obtained from the clerk's office or downloaded from the court's website at www.lamd.uscourts.gov. [Adopted July 15, 2005, Amended January 10, 2007.]

LR 5.5.1 Service of Documents by Electronic Means

The "Notice of Electronic Filing" automatically generated by the court's Electronic Filing System, except as provided below, constitutes service of the filed documents on all parties who have consented to electronic service. Parties who have not consented to electronic service must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Civil Procedure and the Local Rules.

Most sealed filings do not produce a Notice of Electronic Filing, and therefore, service by the filer of any sealed document must be in accordance with the Federal Rules and the Local Rules.

A certificate of service must be included with all electronic filings. The certificate of service must identify the method of service upon each party. [Adopted July 15, 2005.]

LOCAL CIVIL RULE 7 - PLEADINGS ALLOWED; FORM OF MOTIONS

LR7.1 Submission of Motions

All motions except those made during a hearing or trial which is being properly recorded into the court record shall be made in writing. Each motion and its accompanying documents shall be filed in duplicate; one copy is for the record and the other is for the use of the hearing judge. Papers filed with the motion are thereby made a part of the record.

[Amended June 28, 2002]

LR7.2 Submission of Ex Parte or Consent Motions

An application for an order allowed by these rules to be submitted ex parte or by consent shall be accompanied by a proposed order on a separately captioned page. Except as otherwise ordered in an individual case, every such application shall be submitted to the judges through the clerk. [Adopted June 28, 2002]

LR7.3 Motions Must Be Accompanied by Memorandum

The moving party shall submit and serve opposing parties with a copy of the motion and memorandum. Except as noted in LR7.3.1, all motions shall be accompanied by a memorandum commonly referred to as a "Memorandum in Support", which shall contain (1) a concise statement of reasons in support of the motion, and (2) citations of the authorities on which he relies or copies of these authorities. If the motion requires the consideration of facts not appearing of record, the movant shall also file with the clerk and serve upon opposing counsel a copy of all documentary evidence he or she intends to submit in support of the motion. Memoranda may not be supplemented except with leave of court first obtained.

LR7.3.1 Motions Not Requiring Memorandum

All motions listed below, while not required to be accompanied by a memorandum, must state the grounds therefor and cite any applicable rule, statute, or other authority justifying the relief sought. No memorandum is required by either movant or respondent, unless otherwise directed by the court, with respect to the following motions: (1) For extension of time for the performance of an act required or allowed to be done, provided request therefor is made before the expiration of the period originally prescribed or as extended by previous orders; (2) to continue a pretrial conference, hearing, motion, or the trial of an action; (3) to add additional parties; (4) to amend pleadings; (5) to file supplemental pleadings; (6) to appoint next friend or guardian ad litem; (7) to intervene; (8) for substitution of parties; (9) joint motions to dismiss or consolidate; and (10) to withdraw as counsel. Prior to filing any motion under this section, the moving party shall attempt to obtain consent for the filing and granting of such motion from all parties having an interest to oppose, and a certificate stating the position of the other parties shall be included in the motion. A proposed order on a separately captioned page shall accompany each motion filed under this paragraph. [Amended June 28, 2002]

LR7.4 Response and Memorandum

Each respondent opposing a motion shall file a response, including opposing affidavits, memorandum, and such supporting documents as are then available, within 21 days after service of the motion. Memoranda shall contain a concise statement of reasons in opposition to the motion, and a citation of authorities upon which the respondent relies. For good cause appearing therefor, a respondent may be required to file a response and supporting documents, including memoranda, within such shorter or longer period of time as the court may order, upon written ex parte motion served on all parties. [Amended November 24, 2009]

LR7.5 Memoranda

All initial memoranda filed by a party (including briefs, objections, and appeals to district judges) shall be limited to 30 pages excluding attachments. Subsequent memoranda, if any, shall not exceed 20 pages excluding attachments. The original memorandum and a copy for use by the judge shall be delivered to the clerk. The form of the memorandum shall comply with LR10.1. [Amended June 28, 2002]

LR7.6 Extension of Time to Plead

Upon certification by a moving party that there has been no previous extension of time to plead and that the opposing party has not filed in the record an objection to an extension of time, then on an ex parte motion and order, the court will allow one extension for a period of 21 days from the time the pleading would otherwise be due. Further extensions will not be granted by stipulation, but only by application to the court and for good cause shown.

[Amended June 28, 2002, November 24 and December 1, 2009]

LOCAL CIVIL RULE 9 - PLEADING SPECIAL MATTERS

LR9.1 Three Judge Cases

Upon filing any suit or proceeding that is thought to require a three judge court for its disposition, the party instituting the action shall give notice to the clerk and other parties in writing, stating under what provision he/she is proceeding and that a three judge court is requested. In the absence of such notice, the clerk may treat the matter as one not requiring three judges. In cases in which such notice is filed, all pleadings shall be filed in quadruplicate until it is determined that the matter is not for three judges.

LR9.2 Social Security Cases

Complaints filed in civil cases pursuant to Section 205(g) of the Social Security Act, 42 USC 405(g), for benefits under Titles II, XVI and XVIII of the Social Security Act be submitted for filing on forms furnished by the clerk or substantially in conformity therewith.

[Amended June 26, 2004]

LOCAL CIVIL RULE 10 - FORM OF PLEADINGS

LR10.1 Form: Statement Regarding Filing of Papers

All papers drafted for filing in this court shall be on 8-1/2 by 11 inch paper, numbered sequentially, and plainly written in ink or printed in no smaller than standard 12 - point typeface without defacing erasures or interlineations, and shall be double spaced. Footnotes may be printed in no smaller than standard 10-point typeface. Quotations and footnotes may be single spaced.

In addition to the requirement of *FRCvP 10(a)*, after allotment the caption shall also indicate the initials of the judge and the magistrate judge to whom the case is assigned. (e.g. 00-204-FJP-SCR). [Amended July 15, 2005]

A completed and executed Civil Cover Sheet form shall accompany the initial pleading of each civil case to be filed, except that such requirement shall not apply to persons in the custody of civil, state or federal institutions or to persons filing cases pro se.

All memoranda shall comply with LR7.5. [Amended June 28, 2002, December, 29, 2008]

LR10.2 Consolidated Cases

Unless otherwise ordered by the court, where cases are consolidated, whether for trial only or otherwise, the caption of all papers filed after consolidation shall list first the name and docket number of the lowest numbered case in the group, with words indicative of the

consolidation. This shall be followed by a listing of the names and docket numbers of only those cases to which the paper applies. Attorneys shall furnish copies of papers filed according to the number of cases to which the papers apply.

The caption of the lowest numbered case will serve as the identifying caption during the pendency of the consolidation and will continue to be used even if that particular case is closed.

LR10.3 Constitutional Questions

Whenever the constitutionality of any act of Congress is, or is intended to be, drawn into question in any suit or proceeding to which the United States, or any agency, officer or employee thereof as such officer or employee, is not a party, counsel for the party raising or intending to raise the constitutional issue shall notify the court, in writing, of the existence of that question (to enable the court to comply with 28 USC 2403). A copy of such notice shall be served upon each of the other parties. The notice shall give the title of the cause, a reference to the questioned statute sufficient for its identification, and the respects in which the statute is claimed to be unconstitutional.

LOCAL CIVIL RULE 11 - SIGNING OF PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO COURT; SANCTIONS

LR11.1 Signing of Pleadings, Motions and Other Papers

Every pleading, motion, or other paper presented for filing shall, in accordance with the Federal Rules of Civil Procedure, be signed personally by counsel admitted to practice before this court or admitted *pro hac vice* for the case in his or her individual name. In addition, counsel's name, address, telephone and facsimile numbers, and Attorney Identification Number shall be typed or printed under his or her signature. If the attorney is admitted to the bar by the Supreme Court of Louisiana, the Attorney Identification Number shall be the same as the

number assigned by the Supreme Court of Louisiana. Otherwise, the Attorney Identification Number shall be the number assigned by this court.

Documents filed by a party not represented by counsel shall be signed by the party and shall include name, address and telephone number.

Each attorney and *pro se* litigant has a continuing obligation to apprise court of any address change. [Amended June 28, 2002]

LR11.2 Trial Attorney

If a law firm or more than one attorney represents a party, one attorney will be designated in the first pleading filed on behalf of that party as "Trial Attorney" or "T.A.". This attorney may, but need not, be the attorney who personally signs pleadings.

The designated trial attorney will be responsible for the case and all notices and other communications with respect to it will be directed to the designated trial attorney, or to local counsel in the event a visiting attorney is designated as trial attorney. The designation of the trial attorney may be changed at any time by *ex parte* motion. If a party desires to change the trial attorney, the new trial attorney will be promptly designated.

LR11.3 Announcement of Representation

At all trials or hearings and upon first addressing the court or taking any part in such trials or hearings, counsel shall announce his or her name and the name of the party or parties he or she represents.

**LOCAL CIVIL RULE 16 - PRETRIAL
CONFERENCES; SCHEDULING; MANAGEMENT**

LR16.1 Scheduling Orders

(a) The scope and timing of the scheduling order under *FRCvP 16(b)* shall be as prescribed by the Civil Justice Expense and Delay Reduction Plan of this court.

(b) Unless otherwise ordered by a judge in a particular case, the following categories of cases are exempted from the requirements for a scheduling order:

Social Security Appeals
Bankruptcy Appeals
Habeas Corpus cases
Prisoner 1983 cases
Government Collection cases

(c) The magistrate judges of this court are authorized to enter and/or modify scheduling orders in matters referred to them or when directed by a district judge.

LR16.2 Alternative Dispute Resolution

If the presiding judicial officer determines at any time that the case will benefit from alternative dispute resolution, the judicial officer shall:

- (a) have discretion to refer the case to private mediation, if the parties consent, even if such mediation efforts upset previously set trial or other dates;
- (b) have discretion to order nonbinding mini-trial or nonbinding summary jury trial before a judicial officer with the parties' consent; or
- (c) employ other dispute resolution programs which may be designated for use in this District.
- (d) All alternative dispute resolution proceedings shall be confidential. [Adopted June 2, 1999, Adopted by Middle District November 24, 2009]

LR16.3 Notice of Settlement to Clerk

Whenever a civil case is settled or otherwise disposed of, counsel shall immediately inform the clerk's office, the judge to whom the case is allotted, and all persons subpoenaed as witnesses. If a civil case is settled as to fewer than all of the parties or all of the claims, counsel shall also set forth the remaining parties and unsettled claims.

LR16.4 Cases to Be Tried on Date Assigned - Exceptions

All cases shall be tried on the date set unless the trial is continued by order of the court.

LR16.5 Absence of Material Witness

Every motion for a continuance upon the ground of the absence of a material witness shall be accompanied by the affidavit of the party applying therefor, or his or her attorney, setting forth the efforts made to procure attendance and, in a civil case, the facts he/she expects to prove by such witness. If the proposed testimony is set forth and it is admitted by the opposite party that the witness, if called, would testify as set forth in the affidavit, the court may, in its discretion, deny the motion.

LOCAL CIVIL RULE 23 - CLASS ACTIONS

LR23.1 Class Action

In any case sought to be maintained as a class action:

- A. The complaint shall bear next to its caption the designation, "Complaint- Class Action";
 - 1. Refer to the portions of *FRCvP* 23 under which it is claimed that the suit is properly maintainable as a class action;
 - 2. Make allegations thought to justify the maintenance of the claim as a class action, including, but not necessarily limited to:
 - a. the size (or approximate size) and definition of the alleged class,

- b. the basis upon which the plaintiff (or plaintiffs) claims,
 - (i) to be an adequate representative of the class, or
 - (ii) if the class is comprised of defendants, that those named as parties are adequate representative s of the class,
 - 3. The alleged questions of law *or* fact claimed to be common to the class; and
 - 4. In actions claimed to be maintainable as class actions under *FRCvP 23(b)(3)*, allegations thought to support the findings required by that subdivision.
- B. Within 90 days after the filing of a complaint in a class action, unless this period is extended on motion for good cause appearing, the plaintiff shall move for a certification

under *FRCvP 23(c)(1)*, as to whether the case is to be maintained as a class action.

- C. The foregoing provisions shall apply, with appropriate adaptations, to any counterclaim or cross claim alleged to be brought for or against a class.
- D.
 - 1. Whenever a party or counsel desires to prohibit another party or counsel from communicating concerning such action with any potential or actual class member not a formal party to the action, he or she shall apply in writing to the court for such an order. In such application, the parties must set forth with particularity the abuses they fear will result from such communication, along with the form of remedy they believe would be appropriate to prevent frustration of the policies of Rule 23.
 - 2. The court will not enter an order prohibiting communication with members of the class in the absence of a clear record (and when necessary, an evidentiary hearing) reflecting:

- a. specific findings regarding the abuse the court seeks to prevent;
 - b. the need for such an order, weighing the abuse sought to be corrected and the effect it will have on the right of a party to proceed pursuant to Rule 23 without interference.
3. Any attorney who communicates with the class shall preserve and retain in his or her files, until the final conclusion of the action, a copy of all communications which he or she has sent to any members of the class or potential class.

LOCAL CIVIL RULE 26 - GENERAL PROVISIONS

GOVERNING DISCOVERY; DUTY OF DISCLOSURE

LR26.1 Format of Discovery Requests

All discovery requests shall be so arranged that following each question or request there shall be provided a sufficient blank space for inserting a typed response. If the space allotted is insufficient the responding party shall retype the pages, repeating each question in full, followed by the answer or objection thereto. When the discovery request has been

completed by the responding party, the original shall be returned to the proponent, and copies served upon all other parties.

LR26.2 Meeting of Parties Under *FRCvP* 26(f)

Except as otherwise ordered by the Court, the provisions of *FRCvP* 26(f), requiring a meeting of parties prior to the scheduling conference, shall apply to all civil actions in the court subject to the following modifications.

1. The requirements for a meeting of the parties does not apply in cases exempted from the requirements of a scheduling order under LR16.2 and in cases filed in, removed to or transferred to this court before December 1, 1993.
2. The parties may agree to hold the meeting by telephone.
3. Any meeting of the parties shall be held in time to permit the report of the meeting to be filed with the court no later than two days prior to the date of the scheduling conference.
4. Formal discovery may begin in cases in which no meeting will be held without regard to the requirements of *FRCvP* 26(d) and (f).

LR26.3 Pretrial Filing of Disclosure and Discovery Materials to Be Used at Trial

If disclosure or pretrial discovery materials will be used at trial or are necessary to a pretrial 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. Nothing in this rule is intended to preclude use of disclosure or discovery materials for impeachment if the attorney could not reasonably anticipate that it would be used at trial.

LR26.4 Filing of Disclosure or Discovery Materials for Appeal Purposes

When documentation of disclosure or 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 disclosure or discovery papers shall be filed with the clerk.

LOCAL CIVIL RULE 33 - INTERROGATORIES TO PARTIES

LR33.1 Objections to Interrogatories

Objections to interrogatories, and objections to the answers to them, shall set forth in full, immediately preceding each answer or objection, the interrogatory or answer to which objection is being made.

LOCAL CIVIL RULE 36 - REQUESTS FOR ADMISSION

LR36.1 Objections to Requests for Admission

Objections to requests for admission, and objections to the answers to them, shall set forth in full, immediately preceding each answer or objection, the request or answer to which objection is being made.

LR36.2 Number of Requests for Admission

No party shall serve on any other party more than 25 requests for admission in the aggregate without leave of court. Each sub-part of a request for admission shall count as an additional request for admission. Any party desiring to serve additional requests for admission shall file a written motion setting forth the proposed additional requests for admission and the reasons establishing good cause for their use. [Adopted June 28, 2002]

LOCAL CIVIL RULE 38 - JURY TRIAL OF RIGHT

LR38.1 Designation of Jury Demand

If a jury demand is made in the document, the caption shall contain words indicating that a demand for jury trial is being made therein.

LOCAL CIVIL RULE 41 - DISMISSAL OF ACTIONS

LR41.1 Dismissals

Except as provided in *FRCvP 41(a)(1)*, if an attorney proposes to dismiss a suit with the intention of refileing it, he or she must bring this to the attention of the judge of the division and section (as applicable) to which the suit has been allotted. [Amended May 18 and June 26, 2004]

LR41.2 Dismissal for Failure to Prosecute

A civil action may be dismissed by the court for lack of prosecution as follows:

- A. Where no service of process has been made within 120 days after filing of the complaint;
- B. Where no responsive pleadings have been filed or no default has been entered within 60 days after service of process, except when *FRCvP 12(a)(3)* applies or a dispositive motion is pending; or
- C. Where a cause has been pending six months without proceedings being taken within such period. This provision shall not apply if the cause is awaiting action by the court. Prior to issuance of a dismissal, notice shall be sent to the plaintiff, and plaintiff shall be allowed 14 calendar days from mailing of the notice within which to file evidence of good cause for plaintiff's failure to act. If no response is received within the allotted time, the court may dismiss the civil action. If a timely response is filed, a district judge or a magistrate judge may order additional time within which to take action, dismiss the civil action without prejudice, or issue any other appropriate order.

Dismissal under this Rule shall be without prejudice. The Order of Dismissal shall allow for reinstatement of the action within 30 days for good cause shown.

The failure of an attorney or *pro se* litigant to keep the court apprised of an address change may be considered cause for dismissal for failure to prosecute when a notice is returned to a party or the court for the reason of an incorrect address and no correction is made to the address for a period of 30 days. [Amended June 28, 2002 and November 24, 2009]

LOCAL CIVIL RULE 43 - TAKING OF TESTIMONY

LR43.1 Oral Testimony on Hearing of Motion

Oral testimony shall not be offered at the hearing on a motion without prior authorization from the court, and counsel shall not cause service of any subpoenas or subpoenas duces tecum in connection with any such hearing until such authorization has been obtained and reasonable notice has been given to all parties.

LR43.2 One Counsel to Examine Witness and Present Objections

Only one counsel for each separate interest shall conduct the examination of any one witness, or present argument or urge objections with respect to the testimony of that witness, except with leave of court.

LOCAL CIVIL RULE 45 - SUBPOENA

LR45.1 Witness Fees and Mileage

It shall be the duty of the person provoking the issuance of any subpoena for a witness to cause to be tendered to the witness, at the time of service of the subpoena upon him or her, one day's attendance fee and the legal amount for mileage to and from the place of trial or hearing, as set forth in *28 USC 1821*, and further to cause to be paid concurrently to any such

witness the daily attendance fee for each day he or she is required to attend said trial or hearing. No witness shall be liable to attachment for not obeying the subpoena if this rule has not been complied with. This rule does not apply to witnesses for the United States.

LR45.2 Notification of Witnesses

It is the duty of counsel who has provoked the issuance of a subpoena to notify the person subpoenaed if his or her attendance will not be required in time to prevent the witness from making a needless trip. Counsel failing to comply with this rule may be subject to appropriate sanctions.

LR45.3 Subpoena Duces Tecum to Hospitals

A. When a subpoena duces tecum is served upon the custodian of records or other qualified witness from a hospital or other health care facility in an action in which the hospital or facility is not a party and such subpoena requires the production for trial of all or any part of the records of the hospital or facility relating to the care and treatment of a patient in such hospital or facility, it shall be sufficient compliance therewith if the custodian or other officer of the hospital or facility delivers by registered mail or by hand a true and correct copy of all records described in such subpoena to the clerk of court or other tribunal, or if there is no clerk, then the court or other tribunal, together with the affidavit described in Subsection B. Production of the record shall occur prior to the time fixed for the trial, but no earlier than two working days before the trial date unless otherwise directed in the pretrial order. This section is limited to procedures for complying with a subpoena duces tecum for purposes of trial and shall not affect the rights of parties to production of documents pursuant to laws governing discovery or other laws pertaining thereto, including Rule 902 (11) of the Federal Rules of Evidence.

B. The records shall be accompanied by the affidavit of the custodian or other qualified witness, stating in substance each of the following:

1. That the affiant is the duly authorized custodian of the records and has authority to certify the records.
2. That the copy is a true copy of all records described in the subpoena.
3. That the records were prepared by the personnel of the hospital or facility, staff physicians, or persons acting under the control of either in the ordinary course of the business of the hospital or facility at or near the time of the act, condition, or event.

C. If the hospital or facility has none of the records described, or only part thereof, the custodian shall so state in the affidavit, and deliver the affidavit and such records as are available in the manner provided in Subsection A. [Adopted June 28, 2002]

LOCAL CIVIL RULE 47 - JURORS

LR47.1 Voir Dire Examination

All voir dire examinations of prospective jurors will be conducted by the judge alone unless an exception to this rule is made by special leave of court. Counsel may submit in advance, in writing, questions to be asked upon such examination and may supplement this by oral request at side bar when necessary.

LR47.2 Argument of Law to Jury Prohibited

In the argument of any case to a jury, counsel shall not read to the jury from any legal textbook or reported case, instruct the jury on any matter of law, or argue law to the jury.

LR47.3 Contacting Prospective Jurors

Prospective jurors shall not be contacted, either directly or through any member of their immediate family, in an effort to secure information concerning the background of any member of the jury panel.

LR47.4 Interviewing Jurors

A. No juror has any obligation to speak to any person about any case and may refuse all interviews or comments;

B. No person may make repeated requests for interviews or questions after a juror has expressed his/her desire not to be interviewed;

C. No juror or alternate who consents to be interviewed may disclose any information with respect to the following:

1. The specific vote of any juror other than the juror being interviewed;
2. The deliberations of the jury; or
3. For the purposes of obtaining evidence of improprieties in the jury's deliberation.

D. No party or their attorney shall, personally or through another person, contact, interview, examine or question any juror or alternate or any relative, friend or associate thereof, except on leave of court granted upon good cause shown.

LOCAL CIVIL RULE 48 - NUMBER OF JURORS - PARTICIPATION IN VERDICT

LR48.1 Jury Cases

In all civil jury cases the jury shall consist of not less than six members, except by agreement of counsel with court approval.

LOCAL CIVIL RULE 54 - JUDGMENTS; COSTS

LR54.1 Costs

Whenever any civil action scheduled for jury trial is settled or otherwise disposed of prior to trial, then, except for good cause shown, juror costs, including marshal's fees, mileage and per diem, shall be assessed as directed by the court, unless the clerk's office is notified in time to advise the jurors that it will not be necessary for them to attend.

LR54.2 Award of Attorney's Fees

In all cases where attorney's fees are sought, the party desiring to be awarded such fees shall submit to the court a contemporaneous time report reflecting the date, time involved, and nature of the services performed. The report shall be in both narrative and statistical form and provide hours spent and justification thereof.

Any judge of the court may, for good cause shown, relieve counsel of the obligation of filing such a report with the court.

LR54.3 Memorandum of Costs

Within 30 days after receiving notice of entry of judgment, unless otherwise ordered by the court, the party in whose favor judgment is rendered and who claims and is allowed costs, shall serve on the attorney for the adverse party and file with the clerk a notice of application to have the costs taxed, together with a memorandum signed by the attorney of record stating that the items are correct and that the costs have been necessarily incurred.

LR54.4 Objections

Specific objections may be made within seven days to any item of costs supported by affidavit or other evidence, which may be rebutted. The clerk shall thereupon tax the costs. [Amended December 1, 2009]

LR54.5 Review of Taxation of Costs

A dissatisfied party may request within seven days that the court review the action of the clerk, in accordance with *FRCvP 54(d)*. [Amended December 1, 2009]

LR54.6 Security for Costs

In any civil matter, the court, on motion or its own initiative, may order any party to file bond for costs or additional security for costs in such an amount and so conditioned as it may designate.

LR54.7 Payment and Application for Order of Satisfaction of Judgment

Whenever any party shall pay into court an amount of money which fully satisfies any judgment or decree in principal, interest, and costs, he or she may apply to the court for an order of satisfaction and, after notice to opposing counsel, or party (if no counsel), upon proof to the court of such complete satisfaction, shall be entitled to an order declaring same.

LR54.8 Filing Acknowledgment of Satisfaction Notice in Docket

Upon filing of acknowledgment of satisfaction made by the judgment creditor or his/her attorney, the clerk shall note upon the docket sheet "Judgment Satisfied," together with the date of any judgment.

LR54.9 Seaman and Pauper Cases

In all actions in which the fees of the marshal and the clerk are not required by law to be paid in advance and in which a poor suitor or a seaman prevails, either by judgment or by settlement, no dismissal or satisfaction of judgment shall be filed or entered until all fees of the marshal and the clerk have been paid. It shall be the responsibility of counsel handling the payment of any settlement to see to it that all fees are paid whether or not any dismissal or satisfaction of judgment entry is applied for.

LOCAL CIVIL RULE 55 - DEFAULT

LR55.1 Default Judgment

In addition to the provisions of *FRCvP 55*, the following rules apply to default judgments:

- A. All requests for entry of default shall be made to the clerk in writing;
- B. The clerk shall mail by regular mail notice of entry of default to each defendant or his or her attorney at his or her last known address;
- C. A judgment of default shall not be entered until 14 days after entry of default. [Adopted June 28, 2002, Amended December 10, 2009]

LOCAL CIVIL RULE 56 - SUMMARY JUDGMENT

LR56.1 Motions for Summary Judgment

Every motion for summary judgment shall be accompanied by a separate, short and concise statement of the material facts as to which the moving party contends there is no genuine issue to be tried.

LR56.2 Opposition to Summary Judgment

Each copy of the papers opposing a motion for summary judgment shall include a separate, short and concise statement of the material facts as to which there exists a genuine issue to be tried. All material facts set forth in the statement required to be served by the moving party will be deemed admitted, for purposes of the motion, unless controverted as required by this rule. [Amended June 28, 2002]

LOCAL CIVIL RULE 58 - ENTRY OF JUDGMENT

LR58.1 Judgments/Orders

Judgments must be on a separate sheet of paper and shall bear the caption of the action. Orders must also be on a separate sheet of paper and shall bear the caption of the action.

LR58.2 Clerk May Require Draft of Judgment to Be Furnished

The clerk may require the prevailing party to furnish to the clerk a draft of any judgment or order that does not require signature or approval as to form by the judge.

LR58.3 Seaman Settlements

A. The court will not enter a judgment based upon a joint stipulation and compromise which has been agreed upon by parties prior to the filing of a complaint.

B. As to those cases which constitute legitimate and bona fide cases at the time of filing and in which parties have agreed to a compromise at some stage prior to trial and the court, if requested, but *only* if requested, will consider the matter upon filing with the court a joint motion for approval of the compromise.

The motion papers shall include the following:

1. Statements of the facts claimed by the respective parties;
2. Copies of all known and available medical reports together with certification that the attached medical reports are all those available;
3. A copy of proposed disbursements except for attorney's fees. In the event an individual judge may so request, the parties must be prepared to show net disbursements, including attorneys' fees;
4. A copy of the proposed release to be executed by claimant;

5. In addition, the parties shall make arrangements for the presence of and payment of a court reporter who shall record the judge's interview with the plaintiff, transcribe same, and file it into the record of the case.

Thereafter, the court, in the event that it approves the compromise, will enter an order in *substantially* the following form:

"ORDER

"Considering the joint motion of the parties, the statement of facts attached, annexed medical report, the proposed release, and the court having independently interviewed the plaintiff and being satisfied therefrom that the plaintiff understands his (her) legal rights and the consequences of the contemplated settlement that the court determines to be fair,

"IT IS ORDERED that said compromise by defendant with plaintiff in the amount of \$_____ as submitted this date, is hereby approved on the terms set forth in the aforesaid release."

The court will not make any determination whatsoever as to status.

C. In the event a case is compromised during the trial, the judge will, if requested, follow a similar procedure in approving the compromise with variations to adjust to the particular factual situation. In particular, the court in such instances may not need a statement of the facts as it might have become familiar with them during the course of trial. In addition, the proposed order approving the compromise might be redrafted to fit the particular factual situation and could include provisions for entering a judgment on the compromise and for making it executory on a particular date, and with interest and costs.

D. Although the court's intervention is not necessary in order for parties to effect a compromise and settlement of their claim, if it is their desire to obtain this court's approval of such, they must follow the above procedure.

E. In the event that the matter is compromised after a bona fide complaint has been filed, pursuant to an out-of-court interview with the plaintiff, a copy of the transcript of such proceedings shall be filed in the record.

LOCAL CIVIL RULE 62 - STAY OF PROCEEDINGS TO ENFORCE A JUDGMENT

LR62.1 Petitions to Stay Execution of State Court Judgments

A. A plaintiff who seeks a stay of enforcement of a state court judgment or order shall attach to the petition a copy of each state court opinion and judgment involving the matter to be presented. The petition shall also state whether or not the same plaintiff has previously sought relief arising out of the same matter from this court or from any other federal court. The reasons for denying relief given by any court that has considered the matter shall also be attached. If reasons for the ruling were not given in a written opinion, a copy of the relevant portions of the transcript shall be supplied.

B. If any issue is raised that was not raised, or has not been fully exhausted, in state court, the petition shall state the reasons why such action has not been taken.

C. This court's opinion in any such action shall separately state each issue raised by the petition and rule expressly on each issue stating the reasons for each ruling made.

D. If the same petitioner has previously filed in this court an application to stay enforcement of a state court judgment or for habeas corpus relief, the case shall be allotted to the judge who considered the prior matter.

LR62.2 Supersedeas Bond

A supersedeas bond staying execution of a money judgment shall be in the amount of the judgment plus 20% of the amount to cover interest, costs and any award of damages for delay, unless the court directs otherwise. [Amended June 28, 2002]

LOCAL CIVIL RULE 65 - INJUNCTIONS

LR65.1 Temporary Restraining Orders and Preliminary Injunctions

An application for a temporary restraining order or for a preliminary injunction shall be made in a document separate from the complaint. An application for a temporary restraining order shall be accompanied by a certificate of the applicant's attorney, or by an affidavit, or by other proof satisfactory to the court, stating (1) that actual notice of the time of making the application, and copies of all pleadings and other papers filed in the action to date or to be presented to the court at the hearing, have been furnished to the adverse party's attorney, if known, otherwise to the adverse party; or (2) the efforts made by the applicant to give such notice and furnish such copies. [Amended June 26, 2004]

LOCAL CIVIL RULE 65.1 - SECURITY: PROCEEDINGS AGAINST SURETIES

LR65.1.1 Qualifications of Sureties

Every bond furnished in connection with a civil proceeding in this court must have as surety either (1) a cash deposit equal to the amount of the bond, (2) an obligation of the United States Government, or (3) a corporation authorized by the Secretary of the Treasury of the United States to act as surety on official bonds, pursuant to *31 USC 9303-9309*, except that a bond for costs may instead have as surety an individual resident of the district who satisfies the clerk that he/she owns real or personal property within the district sufficient to justify the full amount of the suretyship.

Only by stipulation of the parties or by order of the court may some other form of surety be permitted.

LR65.1.2 Court Officers Not to Be Sureties

No clerk, marshal, member of the bar, or other officer of this court will be accepted as surety on any bond or undertaking in any action or proceeding in this court.

LOCAL CIVIL RULE 67 - DEPOSIT IN COURT

LR67.1 Receipt and Deposit of Registry Funds

All funds received in the registry of the court in civil cases whose principal sum is more than \$500 will be deposited by the clerk with the court's designated depository, or, if otherwise ordered by the court, in an interest bearing account at a rate no lower than ordinary passbook rates. Funds whose principal sum is \$500 or less will be deposited in the court's U.S. Treasury registry and will bear no interest. In criminal cases, funds received by the court for a bail bond will be deposited in the U. S. Treasury and will bear no interest.

LR67.2 Form of Order

A proposed order to deposit funds in the court's registry shall specify the amount to be deposited. If the moving party desires to have the funds placed in a special investment, a proposed order shall be filed with the court which shall state the type of investment to be made, the prevailing rate of interest, the length of time the funds are to be invested, and, whether the investment is to be automatically renewed at maturity.

Unless otherwise specifically provided by order of the court, any interest earned on registry accounts will accrue to the person or persons ultimately found to be entitled to receive the original principal amount deposited in the court's registry.

LR67.3 Disbursement of Registry Funds

Funds shall be disbursed from the registry of the court only upon order of a judge of this court. It shall be the responsibility of counsel filing a motion for disbursement to satisfy the court of the recipient's entitlement to the funds sought to be disbursed.

A motion for disbursement of registry funds shall set forth the principal sum initially deposited, the amount of principal funds to be disbursed, to whom the disbursement is to

be made, complete mailing instructions and specific instructions regarding distribution of accrued interest.

Each motion shall be accompanied by a proposed order which shall contain substantially the following language: "The clerk is authorized and directed to draw a check (or checks) on the funds on deposit in the registry of this court in the principal amount of \$_____ plus all interest earned less the assessment fee for the administration of funds, (*or state other instruction regarding interest*), payable to (*Name and address of payee*), and mail or deliver the check (or checks) to (*payee or attorney*) at (*full address with zip code*)."

If more than one check is to be issued on a single order, the portion of principal due each payee must be stated separately. Counsel must also provide the Social Security number or Tax I.D. number for each payee and complete mailing or delivery instructions for each payee.

On all checks drawn by the clerk on registry funds, the name of the payee shall be written as that name appears in the court's order providing for disbursement.

The clerk will issue disbursements as soon after receipt of the order for disbursement as the business of the clerk's office allows, except when it is necessary to allow time for a check or draft to clear or when otherwise directed by the court.

LOCAL CIVIL RULE 72 - MAGISTRATE JUDGES; PRETRIAL ORDERS

LR72.1 Referral of Pre-trial Proceedings in Civil Matters

Pre-trial proceedings in civil matters may be referred to a magistrate judge for decision or for report and recommendation in accordance with *28 USC 636(b)(1)(A)* and *(B)*, and any standing orders issued by the judge to whom the case is assigned.

**LOCAL CIVIL RULE 73 - MAGISTRATE
JUDGES; TRIAL BY CONSENT AND APPEAL OPTIONS**

LR73.1 Jurisdiction

- A. All U.S. Magistrate Judges are designated fully to exercise all powers and jurisdiction, and perform to the fullest extent the duties prescribed in *28 USC 636(a), (b) and (c)*.
- B. Nothing in these rules shall preclude the court, or a judge of this court, from conducting any proceeding itself rather than by a magistrate judge.

LR73.2 Referral of Cases

- A. The clerk shall refer cases to the magistrate judges in accordance with the court's general orders and standing orders issued by the judge to whom the case is assigned.

[Amended June 28, 2002]

LR73.3 Cases Referred for Trial Under 28 USC 636(c)

Upon the written consent of all parties and referral by the district judge to whom the case is assigned, a full-time magistrate judge may conduct any and all proceedings in a civil case which is filed in this court, including the conduct of a jury or non-jury trial and post-judgment proceedings, and shall order the entry of a final judgment. In the course of conducting such proceeding a magistrate judge shall hear and determine any and all pre-trial and post-trial motions which are filed by the parties, including dispositive motions.

LR73.4 Other Duties

A magistrate judge may be assigned additional duties under *28 USC 636(b)(3)*, including the following matters, which are set forth for illustrative purposes only.

- A. Conduct pre-trial conferences, settlement conferences, omnibus hearings, and related pre-trial proceedings in civil and criminal cases;
- B. Accept waivers of indictment, pursuant to *FRCvP 7(b)*;
- C. Conduct voir dire and select grand and petit juries for the court;

- D. Conduct necessary proceedings in a probation revocation action;
- E. Issue subpoenas, writs of habeas corpus ad testificandum or habeas corpus ad prosequendum, or other orders necessary to obtain the presence of parties, witnesses or evidence needed for court proceedings;
- F. Order the exoneration or forfeiture of bonds;
- G. Conduct proceedings for the collection of civil penalties of not more than \$200 assessed under the Federal Boat Safety Act of 1971, in accordance with *46 USC 484(d)* **[Repealed]**;
- H. Conduct examinations of judgment debtors in accordance with *FRCvP 69*;
- I. Conduct proceedings for initial commitment of narcotics addicts under Title III of the Narcotic Addict Rehabilitation Act;
- J. Perform the functions specified in *18 USC 4107, 4108, and 4109*, regarding proceedings for verification of consent by offenders to transfer to or from the United States and the appointment of counsel therein;
- K. Conduct extradition proceedings pursuant to *18 USC 3184*;
- L. Discharge indigent prisoners or persons imprisoned for debt under process or provisions of *18 USC 3569* **[Repealed]** and *28 USC 2207* [sic] (correct site: *28 USC 2007*);
- M. Issue attachment or order to enforce obedience to an Internal Revenue Summons to produce books and give testimony under *26 USC 6704(b)*;
- N. Settle or certify the non-payment of seamen's wages under *46 USC 303-304* **[Repealed]**; enforce awards of foreign consuls in differences between captains and crews of vessels of the consul's nation, *22 USC 258(a)*; conduct proceedings for disposition of deceased seamen's effects under *46 USC 627, 628* [Repealed]; conduct hearings of offenses arising under *46 USC 701* [Repealed], and submit reports and recommendations to the district court;
- O. Review appeals of Social Security cases and submit a report and recommendation to the district court;
- P. Enter a scheduling order and modify a scheduling order upon a showing of good cause under *FRCvP 16(b)*;

- Q. Issue Order for Service by Publication under *28 USC 1655*;
- R. Issue appropriate Orders for Execution of Judgment;
- S. Issue Orders confirming sales by the U.S. Marshal under *28 USC 2001* and *2004*.

LOCAL CIVIL RULE 74 - METHOD OF APPEAL
FROM MAGISTRATE JUDGE TO DISTRICT JUDGE

LR74.1 Review and Appeal

A. *Appeal of Non-dispositive Matters.* A party may appeal from a magistrate judge's order by filing with the clerk of court, within 14 days of receipt of a copy of the order, a written statement of appeal specifically designating the order or part thereof appealed from, the basis for the objection, and a written memorandum in support thereof. A copy of the appeal shall be served on the magistrate judge and all parties. The time period allowed for appeal may be modified by the magistrate judge or district judge. The district judge shall consider the appeal and set aside any portion of the order found to be clearly erroneous or contrary to law. The district judge may also reconsider sua sponte any matter determined by a magistrate judge under this rule.

B. *Reports and Recommendations.* A party may object to a magistrate judge's proposed findings, recommendations or report by filing with the clerk within 14 days of receipt of a copy thereof, a written objection which specifically identifies the portion or portions of the proposed findings, recommendations or report to which objection is made, the basis for such objection and a written memorandum in support thereof. The magistrate judge or district judge may modify the time period allowed for the filing of such objections. Any party may respond to another party's objections within 14 days after being served with a copy thereof.

A district judge shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made and may accept, reject or modify in whole or in part, the findings or recommendations made by the magistrate judge. The

judge may also receive further evidence or recommit the matter to the magistrate judge with instructions. [Amended November 24, 2009]

LOCAL CIVIL RULE 77 - DISTRICT COURTS AND CLERKS

LR77.1 Conference In Chambers - Notice

Except as to applications normally considered and acted upon ex parte, before any attorney or party shall confer, or arrange to confer, with a judge of this court in chambers relative to a matter then pending before the judge, he or she shall first give notice of the date and hour of the proposed conference to opposing counsel, or if counsel is unknown, to the opposing party, and shall satisfy the judge that this has been done.

LR77.2 Sessions of Court

The court shall be in continuous session on all business days through the year for transacting judicial business. [Amended June 28, 2002]

LOCAL CIVIL RULE 78 - MOTION DAY

LR78.1 Motion Days

Each judge shall designate a particular day or days as motion day. On this day priority shall be given to the presentation of motions. Motions may also be designated for hearing at some other time by order of the judge to whom the action is allotted. On motion day, the court may also consider reviews from magistrate judges' rulings, contradictory motions requiring action by the court after hearing and other matters required by law or court order to be heard and determined summarily.

Oral argument will be allowed only when ordered by the court. All other motions will be decided by the court on the basis of the record, including timely filed briefs and any supporting or opposing documents filed therewith. [Amended June 28 and August 29, 2002]

**LOCAL CIVIL RULE 79 - BOOKS AND
RECORDS KEPT BY THE CLERK AND ENTRIES THEREIN**

LR79.1 Withdrawal of Files

Files in the office of the clerk may be removed from it only for the use of the court or with leave of court or permission of the clerk first obtained.

LR79.2 Custody of Exhibits

After being received in evidence, all exhibits shall be placed in the custody of the clerk, unless otherwise ordered by the court.

LR79.3 Disposition of Exhibits

All exhibits in the custody of the clerk shall be removed within 30 days of the final disposition of the case. The party offering exhibits shall be responsible for their removal and shall give a detailed receipt for the clerk's records. If the parties or their attorneys fail or refuse to remove exhibits within 30 days, the exhibits may be destroyed or otherwise disposed of by the clerk.

LR79.4 Offer and Marking of Exhibits

Before referring to or using or offering in evidence any exhibit, (whether book, paper, document, model, diagram or any other type of exhibit), counsel shall first ensure that it is marked for identification.

LR79.5 Obtaining Record From Appellate Court for Hearing on Motions

It shall be the duty of counsel for the moving parties in cases in which an appeal has been taken and the record filed with the clerk of the Court of Appeals to obtain the record and return it to the clerk of the District Court pending argument and determination of the motion.

LOCAL CIVIL RULE 83 - RULES BY DISTRICT COURTS; JUDGES' DIRECTIVES

LOCAL CIVIL RULE 83.1 - NATURALIZATION

LR83.1 Naturalization

The district court administers the Oath of Allegiance to applicants for naturalization.

[Amended May 18 and June 26, 2004]

LOCAL CIVIL RULE 83.2 - ATTORNEYS

LR83.2.1 Roll of Attorneys

The bar of this court consists of those lawyers admitted to practice before this court who have taken the prescribed oath.

LR83.2.2 Eligibility

Any member in good standing of the bar of the Supreme Court of Louisiana is eligible for admission to the bar of these courts.

LR83.2.3 Procedure for Admission

A. Each applicant for admission to the bar of this court shall file with the clerk a written petition signed by him or her and endorsed by two members of the bar of this court listing the applicant's residence and office address, his or her general and legal education, the courts that have admitted him or her to practice, and stating that the applicant is qualified to practice before this court, is of good moral character, and is not subject to any pending disbarment or professional discipline procedure in any other court. If the applicant has previously been subject to any disciplinary proceedings, full information about the proceedings, the charges and the result will be given.

B. The petitioner may then be admitted in open court, or in chambers or by mail, and upon taking an oath to conduct himself or herself as an attorney or counselor of this court uprightly and according to law and to support the Constitution of the United States. He or

she shall then, under the direction of the clerk, pay the fee required by law and any other fee required by the court. Unless such a motion for admission is made within six months of the filing of the petition, the clerk may destroy the petition and a new petition will be necessary before the applicant can be admitted.

LR83.2.3.1 Payment of Annual Fees

A. In addition to the fee paid upon admission to the bar of this court, every attorney so admitted shall pay to the clerk of this court an annual fee in an amount to be determined by the court. Such fee shall be due and payable triennially commencing January 31, 2003, and thereafter upon notification by the clerk.

B. Any attorney who fails to pay the annual fee shall be summarily suspended, provided a notice of delinquency has been sent to the attorney's last address known to this court at least 30 days prior to such suspension.

C. Any attorney suspended under the provisions above shall be automatically reinstated without further order upon payment of all arrears.

D. An attorney who has retired or is not engaged in the practice of law before this court may advise the clerk in writing that he/she desires to assume inactive status and discontinue the practice of law before this court. Upon the filing of such notice, the attorney shall no longer be eligible to practice law in this court and shall not be obligated for further payment of the fee prescribed herein.

E. Upon a filing of a notice to assume inactive status, the attorney shall be removed from the roll of those classified as active until and unless the attorney requests and is granted reinstatement to the active rolls. Reinstatement shall be granted (unless the attorney is then subject to an outstanding order of suspension or disbarment) upon the payment of any fees due as prescribed by this Rule. [Amended June 28, 2002 and December 29, 2008]

LR83.2.4 Rules of Conduct

This court hereby adopts the Rules of Professional Conduct of the Louisiana State Bar Association, as hereafter may be amended from time to time by the Louisiana Supreme Court, except as otherwise provided by a specific rule or general order of a court.

[Amended June 28, 2002]

LR83.2.5 Attorney Representation

In all cases before this court, any party who does not appear in proper person must be represented by a member of the bar of this court, except as set forth below.

LR83.2.6 Visiting Attorneys

Any member in good standing of the bar of any court of the United States or of the highest court of any state and who is not a member of the bar of this court, may, upon written motion of counsel of record who is a member of the bar of this court, by ex parte order, be permitted to appear and participate as co-counsel in a particular case.

The motion must have attached to it a certificate of recent date from the presiding judge or clerk of the highest court of the state, or court of the United States, where the attorney has been so admitted to practice, showing that the applicant attorney has been so admitted in such court, and that the applicant is in good standing.

The applicant attorney shall state under oath whether any disciplinary proceedings or criminal charges have been instituted against the applicant, and if so, shall disclose full information about the proceeding or charges and the ultimate determination, if any.

The applicant attorney shall pay a fee to the clerk of court in an amount to be determined by the court and shall submit the following oath: I DO SOLEMNLY SWEAR (OR AFFIRM OR PROMISE) that I will support the Constitution of the United States and that I will

demean myself uprightly and according to law and the recognized standards of ethics of the legal profession. I do further solemnly swear (or affirm or promise) that I have read the Federal Rules of Civil Procedure, 28 USC; the Federal Rules of Criminal Procedure, 18 USC; the Federal Rules of Evidence, 28 USC; and the Local Rules of the United States District Court for the Middle District of Louisiana, and that I am fully prepared to use and abide by them in my practice before this Court.

An attorney permitted to appear may participate in a particular action or proceeding in all respects, except that all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom the visiting attorney is associated.

Local counsel shall be responsible to the court at all stages of the proceedings.

Designation of the visiting attorney as "Trial Attorney" pursuant to LR11.2 herein shall not relieve the local counsel of the responsibilities imposed by this rule.

The fee described in this rule is applicable in each case in which the visiting attorney seeks recognition as qualified counsel. [Amended June 28, 2002 and December 29, 2008]

LR83.2.7 Waiver by Court Order of Requirements for Local Counsel

In any civil action, a counsel who is ineligible to become a member of the bar of this court under LR83.2.2, may be authorized by court order to appear and act for any party without joinder of local co-counsel when it is shown that:

- A. The party would suffer hardship by joinder of local counsel;
and
- B. The obligations and duties of counsel in the particular litigation will be fulfilled.

LR83.2.8 Familiarity With and Compliance With Rules

Everyone who appears in court in proper person and every attorney permitted to practice in this court shall be familiar with these rules. Willful failure to comply with any of them, or a false certificate of compliance, shall be cause for such disciplinary action as the court may see fit, after notice and hearing.

LR83.2.9 Suspension and Disbarment

Any person admitted to practice before the court shall give written notice to the clerk of:

1. His/her disbarment or suspension by any court or bar association; and
2. His/her conviction of any felony.

Pending any appeal of the conviction, suspension or disbarment, a member of the bar may be suspended from further practice before this court.

Any member of the bar of this court may be disbarred or otherwise disciplined after such hearing as the court may in each particular instance direct, but any member of this bar who has been disbarred or dropped, or hereafter may be disbarred or dropped, from the Bar of the State of Louisiana, shall be dropped from the bar of this court and his/her name stricken from the roll. [Amended June 28, 2002]

LR83.2.10 Continuing Representation, Withdrawals, Substitution of Counsel

The original counsel of record shall be held to represent the party for whom he or she appears unless the court permits him or her to withdraw from the case. He or she may obtain permission only upon joint motion to substitute counsel or upon a written motion served on opposing counsel and the client before the court acts. If other counsel is not thereby substituted, the motion to withdraw shall contain the present address of the client and the client's telephone number if the client can be reached by telephone. The motion shall be accompanied by a certificate of service, including a statement that the client has been notified of

all deadlines and pending court appearances, on both the client by certified mail and opposing counsel, or an affidavit stating why service has not been made.

LR83.2.11 Additional Counsel

Where counsel has appeared for any party, other counsel may appear for the same party only:

- A. Upon motion of counsel of record for that party, or motion consented to by him/her; or
- B. Upon motion, after counsel for the party has been permitted to withdraw or has died, or is incapacitated, or cannot be found; or
- C. Upon motion of a party after notice to counsel of record and a hearing thereon.

LR83.2.12 Appearances by Law Students

Limited appearances by law students, if the person on whose behalf he or she is appearing has consented to that appearance in writing and the supervising lawyer has also approved the appearance in writing, are allowed in any civil matter in which a fee is not provided for or could not reasonably be anticipated; and in a criminal matter on behalf of an indigent defendant.

An eligible law student may also appear in any criminal matter on behalf of the United States with the written approval of both the prosecuting attorney or his or her authorized representative and the supervising lawyer. Insofar as practicable, the legal services of law students in criminal practice shall be divided equally between prosecution and defense.

The written consent and approval referred to above shall be filed in the record of the case and shall be brought to the attention of the judge.

The supervising lawyer or the prosecuting attorney must personally be present throughout the proceedings and shall be responsible for the manner in which they are conducted.

A. *Prerequisites to Law Student Appearances*

In order to make an appearance pursuant to this rule, the law student must:

1. Be duly enrolled in a law school in this state approved by the American Bar Association;
2. Have completed four (4) full-time semesters of legal studies or the equivalent if the school is on some basis other than a semester basis;
3. Be certified by the dean of his or her law school as being of good moral character, competent legal ability, and adequately trained to perform as a legal intern;
4. Be introduced to the court by an attorney admitted to practice in this court;
5. Neither ask for nor receive remuneration of any kind for services;
6. Take the following oath:

"I, _____, do solemnly swear that I will support the Constitution of the United States and of the State of Louisiana and have read and am familiar with the Code of Professional Responsibility of the Louisiana State Bar Association, and I understand that I am bound by the precepts therein contained as fully as if I were admitted to the practice of law in Louisiana; and that I further accept the privileges granted to me as well as the responsibilities which will devolve upon me, so that I may be more useful through my clinical education in the service of justice."

B. *Certification of Students*

The certification of a student by the law school dean:

1. Shall be filed with the clerk and, unless sooner withdrawn, it shall remain in effect for twelve (12) months after it is filed, or until the announcement of the results of the first bar examination following the student's graduation, whichever comes earlier. For any student who passes that examination or who is admitted to the bar without taking an examination, the certification shall continue in effect until the date he or she is admitted to the bar;
2. May be withdrawn by the dean at any time by mailing a notice to that effect to the clerk. The notice need not state the cause for withdrawal;
3. May be terminated by this court at any time without notice or hearing and without any showing of cause. Notice of the termination may be filed with the clerk.

C. *Supervision of Students*

The member of the bar under whose supervision an eligible law student works shall:

1. Be admitted to practice before this court, and be approved by the dean of the law school in which the law student is enrolled for service as a supervising lawyer for this program;
2. Assume personal professional responsibility and liability for the student's guidance in any work undertaken and for supervising the quality of the student's work;
3. Assist the student in his or her preparation.

LR83.2.13 Courtroom Decorum

The purpose of this rule is to emphasize, not to supplant, certain portions of those ethical principles applicable to the lawyer's conduct in the courtroom. In addition to the other requirements, therefore, lawyers appearing in this court shall:

1. Stand as court is opened, recessed or adjourned.
2. Stand when the jury enters or retires from the courtroom.
3. Stand when addressing, or being addressed by, the court.
4. Stand at the lectern while examining any witness; except that counsel may approach the clerk's desk or the witness for purposes of handling or tendering exhibits.
5. Stand at the lectern while making opening statements or closing arguments.
6. Address all remarks to the court, not to opposing counsel.
7. Avoid disparaging personal remarks or acrimony toward opposing counsel and remain wholly detached from any ill feeling between the litigants or witnesses.
8. Refer to all persons, including witnesses, other counsel and the parties by their surnames and not by their first or given names.
9. Only one attorney for each party shall examine, or cross examine, each witness.
10. Counsel should request permission before approaching the bench; and any documents counsel wish to have the court examine should be handed to the clerk.
11. Any paper or exhibit not previously marked for identification should first be handed to the clerk to be marked before it is tendered to a witness for his examination; and any exhibit offered in evidence should, at the time of such offer, be handed to opposing counsel.
12. In making objections counsel should state only the legal grounds for the objection and should withhold all further comment or argument unless elaboration is requested by the court.
13. In examining a witness counsel shall not repeat or echo the answer given by the witness.
14. Offers of, or requests for, a stipulation should be made privately, not within hearing of the jury.
15. In opening statements and in arguments to the jury, counsel shall not express personal knowledge or opinion concerning any matter in issue, and shall not suggest to

the jury, directly or indirectly, that it may or should request transcripts or the reading of any testimony by the reporter.

16. Counsel shall admonish all persons at counsel table that gestures, facial expressions, audible comments, or the like, as manifestations of approval or disapproval during the testimony of witnesses, or at any other time, are absolutely prohibited. [Amended September 27, 2000 and June 28, 2002]

LOCAL CIVIL RULE 83.3 - BUILDING SECURITY

LR83.3.1 Reasons for Building Security

The purpose of these rules is to minimize interference with and disruptions of the court's business, to preserve decorum in conducting the court's business and to provide effective security in the buildings wherein proceedings governed by these rules are held. These buildings are hereinafter collectively referred to as "the premises".

LR83.3.2 Security Personnel

The term "Security Personnel" means the U.S. Marshal or deputy marshal or a deputized court security officer.

LR83.3.3 Carrying of Parcels, Bags, and Other Objects

Security personnel shall inspect all objects carried by persons entering the premises. No one shall enter or remain in the premises without submitting to such an inspection.

LR83.3.4 Search of Persons

Security personnel may search the person of anyone entering the premises or any space in it. Anyone who refuses to permit such a search shall be denied entry. Should any defendant in a criminal case whose appearance is required refuse to permit such a search, security personnel shall deny the person entry and shall immediately notify the judge before whom the appearance is required. The judge may take the appropriate action, including, but not limited to, detention and search, and ordering revocation of bond, if the defendant is on bond.

LR83.3.5 Unseemly Conduct

No person shall:

- A. Loiter, sleep or conduct himself/herself in an unseemly or disorderly manner in the premises;
- B. Interfere with or disturb the conduct of the court's business in any manner;
- C. Eat or drink in the halls of the premises or in the courtrooms;
- D. Block any entrance to or exit from the premises or interfere in any person's entry into or exit from the premises.

LR83.3.6 Entering and Leaving

All persons shall enter and leave courtrooms only through such doorways and at such times as shall be designated by the security personnel.

LR83.3.7 Spectators

Spectators shall enter or depart courtrooms only at such times as the presiding judge may direct. No spectator shall enter or remain in any courtroom unless spectator seating is available. Spectators shall sit in that portion of the courtroom designated by the U.S. Marshal. Spectators excluded because of lack of seating and spectators leaving the courtroom while court is in session or at any recess shall not loiter or remain in the area adjacent to the courtroom.

LR83.3.8 Cameras and Electronic Equipment

Unless authorized by the court, no camera, recording equipment, or other type of electrical or electronic device shall be brought into the premises. No person shall introduce or attempt to introduce any type of camera, recording equipment or other type of electrical or electronic device into the premises without court permission. No person shall introduce any type of camera, recording equipment or other type of electric or electronic device into the premises while, or immediately before or after, the grand jury is in session.

LR83.3.9 Photographs, Radio or Television Broadcasting

A. The taking of photographs in the courtroom or its environs or radio or television broadcasting from the courtroom or its environs, during the progress of or in connection with judicial proceedings, including proceedings before a United States Magistrate Judge, whether or not court is actually in session, is prohibited.

B. As used in these rules the term "environs" means any place within any United States Courthouse wherein these Rules apply, and any place wherein a United States Magistrate Judge may conduct judicial proceedings and any public place immediately adjacent thereto.

LR83.3.10 Unauthorized Presence When Grand Jury Is in Session

No person, except grand jurors, witnesses, government attorneys, agents or employees, court personnel concerned with any grand jury proceeding, private attorneys whose clients have been called to appear as witness at a session of the grand jury then in progress or about to commence, and others specifically authorized, shall be allowed to remain in the hall adjacent to the grand jury space beyond the entrance door.

LR83.3.11 Interviewing Witnesses Before Grand Jury

No person shall attempt to question, interview or interfere with any person who may testify or who has testified before any grand jury within the premises.

LR83.3.12 Weapons

No person shall be admitted to or allowed to remain in the premises with any object that might be employed as a weapon unless he has been authorized in writing by a judge or magistrate judge to do so, or unless he is a federal law enforcement agent, a U.S. Marshal, a Federal Protective Service Police Officer, a publicly employed law enforcement officer or a person designated by the court to assist U.S. Marshals or Federal Protective Service Police. No person, except U.S. Marshals and others specifically authorized by the court, shall have any

such object in his possession while in any courtrooms, judges' chambers or magistrate judges' chambers.

LR83.3.13 Enforcement

Security personnel shall enforce the whole of this Rule 83.3. In addition to such other penalties as may be prescribed by law, violators of this rule may be held in contempt of court and subject to the imposition of sanctions.

LOCAL CIVIL RULE 83.4 - BANKRUPTCY

LR83.4.1 Reference to Bankruptcy Judge

Under the authority of *28 USC 157* the district court refers to the bankruptcy judges of this district all cases under Title 11 and all proceedings arising under Title 11 or arising in or related to a case under Title 11. As set forth in *28 USC 157(b)(5)*, personal injury tort and wrongful death claims shall be tried in the district court.

LR83.4.2 Appeal to the District Court

Appeals from judgments, orders or decrees of a bankruptcy judge shall be governed by *Part VIII of the Bankruptcy Rules* (Section 8001, *et seq.*) and the applicable local rules of the district and bankruptcy courts.

LR83.4.3 Motion Seeking Relief From a District Judge

Motions filed seeking relief from a district judge, including motions under *28 USC 157(d)* (for withdrawal of reference), *28 USC 157(c)(1)* (objections to proposed findings of fact and conclusions of law) and *Bankruptcy Rule 8005* (for stay pending appeal), shall be governed by the rules set out below.

A. Original Motion

1. *Applicable Rules.* The Local Rules for the district court shall be applicable to all

motions filed in bankruptcy cases or proceedings seeking relief from a district judge. In those instances where the Bankruptcy Rules require a report from the bankruptcy judge, *e.g.*, *Bankruptcy Rules 5011(b)* and *9027(e)*, the local Bankruptcy Rules shall apply until such report is issued.

2. *Place of Filing.* All motions described in this section above shall be filed with the clerk of the bankruptcy court.
3. *Contents of Motion.* In addition to the normal requirements of papers filed in the bankruptcy court, motions described in this section above shall include:
 - a. A clear and conspicuous statement opposite the title of the action that "RELIEF IS SOUGHT FROM A UNITED STATES DISTRICT JUDGE."
 - b. A designation of the portions of the record of the proceedings in the bankruptcy court that will reasonably be necessary or pertinent for consideration of the motion by the district court.
 - c. A list showing each party with an interest in the motion and for each party shown, their attorney along with such attorney's mailing address.
4. *Subsequent Filings.* Any filing in a matter under this section subsequent to the "Original Motion" set forth above shall be filed with the clerk of the district court and shall comply with all rules of such court.
5. *Duties of the Clerk of the Bankruptcy Court.* Upon filing of an original motion, as set forth above, the clerk of the bankruptcy court shall promptly transmit to the clerk of the district court:

- a. The original motion and all attachments to the motion, and
 - b. The portion of the bankruptcy court record designated in accordance with (3)(b) above.
- B. *No Automatic Stay.* There shall be no automatic stay of bankruptcy court proceedings as a result of the filing of any motion under the above. Any stay of proceedings will result only from an order of the bankruptcy court or the district court.
- C. *Obligation of the Parties.* It shall be the obligation of each and every party and their attorney to apprise the bankruptcy court and the United States District Court of orders entered in either forum which significantly affect matters pending in either forum.

LR83.4.4 Record Transmitted to the District Court

The authority to retain any portion of the record on appeal or in connection with a motion seeking relief from a district judge is delegated to the clerk of the bankruptcy court. If any portion of a record is retained in the bankruptcy court, a certified copy of such record shall be transmitted to the district court. If the district court requests the retained papers, the bankruptcy clerk shall transmit them forthwith.

In the event that papers are retained in the bankruptcy court and certified copies are transmitted to the district court, the bankruptcy court may order the party upon whose instance the papers were required to reimburse the clerk of the bankruptcy court for the cost of making the copies.

LOCAL ADMIRALTY RULES

LOCAL ADMIRALTY RULE 4 - SUMMONS AND PROCESS

LAR4.1 Process

A. In addition to the requirements set forth in Admiralty Rule B, the clerk of these courts shall not issue a summons and process of attachment and garnishment until such time as the verified complaint and affidavit filed pursuant to Admiralty Rule B be reviewed by the court and it determines if the conditions set forth in Rule B appear to exist and enters an order so stating, and authorizing process of attachment and garnishment. Supplemental process enforcing the court's order may be issued by the clerk upon application without further order of the court. If the plaintiff or his or her attorney certifies that exigent circumstances make review by the court impracticable, the clerk shall issue a summons and process of attachment and garnishment and the plaintiff shall have the burden on a post-attachment hearing under LAR4.1(C) to show that exigent circumstances existed.

B. In connection with actions in rem pursuant to Admiralty Rule C, the verified complaint and supporting affidavit filed in connection therewith shall be reviewed by the court and no warrant for the arrest of a vessel shall issue unless the court determines that the conditions for an action in rem appear to exist, and enters an order so stating, and authorizing a warrant. Supplemental process enforcing the court's order may be issued by the clerk upon application without further order of the court. If the plaintiff or his or her attorney certifies that exigent circumstances make review by the court impracticable, the clerk shall issue a summons and warrant for the arrest and the plaintiff shall have the burden on a post-arrest hearing under LAR4.1(C) to show that exigent circumstances existed.

C. The procedure for release from arrest or attachment either pursuant to Supplemental Rule B or C shall be as follows: Whenever property is arrested or attached, any person claiming an interest in it shall be entitled to a prompt hearing at which the plaintiff shall be required to show why the arrest or attachment should not be vacated or other relief granted consistent with these rules. This rule shall have no application to suits for seamen's wages

when process is issued upon a certification of sufficient cause signed pursuant to *46 USC 603* and *604*.

D. If the judge to whom the particular case is allotted is not available, matters referred to in this LAR4.1 may be presented to any other judge without the necessity of reallocation of the case.

LAR4.2 Summons to Show Cause Why Funds Should Not Be Paid to Court

A summons issued pursuant to Admiralty Rule C(3) dealing with freight or the proceeds of property sold or intangible property shall direct the person having control of the funds to show cause why the funds should not be paid into court to abide the judgment in accordance with the procedure described in the Civil Rules to notice matters for hearing.

LOCAL ADMIRALTY RULE 64 - SEIZURE OF PROPERTY

LAR64.1 Publication and Time to Claim and Answer Where Publication Necessary and Under Supplemental Rule C(4)

In all cases where publication is necessary under Admiralty Rule C(4), the time for filing a claim is hereby extended for a period of 21 days from the date of the publication.

The published notice shall contain the title and the number of the suit, the date of the arrest and identity of the property arrested, the name of the marshal, and the name and address of the attorney for the plaintiff. It shall also state that claimants must file their claims pursuant to Rule C(6) with the clerk and serve them on the attorney for plaintiff within 21 days after the date of first publication, or within such further time as may be allowed by the court, and must serve their answers within 21 days after the filing of their claim; that, if they do not, default may be entered and condemnation ordered; and that application for intervention under FRCvP 24, by persons claiming maritime liens or other interests may be untimely if not filed within the time allowed for claims to possession. [Adopted June 24, 2009, effective December 1, 2009, Amended November 24, 2009]

LAR64.2 Release of Vessel or Property Under Admiralty Rule E(5)(c)

The marshal is further authorized to release a vessel or property if the party at whose instance the vessel or property is detained or his/her attorney, expressly authorizes the marshal in writing to release the vessel or property, and agrees in writing to hold the marshal and his deputies forever harmless of and from any and all liability as a result of the release of the vessel or other property pursuant to such authorization. At the same time the party or his or her attorney must certify that all costs and charges of the court and its officers have either been paid or that none are due.

LAR64.3 Movement of Vessels Under Seizure

Without a separate order in each individual case, the marshal is authorized to move the vessels under seizure by him within the district in such a manner and at such times as he, acting as a prudent administrator, finds to be necessary to their proper safeguarding and preservation while under seizure. Further, and without an order of court, he is authorized to permit the moving of vessels anywhere within the area of the district when the party at whose instance the vessel is detained and its owner, or the owner's attorney, expressly authorizes in writing such a movement and agrees in writing to hold the marshal and all his deputies harmless from any and all liability as a result of any such move.

LAR64.4 Consent Guardian

The marshal is authorized, without special order of court, to appoint the master of the vessel or another competent person as keeper or custodian of any vessel under seizure with their consent, provided that all parties to the action or their attorneys shall have expressly consented in writing to the appointment and shall have agreed in writing to hold the marshal and all of his deputies harmless from any and all liability as a result of the appointment.

LAR64.5 Notices

Unless otherwise ordered by the court, or otherwise provided by law, all notices required to be published by statute, rule, or order of court shall be published in the following newspapers, depending on the district and division of the court in which filed: [Amended June 26, 2002]

Eastern District	<i>Times-Picayune</i>
Middle District	<i>The Advocate</i>
Shreveport Division	<i>Shreveport Times</i>
Monroe Division	<i>Monroe Morning World</i>
Alexandria Division	<i>The Alexandria Daily Town Talk</i>
Lake Charles Division	<i>Lake Charles American Press</i>
Lafayette/Opelousas Division	<i>The Daily Advertiser</i>

LAR64.6 Sales

A. *Notice.* Unless otherwise ordered by the court or otherwise provided by law, notices of sale of arrested or attached vessels or property shall be published on three different days, the first of which shall be published at least 10 days and the last at least three days before the day of the sale.

B. *Confirmation.* In all public auction sales of admiralty by the marshal of this court, the marshal shall require the last and highest bidder to whom the property is adjudicated to deposit a minimum of \$500.00 or 10% of the bid, whichever is greater, in cash or certified check, or cashier's check on a local bank. In the event that the last and highest bid should be for an amount not in excess of \$500.00, its full amount shall be paid at the time of adjudication. The balance, if any, of the purchase price shall be paid in cash or by certified or cashier's check on a local bank on or before confirmation of the sale by the court and within 10 days of the adjudication or dismissal of any opposition which may have been filed.

At the conclusion of the auction, the marshal shall forthwith report to the court the fact of the sale, the price brought, and the name of the buyer, and the clerk shall endorse upon such report the time and date of filing. This report shall lie over for three days, exclusive of Saturdays, Sundays, and legal holidays. If within these three days no written objection is filed, the sale shall be confirmed as of course, provided that no sale shall be confirmed until the buyer shall have performed the terms of his purchase. In the event no opposition to the sale shall have been made, the cost of keeping the property pending confirmation shall be paid out of the proceeds of the sale; except that if the confirmation is delayed by the purchaser's failure to pay any balance which is due on the price, the cost of keeping the property shall be borne by the purchaser after the three-day period shall have lapsed. In the event an opposition to the sale is filed, the opponent shall be required to deposit with the marshal, in advance, cost of keeping the property pending the determination of the opposition by the court; in default of his making the advance, his opposition shall fail without affirmative action by the court. If the opposition fails, the cost of keeping the property during its pendency shall be borne by the opponent.

At the auction, the marshal shall take, record, and report the cost, the name and address of the second highest bidder, and the amount of that second highest bid. In the event that the highest bidder fails to meet his or her financial obligation pertaining to his or her bid, the court may, with the approval of the party or parties at whose instance the sale has been ordered, and of the second highest bidder, confirm the sale to him or her.

LOCAL ADMIRALTY RULE 65.1 - SECURITY

LAR65.1.1 Security for Costs

Except in suits in forma pauperis, or in suits where by statute a party is relieved of prepaying fees and costs or of giving security therefor, or unless otherwise ordered by the court, no process in rem or of attachment shall issue unless the party requesting issuance files a

stipulation in the sum of \$250.00 with good and solvent surety, conditioned as provided in Admiralty Rule E(2)(b).

Whenever in these rules the filing of a bond or stipulation required or permitted, the party required or permitted to file such bond or stipulation may, in lieu thereof, deposit the requisite amount of money in the registry of the court as security.

LAR65.1.2 Sureties

In all cases where the surety on a bond or stipulation for the release of a vessel or other property under seizure is not a corporate surety holding a certificate of authority from the Secretary of the Treasury, and the bond or stipulation is not approved as to amount and nature by the party at whose instance the vessel or other property is detained, or by his or her attorney, the vessel or property shall not be released without an order of a judge, on reasonable notice and contradictorily, approving the surety. In the absence of the judges, the approval of the clerk, on like notice and contradictorily, shall suffice.

Such approval shall not limit the right of a party to move, under Rule E(6) of the Supplemental Rules, *FRCvP*, to reduce the amount of surety given or to require new or additional sureties.

LOCAL CRIMINAL RULES

LOCAL CRIMINAL RULE 5 - INITIAL APPEARANCE BEFORE THE MAGISTRATE JUDGE

LCrR5.1 Referral of Pre-trial Proceedings in Criminal Cases

Pre-trial proceedings in criminal matters may be referred to a magistrate judge for decision or for report and recommendation, in accordance with 28 U.S.C. 636(b)(1)(A) and (B), by specific referral of the presiding district judge or by any general or standing orders.

[Amended June 28, 2002]

LOCAL CRIMINAL RULE 12 - PRETRIAL MOTIONS

LCrR12.1 Criminal Motion Practice

All criminal motions shall comply with the provisions of Local Civil Rules 7, 10, and 11. [Adopted June 28, 2002]

LOCAL CRIMINAL RULE 32 - SENTENCE AND JUDGMENT

LCrR32.1 Sentencing

A. In accordance with the provisions of Rule 32, Federal Rules of Criminal Procedure, when a presentence investigation is ordered, defendant's counsel, upon request, is entitled to notice and a reasonable opportunity to attend any interview of the defendant by a probation officer in the course of a presentence investigation.

B. Not less than 35 days prior to the date set for sentencing, unless the defendant waives this minimum period, the probation officer shall disclose the presentence investigation report to the defendant, counsel for the defendant and the Government. The presentence report is considered a confidential document and will be filed in the record under seal by the probation office at the time of the report's disclosure. Within 14 days thereafter, counsel shall communicate in writing to the probation officer and each other any objections they may have as to any material information, sentencing classifications, sentencing guideline ranges, and policy statements contained in or omitted from the report.

C. After receiving counsel's objections, the probation officer shall conduct any further investigation and make any revision to the presentence report that may be necessary. The officer may require counsel for both parties to meet with the officer to discuss unresolved factual and legal issues.

D. Not later than seven days prior to the date of the sentencing hearing, the probation officer shall file the presentence report in the court record, if the report is revised. The probation officer shall then file any addendum to the presentence report.

E. Except with regard to any objection made under Fed.R.Cr.P. 32(f) that has not been resolved, the report of the presentence investigation may be accepted by the court as accurate. The court, however, for good cause shown, may allow a new objection to be raised at any time before the imposition of sentence. In resolving disputed issues of fact, the court may consider any reliable information presented by the probation officer, the defendant, or the Government.

F. The times set forth in this rule may be modified by the court for good cause shown, except that the 14 day period set forth in Fed.R.Cr.P. 32(e) may be diminished only with the consent of the defendant.

G. Nothing in this rule requires the disclosure of any portions of the presentence report that are not disclosable under Rule 32 of the Federal Rules of Criminal Procedure. As permitted by Rule 32, the probation officer's recommendation on the sentence shall not be disclosed to anyone, other than the court.

H. The presentence report shall be deemed to have been disclosed one day after a copy of the report is filed electronically. [Amended June 28, 2002 and November 24, 2009]

LCrR32.2 Presentencing Memoranda

A party may submit a sentencing memorandum addressing any factor taken into account for sentencing purposes. The memorandum may contain, but is not limited to, sentencing factors enumerated in 18 USC §3553(a); factors for upward or downward departure including those considered pursuant to USSG §5K1.1; argument on unresolved objections to the

presentence report; and any information concerning the background, character, and conduct of the defendant, in accordance with 18 U.S.C. § 3661. All such sentencing memoranda shall be submitted directly to the probation office at least seven days prior to the date of sentencing. The sentencing memorandum will be filed in the record under seal by the probation office upon its receipt. The submission of a sentencing memorandum does not relieve the parties from the obligation of providing the probation officer with written objections to the presentence report within 14 days from the day of disclosure in accordance with Rule 32 Fed.R.Cr.P. 32. [Adopted June 28, 2002, Amended November 24, 2009]

LOCAL CRIMINAL RULE 49 - SERVICE AND FILING OF PAPERS

LCrR49.1 Filing by Electronic Means

The court will accept for filing only those documents submitted and signed or verified by electronic means and only those electronic documents that comply with procedures established by the court, as authorized by Rule 49(d) of the Federal Rules of Criminal Procedure. The electronic record shall be the official record of the court.

Notwithstanding the foregoing, an attorney may, for good cause shown, request by written motion a temporary exemption from mandatory electronic case filing. If the exemption pertains to a specific case, the motion should be filed in that case. If the exemption pertains to all cases before the court, current and future, said motion should be filed and will be submitted to the Chief Judge.

The filing of charging documents, including the complaint, information, indictment and superseding information or indictment, shall be accomplished as set forth in the administrative procedures guide for the U. S. District Court, Middle District of Louisiana, which is authorized by General Order 2005-06. A copy of the administrative procedures may be obtained from the clerk's office or downloaded from the court's website at www.lamd.uscourts.gov. [Adopted July 15, 2005, Amended January 10, 2007.]

LCrR49.2 Service of Documents By Electronic Means

The "Notice of Electronic Filing" that is automatically generated by the court's Electronic Filing System, except as provided below, constitutes service of the filed document on all parties who have consented to electronic service. Parties who have not consented to electronic service must be served with a copy of any pleading or other document filed electronically in accordance with the Federal Rules of Criminal Procedure and the Local Rules.

Most sealed filings do not produce a Notice of Electronic Filing, and therefore, service by the party of any sealed document must be in accordance with the Federal Rules and the Local Rules.

A certificate of service must be included with all electronic filings. The certificate of service must identify the method of service upon each party. [Adopted July 15, 2005]

LOCAL CRIMINAL RULE 53 - REGULATION OF CONDUCT IN THE COURTROOM

LCrR53.1 Dissemination of Information Concerning Pending or Imminent Criminal Litigation by Lawyer Prohibited

It is the duty of the lawyer not to release or authorize the release of information or opinion for dissemination by any means of public communication, in connection with pending or imminent criminal litigation with which he or she is associated, if there is a reasonable likelihood that such dissemination will interfere with a fair trial or otherwise prejudice the due administration of justice.

LCrR53.2 Pending Investigations

When there is a grand jury or other pending investigation of any criminal matter, a lawyer participating in the investigation shall refrain from making any extrajudicial statement, for dissemination by any means of public communication, that goes beyond the public record or that is not necessary to inform the public that the investigation is under way, to describe the

general scope of the investigation, to obtain assistance in the apprehension of a suspect, or to warn the public of any dangers, or otherwise to aid in the investigation.

LCrR53.3 Extrajudicial Statements Concerning Specific Matters

From the time of arrest, issuance of an arrest warrant or the filing of a complaint, information, or indictment in any criminal matter until the commencement of trial or disposition without trial, a lawyer associated with the prosecution or defense shall not release or authorize the release of any extrajudicial statement for dissemination by means of public communication relating to that matter and concerning:

- A. The prior criminal record (including arrests, indictments, or other charges of crime), or the character or reputation of the accused, except that the lawyer may make a factual statement of the accused's name, age, residence, occupation, and family status; and, if the accused has not been apprehended, a lawyer associated with the prosecution may release information necessary to aid in the accused's apprehension or to warn the public of any dangers he or she may present;
- B. The existence or contents of any confession, admission, or statement given by the accused, or the refusal or failure of the accused to make any statement;
- C. The performance of any examinations or tests or the accused's refusal or failure to submit to an examination or test;
- D. The identity, testimony, or credibility of prospective witnesses, except that the lawyer may announce the identity of the victim if the announcement is not otherwise prohibited by law;
- E. The possibility of a plea of guilty to the offense charged or a lesser offense;
- F. Any opinion as to the accused's guilt or innocence or as to the merits of the case or the evidence in the case.

Upon the showing of good cause by any party, the application of this Rule may be changed or modified to any extent by the court.

LCrR53.4 Disclosures Authorized

The foregoing shall not be construed to preclude the lawyer during this period, in the proper discharge of his/her official or professional obligations, from announcing the fact and circumstances of arrest (including the time and place of arrest, resistance, pursuit, and use of weapons), and the identity of the investigating and arresting officer or agency, and the length of the investigation; from making an announcement, at the time of seizure of any physical evidence other than a confession, admission or statement, which is limited to a description of the evidence seized; from disclosing the nature, substance, or text of the charge, including a brief description of the offense charged; from quoting or referring without comment to public records of the court in the case; from announcing the scheduling or result of any stage in the judicial process; from requesting assistance in obtaining evidence; or from announcing without further comment that the accused denies the charges made against him or her.

LCrR53.5 Extrajudicial Statements During Trial

During the trial of any criminal matter, including the period of selection of the jury, no lawyer associated with the prosecution or defense shall give or authorize any extrajudicial statement or interview, relating to the trial or the parties or issues in the trial, for dissemination by any means of public communication, except that the lawyer may quote from or refer without comment to public records of the court in the case.

LCrR53.6 Extrajudicial Statements After Trial and Prior to Sentence

After the completion of a trial or disposition without trial of any criminal matter, and prior to the imposition of sentence, a lawyer associated with the prosecution or defense shall refrain from making or authorizing any extrajudicial statement for dissemination by any means of public communication if there is a reasonable likelihood that such dissemination will affect the imposition of sentence.

LCrR53.7 Matters Not Precluded

Nothing in these rules is intended to preclude the formulation or application of more restrictive rules relating to the release of information about juvenile or other offenders, to preclude the holding of hearings or the lawful issuance of reports by legislative, administrative, or investigative bodies, or to preclude any lawyer from replying to charges of misconduct that are publicly made against him or her.

LCrR53.8 Disclosure of Information by Courthouse Personnel

All courthouse personnel, including marshals, deputy marshals, guards, court clerks, deputy clerks, law clerks, secretaries, bailiffs, court reporters, and probation and pretrial services officers shall under no circumstances disclose to any person, without express authorization by the court, information relating to a pending criminal case or grand jury matter that is not part of the public records of the court. This rule specifically forbids the divulgence of information concerning arguments and hearings held in chambers or otherwise outside the presence of the public. [Amended June 28, 2002]

LCrR53.9 Special Orders

In a widely publicized or sensational case, the court, on motion of either party or on its own motion, may issue a special order governing such matters as extrajudicial statements by parties and witnesses likely to interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news-media representatives, the management and the sequestration of jurors and witnesses and any other matters that the court may deem appropriate for inclusion in such an order.

LCrR53.10 Subjects of Special Order

Such a special order may be addressed to some or all of the following subjects:

- A. A proscription of extrajudicial statements by participants in the trial, including lawyers, parties, witnesses, jurors, and court officials, that might divulge prejudicial matter not of public record in the case;

- B. Specific directives regarding the clearing of entrances to the hallways in the courthouse and respecting the management of the jury and witnesses during the course of the trial to avoid their mingling with or being in the proximity of reporters, photographers, parties, lawyers, and others, both in entering and leaving the courtroom and courthouse, and during recesses in the trial;
- C. A specific direction that the jurors refrain from reading, listening to, or watching news reports concerning the case, and that they similarly refrain from discussing the case with anyone, or with one another, during the trial and from communicating with others in any manner during their deliberations;
- D. Sequestration of the jury on motion of either party or of the court without disclosure of the identity of the movant;
- E. Direction that the names and addresses of jurors or prospective jurors not be publicly released except as required by statute, and that no photograph be taken or sketch made of any juror within the environs of the court;
- F. Insulation of witnesses from news interviews during the trial period;
- G. Specific provisions regarding the seating of spectators and representatives of news-media, including:
 - 1. An order that no member of the public or news-media representative be at any time permitted within the bar railing;
 - 2. The allocation of seats to news-media representatives in cases where there is an excess of requests over the number of seats available, taking into account any pooling arrangement that may have been agreed to among the news-media representatives.

**LOCAL CRIMINAL RULE 58 - PROCEDURE
FOR MISDEMEANORS AND OTHER PETTY OFFENSES**

LCrR58.1 Petty Offenses

A. As authorized by Rule 4 of the Rules of Procedure for Trial of Misdemeanors Before United States Magistrate Judges, the petty offenses named in the Schedule of Offenses designated by the court may be disposed of by payment of the fixed sum provided in the schedule in lieu of a personal appearance before a magistrate judge. The proceeding shall be terminated on receipt of payment by the Central Violations Bureau or clerk.

B. In all other petty offense proceedings, unless otherwise authorized in a specific case by the magistrate judge to whom the case has been assigned, or pursuant to *FRCrP 43(c)*, the defendant must personally appear before the magistrate judge for disposition of the charges or for other proceedings directed by law.

C. The magistrate judge may direct the Probation Office of the court to conduct a pre-sentence investigation and report in accordance with *18 USC 3401(c)*.

LCrR58.2 Central Violations Bureau

There shall be maintained a Central Violations Bureau. The Bureau shall keep a record of violation notices transmitted by enforcement agencies, a record of all payments made and shall give appearance notices to those violators whose offenses are not disposed of under a Schedule of Offenses. The Bureau shall transmit to the magistrate judges notices for personal appearance and shall maintain other records needed to effect the prompt disposition of petty offenses.

APPENDIX

NOTICE REGARDING COMPLAINTS OF JUDICIAL MISCONDUCT OR DISABILITY

To improve the administration of justice in the federal courts, Congress passed the Judicial Conduct and Disability Act of 1980, codified at 28 U.S.C. § 372(c). The law authorizes complaints against United States Circuit, District, Bankruptcy, and Magistrate Judges who have "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts" or who are "unable to discharge all the duties of office by reason of mental or physical disability." The conduct to which the law is addressed does not include making wrong judicial decisions, for the law provides that a complaint may be dismissed if it is "directly related to the merits of a decision or procedural ruling."

The Judicial Council of the Fifth Circuit has adopted *Rules Governing Complaints of Judicial Misconduct or Disability*. These rules apply to judges of the United States Court of Appeals for the Fifth Circuit and to the district, bankruptcy, and magistrate judges of federal courts within the Fifth Circuit. The Fifth Circuit includes the states of Texas, Louisiana, and Mississippi.

These Rules may be obtained from, and written complaints filed at, the following office:

Clerk
United States Court of Appeals
for the Fifth Circuit
600 Camp Street, Room 102
New Orleans, LA 70130

December 1, 1993