

FIRST PARISH COURT
FOR THE
PARISH OF JEFFERSON

924 DAVID DRIVE
METAIRIE, LOUISIANA 70003

HONORABLE REBECCA M. OLIVIER
Judge, Division "A"

HONORABLE JOHN J. LEE, JR.
Judge, Division "B"

TITLE 13
COURTS AND JUDICIAL PROCEDURE
CHAPTER 8-A. PARISH COURTS

PART I. FIRST PARISH COURT FOR THE PARISH OF JEFFERSON

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First Parish Court generally follows the Louisiana Code of Civil Procedure. See La.C.C.P. Arts. 4841-4852.

**PART I. FIRST PARISH COURT FOR THE
PARISH OF JEFFERSON**

§2561.1 Creation; territorial boundaries

There is hereby created a court to be known and designated as the First Parish Court for the Parish of Jefferson, State of Louisiana the territorial boundaries of which shall be Wards 7, 8, 9 and 10, of the Parish of Jefferson, which is composed of all of that territory in the Parish of Jefferson lying east of the Mississippi River.

Acts 1962, No. 484, §1.

Acts 1962, No. 484, creating the First Parish Court for the Parish of Jefferson, provided in §17 that the act should take effect and become operative if and when a proposed amendment adding new

§51(a) to Article VII of the 1921 Constitution was adopted. The proposed amendment was adopted at the general election on November 6, 1962.

Title of Act:

An Act creating a court to be known as “The First Parish Court for the Parish of Jefferson, State of Louisiana”; fixing the territorial boundaries thereof; providing its civil and criminal jurisdiction; providing for a judge, his qualifications, salary, appointment and election, term of office and powers; designating a clerk, the executive officer of the court and a prosecuting attorney; providing for the fixing by the judge of a schedule of traffic fines for traffic violations; designating a court seal and providing for a court reporter, providing for trial procedures and appeals; and providing

that the act shall become effective if, and when the amendment to Article VII of the Louisiana Constitution, by adding a new section thereto to be designated as 51(a), proposed by House Bill No. 934 is duly adopted at the general election to be held in November 1962. Acts 1962, No. 484.

Library References

Courts - 41, 171 Westlaw Topic No 106 C.J.S.Courts §§121 to 124.

§2561.2 Civil Jurisdiction

A. Subject to the limitations provided in R.S. 13:2561.4, this court has civil jurisdiction concurrent with that of the district court, within its territorial boundaries, when the amount in dispute, or the value of the property involved does not exceed twenty thousand dollars, exclusive of interest, costs and attorneys fees, and in suits for possession of leased premises when the amount of the rental does not exceed the jurisdictional amounts provided in Code of Civil Procedure Article 4844(A); and in case of any reconventional demand, intervention, or third-party opposition filed in the court and necessarily connected with or growing out of the main demand, the court shall be divested of jurisdiction over the main demand and all of the incidental demands when the amount in dispute or the value of the property involved in the reconventional demand, intervention, or third party opposition exceeds twenty thousand dollars, exclusive of interest, costs, and attorneys fees, and the case shall be removed to the Twenty-Fourth Judicial District Court.

B. This court has civil jurisdiction concurrent with that of the district court in cases or proceedings instituted by the state, a parish, a municipality, or other political subdivisions of the state for injunctive relief or other civil relief for the cessation or abatement of any acts or practices committed within the court’s territorial jurisdiction which may violate any parish or municipal ordinance or any state law. In such case, the court shall have jurisdiction irrespective of the amount in dispute of the value of the property involved.

Added by Acts 1962, No. 484, §2. Amended by Acts 1977, No. 298, §1; Acts 1986, No. 1038, §2; Acts 1987, No. 448, §1, eff. July 9, 1987; Acts 1992, No. 939 §2; Acts 1997, No. 1262 §1; Acts 2001, No. 1152, §1; Acts 2004, No. 121, §1, eff. June 4, 2004.

RECONVENTIONAL DEMAND

La. C.C.P. Art. 4845. Amount in dispute; jurisdiction of incidental demands; parish, city, and justice of the peace courts; payment of costs of transfer

A.(1) When a parish or city court has subject matter jurisdiction over the principal demand, it may exercise subject matter jurisdiction over any properly instituted incidental action arising out of the same transaction or occurrence from which the principal demand arose, regardless of the amount in dispute on the incidental demand.

(2) When an otherwise properly instituted incidental demand exceeds the subject matter jurisdiction of the parish or city court, the court may transfer the entire action to a court of proper jurisdiction.

B. When a compulsory reconventional demand exceeds the jurisdiction of a parish or city court, the court shall transfer the entire action to a court of proper jurisdiction.

Acts 1986, No. 156, §1; Amended by Acts 1990, No. 521, §2, eff. Jan. 1, 1991; Acts 1991, No. 676, §1; Acts 1995, No. 202, §1; Acts 1999, No. 678, §1.

§2561.3 Criminal jurisdiction

This court has criminal jurisdiction concurrent with that of the district court, for the trial of all persons charged with offenses or crimes committed within its territorial boundaries, but not including capital crimes or those crimes or offenses which are punishable by imprisonment at hard labor under the laws of this state.

Added by Acts 1962, No. 484, §3.

Library References

Criminal Law - 87.

Westlaw Topic No. 110.

§2561.4 Limitations on civil jurisdiction

This court shall not have jurisdiction in civil matters involving successions or probate matters; where a succession is the defendant; in divorce proceedings; in matters concerned with adoption, emancipation, interdiction, or filiation of persons; when the state, parish, or other political subdivision, as defined in R.S. 13:5101 et seq., is a party defendant; where title to real estate is involved; in election contests; where a federal or state law or a parish or municipal ordinance is sought to be invalidated; over any matters which under the laws of this state are under the jurisdiction of the juvenile court; where the action is against an officer or employee of the state, a state agency, or political subdivision arising out of the discharge of his official duties or within the course and scope of his employment, or where the suit is otherwise subject to the provision of R.S. 13:5104.

Added by Acts 1962, No. 484, §4. Amended by Acts 1990, No. 361, §2, eff. Jan. 1, 1991; Acts 2004, No. 26, §7; Act 2004, No. 121, §1, eff. June 4, 2004.

Library References

Courts - 162

Westlaw Topic No. 106.

§2561.5 Judges

A. This court shall have two judges whose terms of office shall be six years each, and who shall be elected by the qualified electors residing within the territorial boundaries of the court.

Traffic Hearing Officers: [R.S. 13:2562.21] See: PART II-A. PROVISIONS APPLICABLE TO THE FIRST AND SECOND PARISH COURTS

§2561.8 Traffic offenses

The judge of this court shall have the power to fix a schedule of fines, including costs, for the various traffic offenses, and any person charged with such an offense may plead guilty before the clerk, who shall make an entry thereof, and pay the fine and cost for such offense as fixed by the judge in his schedule of fines for the particular offense to the sheriff. All fines and forfeitures collected shall be paid by the sheriff into the general fund of the parish of Jefferson provided that the sheriff shall retain twelve per cent of the amount of fines collected or the amount of bonds forfeited to go into the sheriff's salary and expense fund.

Added by Acts 1962, No. 484, §8. Amended by Acts 1964, No. 428, §1; Acts 1974, No. 357, §1.

Library references

Automobiles - 350

C.J.S. Countries §316

Countries - 160

C.J.S. Fines §6

Fines - 20

C.J.S. Motor Vehicles, §§1320,

Westlaw Topic Nos. 48A, 104, 174

1363, 1395-1396, 1442, 1507, 1531

§2561.10 Applicability of Code of Civil Procedure

The provisions of the Louisiana Code of Civil Procedure with reference to city courts, shall be applicable to this court in all civil cases.

Added by Acts 1962, No. 484, §10.

Cross References

Trial courts of limited jurisdiction, see C.C.P. Art. 4831 et seq.

Library references

Courts - 78, 184

C.J.S. Courts §3 to 4, 171 to 174

Westlaw Topic No. 106

APPEALS

Civil - For Civil cases: See La. C.C.P. Articles 5001 through 5003.

WRIT OF REVIEW

For Criminal cases: See R.S. 13:1896 and 1897; La. C.Cr.P. Article 912.1 (C)(1) and (2).

For Appeals from decisions of a traffic hearing officer, See La. R.S. 13:1452.1

In any parish court having a traffic hearing officer, an appeal may be taken from any determination by the officer that a person is in violation of any traffic law or ordinance of the state, parish or municipality within the court's jurisdiction. The appeal shall be taken to the judge of the parish court by filing a motion with the clerk of court for the parish along with payment of a reasonable fee not to exceed twenty-five dollars. The delay for filing an appeal shall be five days from the date of determination by the traffic hearing officer. On appeal, the case shall be tried *de novo*.

Added by Acts 1987, No. 749, §1, eff. July 16, 1987. Amended by Acts 1988, No. 281, §1.

COURT REPORTER FEES FOR FIRST PARISH COURT

Minimum fees of \$50.00 with a deposit required on all transcripts

Type of Transcript Per Page Fee

Civil Appeals \$ 3.50

Criminal Writs \$ 3.50

Criminal Appeals \$ 2.75

(Indigent Defendants)

Private Transcripts

Within 24 hours \$ 8.00

Within 48 hours \$ 7.00

Within 72 hours \$ 6.00

Within 10 days \$ 5.00

Unlimited \$ 4.50

§2561.12 Clerk; seal

The clerk of court for the parish of Jefferson shall be ex-officio clerk of court for this court. He, or any deputy appointed by him, may be assigned to act as minute clerk, and shall perform such other clerical duties as the judge shall direct. He shall be entitled to charge the fees as set forth in Section 1986 of Title 13, Louisiana Revised Statutes of 1950. He shall provide the court with a seal, which shall contain a vignette of the state seal, with the words, "Seal of the First Parish Court for the Parish of Jefferson", which shall be used on all orders, writs and processes issuing from the court. However, the absence of the seal shall not affect the validity of such documents.

Added by Acts 1962, No. 484, §12

Library References

Clerk of Court 3, 11

Westlaw Topic Nos. 79, 106

Courts - 46

C.J.S. Courts §§ 1, 6, 329, 333

§2561.13 Sheriff as executive officer

The executive officer of this court shall be the sheriff of the parish of Jefferson. All writs and processes in either criminal or civil matters issued by this court, shall be served by the sheriff or his deputy. The sheriff shall receive the fees provided by law, applicable to 24th Judicial District Court.

Added by Acts 1962, No. 484, §13

Library References

Courts - 55

C.J.S. Courts §§ 136 to 144

Sheriffs and Constables - 1, 35,43, 87

C.J.S. Sheriffs and Constables §§ 1,

Westlaw Topic Nos. 106, 353

80 to 88, 485 to 486, 490 to 492

§2561.14 Prosecution of criminal cases

All criminal cases shall be prosecuted by the district attorney for the parish of Jefferson, or through an assistant appointed by him.

Added by Acts 1962, No. 484, §14

Library References

District and Prosecuting Attorneys - 8

C.J.S. District and Prosecuting

Westlaw Topic No. 131

Attorneys §§ 26 to 31, 47 to 55, 62 to 63

§2561.15 Court reporter

The judge shall appoint a competent court reporter to take the evidence in any case in which it is necessary to do so under the laws applicable to district courts, unless the parties waive the appointment of the reporter. At the request of any party, the judge shall order the transcription of the testimony of the court reporter. Except in pauper cases, the fees of the court reporter in civil cases shall be charged as costs in the litigation, and shall be paid primarily by the party requesting the transcription. However, the reporter is not required to file the transcript before payment.

The governing authority of the Parish of Jefferson shall fix and pay the salary of the court reporter.
Added by Acts 1962, No. 484, §15

Library References

Costs - 189	C.J.S. Costs §§ 131
Courts - 57	C.J.S. Stenographers §§ 2 to 21
Westlaw Topic Nos 102, 106	

§2561.16 Office space

The governing authority for the Parish of Jefferson shall provide suitable space, within the territorial boundaries of this court, for the operation thereof.

Added by Acts 1962, No. 484, §16

Library References

Courts - 57	C.J.S. Courts §§ 166 to 168
Westlaw Topic No. 106	

§2561.17 Appellate jurisdiction

Any other law to the contrary notwithstanding, all appeals allowed by law from justice of the peace courts to district courts in civil and criminal matters shall, in the Parish of Jefferson for justice of the peace courts east of the Mississippi River, be to the First Parish Court for the Parish of Jefferson instead of to the district court.

Added by Acts 1977, No. 295, §1

Library References

Courts - 224	C.J.S. Justice of the Peace, §§ 305,
Justices of the Peace - 185	450 to 451, 455
Westlaw Topic Nos. 106, 231	

PART II-A. PROVISIONS APPLICABLE TO THE FIRST AND SECOND PARISH COURTS, JEFFERSON PARISH

Section	Section
2562.21 Traffic Hearing Officers	2562.25 Facsimile transmission; filings in civil actions; fees;

§2562.21 Traffic Hearing Officers

A. The offices of Traffic Hearing Officer of the First and Second Parish Courts of Jefferson Parish are hereby created. The Judges in each said court may appoint a traffic hearing officer for their court as provided in this Section.

H. The traffic hearing officer shall have criminal jurisdiction over traffic violations of state laws and parish or municipal ordinances committed within the territorial boundaries of the appointing parish court which are punishable by a fine not exceeding five hundred dollars or by imprisonment not exceeding six months or both. This jurisdiction shall be concurrent with any jurisdiction, pertaining to traffic violations only, conferred by law upon the parish court.

Added by Acts 1981, No. 648, §1, eff. July 20, 1981.

§2562.25 Facsimile transmission; filings in civil actions; fees;

A. Any document in a civil action may be filed with the Clerk of Court for the First Parish Court of Jefferson Parish by facsimile transmission. The Clerk of Court of the Parish of Jefferson, as the ex officio Clerk of Court for First Parish Court of Jefferson Parish shall make available for his use equipment to accommodate facsimile filings in civil actions. Filings shall be deemed complete at the time that the facsimile transmission is received by the Clerk of Court. All fax filings must be faxed as follows: Criminal Department facsimile to (504)736-6253. A facsimile confirmation will be sent and include a statement of the fees for the facsimile filing and filing of the original document that day or the next business day. The facsimile filing shall have the same force and effect as filing of the original document, if the party complies with Subsection B of this Section.

B. Within seven days, exclusive of legal holidays, after the Clerk of Court receives the facsimile filing, all of the following must be delivered to the Clerk of Court:

(1) The original document identical to the facsimile filing in number of pages and in content of each page including any attachments, exhibits, and orders. A document not identical to the facsimile filing or which includes pages not included in the facsimile filing shall not be considered the original document.

(2) The fees for the facsimile filing and filing of the original document stated on the confirmation of receipt, if any.

(3) A transmission fee of five dollars.

C. If the filing party fails to comply with any of the requirements of Subsection B of this Section, the facsimile filing shall have no force or effect.

**RULES
OF THE
FIRST PARISH COURT
FOR THE
PARISH OF JEFFERSON**

RULE I. COURT HOURS

Section 1. Civil Matters: Except when specifically ordered by the Court, trials in civil matters will be taken up during the second and fourth full weeks, excluding Thursday in Division "A", commencing promptly at 10:00 a.m. and the first and third full weeks, excluding Thursday in Division "B", commencing promptly at 9:00 a.m. Defaults and other preliminary matters must be scheduled with Court Reporter.

Section 2. The Clerk of Court, or his deputy, shall maintain a record in which he shall enter the order in which defaults and other preliminary matters are presented to him by the litigants or their attorneys before 10:00 a.m. These matters shall be taken up in that order without preference. Should the litigant or his attorney be absent in court when his matter is called by the Court, it shall be moved to the end of the order of business, reassigned to the following civil days, as the case may be, or continued without date, all within the discretion of the Court.

Section 3. Criminal Matters: Except when specifically ordered by the Court, criminal matters will be heard as follows:

A. For Division "A" - The first full week of the month, including Thursday for traffic matters, (DWI and charges related to that DWI), will be heard, commencing at 9:00 a.m. The third full week of the month, including Thursday, commencing at 9:00 a.m. , misdemeanor cases will be heard.

B. For Division "B" - The second full week of the month, including Thursday, traffic matters, (DWI and charges related to that DWI) will be heard, commencing at 9:00 a.m. The fourth full week of the month, including Thursday , commencing at 9:00 a.m. misdemeanor cases will be heard.

ASK FOR A COURT CALENDAR

C. Arraignments for both divisions may be heard daily, including traffic (DWI and charges related to that DWI), and misdemeanors. At the Court's discretion, arraignments will be taken up before or after the sounding of the docket.

D. Division "T" [Traffic Hearing Officer / T.H.O. Division.] - All traffic charges, other than DWI (and charges related to that DWI), will be taken up at 4:00 p.m. during evening Traffic Court. Arraignments may be heard every evening at 4:00 p.m.

RULE II. CONFERENCES WITH JUDGE

The Judge will be available for a scheduled conference by calling the Judge's secretary for each division.

RULE III. DOCKETS

There shall be two dockets: A criminal docket for criminal cases and a civil docket for civil cases. The Clerk of Court shall prepare and maintain these records as required by law.

RULE IV. PLEADINGS

All pleadings, motions, orders and judgments, except forms furnished by the Clerk of Court, shall be in the original, double-spaced, with a two-inch margin from the top of the page and a one-inch margin from each side, on sheets of 8½ x 14 inches white paper of sufficient thickness, so as to not be transparent, endorsed with the title of the Court and the nature of the suit and containing those matters required by law. The defendant shall file all responsive pleadings at the same time.

Mail civil, criminal and traffic pleadings to: Clerk of Court, 924 David Drive, Metairie, LA 70003.

Fax pleadings to: Civil - 504 736-8970 / Criminal and Traffic - 504 736-6253

RULE V. DEFAULTS

Section 1. In suits in a parish court or a city court, if the defendant fails to answer timely, or if he fails to appear at trial, and the plaintiff proves his case, a final judgment in favor of plaintiff may be rendered. No prior default is required.

Section 2. The defendant shall answer within ten days of the service of citation, except that when the citation is served through the secretary of state, the delay, as to all defendants, shall be fifteen days after service.

Section 3. The Court may render default judgments in open court, upon submission of an affidavit, approved by the Court on any regularly scheduled court day. At the Court's discretion, it will decide whether the default judgment will be taken up before or after the sounding of the docket. *Refer to Rule I. for Court Schedule.*

Section 4. When the sum due is on an open account, promissory note, negotiable instrument, or other conventional obligation, a hearing in open court shall not be required unless the Judge in his discretion directs that such a hearing be held. The plaintiff shall submit to the Court the proof required by law and the original and not less than one copy of the proposed final judgment.

Generally use guidelines in accordance with La. C.C.P. Articles 1702, 1702.1, 4903-4908.

RULE VI. FORMA PAUPERIS

An individual who is unable to pay the costs of court because of his poverty and lack of means may prosecute or defend a judicial proceeding in any trial court without paying the costs in advance or as they accrue.

A person who wishes to exercise the privilege to proceed in *forma pauperis* shall apply to the court for permission to do so in his first pleading, or in an *ex parte* written motion of requested later, to which he shall annex:

(1) His affidavit that he is unable to pay the costs to court in advance, or as they accrue because of his poverty and lack of means, accompanied by supporting documentation; and

(2) The affidavit of a third person other than his attorney that he knows the applicant, knows his financial condition, and believes that he is unable to pay the costs of court in advance or as they accrue.

When the application and supporting documents are presented to the court, it shall inquire into the facts, and if satisfied that the applicant is entitled to the privilege in this Chapter, it shall render an order permitting the applicant to litigate, or to continue the litigation thereof, the action or proceeding without paying the costs in advance, or as they accrue. The Court may reconsider such an order on its own motion at any time in a contradictory hearing.

See: Generally La.C.C.P. Articles 5181 through 5188.

RULE VII. TRIAL OF CASES

Section 1. Cases shall ordinarily be tried in the order in which they are assigned, but the Court may call his/her docket and dispose of all cases and other matters in such order as he/she may deem proper.

Section 2. Ordinary and summary cases not concluded shall be continued to any subsequent day, entirely at the discretion of the Court.

Section 3. The order of trial shall be determined by the Court as the commencement of the trial pursuant to La.C.C.P. Article 1632, and surrebuttal shall not be allowed to any party except for good cause shown.

Section 4. All cases shall be fixed for trial upon written motion filed by the counsel seeking such trial. Adequate notice of such action shall be given to all parties. Upon receipt of a motion to fix for trial, the Clerk of Court shall file and docket the same, place said motion in the record and present the entire record to the Court. The Clerk shall keep a Trial Docket upon which he shall enter all matters fixed for hearing and from which docket the Court's daily docket shall be prepared and in readiness at the opening of the Court.

Section 5. Motions for new trial, permitted by law, may be submitted either on the face of the papers or on brief, as counsel sees fit, and should the Court desire oral arguments or briefs, it shall so order.

Section 6. Instructions to Court officers and agreements of parties or counsel shall have no effect unless reduced in writing, signed and dated by the parties, filed and placed in the record or stipulated on the record in open Court.

RULE VIII. CONTINUANCES

A continuance shall be granted in those cases required by law and may be granted in any cases at the discretion of the Court. It is required that any continuance be filed in writing at least one week before the trial, under possible penalty of Contempt of Court for failure to do so.

RULE IX. WITNESSES

Section 1. At least two (2) full calendar weeks before trial, in both criminal and civil case not of a summary nature, a written list of witnesses for summons, with correct names and addresses, designating whether said witnesses are called for the State or defense, plaintiff or defendant, intervenor or third party opponent, which fact shall be noted on the summons, shall be furnished to the Clerk of Court.

Section 2. The Sheriff shall keep a criminal summons docket, which shall be numbered so as to correspond with the numbers of the Clerk's Criminal Docket, in which docket he shall respectively enter a separate list of witnesses and make returns to the Clerk of each service, to be forthwith filed in the record.

RULE X. RECORDS

Section 1. No record shall be withdrawn from the Office of the Clerk of Court without first having the record signed out, including the name of the person requesting the record, the date and purpose.

Section 2. Only attorneys at law, litigants acting in proper person , or court reporters shall be permitted to withdraw a civil record.

Section 3. Only the Clerk of Court, Deputy Clerks of Court and authorized Court personnel may withdraw a criminal record from the Office of the Clerk of Court and the Judicial Clerk's Office.

Section 4. A record may not be removed from the Court building under any circumstances without a written order signed by a Judge, which order shall designate the name of the party to whom the record is assigned, the destination of the record and the date the record is to be returned. Further, the Clerk of Court shall file the written Order for Record and shall notify the Judge, on the approved return date, of the assigned party's failure to return the record timely.

RULE XI. SPECIAL APPOINTMENTS

Section 1. No suggestions relative to the appointment of particular persons such as curators, ad hocs, notaries, appraisers, and other officers and/or experts will be received, unless requested by the Court.

Section 2. In all cases where the defendant is an absentee represented by a curator, the curator shall be present at the time of the trial and shall be require to present competent evidence to show that a diligent effort was made to locate and inform the defendant.

RULE XII. DECORUM

Proceedings in Court shall be conducted at all times with fitting dignity and decorum and for the purpose of deciding the issues involved with justice and impartiality.

RULE XIII. CELL PHONES/ELECTRONIC DEVICES

No cameras or any type of recording devices shall be allowed in the First Parish Courthouse building, except that cell phones or electronic devices (pagers, laptops, palm pilots, etc) shall be allowed by authorized employees, law enforcement officers within Jefferson Parish jurisdiction and members of the Louisiana State Bar Association in good standing. Under no circumstances are these devices to be turned "on" in any courtroom, even when Court is not in session.

RULE XIV. AMENDMENT TO RULES

These Rules may be amended, supplemented or changed at any time by the Judges of the First Parish Court for the Parish of Jefferson.

If there are any questions concerning rules or procedures for First Parish Court for the Parish of Jefferson, call the Judicial Administrator, Donald Finger, at (504) 736-8972.