

State Police Commission



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February 4, 1994

General Circular No. 32

To: State Police Commission Members, Colonel Paul Fontenot,
Russell Culotta, Foye Lowe, Walt Smith, William Spencer,
Baxter Welch and LSTA Affiliate Presidents

Subject: State Police Commission Rule 13.18.1

The State Police Commission will hold a public hearing on Monday, March 21, 1994, at 9:00 a.m. to consider adoption of State Police Commission Rule 13.18.1, as more fully set forth below. The public hearing will be held in the Conference Room, Eleventh Floor, Wooddale Tower Building, 1885 Wooddale Boulevard, Baton Rouge, Louisiana.

Chapter 13 Appeals and Hearings

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13.18.1 Pre-Hearing Procedures.

- (a) In any appeal, on its or his own initiative, or on the request of a party, the Commission or a Referee may order a pre-hearing conference with the parties and/or their attorneys to consider:
1. The identification and/or simplification of the factual and/or legal issues;
 2. What material facts are or are not in substantial dispute, and stipulations which might be entered into by the parties;
 3. The limitation of the number of witnesses, including expert or cumulative fact witnesses;
 4. Documentary or other exhibits which may be used and/or offered at the hearing; or
 5. Such other matters as may aid in the hearing or disposition of the appeal.
- (b) At the discretion of the Commission or Referee, the pre-hearing conference referred to in Section (a) above may be held in person or by telephone.

- (c) In any appeal, whether before or after a pre-hearing conference, on its or his own initiative, or on the written request of a party made in conformity with the requirements of State Police Commission Rule 13.21(d), the Commission or a Referee may order the parties and/or their attorneys, in the manner and within the time ordered, to produce, exchange copies of and/or allow inspection of documents or other tangible things.
- (d) As soon as practicable after a pre-hearing conference, the Commission or Referee shall render an order which recites:
1. The action taken at the pre-hearing conference;
 2. The agreements made by the parties as to any of the matters considered; or
 3. The orders made with regard to the production, exchange and/or inspection of documents, tangible things or other exhibits.
- (e) The order issued by the Commission or Referee pursuant to Section (d) above shall control subsequent proceedings, including the hearing, unless modified by the Commission or Referee to prevent injustice.
- (f) After ordered by the Commission or Referee, a party or his attorney who fails, without good cause, to produce, exchange copies of and/or allow inspection of any document or other tangible thing shall, unless necessary to prevent injustice, be prohibited from using or offering such document or tangible things at the hearing or otherwise.
- (g) Failure of a party or attorney, without good cause, to appear at or participate in a pre-hearing conference ordered by the Commission or Referee shall be a contempt of the Commission and may be punished by the Commission as such. Additionally, within the discretion of the Commission or Referee, such failure may cause the continuance of a hearing, and if the failure is attributable to him, the denial to appellant of back pay or other benefits during the period after the failure and prior to the hearing of the appeal.

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Sincerely,



Debra L. Johnson
Director