

**ORDINANCE NUMBER 10-2017-07**

**RULES OF COURT FOR THE MUNICIPAL COURT OF THE TOWN OF  
SIMMESPORT**

TO ENACT RULES OF COURT FOR THE MUNICIPAL COURT OF THE TOWN OF SIMMESPORT, TO REULATE OR PROHIBIT CERTAIN ACTIVITIES; TO PROVIDE PENALTIES FOR VIOLATION OF SUCH REGULATIONS OR PROHIBITIONS; TO PROVIDE FOR THE EFFECTIVENESS OF THIS ORDINANCE TO PRIOR ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND TO PROVIDE FOR RELATED MATTERS.

Be it ordained by the Mayor and Board of Aldermen of the Town of Simmesport, Louisiana in regular session assembled that:

**Section 1 – Title**

The Title of this Ordinance shall be the “Rules of Court for the Municipal Court of the Town of Simmesport”

**Section 2 – Rules of Court**

**RULE NUMBER 1 – CONSTRUCTION OF RULES**

- A. These rules are intended to govern the interaction between the Court, attorneys, and litigants and to ensure the administration of justice in an efficient and effective manner.
- B. The term “Mayor,” when used in these Rules, includes a presiding Magistrate.

**RULE NUMBER 2 – THE MAYOR’S CHAMBERS**

The privacy of the Judge’s Chambers shall be respected at all times.

**RULE NUMBER 3 – DAYS AND HOURS OF COURT; ORDER OF BUSINESS**

- A. Days of Court. – Court has be held on the last Monday of each month and at other times designated by the Mayor.
- B. Hours of Court. – Court shall commence at 6:00 P.M. or at other times designated by the Mayor.
- C. Regular Order of Business. – The regular order of business each court session shall be as follows:
  - 1) Arraignments
  - 2) Assignments for Trial
  - 3) Trials
  - 4) Bond Forfeitures
  - 5) Adjournment

The Mayor may set the order of business for each court session and may deviate from the order of business stated herein for good cause and for the efficient administration of justice.



#### **RULE NUMBER 4 – COURT OFFICIALS**

- A. The Clerk and the Bailiff shall be in attendance at all times while the Court is in session.
- B. The Marshal (Chief of Police) or one of his deputies or officers shall serve as Bailiff during all proceedings. The Bailiff shall direct all persons in the courtroom when they are to rise, in accordance with the directions of the Court.

#### **RULE NUMBER 5 – OPENING OF COURT**

Immediately before the scheduled court time, the Bailiff shall direct all other court officers and spectators to their seats. As the Mayor enters the courtroom, the Bailiff shall require all present to rise and remain standing. When the Mayor has been seated upon the bench, the Bailiff shall say:

“The Mayor’s Court for the Town of Simmesport is now in session, the Honorable \_\_\_\_\_ (Mayor / Magistrate) presiding. No smoking allowed. You may be seated.”

#### **RULE NUMBER 6 – APPROACHING THE BENCH**

No person shall approach the Mayor’s bench while Court is in session, or while the Mayor is seated upon the bench, except by permission of the Court.

#### **RULE NUMBER 7 – PROPER ATTIRE**

All persons shall be properly attired while in the courtroom when Court is in session.

#### **RULE NUMBER 8 – CONDUCT OF PERSONS IN ATTENDANCE**

- A. Every person entering the courtroom while Court is in session shall immediately be seated and conduct himself in a quiet and orderly manner.
- B. All persons attending a Court session shall remain in the spectator area, except Court personnel, members of the bar, and participants in the Court proceedings.
- C. No person shall be permitted to remain standing in the courtroom during a session of Court, unless he is engaged in the trial of a case or is a court officer in attendance upon such session.
- D. Smoking is prohibited while Court is in session.
- E. No person may engage in any conduct that would be disruptive to the business of Court, including, but not limited to, the following:
  - 1) Using tobacco in any form at any time.
  - 2) Reading newspapers while Court is in session.
  - 3) Displaying any political advertisement of any nature.
  - 4) Using a cell phone or other electronic device in any manner.
- F. Attorneys, as officers of the Court, must help to maintain the dignity of the Court.
- G. No one may wear a hat or be barefoot in the courtroom. Witnesses and spectators must appear neat and clean, within the limits of propriety. The Court will make allowances for those who must appear in work clothes and for those whose attire is dictated by their religion.
- H. Broadcasting, televising, recording, or taking photographs in the courtroom and areas immediately adjacent thereto during sessions of Court or recesses between sessions is strictly prohibited.



- I. The use of electronic transmitters, receivers, or entertainment devices such as cellular telephones, beepers, computer disk players, smart phones, tablets, computers, laptops, etc. are prohibited in the courtroom.

#### **RULE NUMBER 9 – ATTORNEY’S CONDUCT DURING HEARINGS**

- A. Any attorney who tenders himself or herself before the Court and represents that he or she is duly authorized to practice law, but who has been declared ineligible, suspended, or disbarred from practice before the courts of this State, shall be subject to contempt proceedings.
- B. No one may represent a party in any proceeding except counsel of record, unless allowed to do so by law.
- C. Attorney’s Behavior During Trial.
  - 1) Attorneys, during trial, shall not exhibit familiarity with the defendant, witnesses, or opposing counsel, and the use of first names shall be avoided.
  - 2) Attorneys shall rise and remain standing while addressing the Court. Attorneys shall address all remarks, objections, and comments to the Mayor, never to opposing counsel. All statements and communication by an attorney to the Court shall be clearly and audibly made from the attorney’s chair.
  - 3) Attorneys shall not appear to engage the Court in conversation in a confidential manner.
  - 4) Unless directed otherwise by the judge, all judgments, orders, decrees, or other documents shall be handed to the clerk, who shall hand them to the judge.

#### **RULE NUMBER 10 – DEFENDANTS**

The Defendant shall stand, with his attorney, if represented by one, before the bench during the arraignment or when entering a plea, as well as at the time of the passing of sentence.

#### **RULE 11 – WITNESSES**

- A. Witnesses. – Witnesses will be treated with courtesy and respect.
- B. Swearing in of Witnesses – Witnesses shall be sworn near the bench.
- C. Examination of Witnesses –
  - 1) Attorneys shall refrain from harassing or badgering a witness purposely.
  - 2) Attorneys may not approach the witness in the witness chair without first obtaining the Court’s permission.
  - 3) When an attorney completes his examination of a witness, he shall so indicate to the opposing counsel.

#### **RULE 12 – EXHIBITS**

Exhibits to be offered shall first be handed to the Clerk, numbers by him consecutively, and offered before they are submitted to opposing counsel. They shall then be admitted or excluded, and thereafter may be referred to by number.

#### **RULE 13 – ASSIGNMENTS**

- A. The Docket. – Assignments of cases for trial shall be made by the Mayor. The Clerk shall maintain an Assignment Docket showing Title, Docket Number, Date and Time of Assignment and Attorney or Attorneys of Record.



B. Motion for Assignments. – All Assignments shall be made by motion in open court. Motions for reassignments shall be by oral motion, in open court.

**RULE 14 – COURTROOM SECURITY**

The Chief of Police or his designee shall provide security for the courtroom, chamber, offices, and hallways.

**RULE 15 – MAYOR’S DISCRETION**

The Mayor may, in the interest of justice and upon notice to all parties, permit deviations from these rules in a particular proceeding.

**Section 3**

The sections, paragraphs, sentences, clauses, and phrases of the Statutes or Titles adopted herein by reference and made part of this Code shall be severable. If any section, paragraph, sentence, clause, or phrase of any of the Statutes or Titles referenced herein is declared unconstitutional, illegal, or otherwise invalid by judgment or decree of a court of competent jurisdiction, the unconstitutionality or invalidity shall not affect any of the remaining sections, paragraphs, sentences, clauses, and phrases of the Statutes and Titles adopted herein by reference and made part of this Code.

**Section 4**

All ordinances or parts of ordinances in conflict herewith are hereby repealed.

**Section 5**

Not less than two copies of the most current version (in pamphlet form) of The Court Rules for the Municipal Court for the Town of Simmesport shall be permanently retained in the office of the Town Clerk, said copies to be made available for public inspection during regular office hours.

**Section 6**

The repeal of any provision of any section, paragraph, sentence, clause, phrase, or other provision or part of any of the Statutes or Titles adopted herein by reference and made part of this Code shall not affect any offense committed or act done prior to the effective date of such repeal, or any penalty or forfeiture incurred for an offense committed under the provision repealed or any prosecution or suit pending at the time of such repeal for an offense committed under the provisions repealed.

**Section 7**

This ordinance shall become effective upon passage.



Said Ordinance having been introduced at the meeting of the Board of Aldermen held on December 11, 2017, by the Town of Simmesport, copy of the Ordinance having been provided to all members of the Board of Aldermen and the Mayor, the title of the proposed Ordinance and notice of the time and place where the Board of Aldermen will consider the adoption of the Ordinance having been published once in the official journal of the municipality on November 9, 2017, and a public hearing having been held, the title of this Ordinance having been read and the Ordinance considered, on motion by Alderman Bell and seconded by Alderman Brown, to adopt the Ordinance, a record vote was taken and the following result was had:

	FOR	AGAINST	ABSTAIN
Alderman Bell	<u>  X  </u>	<u>          </u>	<u>          </u>
Alderman Brown	<u>  X  </u>	<u>          </u>	<u>          </u>
Alderman Coco	<u>  X  </u>	<u>          </u>	<u>          </u>
Alderman Marsh	<u>  X  </u>	<u>          </u>	<u>          </u>
Alderman Turner	<u>  X  </u>	<u>          </u>	<u>          </u>

Whereupon, the motion receiving the affirmative vote of a majority of the members of the Board of Aldermen, the presiding officer declared the above Ordinance duly adopted on the 11<sup>th</sup> day of December, 2017

Leslie Draper  
 Leslie Draper III, Mayor

Dacia Adams  
 Dacia Adams, Town Clerk

