

NINETEENTH JUDICIAL DISTRICT COURT

PARISH OF EAST BATON ROUGE

EN BANC ORDER

IT IS HEREBY ORDERED that pursuant to the authority set forth in R.S. 13:587.3(A) which provides that the judges of the 19th Judicial District Court, with respect to seniority and the requirement that all cases be assigned randomly within multi-judge groupings, the judges of the Nineteenth Judicial District Court, by rule adopted by a majority vote of the judges sitting en banc, with the consent of the judge of a division, may assign to that division criminal matters or civil matters or drug court matters or domestic violence matters or any or all types of matters of which the court has jurisdiction. And further pursuant to the authority set forth in R.S. 13:587.4(A) which provides, in pertinent part, that the judges of any judicial district court, by rule adopted by a majority vote of the judges sitting en banc, may designate a certain section of the court as a specialized section having civil subject matter jurisdiction.

IT IS FURTHER ORDERED that beginning **September 1, 2023**, a pilot program for a Complex Litigation Section (CLS) will be implemented with Judge Wilson E. Fields serving as the presiding Judge. It is estimated that the pilot will last for a minimum of two (2) years, but may require additional time due to the complexity of the matters involved. Quarterly progress reports will be provided to the Full Judges throughout the duration of the CLS pilot program. The purpose of a CLS is to actively manage complex litigation disputes in order to provide timely and cost-effective resolution of such matters. The CLS will utilize active judicial case management in collaboration with the parties and their counsel in pursuit of this goal. A "complex case" is generally defined as one which involves multifaceted legal and case management issues requiring all-encompassing judicial management to expedite litigation and to promote effective decision-making by the Court, counsel, and the parties. A nonexclusive list of factors that will guide both parties and the Court in the determination of whether a case is complex includes the following:

1. The need for a high degree of case management, including the handling of discovery disputes and motion practice;
2. The expectation of numerous pre-trial and/or discovery motions raising difficult or novel legal issues, or legal issues inextricably intertwined and/or time consuming;
3. The expectation of extensive and intensive document review or *in camera* inspection by the Court;
4. The presence of a large number of separately represented parties on main actions, cross claims, counterclaims, and/or third-party claims;
5. The need to manage a large amount of documents, both paper and electronic, during the pendency of the matter at a trial;
6. The need to manage a large number of expert witnesses;
7. The anticipation of a lengthy trial duration;

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En Banc Order thus done and signed this 14th day of August, 2023

Kay S. Vidrine



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8. Litigation classified as large mass torts or class actions;
9. Because of the complexity of the litigation, the services of a Special Master would be beneficial; and
10. Any other manifestation of complexity.

The CLS pilot will consist of two tracks wherein matters may be referred. These will be implemented in two (2) phases as set forth below.

PHASE 1

Phase 1 will be from **September 1, 2023 to December 31, 2023**. Each of the nine (9) existing civil sections will evaluate their current dockets to determine if any pending matters may meet the criteria for CLS. During Phase 1 of the pilot, for a matter to be considered, it may not have had any dispositive motions nor have a trial scheduled. Upon the consent of all parties, including the presiding Judge, the matter will be referred to the *Senior Commissioner* for review of the pleadings to determine if the matter is eligible for a transfer to CLS. The parties have fifteen (15) days from the date of the written recommendation to request a hearing before the presiding Judge objecting to the recommendation of the *Senior Commissioner*. If there is no objection, and the presiding Judge adopts the recommendation of the *Senior Commissioner*, then an Order to Transfer to CLS shall be signed.

PHASE 2

Phase 2 will begin on **January 1, 2024**, and will consist of three (3) methods for cases to be referred to CLS. It is anticipated that an additional filing fee may be required under Phase 2 to designate a matter as CLS and to file a *Motion to Transfer to CLS*.

First, any newly filed matter will be eligible to be designated as CLS on the *Civil Case Cover Sheet*¹ filed with the initial petition. The Clerk of Court shall allot all newly filed matters so designated with the CLS section, as set forth below. All initially filed CLS matters will be sent to the *Senior Commissioner* to review the pleadings and determine if the matter is eligible for a CLS track. Based upon the recommendation of the *Senior Commissioner*, the matter will be transferred to CLS if it meets the criteria or if it does not meet the criteria it will be sent to the Clerk of Court for random allotment to a civil section.

Second, existing cases may be transferred after a *Motion to Transfer to CLS* is filed by any party. The presiding Judge will rule on the *Motion to Transfer to CLS* following review of the matter by the *Senior Commissioner*. Once the *Motion to Transfer to CLS* is filed, the Clerk of Court and/or the presiding Judge will request that the *Senior Commissioner* review the pleadings and prepare a written recommendation for the presiding Judge and the parties. The parties have fifteen (15) days from the date of the written recommendation to request a hearing before the presiding Judge objecting to the recommendation of the *Senior Commissioner*. If there is no objection, and the presiding Judge adopts the recommendation of the *Senior Commissioner*, then

¹ At the commencement of any litigation involving an action for an offense or quasi-offense, counsel for the petitioner, counsel's representative, or the self-represented litigant, shall complete a Civil Case Cover Sheet Form authorized by the Supreme Court of Louisiana. LA DIST COURT RULES Rule 9.6

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an Order to Transfer to CLS shall be signed by the presiding Judge. The Clerk of Court shall then assign the matter with a "CLS" section number, as set forth below.

Third, upon request by a presiding Judge, when the presiding Judge determines that a case is a CLS matter, he/she may transfer the case to the CLS section if all parties and the presiding CLS Judge agree. The presiding Judge will issue an Order of Transfer to CLS. If any party objects to the presiding Judge's designation, the parties may request a hearing before the presiding Judge within 15 days of the signing of the Order to Transfer the case to CLS. Following the hearing and if the Order of Transfer is maintained, the presiding CLS Judge will make a separate determination as to whether the case should be accepted into CLS. If the presiding CLS Judge determines the case is not CLS, then the case will remain in the existing civil section and the Order to Transfer shall be set aside. If a case is accepted into CLS, then the Clerk of Court shall assign the matter with a "CLS" section number, as set forth below.

IT IS FURTHER ORDERED that the Clerk of Court shall create a special section referred to as "CLS". Both newly filed matters that are specifically designated as CLS on the Civil Case Cover Sheet and matters that are transferred into the Complex Litigation Section shall receive this specific section designation upon filing or transfer.

THUS DONE AND SIGNED this 14th day of August, 2023.

Kelly Bamfour

JUDGE KELLY BAMFOUR

Ronald R. Johnson 8/18/2023

JUDGE RONALD R. JOHNSON

Fred T. Crifasi

JUDGE FRED T. CRIFASI

William "Will" Jordan

JUDGE WILLIAM "WILL" JORDEN

Wilson E. Fields 13 Aug 23

JUDGE WILSON E. FIELDS

Richard M. "Chip" Moore

JUDGE RICHARD M. "CHIP" MOORE

Tiffany Foxworth Roberts

JUDGE TIFFANY FOXWORTH-ROBERTS

Bradley Myers

JUDGE BRADLEY MYERS

Beau Higginbotham

JUDGE BEAU HIGGINBOTHAM

Gail Horne Ray

JUDGE GAIL HORNE RAY

Louise Hines

JUDGE LOUISE HINES

Eboni Johnson Rose

JUDGE EBONI JOHNSON ROSE

Ronald R. Johnson

JUDGE DONALD R. JOHNSON

Tarvald A. Smith 8/15/2023

JUDGE TARVALD A. SMITH

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