

UPDATED MEMO FROM THE LAFAYETTE CITY COURT JUDGES (May 4, 2020):

**LAFAYETTE CITY COURT BUILDING CLOSURE AND
AVAILABILITY OF LIMITED COURT OPERATIONS**

(Corrected)

ALL COURT SESSIONS SCHEDULED TO BE HEARD PRIOR TO JUNE 1, 2020 HAVE BEEN CANCELLED AND ARE IN THE PROCESS OF BEING RESCHEDULED BY THE COURT. THE JUDGES AND STAFF ARE WORKING TO RE-SCHEDULE THE NUMEROUS CIVIL, CRIMINAL, TRAFFIC, AND JUVENILE MATTERS THAT WERE POSTPONED DUE TO COVID-19 SUSPENSIONS.

THE LAFAYETTE CITY COURT BUILDING REMAINS CLOSED TO THE PUBLIC; HOWEVER, COURT STAFF ARE WORKING TO HANDLE ANY MATTERS RECEIVED BY MAIL OR FAX. PHONE MESSAGES ARE ALSO BEING RETURNED AS SOON AS POSSIBLE.

THE CITY COURT BUILDING IS SCHEDULED TO BE REOPENED TO THE PUBLIC BEGINNING MONDAY, MAY 18, 2020. THE COURT EXPECTS TO RETURN TO A STAGGERED COURT SCHEDULE BEGINNING MONDAY, JUNE 1, 2020. DUE TO THE EXISTING STAY ORDERS, LEGAL DELAYS DO NOT START RUNNING UNTIL MAY 18, 2020. THERE MAY BE ADDITIONAL DELAYS FOR MANDATED NOTICE PERIODS THAT START AFTER SERVICE OF PROCESS.

WHEN CASES ARE RESCHEDULED, IN RESPECT TO THE “SOCIAL DISTANCING” REQUIREMENTS OF THE GOVERNING AUTHORITIES, THE SIZE OF DOCKETS WILL BE LIMITED AND SCHEDULED AT STAGGERED START TIMES. AN ORDER PROVIDING RESTRICTIONS TO THOSE ENTERING THE COURTHOUSE BUILDING CAN BE FOUND ON THE COURT’S WEBSITE:

<https://www.citycourtlafayette.org/Home.aspx>;

ADDITIONAL INFORMATION AVAILABLE ON COURT’S WEBSITE: The Judges encourage all to utilize the Court’s website to obtain more information, including updates from the Court, answers to frequently asked questions or the current status of pending cases. If you have trouble getting to the website, type “City Court Lafayette Louisiana” and a link should appear on your search engine. Information will also be available on the Lafayette Bar Association website about Lafayette City Court and other courts serving the 15th Judicial District: **<https://www.lafayettebar.org>.**

HOW WILL I KNOW MY NEW COURT DATE: It is not necessary to call the City Court to check on a new court date. Rescheduled criminal and traffic matters can be checked online. For all matters, civil, criminal, traffic or juvenile, a notice will be mailed to all parties once the Court is satisfied that it can hold court sessions. It is your responsibility to ensure that the Court has a current address. If your address has changed, you must provide the new address in writing to the Court by mail or by fax at (337) 291-8774. The Court’s mailing address is Post Office Drawer 3344, Lafayette, Louisiana 70502-3344. You must include your full name as it appears on your old notice, your docket number and your new address including city, state and zip code. You can also provide a contact phone number and/or email address.

LAFAYETTE CITY COURT CANNOT PROVIDE YOU INFORMATION ON MATTERS BEING HANDLED IN THE LAFAYETTE PARISH DISTRICT COURT OR OTHER COURTS. For matters being held in the 15th Judicial District Court, Lafayette Parish, you should contact the Lafayette Parish Clerk's office by finding the appropriate department at <https://lpclerk.com/departments/> or their main website at <https://lpclerk.com> or go to the 15th JDC website at <https://15thjdc.org/site.php> for more information being provided by the district court judges. If you have matters in other courts, they may have websites that can assist you.

SPECIFIC CASE TYPES:

EVICCTIONS:

As of last week, our Court has approximately 30 evictions that were filed prior to the Governor's Executive Order and the subsequent Supreme Court order staying time limitations and in-person court appearances that require rescheduling. The Court received approximately a dozen or so evictions filed since the "stay" order has been in effect. Those matters will also need to be scheduled. The Clerk's office is in the process of verifying with the respective landlord whether there still exists a need for the eviction. This could reduce those numbers, however, from phone calls received in our civil department over the past few weeks, we anticipate a large number of evictions being filed once the "stay" order expires on May 18, 2020.

The Judges remind landlords and tenants that the type of evictions that can be heard is limited by the Federal CARES Act. The Court can only hear evictions that are not stayed by the CARES Act moratorium. In accordance with the Federal CARES Act eviction moratorium all subsidized evictions, i.e. Section 8, Housing Authority, federally backed mortgaged rental property, are stayed until July 25, 2020. The CARES Act prevents landlords from evicting tenants and/or charging them late fees for non-payment until July 25, 2020. However, that federal moratorium only applies to the following federally subsidized housing:

- Tenants with Section 8 vouchers;
- Tenants with housing vouchers through the U.S. Department of Agricultural Rural Development;
- Tenants who live in a HUD-subsidized property like Section 8 or public housing;
- Tenants who live in a Low-Income Housing Tax Credit property;
- Tenants whose landlords have a mortgage backed by the federal government or a mortgage owned by Fannie Mae/Freddie Mac.

According to the CARES Act, for the renters included in the stipulations of the CARES Act, landlords also can't issue any notices to vacate until after the 120-day period (July 25) and after that, the landlord must give a 30-day notice.

The Judges encourage landlords and tenants to review their rights by going to the Louisiana Fair Housing website, <https://www.lhc.la.gov/fair-housing> and/or other eviction information that maybe available online through legal services or their private attorney.

TRIALS AND HEARINGS IN CIVIL MATTERS

As of last week, each Judge of our Court is holding approximately 25 requests for trial, summary judgment, confirmation, rules and judgment on pleadings that were filed prior to the Governor's Executive Order and the subsequent Supreme Court order staying time limitations and in-person court appearances. These matters require rescheduling. The Court staff is in the process of verifying with the respective litigants whether there still exists a need for a hearing. This could reduce those numbers; however, we anticipate a large number of civil matters being filed once the "stay" order expires on May 18, 2020.

- **SUMMARY JUDGMENT**

Louisiana Code of Civil Procedure Article 966 requires that a notice of summary judgment hearing must be served a minimum of 30 days prior to the hearing date. Considering the mandated delay, the court is anticipating scheduling these matters during the first three weeks of June at the earliest. The Judges' staff will begin working on rescheduling these matters in the next couple of weeks.

- **CIVIL TRIALS**

No trials will be scheduled prior to July 1, 2020. Each attorney of record or pro-se litigant will be contacted by the Judges' staff prior to these matters being rescheduled.

- **CONFIRMATIONS, RULES AND JUDGMENTS ON PLEADING**

As there are shorter notice requirements for these type civil matters, it is the hope of the Judges that a special session can be scheduled towards the end of May. Those attorneys and pro-se litigants will be contacted shortly by the Judges' staff.

CRIMINAL AND TRAFFIC MATTERS

The Judges have already contacted the private attorneys, public defenders, city prosecutors, and assistant district attorneys about all criminal and traffic cases needing rescheduling. These cases are being rescheduled in accordance with their individual status. It is possible that some of these cases will be resolved in voluntary special sessions to be held in May. All matters involving unrepresented defendants are being rescheduled for June or July. The Judges remind people that many traffic tickets and some previously resolved criminal matters can be paid online by credit card (processing fee applies) by going to the Court's website, <https://www.citycourtlafayettela.org/Home.aspx>. Traffic and criminal fines can also be paid by mail with certified funds or money order (do not send cash or personal check) payable to City Court of Lafayette, and mailed to Lafayette City Court c/o Traffic Violations Bureau, Post Office Box 2086, Lafayette, Louisiana 70502. If your ticket is court mandatory, you will not be able to pay it online. Those matters will be reset by the Court.

ADULT PROBATION MATTERS

The Court is aware that opportunities to complete community service and attend court ordered programs has been limited by the “stay home” closures of many of the service providers. Accordingly, the Judges have automatically extended all completion dates. You will be notified of the new completion date once it is set by the Court. No warrant will be issued because you did not complete your program(s) and/or community service hours by the original completion date.

JUVENILE DELINQUENT AND TRAFFIC MATTERS

All juvenile delinquent and traffic matters are being rescheduled for June court dates. Notice will be sent to all parties. This includes completion dates for probation requirements and community service.

ADDITIONAL INFORMATION:

- All persons having business with the City Court of Lafayette, Louisiana can continue to file civil pleadings, evictions, criminal pleadings, and other matters with the appropriate department via fax or U.S. Mail. The court’s mailing address is Post Office Drawer 3344, Lafayette, Louisiana 70502-3344;
- All civil pleadings, new petitions including new eviction proceedings, answers or other pleadings can be faxed to the Court’s civil department at (337) 291-8771 in accordance with Louisiana Code of Civil Procedure Article 850;
- All criminal/traffic motions or other filings can be faxed to the Court’s criminal/traffic department at (337) 291-8774 or juvenile department at (337) 291-8181.
- All City Court of Lafayette departments can be reached by phone at (337) 291-8720 or individual department numbers can be located on the Court’s website.