

CHAPTER 1: YOUR RIGHT TO INFORMATION*

A. INTRODUCTION

This Chapter talks about laws that allow you to get access to information in Louisiana. Getting information can be important for several reasons. Getting information can help you file a complaint, request post-conviction relief, or contest things on your criminal record. Part B gives an overview of the rules of the discovery process. Part B looks at the rules of civil and criminal procedure. Part C describes Louisiana's Public Records Law, which grants access to many records held by state and local governments. Appendix A provides some sample forms as well as address and telephone information that might be useful to you.

B. DISCOVERY

1. Civil Discovery (LA CODE CIV. PROC. ANN. Book II, Title III, Chapter 3)

Chapter 7 of the *Jailhouse Lawyer's Manual* discusses how almost all states have adopted their own versions of rules to govern civil procedure within their jurisdiction (within their courts). These rules are often based on the Federal Rules of Civil Procedure and can even have the same language. However, this is not always the case—if your case is being filed in state court (instead of federal court), you should make sure to use the Louisiana Code of Civil Procedure.

This Chapter deals with the discovery process, or how the Plaintiff and Defendant disclose information about the case to each other. Discovery usually takes place in the earlier stages of the case, as you get more information about your case.¹ The civil discovery rules are in the Louisiana Code of Civil Procedure in Article 1420 through Article 1471.

a. Signing Document Requests

Article 1420 covers the signing of document requests (one of the main ways both parties get information about each other). If you are represented by an attorney, all of these requests (along with responses and objections to those requests) must be signed by at least one attorney who is in the court record and must also list his or her address. If you are not represented by an attorney, you must sign your own name on the discovery document (requests, responses, or objections) and also list your address.²

The signature is important because it represents a certification (promise) that you or your attorney have read the discovery request, response, or objection, and that to the best of your knowledge, based on reasonable inquiry (investigation), the document is (1) consistent with all the rules of discovery and existing law (or at least based on a good faith argument against existing law), (2) not used simply to harass the other party or delay litigation, and (3) that it is not unreasonably burdensome, or expensive, considering the issues at stake in the litigation.³

If the request, response, or objection is not signed, then it will be stricken and not valid, unless you sign it right after the issue is brought to your attention. Until it is signed, the other party does not have to respond to your request.⁴

If the court finds that you or your attorney signed the request and it violated the three issues discussed above (that it is not consistent with existing law, it was meant to harass the other side, or is unreasonably burdensome or expensive), the court can punish you or your attorney with a sanction

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¹ For more information about how the discovery phase fits in the overall timeline of your case, please consult Chapter 7 of the main *JLM*.

² LA. CODE CIV. PROC. ANN. art. 1420(A) (2017).

³ LA. CODE CIV. PROC. ANN. art. 1420(B) (2017).

⁴ LA. CODE CIV. PROC. ANN. art. 1420(C) (2017).

(penalty).⁵ The court will then hold a hearing to determine whether the discovery request was improper,⁶ and if it finds that it was, it could impose a sanction like paying the other party for the expenses they made because of your improper discovery request.⁷

b. Different Methods of Discovery

Article 1421 discusses the different methods of discovery you can use in your case. Different methods include depositions (where you meet and question a person in a room in front of a court reporter for testimonial use), written interrogatories (where you mail questions to the other side so that they can write back and respond), the production of documents (where you get copies of documents important to the case from the other party), permission to look at land or other property, physical and mental exams, requests for release of medical records, and also requests for admissions (written questions where you ask the other party to admit or deny certain facts). Unless the court says differently,⁸ there is no limit on the number of times that you can use these different methods.⁹ But there may be certain limits to the number of questions you can ask (such as if a witness for a deposition is only available for one day, or the length of an interrogatory), so avoid questions you already know the answer to and focus on important questions and things you want to learn more about.

Article 1427 also states that unless the court says otherwise, these different methods of discovery can be used in any order.¹⁰ However, one party's discovery process (through depositions, production of documents, or other written requests) must not delay the other party's discovery process. If you think that a party is using discovery to delay your own discovery, you can file a motion in court to try to solve the problem.¹¹

i. *Depositions*

Depositions are one of your most important discovery tools. Depositions can usually be used in one of two ways. First, depositions help to find out what the witness knows about the issues in your case. Second, it helps to preserve (record) a witness's testimony so that it can be used later on during trial and in pleading documents. Because testimony can be preserved through depositions, this method is really useful if you know that a witness cannot be there at trial (like if they are old, or live in a different state, etc.), but you still want to use what they say in your case.

After a lawsuit is filed, any party can take the testimony of any person (this includes a party to the lawsuit) through a deposition by oral examination.¹² If you are the plaintiff, you usually only need the permission of the court if you want to schedule the depositions within fifteen days of serving the other side with notice (telling the other side) that a lawsuit has been filed.¹³ However, if the other party has already served you with a notice of deposition (told you that they're doing a deposition) or used other discovery procedures, you do not need the permission of the court to schedule the depositions, even if it is less than fifteen days after you served the other side with notice of the lawsuit.¹⁴

You also don't need permission from the court to schedule depositions if you give special notice that meets the requirements of Article 1439.¹⁵ Under Article 1439, you must state on the notice that the witness

⁵ LA. CODE CIV. PROC. ANN. art. 1420(D) (2017).

⁶ LA. CODE CIV. PROC. ANN. art. 1420(E) (2017).

⁷ LA. CODE CIV. PROC. ANN. art. 1420(D) (2017).

⁸ LA. CODE CIV. PROC. ANN. art. 1426 (2017). Upon motion by a party, and for good cause shown, the court may make protective orders to protect a party or person from annoyance, embarrassment, oppression, or undue burden or expense.

⁹ LA. CODE CIV. PROC. ANN. art. 1421 (2017).

¹⁰ LA. CODE CIV. PROC. ANN. art. 1427 (2017).

¹¹ LA. CODE CIV. PROC. ANN. art. 1427 (2017).

¹² LA. CODE CIV. PROC. ANN. art. 1437 (2017).

¹³ LA. CODE CIV. PROC. ANN. art. 1437 (2017).

¹⁴ LA. CODE CIV. PROC. ANN. art. 1437 (2017).

¹⁵ LA. CODE CIV. PROC. ANN. art. 1437 (2017).

is about to leave the state and can't be examined before the end of the fifteen-day period (along with facts to support this). Since you are the plaintiff in the situation (waiting for the fifteen-day period to expire), your attorney will sign the special notice and certify that he or she believes that those statements and the supporting facts are true.¹⁶ If a party is able to show that when he was served with this special notice he was unable, after the exercise of diligence (tried to), to find a lawyer to represent him at the deposition, that deposition cannot be used against him.¹⁷

In order to get a witness (who is now called a "deponent") to show up to the deposition, you can serve a subpoena on them, like you would do with a witness for trial. For witnesses that are currently in jail, you can only take their deposition if you are first granted permission by the court and follow the rules that the court makes.¹⁸

When you hold a deposition, you usually need to have the question and answer session in front of a person who has been authorized (allowed) to administer oaths (most commonly a court reporter), so that the statements the witness says count as sworn testimony. However, that person cannot be an employee or an attorney that represents an interested party in the case. As a result, according to Article 1434, which defines employee as including court reporters that have a contract with a reporter or a law firm that is involved with the case, some other court reporter or party must serve as an officer for the deposition.¹⁹

If the witness and deposition are in a different state from the one where the lawsuit is filed, the deposition process must follow the laws of the witness's state about the mandatory process requiring a person to show up and deliver testimony. For all other aspects of the deposition, the Articles of the Louisiana Code of Civil Procedure still apply.²⁰

Parties can change the time, place, and procedure of depositions as long as they agree upon these terms in writing (referred to as written stipulations). You should follow these terms unless the court or Article 1425 prohibits the terms. A Louisiana resident can only be required to attend a deposition in his parish or at his workplace (or a place determined by the court), though both parties usually will be able to find a convenient place to meet (usually at the offices of a law firm). Also, a non-Louisiana resident can only be required to take his deposition in the parish where he was served with the subpoena (or where the court decides), but both parties can usually agree to a more convenient location instead.²¹

During a deposition, if the deponent (person answering questions) or a party feels like the deposition is being conducted in bad faith or is being used unreasonably to annoy, embarrass, or oppress the deponent or party, the court can make the officer in charge of the deposition stop the deposition, or it can limit the scope and manner of the deposition (what and how questions are asked or answered).²² When this issue comes up, the deposition will be suspended (stopped) until that party can take the issue to a court.²³ If the court terminates (ends) the deposition, it can only be started again with permission from the court.²⁴

ii. *Perpetuation of Testimony (Recording What Someone Says)*

For special cases where a lawsuit has not been filed yet (you have a proper case to go to court, but have not done so yet), you can also preserve testimony ahead of time (whether your own or someone else's) through the "perpetuation of testimony" process in Article 1429 (record testimony for later). If this is the case, you should file a petition with the court showing that (1) you expect to be a party to litigation in a

¹⁶ LA. CODE CIV. PROC. ANN. art. 1437 (2017). The attorney's certification is subject to sanctions provided by Articles 863 and 864.

¹⁷ LA. CODE CIV. PROC. ANN. art. 1439 (2017).

¹⁸ LA. CODE CIV. PROC. ANN. art. 1437 (2017).

¹⁹ LA. CODE CIV. PROC. ANN. art. 1434(2) (2017). But it does not disqualify court reporters that are contracted by federal, state, or local governments, and the subdivisions thereof, or parties in proper person.

²⁰ LA. CODE CIV. PROC. ANN. art. 1435 (2017).

²¹ LA. CODE CIV. PROC. ANN. art. 1436 (2017).

²² LA. CODE CIV. PROC. ANN. art. 1444 (2017).

²³ LA. CODE CIV. PROC. ANN. art. 1444 (2017).

²⁴ LA. CODE CIV. PROC. ANN. art. 1444 (2017).

court of that state, but are currently unable to bring the lawsuit or cause it to be brought, (2) the subject matter of the future suit and your interest in it, (3) the facts you want to be established by this testimony and why you want the testimony, (4) the names or a description of the people you expect will be against you (adverse parties), along with their known addresses, and (5) the names and addresses of the people you are trying to get testimony from, and that you plan to ask the court for an order giving you permission to take their depositions.²⁵

After filling out the form, you then serve a notice (at least twenty days before the hearing date)²⁶ on each person you have named as an expected adverse party against you. A notice lets someone know that you've sued them. You must give them a copy of your petition as well. If you can't reach all the expected adverse parties, the court might rule that it is okay to publish a notice in the newspaper or to provide notice by some other method. The court may also have an attorney to represent those absent people at the deposition so that he or she can cross-examine the witness too. Furthermore, if one of the expected adverse parties is a minor or is incompetent, the court will also appoint an attorney to represent them at the deposition.²⁷

iii. *Experts*

Experts are often used during the discovery process and can provide valuable testimony for use at trial. Article 1425 covers the process for discovery for experts. For example, you can require the other party to tell you who they expect to call at trial (and this can be done through interrogatories or by deposition), to tell you about what the expert will testify to, and to share basic facts that the expert will talk about.²⁸

If an expert has been retained or employed (hired) by another party, but is not expected to be at trial, you can discover facts he or she knows only if you can show that there are exceptional circumstances that make it impracticable (hard) to find out those facts any other way.²⁹

Unless “manifest injustice” (lots of unfairness) would result, each party is usually required to pay experts they hire a reasonable fee for the time they spend answering discovery requests.³⁰ For the type of discovery that falls under paragraph (2) of the Article (an expert not expected to be at trial, but knows something that is hard to find out some other way), the court could require the party seeking that information to pay for that expert's time, even if not hired by them.³¹

iv. *Interrogatories*

Interrogatories are written requests to the other party to provide information about questions you ask. Article 1457 allows you to serve any party with a written interrogatory at any time after you file the lawsuit (you can even give it with your complaint, the first document to start your lawsuit) without permission from the court. If the party you're serving is a corporation, partnership, association, or governmental agency, a representative officer or agent will be able to provide information for them.³²

Written interrogatories have limits. Article 1457(b) limits you to thirty-five written interrogatories. To get more, you need to ask the court. This limit covers the entire length of your case. If you need more interrogatories, you can be allowed thirty-five more, but you have to ask the court (by filing an “*ex parte* motion,” which is a motion where the court only hears from one party). If you need more than thirty-five

²⁵ LA. CODE CIV. PROC. ANN. art. 1429 (2017).

²⁶ LA. CODE CIV. PROC. ANN. arts. 1314, 1430 (2017).

²⁷ LA. CODE CIV. PROC. ANN. art. 1430 (2017).

²⁸ LA. CODE CIV. PROC. ANN. arts. 1425(A)–(B) (2017).

²⁹ LA. CODE CIV. PROC. ANN. art. 1425(D)(2) (2017). There is also a method to obtain facts in a physician's examination report that is set forth in Article 1465.

³⁰ LA. CODE CIV. PROC. ANN. art. 1425(D)(3) (2017).

³¹ LA. CODE CIV. PROC. ANN. art. 1425(D)(3) (2017).

³² LA. CODE CIV. PROC. ANN. art. 1457(A) (2017).

written interrogatories, you must ask the court and tell the court the good reasons why you need more interrogatories.³³

When you get an interrogatory, you have to answer each and every one separately and fully in writing and under oath. You must answer the questions unless you object to the question.³⁴ If you have an objection, you must write down your objection instead of an answer. After you respond, you must sign the document and return a copy of the document within fifteen days after you received it.³⁵ If you serve a defendant with interrogatories when you first file your lawsuit, they have thirty days to respond. If the party is a state or a political subdivision, they also have thirty days to respond.³⁶ The court can change this time limit.³⁷ If the other side objects or doesn't answer an interrogatory, a party can ask a court to make that side give discovery to get those answers.³⁸ This method is discussed in in Subsection B(1)(c), which covers compelling discovery.

Interrogatories can ask questions about anything permitted in Articles 1422 through 1425 (for more information, look to Section B(2), which covers the scope of discovery). Interrogatories may ask about any fact important to issues or defenses in your case.³⁹ The answers you receive from other parties can then be used at trial, as long as they do not conflict with any rules of evidence.⁴⁰

v. *Production/Subpoenas*

Article 1461 covers the production of documents (which include writings, drawings, graphs, charts, photographs, and other data compilation) along with getting permission to go on land or property to inspect, photograph, test, or sample the property or objects on it.⁴¹ These requests are often referred to as subpoenas (which make a person show up and do something). A subpoena can be issued to have someone show up to a deposition. A “*subpoena duces tecum*” specifically refers to having a party show up to bring documents. Sometimes, they can be combined to have someone show up to answer questions in person and bring documents they have at the same time. Article 1463 notes that if these requests are related to a deposition, the rules covering depositions also apply.⁴²

You can give this request to any party, as long as it is relevant (matters for your case) (again, look at Articles 1422 through 1425) and the party you serve has the documents in their possession, custody, or control.⁴³ Article 1462 states that Articles 1461 and 1462 do not prevent you from serving an independent party (who isn't directly involved in the litigation as a party) with a request for the production of documents or permission to inspect or enter land.⁴⁴

You do not need the permission of the court to serve these requests on parties, but each request must have a list of the exact items you want to look at or get. Each item should have a description or category with a reasonable amount of detail. The request should also include a reasonable time, place, and manner for the inspection or getting the documents.⁴⁵ If you serve a *subpoena duces tecum* on a person or group that is not a party to the lawsuit, you must follow the same rules and provide a reasonably accurate description of the items or documents that you want to get or look at.⁴⁶ You must also give reasonable notice to the other

³³ LA. CODE CIV. PROC. ANN. art. 1457(B) (2017). Note that local rules of court may provide a greater restriction on the number of written interrogatories.

³⁴ LA. CODE CIV. PROC. ANN. art. 1458 (2017).

³⁵ LA. CODE CIV. PROC. ANN. art. 1458 (2017).

³⁶ LA. CODE CIV. PROC. ANN. art. 1458 (2017).

³⁷ LA. CODE CIV. PROC. ANN. art. 1458 (2017).

³⁸ LA. CODE CIV. PROC. ANN. art. 1458 (2017).

³⁹ LA. CODE CIV. PROC. ANN. arts. 1422–1425 (2017).

⁴⁰ LA. CODE CIV. PROC. ANN. art. 1459 (2017).

⁴¹ LA. CODE CIV. PROC. ANN. art. 1461 (2017).

⁴² LA. CODE CIV. PROC. ANN. art. 1463(B) (2017).

⁴³ LA. CODE CIV. PROC. ANN. art. 1461 (2017).

⁴⁴ LA. CODE CIV. PROC. ANN. art. 1462(A) (2017).

⁴⁵ LA. CODE CIV. PROC. ANN. art. 1461(A) (2017).

⁴⁶ LA. CODE CIV. PROC. ANN. art. 1462(A) (2017).

parties in the lawsuit about when the production or inspection will take place. Last, you must figure out a reasonable time, place, and manner for all parties in the case to meet and copy those documents.⁴⁷

Each party has fifteen days to respond in a written document. However, a defendant has thirty days to respond if the production request was made when the lawsuit was first filed. The court can change these time limits. For each individual item, a party's response must state whether they agree to give you the documents, allow you to inspect something, or whether they disagree because of some objection. If a responding party objects, they also must state the reasons for that objection (for each individual item they object to).⁴⁸ Again, if a party believes that there is no real objection or didn't get a response to a production request, that party can seek to compel (force) discovery under Article 1469.⁴⁹

If the party agrees to produce the documents, they should give them to you the same way as they are kept in the usual course of business, or they should organize and label them to match the different categories that were included the original production request.⁵⁰

vi. *Supplementation of Responses (Updating Answers)*

Sometimes new information is discovered or comes to light after you have responded to a discovery request. However, Article 1428 states that a party is under no obligation to supplement (update) his previous response (answer) if it was complete at the time he or she made the response. There are three exceptions to this rule. First, you must update your answers to questions about the identity and location of people who know about discoverable issues. You also must update answers about the identity, knowledge, and the probable substance of testimony (what the expert will say) for any experts you plan to call at trial.⁵¹ Second, you must supplement your response if you get information that makes you realize your last answer was incorrect when you made it, or the new information means that your answer is no longer true and that a failure to change it would result in a "knowing concealment."⁵² Third, a court can make you update your answer, you can agree with the other parties to update your answers, or you can request updates for past responses (any time before trial).⁵³

vii. *Physical and Mental Examinations of Persons*

You can get discovery by the physical or mental examination of people. This type of discovery is covered by Article 1464. When the mental or physical condition of a party, or a person under the legal control of a party, is in dispute or at issue in the case, the court can make that person take a physical or mental examination from a physician.⁵⁴ The court can also issue an order to make a party take an exam by a vocational rehabilitation expert or a licensed clinical psychologist, as long as the party has given notice of their intent to use that kind of expert. To do this, you must make a motion to the court based on a showing of good cause (that you have a good reason), and also give notice to the person you want to examine. You must also list the person you wish to examine as well as the time, place, manner, conditions, and scope of the examination to all of the parties involved in the litigation.⁵⁵

Upon request by the other parties, the party who wanted to have the examination has to share a copy of the examining physician's detailed written report. This report will explain all of his or her findings. This report should include the results of all the different tests conducted, diagnoses, and conclusions, along with earlier exams of the same condition.⁵⁶

⁴⁷ LA. CODE CIV. PROC. ANN. art. 1462(A) (2017).

⁴⁸ LA. CODE CIV. PROC. ANN. art. 1462(B)(1) (2017).

⁴⁹ LA. CODE CIV. PROC. ANN. art. 1462(B)(1) (2017).

⁵⁰ LA. CODE CIV. PROC. ANN. art. 1462(C) (2017).

⁵¹ LA. CODE CIV. PROC. ANN. art. 1428 (2017).

⁵² LA. CODE CIV. PROC. ANN. art. 1428 (2017).

⁵³ LA. CODE CIV. PROC. ANN. art. 1428 (2017).

⁵⁴ LA. CODE CIV. PROC. ANN. art. 1464 (2017).

⁵⁵ LA. CODE CIV. PROC. ANN. art. 1464 (2017).

⁵⁶ LA. CODE CIV. PROC. ANN. art. 1464 (2017).

After giving that report to the other parties, the party who asked for the exam can get earlier reports of exams on the same physical or mental condition, unless it can be shown that the person cannot obtain it. If that is the case, the court can compel the production of (make someone give) that report, and if a physician doesn't give it over, the court can choose to exclude (not allow) his or her testimony at trial.⁵⁷

If the person who was examined asks for and gets a report of that physical or mental exam, or takes the deposition of the examiner, he or she waives any privilege (ability to not testify) they might have (in the lawsuit and related matters) about the testimony of physicians who may later examine them in the future.⁵⁸

Finally, these rules apply to the exams which are conducted by agreement of the parties (unless that agreement says differently). Other methods of discovery that concern a physical or mental exam (like a deposition or production of documents) will be governed by those rules.⁵⁹

viii. *Requests for Admissions*

Another useful method of discovery is a request for admissions. Article 1466 covers requests for admissions. Any party can serve a written request on another party. This request helps determine the truth of certain relevant (important) facts in the case (any relevant issue within the scope of Articles 1422 through 1425).⁶⁰ The responding party usually must either admit (fully or in part), deny (fully or in part), or say that they don't know about the fact.⁶¹ You can also attach copies of documents with this request and ask questions about the authenticity of the documents (whether the documents are what someone says they are). These requests can be sent without asking the court and can be made any time after the lawsuit has been filed.⁶²

c. Compelling Discovery (Forcing Discovery)

If a party doesn't respond to any method of discovery, you can ask the court compel (force) discovery from that party (make someone turn over information). Article 1469 states that after reasonable notice to the other parties and other relevant people, you can ask for an order (regarding a party to the lawsuit or a deponent who is not a party) to force discovery in the court where you've filed your lawsuit.⁶³ You can do this in several situations: (1) if either a deponent doesn't answer a question asked through Articles 1437 or 1448;⁶⁴ (2) if a corporation fails to designate a representative (choose someone) to respond or show up to a deposition under Articles 1442 and 1448;⁶⁵ (3) if a party doesn't answer an interrogatory filed under Article 1457;⁶⁶ (4) if a party doesn't respond to a request for inspection filed under Article 1461.⁶⁷ With private medical and financial records, you will not be able to compel disclosure unless you meet certain exceptions.⁶⁸ An "evasive or incomplete answer" (when you don't answer the whole question) is also considered a failure to answer.⁶⁹ In those situations, a court can make a party answer or let you look at something.⁷⁰ With a deposition, you can finish up the rest of your deposition or adjourn the examination before you ask the court to do this.⁷¹ If the court denies some or all of your motion (request), it can issue a protective order. A protective order will prevent you from getting discovery under Article 1426 (which has the rules for protective orders). After holding a hearing for both sides, the court can require you to pay reasonable costs

⁵⁷ LA. CODE CIV. PROC. ANN. art. 1465(A) (2017).

⁵⁸ LA. CODE CIV. PROC. ANN. art. 1465(B) (2017).

⁵⁹ LA. CODE CIV. PROC. ANN. art. 1465(C) (2017).

⁶⁰ LA. CODE CIV. PROC. ANN. art. 1466 (2017).

⁶¹ LA. CODE CIV. PROC. ANN. art. 1467(A) (2017).

⁶² LA. CODE CIV. PROC. ANN. art. 1467(B) (2017).

⁶³ LA. CODE CIV. PROC. ANN. art. 1469(1) (2017).

⁶⁴ LA. CODE CIV. PROC. ANN. art. 1469(2) (2017).

⁶⁵ LA. CODE CIV. PROC. ANN. art. 1469(2) (2017).

⁶⁶ LA. CODE CIV. PROC. ANN. art. 1469(2) (2017).

⁶⁷ LA. CODE CIV. PROC. ANN. art. 1469(2) (2017).

⁶⁸ See LA. CODE CIV. PROC. ANN. arts. 1469.1, 1469.2 (2017).

⁶⁹ LA. CODE CIV. PROC. ANN. art. 1469(3) (2017).

⁷⁰ LA. CODE CIV. PROC. ANN. art. 1469(2) (2017).

⁷¹ LA. CODE CIV. PROC. ANN. art. 1469(2) (2017).

made in opposing the motion, unless your motion was substantially justified (good reason for making your motion) or if it would be unfair.⁷²

If the motion is granted, then there will be the same opportunity for hearing both sides. The court can then require the party or deponent (person being asked and answering questions) to pay you for reasonable costs made in getting the court to force discovery, unless the court finds that the opposition to the motion was substantially justified or that forced payment would be unfair.⁷³

If the court grants some, but not all of your motion, the court can split reasonable expenses among both parties in a just manner.⁷⁴

After the court issues an order forcing discovery, and a party or deponent still refuses to respond, the court can do several things.⁷⁵ A court can: (1) treat something the party is against disclosing as a fact for the lawsuit⁷⁶ (a fact that will benefit you), (2) not allow the party to support or oppose specific claims or defenses, or prohibit him from introducing certain things into evidence,⁷⁷ (3) strike out or even dismiss pleadings or certain parts of it,⁷⁸ (4) pause the proceedings until the order is obeyed,⁷⁹ (5) give a judgment by default against the disobedient party,⁸⁰ and (6) find the party in contempt of court (except for physical or mental exams).⁸¹

Except for exceptional circumstances, a court cannot impose sanctions on (penalize) a party for not giving electronically stored information that was lost as a result of the “routine, good-faith operation of an electronic information system.”⁸²

Instead of or in addition to these orders, the court can make the party that didn't follow the rules pay the reasonable expenses, including attorney's fees, which were caused by the failure, unless the court finds that the failure was substantially justified or that it would be unfair to force payment.⁸³

2. The Scope of Civil Discovery

Article 1422 covers the scope of discovery procedure, or how broad your requests and searches can be. The Article states that you can get discovery on any matter that is not privileged and that is relevant to the case, whether that matter is what a party is claiming or what a party is using as a defense.⁸⁴ This can include information about the existence or location of any books, documents, or people that know about issues in the case.⁸⁵ A party cannot object to giving this information only because it will be inadmissible at trial later. If the requested information seems to be reasonably calculated to lead to the discovery of admissible evidence (if it seems like you want it to get other admissible evidence), it should be allowed, unless there are other kinds of objections.⁸⁶ A common objection may be that the questions being asked (through an interrogatory or at a deposition) are not relevant (important) to the case, or not likely to lead to the discovery of any relevant evidence.

⁷² LA. CODE CIV. PROC. ANN. art. 1469(4) (2017).

⁷³ LA. CODE CIV. PROC. ANN. art. 1469(4) (2017).

⁷⁴ LA. CODE CIV. PROC. ANN. art. 1469(4) (2017).

⁷⁵ LA. CODE CIV. PROC. ANN. art. 1471(A) (2017).

⁷⁶ LA. CODE CIV. PROC. ANN. art. 1471(A)(1) (2017).

⁷⁷ LA. CODE CIV. PROC. ANN. art. 1471(A)(2) (2017).

⁷⁸ LA. CODE CIV. PROC. ANN. art. 1471(A)(3) (2017).

⁷⁹ LA. CODE CIV. PROC. ANN. art. 1471(A)(3) (2017).

⁸⁰ LA. CODE CIV. PROC. ANN. art. 1471(A)(3) (2017).

⁸¹ LA. CODE CIV. PROC. ANN. art. 1471(A)(4) (2017).

⁸² LA. CODE CIV. PROC. ANN. art. 1471(B) (2017).

⁸³ LA. CODE CIV. PROC. ANN. art. 1471(C) (2017).

⁸⁴ LA. CODE CIV. PROC. ANN. art. 1422 (2017).

⁸⁵ LA. CODE CIV. PROC. ANN. art. 1422 (2017).

⁸⁶ LA. CODE CIV. PROC. ANN. art. 1422 (2017).

a. Insurance Agreements

Any party can get discovery about an insurance agreement. A party can get discovery about the existence and contents (what it says) of that insurance agreement, if the agreement may satisfy all or part of a judgment, or serve to indemnify a party in the lawsuit (to save harmless; to secure against loss or damage; to give security for the reimbursement of a person in case of an anticipated loss). An agreement will satisfy all or part of a judgment or will serve to indemnify if the agreement says it will cover some or all costs in case of a loss in court.⁸⁷

b. Trial Preparation Materials

Article 1424 covers discovery about trial preparation materials. A court cannot order the production or inspection of (make the other side give you) any writing that was obtained by an adverse party, their attorney, or some other agent that was prepared for trial. The only exception is when not producing it will unfairly prejudice the party asking for the discovery or cause him or her injustice.⁸⁸ Except for Article 1425(E)(1) (which allows for the discovery of records of testifying experts about the mental impressions, opinions, or trial strategies of the attorney hiring the expert in exceptional circumstances),⁸⁹ no documents that cover either party's attorneys' mental impressions, conclusions, opinions, or theories can be discovered.⁹⁰

c. Statements of Parties

A person can also get, without the permission of the court, any statement concerning the litigation or its subject matter that was previously made by that party (whether that be a written statement or a recorded copy of an oral statement).⁹¹

d. Privilege

When a party withholds (doesn't give) information from discovery under a claim of privilege or that it includes trial preparation material, that party must make that claim explicitly (clearly) and has to describe the documents, communications, or things that will not be produced (given over) in a manner that does not reveal the protected information, but will also allow the other side to decide whether the information is actually covered by the privilege.⁹² Privilege means that a party doesn't have to turn information over because information came from a special relationship, for example, the attorney-client relationship. For other relationships in which privilege might apply, *see* LA. CODE EVID. ANN. arts. 501–519 (2017).

If a party accidentally turns over some information covered by the attorney-client privilege, the privilege will not be waived if the party didn't mean to turn over the information and turned the information over as part of litigation or administrative proceedings.⁹³ That party must also have taken reasonably prompt measures (acted quickly) to tell the other parties of the accident and try to put the material back under protection.⁹⁴ A party which has been notified of this must either return the documents or information or must promptly safeguard the covered material (though they do have the option to assert that there has been a waiver of privilege, so that the information is no longer protected).⁹⁵ These actions must also be taken if the other party receives the material and it is clearly privileged or accidentally produced, even without

⁸⁷ LA. CODE CIV. PROC. ANN. art. 1423 (2017).

⁸⁸ LA. CODE CIV. PROC. ANN. art. 1424(A) (2017).

⁸⁹ LA. CODE CIV. PROC. ANN. art. 1425(E)(1) (2017).

⁹⁰ LA. CODE CIV. PROC. ANN. art. 1424(A) (2017).

⁹¹ LA. CODE CIV. PROC. ANN. art. 1424(B) (2017).

⁹² LA. CODE CIV. PROC. ANN. art. 1424(C) (2017).

⁹³ LA. CODE CIV. PROC. ANN. art. 1424(D) (2017).

⁹⁴ LA. CODE CIV. PROC. ANN. art. 1424(D) (2017).

⁹⁵ LA. CODE CIV. PROC. ANN. art. 1424(D) (2017).

notice by the original party (but still also has the option of asserting that there has been waiver of privilege).⁹⁶

e. Experts

Article 1425 covers the scope of discovery for experts and pre-trial disclosures. A party may require any other party to name each person who might be used at trial to present evidence through interrogatories or by a deposition.⁹⁷ Upon motion by a party, or on the court's own, the court can require each party's experts to file a written report that contains their opinions, the basis and reasons for those opinions, along with any other data or information (which can be attached as exhibits). The report may also include the qualifications of the witness, their publications, the amount of compensation to be paid for their study, and a list of any other cases where the expert has testified at trial in the last four years.⁹⁸ These reports can be made at times and deadlines set by the court.⁹⁹ If there is no agreement or timetable set, these expert reports should be made at least ninety days before trial starts, or if the evidence is only to challenge another expert's report and their facts, within thirty days after disclosure by the other party.¹⁰⁰ Parties can also add to or supplement these reports when required to under Article 1428 (covered in the "supplementation of responses" subsection above).¹⁰¹

Usually, a party can use interrogatories, depositions, and document requests to discover the facts, knowledge, and opinions of another party's expert who will testify at trial. However, drafts of expert reports and communications between the expert and lawyer cannot be discovered (given to you) unless you show that there is no other way to get those facts or opinions.¹⁰² If the parties want to issue an expert's report, the deposition will not happen until after the report has been issued.¹⁰³ If the expert has been hired by a party, but is not expected to be used at trial, a party can discover facts, opinions, and knowledge held by them only in exceptional (rare) circumstances (like showing it would be very hard or impractical to get that information any other way).¹⁰⁴ Unless manifest injustice would result, the court can also order the party seeking discovery from this expert to pay a reasonable fee for the time spent by these experts in responding to this additional discovery.¹⁰⁵

If you feel that an expert is not qualified or that the data or methods are not reliable, you can also file a motion for a pretrial hearing to determine these questions.¹⁰⁶ If you do so, the motion must be filed at least sixty days before trial and must state sufficient (enough) information to show that he or she might not be qualified or might have used unreliable data or methods.¹⁰⁷ The court will then hold a hearing for both sides and rule on the motion at least thirty days before trial.¹⁰⁸ The court will then either tell you out loud the result and the reasons for the decision or will write down the result and state its decision and reasons.¹⁰⁹

3. Criminal Discovery (LA. CODE CRIM. PROC. ANN. Title XXIV, Chapter 5)

In criminal cases, the discovery process and ways to get discovery are really different than in the civil system. Discovery is more focused, since you are dealing with the government's case against you instead of a civil party. This process is strictly regulated by the Louisiana Code of Criminal Procedure. Also, you must make a motion get access to all this information. So, it is important to know what rights you have (if you do not make a motion, the government doesn't have to give you a lot of information).

⁹⁶ LA. CODE CIV. PROC. ANN. art. 1424(D) (2017).

⁹⁷ LA. CODE CIV. PROC. ANN. art. 1425(A) (2017).

⁹⁸ LA. CODE CIV. PROC. ANN. art. 1425(B) (2017).

⁹⁹ LA. CODE CIV. PROC. ANN. art. 1425(C) (2017).

¹⁰⁰ LA. CODE CIV. PROC. ANN. art. 1425(C) (2017).

¹⁰¹ LA. CODE CIV. PROC. ANN. art. 1425(C) (2017).

¹⁰² LA. CODE CIV. PROC. ANN. art. 1425(D)(1) (2017).

¹⁰³ LA. CODE CIV. PROC. ANN. art. 1425(D)(1) (2017).

¹⁰⁴ LA. CODE CIV. PROC. ANN. art. 1425(D)(2) (2017).

¹⁰⁵ LA. CODE CIV. PROC. ANN. art. 1425(D)(3) (2017).

¹⁰⁶ LA. CODE CIV. PROC. ANN. art. 1425(F)(1) (2017).

¹⁰⁷ LA. CODE CIV. PROC. ANN. art. 1425(F)(1) (2017).

¹⁰⁸ LA. CODE CIV. PROC. ANN. art. 1425(F)(2) (2017).

¹⁰⁹ LA. CODE CIV. PROC. ANN. art. 1425(F)(3) (2017).

a. Discovery by the Defendant

i. *Statements by the Defendants*

Article 716 allows you, after making a motion, to get records and copies of statements that you made. These statements can include any written statements or recorded confessions, testimony before a grand jury, or any statements you made that are in the possession, control, or knowledge of the district attorney.¹¹⁰ After making a motion, the court can order the district attorney to tell you about any oral confession or statement that exists and that he or she intends to use as evidence during the trial.¹¹¹ The district attorney does not have to tell you about the contents of the statement. The district attorney also has to give you information about when, where, and to whom the oral confession or statement was made.¹¹² Finally, Article 716(C) allows you, after a motion, to learn from the district attorney the substance of any oral statement that you made in response to interrogation (either before or after arrest) by any one that you knew to be a law enforcement officer.¹¹³

ii. *Defendant's Prior Criminal Record*

You can make a motion and get from the district attorney (or appropriate law enforcement agency) a copy of any record of your criminal arrests or convictions that they either possess or have in their custody.¹¹⁴

iii. *Documents and Tangible Objects*

You can make a motion to (ask) the court to make the district attorney let you inspect, copy, examine, test scientifically, photograph, or reproduce certain documents or tangible things that are in possession, custody or control of the state. However, only certain categories of documents can be inspected and reproduced: (1) documents which are intended for use by the state as evidence at the trial¹¹⁵ (2) and documents that were from or belong to you, the defendant.¹¹⁶ Lastly, certain state reports and documents covered by Article 723(A) cannot be disclosed. If the materiality or relevance (importance) of certain documents is questionable or in dispute, the court may examine the document through *in camera* inspection (private inspection in the judge's room) to determine whether they should be turned over to you.¹¹⁷ The prosecution may not suppress exculpatory evidence (evidence favorable to the defendant in a criminal trial that exonerates or tends to exonerate the defendant of guilt) that would tend to show that you are not guilty under the *Brady* federal standard.¹¹⁸

iv. *Reports of Examinations and Tests*

You can also make a motion to have the court order the district attorney to let you inspect or reproduce the results or reports of any physical or mental exams or of scientific tests or experiments that

¹¹⁰ LA. CODE CRIM. PROC. ANN. art. 716(A) (2017).

¹¹¹ LA. CODE CRIM. PROC. ANN. art. 716(B) (2017).

¹¹² LA. CODE CRIM. PROC. ANN. art. 716(B) (2017).

¹¹³ LA. CODE CRIM. PROC. ANN. art. 716(C) (2017).

¹¹⁴ LA. CODE CRIM. PROC. ANN. art. 717(A) (2017).

¹¹⁵ LA. CODE CRIM. PROC. ANN. art. 718 (2017).

¹¹⁶ LA. CODE CRIM. PROC. ANN. art. 718 (2017).

¹¹⁷ LA. CODE CRIM. PROC. ANN. art. 718 (2017).

¹¹⁸ LA. CODE CRIM. PROC. ANN. art. 723(B) (2017); *see also* State v. Anthony, 97-91, p. 5 (La. App. 3 Cir. 6/4/97); 695 So. 2d 1142, 1144 (holding that under *Brady*, due process is violated by suppression of favorable evidence by prosecution when production of such evidence is requested and when evidence is material to guilt or innocence of accused, regardless of good or bad faith of prosecution); State v. Turner, 626 So. 2d 890, 896 (La. App. 3 Cir. 1993) (holding that the defendant did in fact make an adequately specific request for statements of exculpatory information in his motion for discovery, where he requested copies of any favorable or exculpatory material relevant to issue of his guilt or punishment including statements, whether made by victim, codefendant, former codefendant, arrestee or witness, and for all *Brady* and *Giglio* material).

are relevant to your case, that are in the possession, control, or knowledge of the district attorney, and that he or she intends to use at trial. However, any exculpatory evidence (which is favorable to you and tends to clear you of guilt) that the district attorney has or knows about must be provided to you, even if the district attorney does not intend to use it at trial.¹¹⁹

In addition, after a motion, whenever you are ordered to provide urine, blood, saliva, hair samples, or other bodily substances for DNA testing, you can also hold on to half of the DNA sample to test it yourself (at your own expense).¹²⁰

v. *Evidence of Other Crimes*

After you make a motion, you can also have the court issue an order to have the district attorney tell you whether the government wants to use evidence of other crimes that you may have committed or were charged with (if that evidence is admissible under Article 404 and Article 412.2 of the Louisiana Code of Evidence).¹²¹ However, the district attorney is not required to tell you of his or her intent to use evidence of other crimes, if it relates to conduct that forms an “integral part of the act or transaction” that you are currently being charged with. The district attorney doesn’t have to tell you of plans to use evidence about other crimes you have already been convicted of.¹²²

vi. *Statements of Co-conspirators*

After a motion, you can also get an order to have the district attorney tell you about whether the government wants to use statements of co-conspirators (which is allowed under Louisiana Code of Evidence Article 801(D)(3)(b)) in the case.¹²³

vii. *Confessions and Inculpatory Statements of Co-defendants*

After making a motion, the court can order the district attorney to give you access to any relevant written or recorded confessions or inculpatory statements (that tend to show you are guilty) which have been made by a co-defendant¹²⁴ and are intended to be used at trial. Again, however, exculpatory evidence (which tends to show you are not guilty of the charges) must be given to you under Article 722 even if the district attorney does not intend to use it at trial.¹²⁵

viii. *State Reports and Other Matters Not Subject to Disclosure*

Except for the methods of getting access to documents under Articles 716 (your statements), 718 (documents and other tangible objects), 721 (statements of co-conspirators), 722 (confessions and inculpatory statements of co-defendants), you cannot gain access to or inspect any reports, memos, or internal state documents which are made by the district attorney or by agents of the state in connection with your case. You also cannot gain access to statements made by witnesses or future witnesses (other than yourself) to the district attorney or other agents of the state.

¹¹⁹ LA. CODE CRIM. PROC. ANN. art. 723(B) (2017).

¹²⁰ LA. CODE CRIM. PROC. ANN. art. 719(B) (2017).

¹²¹ LA. CODE CRIM. PROC. ANN. art. 720 (2017); *See State v. Hamilton*, 478 So. 2d 123, 132 (La. 1985) (holding that failure to provide defendant notice that prosecutor intended to introduce evidence of uncharged unrelated armed robbery at penalty phase was prejudicial error in first-degree murder trial, particularly where evidence of armed robbery was only indication to jury of any previous violent criminal behavior by defendant and was only basis for prosecutor's argument to jury that defendant, who had no prior felony convictions, should be sentenced to death).

¹²² LA. CODE CRIM. PROC. ANN. art. 720 (2017).

¹²³ LA. CODE CRIM. PROC. ANN. art. 721 (2017).

¹²⁴ Note that co-defendants must be charged with a case in order to qualify for this rule, see *State v. Tupa*, 515 So. 2d 516, 520 (La. App. 1 Cir. 1987) (holding that defendant was not entitled, in prosecution for arson with intent to defraud, to discover statements made by co-participant; co-participant was never officially charged and thus was not “codefendant,” within meaning of this rule).

¹²⁵ *See LA. CODE CRIM. PROC. ANN. art. 723(B) (2017)* (the state shall provide the defendant with any evidence constitutionally required to be disclosed pursuant to *Brady v. Maryland*, 373 U.S. 83, 87 (1963), which held that withholding exculpatory evidence violates due process if the evidence is material to guilt or punishment).

b. Discovery by the State

There are also rules for how the state can get discovery. It is important to know these rules to see how the other side builds their case and to watch for any improper conduct.

i. *Documents and Tangible Objects*

Article 724 states that when the court grants your order made under Article 718 (access to documents and other tangible objects), the district attorney can also move to condition the order. This requires you to provide the prosecution with access to, let the prosecution inspect, and reproduce any documents or tangible things that you, the defendant, might have and that you intend to use at trial.¹²⁶

ii. *Reports of Examinations and Tests*

Article 725 imposes a two-way obligation; when the court grants your order under Article 719 (access to exams and tests), the district attorney can also make a motion to condition the order so that the district attorney can inspect or reproduce the results or reports of any physical or mental exams, along with any scientific tests or experiments made in connection with your case that you either have or know about and want to use at trial.¹²⁷ The district attorney can also gain access to this evidence if it was prepared by a witness who you want to call at trial for the defense, if those reports and results relate to his or her testimony.¹²⁸

iii. *Notice of Defense Based upon Mental Condition*

If you want to use testimony about a mental disease, defect, or another condition that bears on whether you had the mental state required for the crime you are charged with, you must write the district attorney to let him or her know this. You must tell this to the district attorney in writing at least ten days before trial begins (or some reasonable time period the court may determine). The court can also allow late filing of this notice or give both sides more time to prepare for this issue at trial.¹²⁹

If you don't give the other side notice (tell the district attorney), the court can choose to exclude (not allow) the testimony of any witness that you want to testify about the issue of mental condition.¹³⁰

iv. *Notice of Alibi*

After you get a written demand by the district attorney, which states the time, date, and place where the alleged crime was committed, you have a responsibility to tell the district attorney through written notice that you want to mount a defense of alibi. You have to give written notice to the district attorney within ten days (or at some time that the court may choose).¹³¹ You must include the specific place or places where you claim to be at the time of the crime and the names and addresses of the witnesses you want to use to prove your alibi.¹³²

Ten days after you file that written notice (but this must be at least ten days before trial), the district attorney must then respond by filing their own written notice which states the names and addresses of the witnesses they want to use to prove you were at the scene of the crime and any other witnesses they might use to challenge your alibi.¹³³

¹²⁶ LA. CODE CRIM. PROC. ANN. art. 724 (2017).

¹²⁷ LA. CODE CRIM. PROC. ANN. art. 725 (2017).

¹²⁸ LA. CODE CRIM. PROC. ANN. art. 725 (2017).

¹²⁹ LA. CODE CRIM. PROC. ANN. art. 726(A) (2017).

¹³⁰ LA. CODE CRIM. PROC. ANN. art. 726(B) (2017).

¹³¹ LA. CODE CRIM. PROC. ANN. art. 727(A) (2017).

¹³² LA. CODE CRIM. PROC. ANN. art. 727(A) (2017).

¹³³ LA. CODE CRIM. PROC. ANN. art. 727(B) (2017).

If you or the district attorney learns of some additional (more) witness before or during trial, that should have been included in the written notices, you and the district attorney must tell the other side about the extra witnesses and who they are.¹³⁴

If you or the district attorney don't follow these rules, the court can exclude (not allow) the testimony of any witnesses not listed on the written notice even if the witness will help prove or challenge your alibi.¹³⁵ This rule does not limit your own right to testify about where you were at the time of the crime.¹³⁶

The court can also grant an exception to any of these requirements if either side makes a showing of good cause (you show that you have a good reason) that the requirements should be modified (changed).¹³⁷ Finally, evidence of your intention to rely on an alibi defense (like your written notice or other statements) if later withdrawn (taken back), cannot be used as admissible evidence against you in any civil or criminal proceeding.¹³⁸

v. *Defense Information and Other Matters Not Subject to Disclosure*

Except for scientific and medical reports,¹³⁹ along with documents you want to use at trial, the government cannot get access to any reports, memos, or internal defense documents that you or your attorneys prepared in connection with your case.¹⁴⁰ The state also cannot discover any statements you make¹⁴¹ or any statement your witnesses make to you or your attorney. The state cannot discover the names of your defense witnesses or possible defense witnesses.¹⁴²

c. Regulation of Discovery

Article 729 covers how to do discovery in every criminal case that will be tried in state district court, after a grand jury indictment, or notice by the district attorney.¹⁴³ All your motions for discovery must follow the rules in Article 521 (which cover the timing of pre-trial motions, stating that they must be made within fifteen days after arraignment, or some other time as the court chooses)¹⁴⁴ or within some reasonable time that the court allows.¹⁴⁵ That motion must include all the different discovery measures you want to use (access to the district attorney's records of your statements, certain documents and tangible things, statements by co-conspirators, etc.). If you need to make another motion to get more discovery, have to make the motion before trial and show that this new motion would be in the interests of justice.¹⁴⁶

If the court wants to deny your motion for discovery, you can get a hearing to argue for your motion, unless it is clear on the face of the motion that you are not entitled to the discovery (and so the court can deny it without holding the hearing).¹⁴⁷ The court also has the right, upon a sufficient showing by either you

¹³⁴ LA. CODE CRIM. PROC. ANN. art. 727(C) (2017).

¹³⁵ LA. CODE CRIM. PROC. ANN. art. 727(D)(2017); *See State v. Williams*, 392 So. 2d 619, 621 (La. 1980) (holding that in first-degree murder prosecution, trial court properly refused to allow defendant to call three defense witnesses because defense had failed to comply with this article).

¹³⁶ LA. CODE CRIM. PROC. ANN. art. 727(D) (2017).

¹³⁷ LA. CODE CRIM. PROC. ANN. art. 727(E) (2017).

¹³⁸ LA. CODE CRIM. PROC. ANN. art. 727(F) (2017).

¹³⁹ *See* LA. CODE CRIM. PROC. ANN. art. 725 (2017). Some medical reports can be protected from discovery as well. *See State v. Frank*, 2001-2055, p. 1 (La. 8/30/02); 825 So. 2d 1097, 1097 (state was not entitled to discovery of psychiatrist's notes on her discussion with defendant in a single interview; given the preliminary nature of the evaluation, the notes were not a "report" for purposes of discovery article applicable to medical reports).

¹⁴⁰ LA. CODE CRIM. PROC. ANN. art. 728 (2017).

¹⁴¹ *See Thibodeaux v. Thibodeaux*, 538 So.2d 683, 684 (La. App. 3 Cir. 1989) (trial court acted improperly when ordering defendant to answer all questions asked at oral deposition and in written interrogatories, insofar as certain questions could have resulted in defendant incriminating himself in criminal activity).

¹⁴² *See* LA. CODE CRIM. PROC. ANN. art. 728 (2017).

¹⁴³ LA. CODE CRIM. PROC. ANN. art. 729.6 (2017).

¹⁴⁴ LA. CODE CRIM. PROC. ANN. art. 521(2017).

¹⁴⁵ LA. CODE CRIM. PROC. ANN. art. 729 (2017).

¹⁴⁶ LA. CODE CRIM. PROC. ANN. art. 729 (2017).

¹⁴⁷ LA. CODE CRIM. PROC. ANN. art. 729.1(A) (2017).

or the government, to vacate, restrict, or defer any past order for discovery or modify it in an appropriate way (change or limit any past order of discovery).¹⁴⁸

If the court grants a discovery motion by you or the district attorney, the order must list the time, place, and manner of making the discovery and inspection, along with any other appropriate terms.¹⁴⁹

Each side also has a continuing duty to disclose during discovery. That means that if you or the district attorney later discover any additional evidence (or decide to use additional evidence at trial that you or the district attorney didn't plan on using before), you and the state must quickly tell the other side and the court of the existence of this additional evidence. The court can then change the past discovery order or allow the other side to make a motion for more discovery or inspection.¹⁵⁰

A court can sometimes make the district attorney and you or your attorney meet in a pretrial conference to sort out discovery motions without a formal hearing, if there aren't any objections or previous voluntary compliance, and to also consider other matters that may help in the prompt and fair resolution of the case.¹⁵¹

If any party doesn't follow the rules of the criminal discovery process, the court can, at any time, order that party to allow the discovery, pause the case, order a mistrial (if you make such a motion), prohibit the evidence they did not tell you about from being used at trial, or some other appropriate order.¹⁵² In addition, if the court finds out either before or after trial that you, your attorney, or the government (usually the district attorney or assistant district attorney) chose not to follow the discovery rules, it can hold the responsible party in contempt of court.

C. FREEDOM OF INFORMATION

1. Right of Access to Information

Under some federal and state laws, you have the right to access many records held by local, state, and federal governments. If you want documents from the federal government or any of its agencies, you will need to file a request under the Federal Freedom of Information Act. Please refer to Chapter 7(B) of the main *JLM* for more information about obtaining such documents.

This Part will discuss your right of access to state and local government records. Both the Louisiana Constitution and the Louisiana Public Records Law guarantee your access to public records held by state and local government agencies.¹⁵³ In most cases, access to public records is broadly granted. It may be denied only when the law specifically denies access.¹⁵⁴

As a preliminary matter, the law limits certain individuals' requests for public documents. If you are in prison for a felony conviction and have exhausted all possibilities for appeal, you may obtain only those public records needed to support a petition for post-conviction relief under Louisiana Code of Criminal Procedure Article 930.3.¹⁵⁵ In addition, certain restrictions apply to individuals under the age of eighteen.¹⁵⁶ Other restrictions on access to certain documents are discussed below.

¹⁴⁸ LA. CODE CRIM. PROC. ANN. art. 729.1(B) (2017).

¹⁴⁹ LA. CODE CRIM. PROC. ANN. art. 729.2 (2017).

¹⁵⁰ LA. CODE CRIM. PROC. ANN. art. 729.3 (2017).

¹⁵¹ LA. CODE CRIM. PROC. ANN. art. 729.4 (2017).

¹⁵² LA. CODE CRIM. PROC. ANN. art. 729.5 (2017).

¹⁵³ See LA CONST. art. XII, § 3; LA. REV. STAT. ANN. § 44:31 (2017).

¹⁵⁴ LA. REV. STAT. ANN. § 44:31 (2017).

¹⁵⁵ See Chapter 2(H)(1)(a) of the *Louisiana State Supplement* for information regarding the grounds for post-conviction relief under LA. CODE CRIM. PROC. ANN. art. 930.3 (2017).

¹⁵⁶ LA. REV. STAT. ANN. § 44:32(A) (2017) (public records will be presented to any person over the age of majority).

2. Public Records in General

A public record is a document used by the state government or any of its agencies.¹⁵⁷ Louisiana law has several exceptions to this definition. Records about pending or anticipated criminal litigation (criminal charges) are not public records, until such litigation has been finally adjudicated or otherwise settled.¹⁵⁸ However, proceedings for post-conviction relief are not considered pending criminal litigation and don't fall under this exception.¹⁵⁹ Whether a record "pertains" to (is about) criminal litigation is determined on a case-by-case basis.¹⁶⁰

Records containing the identity of confidential sources of information or undercover police officers are not public records. Records containing information about criminal intelligence of terrorist-related activity are not public records.¹⁶¹

Arrest records are not public records until after a final judgment of conviction or the acceptance of a guilty plea. However, the initial report of the arrest, booking records, and records of the issuance of the citation are public records.¹⁶²

Records collected and maintained by the Louisiana Bureau of Criminal Identification and Information are not public records, but each person may view his or her own criminal records and history.¹⁶³ Records held by the bureau's central registry of sex offenders, however, are public.¹⁶⁴ See Section C(3) below for more information about accessing your own criminal records.

a. Procedure

This Section describes the procedures for getting access to public records in general, criminal records, and medical records. It also contains information about obtaining your rap sheet, requesting corrections to your rap sheet, and expunging previous records.

i. *General Procedure to Obtain Access to Records*

In general, to get a public document, you should write a request to the department in control of the records you seek. Refer to Section C(3) for an example of such a request, and to Appendix A(B) for the mailing addresses of different departments in charge of holding public records. The custodian of the records (person that has and keeps the records) must give you copies, but you will have to pay any fees for making copies.

The custodian has three days (not counting Saturdays, Sundays, and legal public holidays) to tell you of his decision about whether the record you want is a public record.¹⁶⁵ If you disagree with the custodian's decision or you have not received a response within five days (not counting Saturdays, Sundays, and legal public holidays) of your request, you may start proceedings for the issuance of a "writ of mandamus," which is a court order requiring the custodian to turn over the documents.¹⁶⁶ To start these proceedings, you must file a complaint in the district court for the parish where the custodian's office is

¹⁵⁷ See LA. REV. STAT. ANN. § 44:1(A)(2)(a) (2017).

¹⁵⁸ LA. REV. STAT. ANN. § 44:3(A)(1) (2017).

¹⁵⁹ Lemmon v. Connick, 590 So. 2d 574, 575 (La. 1991) (holding that post-conviction relief is not "pending criminal litigation" within the meaning of the Public Records Act).

¹⁶⁰ See Cormier v. In re: Public Records Request of Guilio, 553 So. 2d 806, 807 (La. 1989) (holding that the determination of whether a specific record is a record of "pending criminal litigation" must be made on a case-by-case basis).

¹⁶¹ LA. REV. STAT. ANN. § 44:3(A)(3) (2017).

¹⁶² LA. REV. STAT. ANN. § 44:3(A)(4)(a) (2017).

¹⁶³ LA. ADMIN. CODE tit. 22, pt. III, § 703 (2017); LA. REV. STAT. ANN. § 44:3(A)(7) (2017).

¹⁶⁴ LA. REV. STAT. ANN. § 44:3(A)(7) (2017).

¹⁶⁵ LA. REV. STAT. ANN. § 44:32(D) (2017).

¹⁶⁶ LA. REV. STAT. ANN. § 44:35(A) (2017).

located.¹⁶⁷ You will be granted a hearing at which the custodian must prove that he was correct to deny access.¹⁶⁸ If the custodian cannot present a lawful reason for denying access, then he will be required to turn it over, assuming no other restriction applies.¹⁶⁹

3. Criminal Records

As a prisoner, you may access your master prison record, a sentence computation worksheet, any court documents that are related to your current prison term, non-confidential unusual occurrence reports, disciplinary reports, and information related to your educational achievement and participation.¹⁷⁰ You may view your state police or FBI rap sheet, but you may not copy it.¹⁷¹

You may not access the following documents unless you show a special need:

- 1) Presentence reports;
- 2) Post-sentence reports;
- 3) Pre-parole reports;
- 4) Clemency investigations;
- 5) Information revealing the identity of confidential informants;
- 6) Admission summary;
- 7) Correspondence from any non-departmental source directed solely to institutional officials;
- 8) Correspondence or inquiries originated by institutional personnel;
- 9) Investigations conducted by non-departmental agencies, for example, District Attorney, State Police, FBI, etc.
- 10) Investigations conducted by Corrections Service;
- 11) Non-disciplinary court-related institutional investigations; and
- 12) Correspondence from victims or witnesses, including Victim Notice and Registration Forms.¹⁷²

The public, including you, may not access records held by the office of the attorney general, police department, or the Department of Public Safety and Corrections that pertain to pending criminal litigation.¹⁷³ However, records about your own pending criminal litigation may be accessed through various forms of discovery (*see* Part B of this Chapter for information on discovery methods).

A criminal litigation is pending until either a final conviction has been issued and all possibilities of appeal (not including actions for post-conviction relief) have been exhausted (used or tried) or a guilty plea has been accepted.¹⁷⁴ Whether a document is about a criminal litigation is decided on a case-by-case basis and is subject to appeal.¹⁷⁵

This means that if you disagree with a decision about whether the information you want is about pending criminal litigation, you may request a hearing at which you may present evidence challenging that decision.¹⁷⁶

¹⁶⁷ LA. REV. STAT. ANN. § 44:35(A) (2017). *See* Appendix A(B) below for the mailing addresses of Clerks of Court for each parish.

¹⁶⁸ LA. REV. STAT. ANN. § 44:35(B) (2017).

¹⁶⁹ *See, e.g.,* Freeman v. Guaranty Broadcasting Corp., 498 So. 2d 218, 223, 225 (La. App. 1 Cir. 1986) (finding that a general assertion that documents reveal investigative techniques is insufficient to justify withholding documents).

¹⁷⁰ LA. ADMIN. CODE tit. 22, pt. I, § 101(J)(1)(a) (2017).

¹⁷¹ LA. ADMIN. CODE tit. 22, pt. I, § 101(J)(1)(b) (2017).

¹⁷² LA. ADMIN. CODE tit. 22, pt. I, § 101(J)(1)(d) (2017).

¹⁷³ LA. REV. STAT. ANN. § 44:3(A)(1) (2017).

¹⁷⁴ *See* Harrison v. Norris, 569 So. 2d 585, 587 (La. App. 2 Cir. 1990) (holding that a post-conviction relief action is not criminal litigation as contemplated by LA. REV. STAT. ANN. § 44:3 so as to render the records inaccessible or privileged against inspection by the Public Records Act).

¹⁷⁵ *See* Cormier v. *In re*: Public Records Request of Guilio, 553 So. 2d 806, 807 (La. 1989) (holding that the determination of whether a specific record is a record of “pending criminal litigation” must be made on a case-by-case basis and is subject to judicial review).

¹⁷⁶ *See* Cormier v. *In re*: Public Records Request of Guilio, 553 So. 2d 806, 807 (La. 1989) (“The public records statute requires more than a judicial acceptance of an assertion of privilege by the prosecutor; there must be an opportunity

Although arrest records are not made public until after the criminal litigation is final, the initial report of the arrest, booking records, and records of the issuance of the citation are accessible by the public, even if they are about pending criminal litigation.¹⁷⁷

To get records from Corrections Services, you must write the unit head. You must certify (say) in writing that you will not release the information to any other individual or agency.¹⁷⁸ For information about response time and appealing the agency's decision, please refer to Section C(2) of this Chapter describing the procedure for obtaining public records in general.

a. Rap Sheets

Rap sheets are not public records, but each individual has the right to view his own rap sheet.¹⁷⁹ To get access to your criminal record, or rap sheet, you must send a written and signed request for the document to the criminal justice agency holding the record. Your request must be specific enough that the person that has your record will be able to locate it. You may be required to include fingerprints and other personal identifiers to help locate and get the records you requested.¹⁸⁰ Replies to requests for documents that need fingerprints may take up to 30 days.¹⁸¹

You have the right to challenge the content, completeness, or accuracy of your rap sheet.¹⁸² To challenge your rap sheet, submit a complaint in the form of a written letter to the criminal justice agency that has your record and a copy of the complaint to the Privacy and Security Committee at the Louisiana Commission on Law Enforcement (LCLE) (*see* Appendix A(B) for addresses). Your complaint should be specific about what you believe should be changed. You must state and sign the complaint, say that the complaint is made in good faith, and that the changes you want to make are true to the best of your knowledge. You must include fingerprints along with your complaint.¹⁸³

An officer will review your file within 45 days and submit his findings (decision) to you within 15 days after he concludes his review. If you disagree with the results, you can petition (ask) the LCLE Privacy and Security Committee to review the decision. This petition must be made within 30 days of the criminal justice agency's decision.¹⁸⁴ It should include a statement about what you think should be changed, the date and result of the criminal justice agency's review, and a signed statement saying that the facts in the petition are true.¹⁸⁵

After an officer gets your petition, the officer will schedule a hearing for you to present evidence supporting your complaint. The criminal justice agency will also present evidence at this hearing. After the hearing, a final judgment will be issued and further appeals should be made under § 49:950 of the Louisiana Administrative Procedure Act.

b. Expungement

Certain criminal records can be expunged under the Louisiana Code of Criminal Procedure.¹⁸⁶ When a record is "expunged," it is removed from public view and kept under lock and key, and can only be viewed

for cross examination and presentation of evidence to contradict the claim of privilege."); *See* LA. REV. STAT. ANN. § 44:3(C) (2017).

¹⁷⁷ LA. REV. STAT. ANN. § 44:3(A)(4)(a) (2017).

¹⁷⁸ LA. ADMIN. CODE tit. 22, pt. I, § 101(K)(1) (2017).

¹⁷⁹ LA. ADMIN. CODE tit. 22, pt. III, § 703 (2017); *LA. REV. STAT. § 15:588* (2017); *Ellerbe v. Andrew*, 623 So. 2d 41, 44 (La. App. 1 Cir. 1993) (holding that rap sheets are not accessible by third parties).

¹⁸⁰ LA. ADMIN. CODE tit. 22, pt. III, § 705 (2017).

¹⁸¹ LA. ADMIN. CODE tit. 22, pt. III, § 725(A) (2017).

¹⁸² LA. ADMIN. CODE tit. 22, pt. III, § 905 (2017).

¹⁸³ LA. ADMIN. CODE tit. 22, pt. III, § 907 (2017).

¹⁸⁴ LA. ADMIN. CODE tit. 22, pt. III, § 913 (2017).

¹⁸⁵ LA. ADMIN. CODE tit. 22, pt. III, § 915 (2017).

¹⁸⁶ LA. CODE CRIM. PROC. ANN. arts. 971–996 (2017).

at the request of a law enforcement agency, criminal justice agency, and various state professional boards. Expungement does not mean that the record is destroyed. Expungement is not available to convicted felons who are currently in prison.¹⁸⁷ More limits on expungement are discussed below.

To request expungement of a record, send your request in writing to the district court located in the parish in which the violation was prosecuted or in which the arrest was made if you didn't end up getting prosecuted. In filing the request, you may also be required to pay the following fees:

- 1) \$250 to The Bureau of Criminal Identification and Information,
- 2) \$50 to the sheriff's office,
- 3) \$50 to the District Attorney's office, or
- 4) Up to \$200 to the court clerk for processing.¹⁸⁸

If you were arrested but never prosecuted and did not enter a pretrial "diversion program" then you do not need to pay any fees.¹⁸⁹

i. *Misdemeanor Violations of Parish or Municipal Ordinances*

Although expungement is widely available for records of misdemeanor arrests and convictions, there are three exceptions. First, records of misdemeanor convictions for sexual acts or acts of domestic violence cannot be expunged.¹⁹⁰ Second, a record of a conviction may be expunged only after five years have passed since the date of the motion for expungement and the completion of your sentence, probation, or parole.¹⁹¹ Third, expungement is available only once every five years—except in the case of a misdemeanor offense of operating a vehicle while intoxicated, which may be expunged only once every ten years.¹⁹²

In addition to the limits above, you may request expungement for the record of an arrest or a conviction for a misdemeanor violation only if:

- 1) The time limitation for the institution of prosecution on the offense has expired, and no prosecution has been instituted (you were never charged); or
- 2) The prosecution has been instituted and has been dismissed (you were charged and the charges were dismissed) or you have been acquitted.¹⁹³

Although the statute says otherwise, records of arrests relating to a first or second violation of driving while intoxicated *are* eligible for expungement. This is because a 1978 case, *State v. Bradley*, held that this portion of the expungement statute was unconstitutional because it denied equal protection of the law.¹⁹⁴

ii. *Felonies*

You may request expungement of records of an arrest for a felony that did not result in a conviction if:

- 1) You were not prosecuted for the offense for which you were arrested and prosecution was barred for that offense;

¹⁸⁷ LA. CODE CRIM. PROC. ANN. art. 975 (2017).

¹⁸⁸ LA. CODE CRIM. PROC. ANN. arts. 983(A), (B) (2017).

¹⁸⁹ LA. CODE CRIM. PROC. ANN. art. 983(F) (2017).

¹⁹⁰ LA. CODE CRIM. PROC. ANN. art. 977(C) (2017).

¹⁹¹ LA. CODE CRIM. PROC. ANN. art. 977(A) (2017).

¹⁹² LA. CODE CRIM. PROC. ANN. art. 977(D) (2017).

¹⁹³ LA. CODE CRIM. PROC. ANN. art. 976 (2017).

¹⁹⁴ *State v. Bradley*, 360 So. 2d 858, 862 (La. 1978) (holding that in the absence of any rational basis for treating persons arrested but not convicted for driving while intoxicated differently from persons arrested but not convicted of other misdemeanors, the statute which denied the benefits of expungement to those arrested for driving while intoxicated was a denial of equal protection and was unconstitutional).

- 2) The district attorney declined to prosecute you for that offense;
- 3) You were prosecuted but the charges were dismissed, you were acquitted, or a motion to quash was granted; or
- 4) You were found to be factually innocent and entitled to compensation for wrongful conviction.¹⁹⁵

However, if you were arrested but not convicted for a state or municipal ordinance that prohibits operating a vehicle while intoxicated or under the influence of drugs and were sent to a pretrial diversion program, you will not be able to request expungement of those records until five years after the date of your arrest for that offense.¹⁹⁶

If your arrest did result in a felony conviction, for most felonies you may request expungement if:

- 1) The conviction was set aside and the prosecution was dismissed with a suspended sentence and probation; or
- 2) More than ten years have passed since you completed the sentence, deferred adjudication, or any probation or parole time based on the conviction, you have not been convicted of any other criminal offense during that ten-year period, and you have no criminal charges pending against you.
- 3) The motion includes a certification from the district attorney that says you had no convictions and no pending charges during that ten-year period.¹⁹⁷

However, if the felony for which you were convicted was a crime of violence,¹⁹⁸ a sex offense or criminal offense against a victim who is a minor,¹⁹⁹ most violations of the Uniform Controlled Dangerous Substances Law,²⁰⁰ or domestic battery, you may not expunge that record.²⁰¹

Although most crimes of violence are not expungable, if the offense for which you were convicted was aggravated battery, second-degree battery, aggravated criminal damage to property, simple robbery, purse snatching, or illegal use of weapons or dangerous instrumentalities, you may request expungement if:

- 1) More than ten years have passed since you completed the sentence, deferred adjudication, or completed the probation or parole period;
- 2) You have not been convicted of any other criminal offense during the ten-year period;
- 3) You have no criminal charges pending against you;
- 4) You have been employed for ten consecutive years; and
- 5) The motion includes a certification from the district attorney that says you had no convictions and no pending charges during that ten-year period.²⁰²

¹⁹⁵ LA. CODE CRIM. PROC. ANN. art. 976(A) (2017).

¹⁹⁶ LA. CODE CRIM. PROC. ANN. art. 976(B) (2017).

¹⁹⁷ LA. CODE CRIM. PROC. ANN. art. 978(A) (2017).

¹⁹⁸ LA. CODE CRIM. PROC. ANN. art. 978(B)(1) (2017) refers to crimes defined in LA. STAT. ANN. § 14:2(B) (2017) as a “crime of violence.” This means “an offense that has, as an element, the use, attempted use, or threatened use of physical force against the person or property of another, and that, by its very nature, involves a substantial risk that physical force against the person or property of another may be used in the course of committing the offense or an offense that involves the possession or use of a dangerous weapon.”

¹⁹⁹ LA. CODE CRIM. PROC. ANN. art. 978(B)(2) (2017). The provision defines these offenses by referring to LA. STAT. ANN. § 15:541 (2017). It also includes “any offense which occurred prior to June 18, 1992, that would be defined as a sex offense or a criminal offense against a victim who is a minor had it occurred on or after June 18, 1992.” If the conviction was for carnal knowledge of a juvenile and occurred prior to August 15, 2001, it is eligible for expungement if the offense would have been defined as a misdemeanor had the conviction occurred on or after August 15, 2001.

²⁰⁰ LA. CODE CRIM. PROC. ANN. art. 978(B)(3) (2017). Violations of the Uniform Controlled Dangerous Substances Law that *may* be expunged include convictions for: possession, possession with intent to distribute, any violation not punishable by more than five years’ imprisonment, or a conviction that can be expunged pursuant to art. 893(E) (referring to offenses where the sentence was suspended pursuant to probation).

²⁰¹ LA. CODE CRIM. PROC. ANN. art. 978(B) (2017).

²⁰² LA. CODE CRIM. PROC. ANN. art. 978(E) (2017).

You may only expunge your record of a felony conviction once during a fifteen-year period.²⁰³

iii. *Fees*

You should be prepared to pay the regular service fees for copies of documents requested under the Public Records Law.²⁰⁴ If you can't pay the fees, a court can decide to give you without charge or at a reduced fee.²⁰⁵

c. Medical Records

Access to medical records is normally withheld from (not allowed for) inmates. Your warden may grant access upon a showing of special need.

D. CONCLUSION

Getting information about your case is the first step in seeking several types of relief. Information will help you appeal your conviction, file a complaint, or request a correction of your rap sheet. The rules on how to access to information are mainly procedural rules that you must follow closely. Read the rules and any relevant case law carefully. Make sure you are following the correct procedure, that you know what your rights are, and that you know what kind of information the government must give you. As you start to search for documents, be sure to read the rules and instructions above and follow the rules. Even small mistakes can end up delaying your request. The discovery process is about getting information on the issues in your case. This process is key to building your case and winning your lawsuit.

²⁰³ LA. CODE CRIM. PROC. ANN. art. 978(D) (2017).

²⁰⁴ State *ex rel.* McKnight v. State, 98-2258, p. 1 (La. App. 1 Cir. 12/3/98); 742 So. 2d 894, 895. (noting that inmate proceeding under the Louisiana Public Records Law “should be prepared to pay the regular service fees for copies of the documents”).

²⁰⁵ Diggs v. Pennington, 2003-0057, p. 4 (La. App. 4 Cir. 6/4/03); 849 So. 2d 756, 758 (holding that a need for a police report by indigent prisoner gave him an *opportunity* to obtain a free copy, but it did not give him the *right* to one.)

APPENDIX A

SAMPLE FORMS AND LETTERS

A. SAMPLE PUBLIC RECORDS REQUEST LETTER

[Return Address]

[Date]

[Records Access Officer]

[Name of Agency]

[Address of Agency]

[City, LA ZIP code]

Re: Public Records Law Request

Records Access Officer:

Under the provisions of the Louisiana Public Records Law, LSA Rev. Stat. § 44:9, I hereby request records or portions thereof pertaining to _____ [identify the records in which you are interested as clearly as possible].

If there are any fees for copying the records requested, please inform me before filling the request [or: . . . please supply the records without informing me if the fees are not in excess of \$__].

As you know, the Louisiana Public Records Law requires that an agency respond to a request within three business days of receipt of a request. Therefore, I would appreciate a response as soon as possible and look forward to hearing from you shortly. If for any reason any portion of my request is denied, please inform me of the reasons for the denial in writing and provide the name and address of the person or body to whom an appeal should be directed.

Sincerely,

[Signature]

B. MAILING ADDRESSES AND TELEPHONE NUMBERS

1. *Bureau of Criminal Identification and Information*

P.O. Box 66614
A-6
Baton Rouge, LA 70806
Telephone: (225) 925-6095

2. *Louisiana Commission on Law Enforcement and Administration of Criminal Justice*

P.O. Box 3133
Baton Rouge, LA 70821
Telephone: (225) 342-1500

3. *Parish Courthouses*

.....
**FOR ADDITIONAL CONTACT INFORMATION FOR PARISH COURTHOUSES, *SEE* CHAPTER 10,
APPENDIX A, "THE STATE'S DUTY TO PROTECT YOU AND YOUR PROPERTY—TORT ACTIONS"**
.....

Acadia Parish
P.O. Box 922
Crowley, LA 70527-0922
Telephone: (318) 788-8881

Allen Parish Clerk of Court
P.O. Box 248
Oberlin, LA 70655-0248
Telephone: (318) 639-4351

Ascension Parish Clerk of Court
P.O. Box 192
Donaldsonville, LA 70346-0192
Telephone: (504) 473-9866

Assumption Parish Clerk of Court
P.O. Drawer 249
Napoleonville, LA 70390
Telephone: (504) 369-6653

Avoyelles Parish Clerk of Court
P.O. Box 196
Marksville, LA 71351
Telephone: (318) 253-7523

Beauregard Parish Clerk of Court
P.O. Box 100
De Ridder, LA 70634
Telephone: (318) 463-8595

Bienville Parish Clerk of Court
601 Locust St., Room 100
Arcadia, LA 71001
Telephone: (318) 263-2123

Bossier Parish Clerk of Court
P.O. Box 430
Benton, LA 71006-0430
Telephone: (318) 965-2336
Caddo Parish Clerk of Court
501 Texas St., Room 103
Shreveport, LA 71101
Telephone: (318) 226-6780

Calcasieu Parish Clerk of Court
P.O. Box 1030
Lake Charles, LA 70602
Telephone: (318) 437-3550

Caldwell Parish Clerk of Court
P.O. Box 1327
Columbia, LA 71418
Telephone: (318) 649-2272

Cameron Parish Clerk of Court
P.O. Box 549
Cameron, LA 70631
Telephone: (318) 775-5316

Catahoula Parish Clerk of Court
P.O. Box 198
Harrisonburg, LA 71340-0198
Telephone: (318) 744-5497

Claiborne Parish Clerk of Court
P.O. Box 330
Homer, LA 71040
Telephone: (318) 927-9601

Concordia Parish Clerk of Court
P.O. Box 790
Vidalia, LA 71373-0790
Telephone: (318) 336-4204

De Soto Parish Clerk of Court
P.O. Box 1206
Mansfield, LA 71052
Telephone: (318) 872-3110

East Baton Rouge Parish Clerk of Court
222 Saint Louis St.
Baton Rouge, LA 70821
Telephone: (504) 389-3000

East Carroll Parish Clerk of Court
400 1st St.
Lake Providence, LA 71254-2616
Telephone: (318) 559-2399

East Feliciana Parish Clerk of Court
P.O. Drawer 599
Clinton, LA 70722-0599
Telephone: (504) 683-5145

Evangeline Parish Clerk
P.O. Drawer 347
Ville Platte, LA 70586-0347
Telephone: (318) 363-5671

Franklin Parish Clerk of Court
P.O. Box 1564
Winnsboro, LA 71295-2750
Telephone: (318) 435-5133

Grant Parish
P.O. Box 263
Colfax, LA 71417
Telephone: (318) 627-3246

Iberia Parish Clerk of Court
300 Iberia St., 1st Floor
New Iberia, LA 70562-2010
Telephone: (318) 365-8246

Iberville Parish Clerk of Court
P.O. Box 423
Plaquemine, LA 70765
Telephone: (504) 687-5160

Jackson Parish Clerk of Court
P.O. Box 730
Jonesboro, LA 71251
Telephone: (318) 259-2424

Jefferson Davis Parish Clerk of Court
P.O. Box 799
Jennings, LA 70546
Telephone: (318) 824-1160

Jefferson Parish Clerk of Court
P.O. Box 10
Gretna, LA 70054
Telephone: (504) 364-2900

Lafayette Parish Clerk of Court
P.O. Box 2009
Lafayette, LA 70502
Telephone: (318) 233-0150

Lafourche Parish Clerk of Court
P.O. Drawer 5548
Thibodaux, LA 70302
Telephone: (504) 446-8427

LaSalle Parish Clerk of Court
P.O. Box 1316
Jena, LA 71342
Telephone: (318) 992-2158

Lincoln Parish Clerk of Court
P.O. Box 924
Ruston, LA 71273-0924
Telephone: (318) 251-5130

Livingston Parish Clerk of Court
P.O. Box 1150
Livingston, LA 70754
Telephone: (504) 686-2216

Madison Parish Clerk of Court
P.O. Box 1710
Tallulah, LA 71282-3840
Telephone: (318) 574-0655

Morehouse Parish
P.O. Box 1543
Bastrop, LA 71220-1543
Telephone: (318) 281-3343

Natchitoches Parish
P.O. Box 476
Natchitoches, LA 71458-0476
Telephone: (318) 352-8152

Orleans Parish
421 Loyola Ave., Rm. 402
New Orleans, LA 70112-2114
Telephone: (504) 592-9100

Ouachita Parish
P.O. Box 1862
Monroe, LA 71210-1862
Telephone: (318) 327-1444

Plaquemines Parish
P.O. Box 129
Point à la Hache, LA 70082
Telephone: (504) 333-4343

Point Coupee Parish
P.O. Box 86
New Roads, LA 70760
Telephone: (504) 638-9596

Rapides Parish
P.O. Box 952
Alexandria, LA 71309-0952
Telephone: (318) 473-8153

Red River Parish
P.O. Box 485
Coushatta, LA 71019-8537
Telephone: (318) 932-6741

Richland Parish
P.O. Box 119
Rayville, LA 71269
Telephone: (318) 728-4171

Sabine Parish
P.O. Box 419
Many, LA 71449-0419
Telephone: (318) 256-6223

Saint Bernard Parish
P.O. Box 1746
Chalmette, LA 70044
Telephone: (504) 271-3434

Saint Charles Parish
P.O. Box 424
Hahnville, LA 70057-0302
Telephone: (504) 783-6632

Saint Helena Parish
P.O. Box 308
Greensburg, LA 70441
Telephone: (504) 222-4514

Saint James Parish
P.O. Box 63
Convent, LA 70723-0063
Telephone: (504) 562-7496

Saint John the Baptist Parish
1801 W. Airline Hwy.
La Place, LA 70068
Telephone: (504) 652-9569

Saint Landry Parish
118 S. Court Street, Ste. 207
Opelousas, LA 70570
Telephone: (318) 942-5606

Saint Martin Parish
P.O. Box 308
Saint Martinville, LA 70582
Telephone: (318) 394-2210

Saint Mary Parish
P.O. Drawer 1231
Franklin, LA 70538-6198
Telephone: (318) 828-4100, ext. 200

Saint Tammany Parish
P.O. Box 1090
Covington, LA 70434-1090
Telephone: (504) 898-2430

Tangipahoa Parish
P.O. Box 667
Amite, LA 70422
Telephone: (504) 748-4146

Tensas Parish
Courthouse Square
P.O. Box 78
Saint Joseph, LA 71366
Telephone: (318) 766-3921

Terrebonne Parish
P.O. Box 1569
Houma, LA 70361
Telephone: (504) 868-5660

Union Parish
Courthouse Building
100 E. Bayou St., Suite 105
Farmerville, LA 71241
Telephone: (318) 368-3055

Vermilion Parish
P.O. Box 790
Abbeville, LA 70511-0790
Telephone: (318) 898-1992

Vernon Parish
P.O. Box 40
Leesville, LA 71446
Telephone: (318) 238-1384

Washington Parish
P.O. Box 607
Franklinton, LA 70438
Telephone: (504) 839-4663

Webster Parish
P.O. Box 370
Minden, LA 71058
Telephone: (318) 371-0366

West Baton Rouge Parish
P.O. Box 107
Port Allen, LA 70767
Telephone: (504) 383-0378

West Carroll Parish
P.O. Box 1078
Oak Grove, LA 71263
Telephone: (318) 428-3281

West Feliciana Parish
P.O. Box 1843
Saint Francisville, LA 70775
Telephone: (504) 635-3794

Winn Parish
101 Main St., Room 103
Winnfield, LA 71483-0951
Telephone: (318) 628-3515