

16<sup>th</sup> JUDICIAL DISTRICT COURT

VS. # DIV. " "

PARISH OF ST. MARY

STATE OF LOUISIANA

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**HEARING OFFICER  
CONFERENCE ORDER**

**IT IS ORDERED THAT**, unless the issues before the Court have been agreed upon, the parties hereto shall appear **IN PERSON**, and with their respective attorneys (if represented by legal counsel), before the Hearing Officer , Tamera Cain Washburn, at the St. Mary Parish Courthouse, Hearing Officer Conference Room at 500 Main Street, Suite 601, 6<sup>th</sup> floor, Franklin, Louisiana, on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_, at the hour of \_\_\_\_o'clock\_\_\_\_.m.

**EVERY EFFORT IS MADE TO BEGIN CONFERENCES AT THE SCHEDULED TIME. YOU SHOULD BE PRESENT TIMELY OR EXPECT TO HAVE THE CONFERENCE BEGIN WITHOUT YOU. CONFERENCES IN THIS PARISH ARE GENERALLY SCHEDULED TO LAST NINETY (90) MINUTES, BUT MAY RUN LONGER. IF YOU BECOME AWARE OF CIRCUMSTANCES WHICH WILL PREVENT YOU FROM ARRIVING ON TIME OR FROM BEING ABLE TO REMAIN FOR THE DURATION OF THE CONFERENCE, IT IS YOUR RESPONSIBILITY TO CONTACT THE HEARING OFFICER AND/OR TO REQUEST A RE-SCHEDULING OF THE CONFERENCE.**

**Rule 5A.4G4. of the Local Rules of the 16<sup>th</sup> Judicial District Court provides that "A party who, after having been duly cited and served with process, fails to appear or remain for the duration of a Hearing Officer Conference waives the right to file an objection to the recommendations contained in the Hearing Officer Conference Report, unless the Hearing Officer has excused the failure to appear or to remain for the duration of the Hearing Officer Conference."**

**IT IS FURTHER ORDERED** that the parties or their respective attorneys shall execute, exchange and forward to the Hearing Officer and each other **five (5) working days** (Saturdays, Sundays, and legal holidays excluded) prior to the Hearing Officer Conference, the following documents:

1. *A Hearing Officer Conference Affidavit* (attached) completed in accordance with the Local Court Rules, with complete and current information. Attach additional sheets if necessary. This **must** be signed by the party submitting it, in the presence of a Notary Public, under oath, and under penalty of perjury. Submitting an unsigned *Affidavit* or one which is not notarized is the same as not submitting one; however, with the permission of the Hearing Officer, a party may submit an *Affidavit* which has not been signed and notarized in advance of the Hearing Officer Conference provided the one brought to the Hearing Officer Conference is signed and notarized.
2. The last two (2) years of their state and federal income tax returns, including all attachments, specifically all schedules, W-2 forms, 1099 forms, and any and all amended returns.
3. The party's last four (4) pay check stubs or documentation reflecting the amounts received as benefits from workers' compensation, Social Security SSI, LHWCA, or maintenance & cure. In the event no pay check "stubs" are provided by an employer, other appropriate documentation reflective of the party's income shall be attached.
4. If a party is (a) self-employed, (b) employed by a closely-held business entity in which the party has an ownership interest, (c) paid in cash, or (d) claims to be disabled and/or is receiving disability benefits (including, but not limited to, workers' compensation, Social Security SSI, LHWCA, or maintenance & cure), that party shall be required to submit, to the Hearing Office, business (if applicable) **and** personal tax returns for the previous two (2) years, canceled checks, check registers, and bank statements for their business (if applicable) **and** personal accounts and their business (if applicable) **and** personal credit card statements for the previous twelve (12) months.
5. As an alternative to providing copies of canceled checks, the party may provide a true and correct copy of the checkbook register, on the condition that the register accurately reflects the date, transaction number,

and payee of all checks, together with all deposits, a running balance and a current balance at the time the register is provided to the Hearing Officer and the opposing party. ***Notwithstanding, the party must still have the canceled checks available for inspection at the Hearing Officer Conference.***

6. Any information concerning health insurance, including proof of health insurance such as cards or policies. The party who has been primarily responsible for procuring health insurance, either through an employer or in the form of an individual policy, shall also procure the following and provide same to the Hearing Officer and the other party: documentation from the employer or insurance provider detailing the effective date of coverage, the precise cost (and the time period covered by that cost) for the health insurance and specifically detailing the difference in the cost of premiums for single coverage, coverage for a spouse, family and/or dependent coverage, and the number of individuals covered by said policy.
7. Documentation from child care provider(s) detailing the costs for child care, such as daycare fee schedule. Also, canceled checks for at least four (4) months, if available.
8. Documentation from private school(s) detailing the costs for private school, including annual registration, total tuition expenses, and any other mandatory fees imposed (such as for books and materials), but not including the cost for school lunches or uniforms.
9. If one of the issues before the Court is an allegation that a party has failed to pay a support obligation or to pay for a service which benefits a child or party (such as health insurance or private school tuition), the party alleging the failure and the party defending this allegation must (in other words, both parties) each provide sufficient information to the Hearing Officer to be able to make a detailed finding of fact with regard to the issue(s).
10. If a party intends to seek an adjustment to his or her average gross monthly income because of a court ordered obligation to pay support in another case or other cases, that party must provide the Hearing

**If the parties do not have any child support or spousal support matters pending before the court, it is not necessary to forward to the hearing officer the information or documentation listed in numbers 2-10.**

Officer a certified copy of the order of support from the other case(s).

11. In the event the issues before the Court involve novel or complicated issues of law, please provide the Hearing Officer appropriate citations to code articles, revised statutes, and/or case law/jurisprudence for consideration in advance of the Conference. This does ***not*** require the submission of a memorandum, and is only necessary if the issues are truly novel or complicated.

**THUS ORDERED** in Franklin, St. Mary Parish, Louisiana, this \_\_\_\_\_ day of **AUGUST, 2010**

\_\_\_\_\_  
DISTRICT COURT

**THIS IS A COURT ORDER, AND YOU ARE OBLIGATED TO COMPLY WITH IT. FAILURE TO COMPLY WITH THIS COURT ORDER, INCLUDING THE OBLIGATION TO PROVIDE THE HEARING OFFICER WITH THE REQUIRED DOCUMENTATION, MAY RESULT IN YOUR BEING FOUND TO BE IN CONTEMPT OF COURT, WHICH IS PUNISHABLE BY UP TO SIX (6) MONTHS IN THE PARISH JAIL, AND/OR A FINE OF UP TO \$500.**

Failure to comply with the *Hearing Officer Conference Order* may also result in a re-scheduling of the Hearing Officer Conference if the delay is attributable to the action or inaction of the party seeking relief (including support), a delay in the scheduling of the court hearing and/or the entry of an interim order based on the evidence provided, or such other action as the Hearing Officer and/or the Court may deem appropriate pending compliance with this order, including, but not limited to, an allocation of all costs to the party responsible for the delay.

If you need to request a re-scheduling of the Hearing Officer Conference, you must do so through the Hearing Officer, (337) 828-4100 ext 601. If you need to request a re-scheduling of only the Court hearing, and not the Hearing Officer Conference, you need to do so through the office of the Clerk of Court and the office of the assigned Judge. If you need to re-schedule both the Hearing Officer Conference and the Court hearing, you need to do so through the Hearing Officer, the office of the Clerk of Court, and the office of the assigned Judge.

In the event of a settlement or dismissal of the above referenced matter, you must notify the office of the Hearing Officer immediately at (337) 828-4100 ext 601, the office of the Judge assigned to the case, and the office of the Clerk of Court at (337) 828-4100 ext 200.

01 - Hearing Officer Conference Order (Appendix I)

## IMPORTANT INFORMATION REGARDING HEARING OFFICER CONFERENCES FOR FAMILY LAW MATTERS IN ST. MARY PARISH

- **DO NOT BRING CHILDREN TO THE HEARING OFFICER CONFERENCE! MAKE ARRANGEMENTS TO HAVE THEM CARED FOR WHILE YOU ARE AT THE CONFERENCE, AND PLAN YOUR CHILD CARE ARRANGEMENTS TO TAKE INTO ACCOUNT THAT YOU NEED TO ARRIVE ON TIME, AND THAT YOUR CONFERENCE MAY LAST LONGER THAN ANTICIPATED. IF THERE IS AN ISSUE IN THE CASE WHICH REQUIRES THE PRESENCE OF A CHILD, YOU MUST CALL THE HEARING OFFICER IN ADVANCE OF THE CONFERENCE TO DISCUSS THIS - EXCEPTIONS ARE RARELY GRANTED AND, IN GENERAL, ONLY UNDER EXTRAORDINARY CIRCUMSTANCES.**
- Most Hearing Officer Conferences are scheduled to run at least ninety (90) minutes. **Look carefully at the *Hearing Officer Conference Order* that was served on you to make sure that you are aware of the date and time for the Hearing Officer Conference.** You should also be prepared for the possibility that your HOC may start late if the one preceding yours runs overtime, and/or to stay longer than the time scheduled for your HOC if it takes longer than usual.
- Because most Hearing Officer Conferences are scheduled to run ninety (90) minutes, punctuality is very important. We try to start every Hearing Officer Conference on time; however, sometimes the Hearing Officer Conference immediately preceding yours may run long. Regardless, you should be present and prepared to begin when it is scheduled to begin.
- The 16<sup>th</sup> Judicial District Court currently has three Hearing Officers serving the Family Court Program, and any one of them may be conducting your Hearing Officer Conference, depending on caseloads, conflict-of-interest issues, or the unavailability of one of the Hearing Officers for the date and time scheduled.
- If the Hearing Officer Conference is for a community property matter, it is scheduled for the entire afternoon, because these Conferences tend to require substantially more time. Thus, if the Hearing Officer Conference which has been scheduled in this matter is for a community property partition, you should be prepared to remain for the entire morning or the entire afternoon, or as long as the matter takes to be completed.
- If one of the parties and/or his or her legal counsel is not present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may choose to start and proceed with the Hearing Officer Conference, even though a party or attorney is not present. This could result in the rendition of a *Hearing Officer Conference Report* which is based upon a one-sided presentation of information to the Hearing Officer.
- If none of the parties are present at the time the Hearing Officer Conference is scheduled to begin, the Hearing Officer may issue a recommendation that the requested relief be continued without date or dismissed, either “with prejudice” or “without prejudice”. In the event an objection is filed to this recommendation, a new Hearing Officer Conference would have to be scheduled before the matter could be presented in Court to the presiding judge.
- Both parties (and their attorneys, if represented) need to be physically present for the duration of the Hearing Officer Conference. Because one of the purposes of the Hearing Officer Conference is to explore the extent to which some or all of the issues can be resolved amicably, it is vitally important that the person who is in a position to agree or not agree (that is, the party himself or herself) must be present. If that is not possible at the time originally scheduled, then it is the responsibility of that party or his or her attorney to request a re-scheduling of the Hearing Officer Conference, or special accommodations for a party.
- If you are aware that a matter may be complicated and/or time-consuming, this should be brought to the attention of the Hearing Office so that adequate provisions can be made to schedule the Hearing Officer Conference accordingly.
- You should make sure that you strictly comply with the requirements of the *Hearing Officer Conference Order*, including, but not limited to, providing thorough submissions (*Hearing Officer Conference Affidavit*, and the required attachments) in a timely manner, both to the Hearing Officer and the opposing party/attorney. Failure to appropriately comply with the *Hearing Officer Conference Order* may result in the Hearing Officer either setting aside the Hearing Officer Conference, or rendering “Findings of Fact” or “Recommendations” which are based, in whole or in part, on your failure to provide the appropriate information and documentation, at the discretion of the Hearing Officer.
- If you are seeking relief from the Court and you fail to provide complete submissions to the Hearing Office in a timely manner, the Hearing Officer may simply set aside and continue the Hearing Officer Conference without date. If that happens, you or your counsel of record would have the responsibility of filing a motion and order to re-schedule the Hearing Officer Conference and court date. If the failure to provide timely and complete submissions is by the prospective obligor (the person from whom support or payment of some sort is sought), we will obviously handle it differently.
- Because the *Hearing Officer Conference Order* is a court order, a party who fails/refuses to comply with an order may be found to be in “contempt of court”, and punished accordingly.
- We would ask that all participants in the Hearing Officer Conference resist the urge to conduct a lengthy, full-scale trial during the Hearing Officer Conference. While we do not wish to limit anyone’s ability to pursue any and all relevant information, we do want to be sure that reasonableness is maintained.
- Everyone is requested to turn off portable phones and pagers during Hearing Officer Conferences. Requests for exemptions should be presented to the Hearing Officer prior to the beginning of the Hearing Officer Conference.