



Margot Herster <margot@bureauofchange.org>

Your public records request and our response!

1 message

Walt Pierce <wpierce@orleanscdc.com>

Tue, Aug 17, 2021 at 5:21 PM

To: "117459-07113179@requests.muckrock.com" <117459-07113179@requests.muckrock.com>, "margot@bureauofchange.org" <margot@bureauofchange.org>

Ms. Herster,

Judge D'Souza and her staff have conducted an exhaustive search per your public records request below and have determined that there are no further records responsive to your request beyond those we have already sent to you.

Walt Pierce

Public Information Officer

Orleans Parish Civil District Court

wpierce@orleanscdc.com

504-407-0392 (office)

EXTERNAL EMAIL: Please do not click on links or attachments unless you know the content is safe.

Chief Judge Orleans Parish Civil District Court
PRL Office
[421 LOYOLA AVENUE](#)
NEW ORLEANS, LA 70112

August 13, 2021

This is a follow up to a previous request:

To Whom It May Concern:

I wanted to follow up on the following Louisiana Public Records Law request, copied below, and originally submitted on Aug. 10, 2021. Please let me know when I can expect to receive a response.

Thanks for your help, and let me know if further clarification is needed.

View request history, upload responsive documents, and report problems here:

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For mailed responses, please address (see note):

MuckRock News

DEPT MR 117459

[411A Highland Ave](#)

Somerville, MA 02144-2516

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On Aug. 10, 2021:

Subject: Louisiana Public Records Law Request: Cost and fees, policy & procedures including those for indigent/pauper litigants - family court - domestic violence - New Orleans

Dear Chief Judge,

I am writing to you in your administrative role in court management to request documents related to Orleans Parish Civil District Court's costs and fees that it charges litigants, including indigent/pauper litigants, as well as costs and fees set or approved by the Judges En Banc or other officers, including documents pertaining to cost and fees increases applied for or generated by Orleans CDC to present to the Louisiana Supreme Court/Judicial Council pursuant to R.S. 13:61 from 2003 to present.

Additionally and more specifically, I seek to inspect, make copies, and/or duplicate:

1) Applications, forms, and documents that set, consider or determine Orleans CDC court costs and fees including proposed costs and fees initiated at Orleans CDC, requests for setting or changing costs and fees, the establishment of court rules or other policy on costs and fees, and obtaining approvals and recommendations to effectuate the costs and fees charged to litigants. Please include all documents that record the setting of costs and fees internally through Orleans CDC judicial or administrative authorities, as well as applications or requests prepared for review and approval by parties outside Orleans CDC, such as the Judicial Council or state legislature for the following: a) court reporter services and transcript fees charged to litigants who request transcriptions, b) fax transmissions fees, c) fees to inspect and view court records online via remote access, d) filing of pleadings and exhibits for domestic matters, e) the certification of copies of records, f) online services such as remote access to view and inspect court filings and other public records. Please also include any documents that set, consider or determine any differential in costs and fees that are based on a party's indigent financial status.

2) Documents setting out policy and procedures relating to assessing, paying, and collecting costs and fees for indigent (in forma pauperis) litigants those costs and fees of the sheriff, clerk of court, court reporter, notary or another public officer in connection with the judicial proceeding including but not limited to the taking and transcribing of testimony, filing of pleadings and exhibits, the issuance of certificates, the certification of copies of notarial acts and public records, the issuance and service of subpoenas and process, the issuance of judgments and the preparation of a record of appeal, online services such as remote access to view court filings and other public records, and communications fees (fax transmissions, photocopying, cd-roms).

3) Documents setting out policy and procedure regarding the Orleans CDC's methods and criteria for provision of services and funds for indigent litigants including a) the source(s) of indigent funds for costs and fees, b) the officers of the court responsible for decision-making in allocating funds for indigent litigants costs and fees, c) procedures and criteria for allocating and instructing disbursement of funds for indigent litigants' cost and fees of the sheriff, clerk of court, court reporters, notary or another public officer including but not limited to the taking and transcribing of testimony, filing of pleadings and exhibits, the issuance of certificates, the certification of copies of notarial acts and public records, the issuance and service of subpoenas and process, the issuance of judgments and the preparation of a record of appeal, online services such as remote access to view court filings and other public records, and communications fees (fax transmissions, photocopying, cd-roms).

4) Cost and fee rate guidelines, standards, policy and procedure documents pertaining to court reporters services and provision of transcripts including rates that may be charged to litigants, indigents, media representatives and any others who request them, the processes and requirements for accepting orders for transcripts, billing and taking payment, obtaining indigent funds for costs and fees, providing access to public records such as audio recordings and their observational notes when requested by litigants or media representatives, and policy and deliberative documents that define the conditions and requirements of court reporters by the Orleans CDC as to how they conduct, transact, and perform their salaried responsibilities and (as appears to be in practice) also as gig workers or outside employment

engagements to transcribe and provide transcripts, certified documents, and responses to public records request on behalf of the court under the mandate and according to laws of the State of Louisiana and its district court.

5) All cost and fee rates and conditions of sale and delivery for each court reporter for each Orleans Parish CDC judge with a domestic docket from 2019-present, if they vary amongst the divisions or chamber in the court (as they appear to). Please include at all sample transcripts order form or agreement for each court reporter on a domestic docket, or fee and terms sheet, and be sure to include all version or different rates or terms if each court reporter use more than one cost and fee formula, rate based on variable factors such as indigent/pauper status, or a characteristic of the requestor (eg plaintiff or defendant, judge or court as requester) or purpose of the request (eg, appeals record, evidence in pending matter, etc).

This request follows up upon and supplements selected requests for public records that I previously made to staff of Orleans CDC from January 2020 through July 2021, as well as requested of the Orleans Parish Civil Clerk, Chelsey Richard Napoleon, and designated assigned Custodian of Records, Michele Collins, Judicial Administrator and to Orleans Parish CDC Sheriff's office, and the chambers of Judge Bernadette D'Souza and Judge Monique Barial. I have received no response to my requests until July 2021, and to date have received severely deficient responses.

The only documents delivered in response to any of my requests was from a supervisor in the Clerk of Court office, via email on July 13. However, the delivered documents were non-responsive. They included 1) a pdf of the state statute, RS 13:850, which, by law, sets the fax transmission fee for civil district courts statewide at a flat fee of \$5.00 per transmission, and 2) the fee sheet prominently featured on Orleans Civil Clerk's website, which sets Orleans Parish civil district court's fax transmission fee at a higher rate of \$5.00 minimum, \$2.50 per page. My original records request was neither for a copy of a Louisiana statute nor for this Orleans CDC's published fee sheet, both of which I already have and referenced in my requests as such. I specified in my original request and followed up upon to reiterate, I am asking for the administrative documents, policy and procedure, and applications and approvals related to the establishment of a court rule or other policy for Orleans Parish Civil District Court to charge a fax transmission fee of \$5.00 for the first two pages plus \$2.50 per page for each page thereafter (which is a fee of \$2.50 per page).

On July 20, I received an email from Orleans CDC, via its Custodian of Records and Judicial Administrator, Michele Collins stating: "We have received your request below and do not understand what you are requesting. Until your request is clear, we cannot respond. Additionally, please be advised that there is a fee for providing records under the Public Records Act."

Ms. Collin's response fails to comply with Louisiana public records law, which is explicit that: "No fee shall be charged to any person to examine or review any public records," and "custodian shall within three days, exclusive of Saturdays, Sundays, and legal public holidays, of the receipt of the request, in writing for such record, notify in writing the person making such request of his determination and the reasons [with] a reference to the basis under law which the custodian has determined exempts a record, or any part thereof, from inspection, copying, or reproduction."

On July 28, I received a response from Walt Pierce, Orleans CDC Public Information Officer, that primarily consists of a dump of the same cost and fee sheets updated over time, and a few emails distributing them throughout the court since 2003. It fails to include policy and internal documents that reflect decision-making, deliberation, and direction to staff on protocol and guidance on how to perform duties. It is wholly deficient as to indigent/pauper cost and fee-related documents. It also fails to accurately provide information as to the location of the records or state legal basis for denying, delaying, or withholding documents.

On August 9, Mr. Walt Pierce, Public Information Officer for Orleans Parish CDC admitted that he has only produced documents in the possession of a single employee, the Judicial Expense Fund (JEF) Custodian of Records for Orleans Parish Civil District Court. The records I have requested relate to how the public body conducts official business of the State of Louisiana and ensures its staff, judges and clerks act uniformly, impartially, and in compliance with state and federal law. This is a blatant disregard for compliance with Louisiana Public Records Law, which requires all requested records in the possession, custody, and control of the public body, not those of a single employee or a unit (JEF is not even referenced in my request) to be produced for inspection and copying.

As this is for informational and non-commercial use and the requestor is also indigent, I request a fee waiver.

The requested documents will be made available to the general public, and this request is not being made for commercial purposes.

In the event that there are fees, I would be grateful if you would inform me of the total charges in advance of fulfilling my request. I would prefer the request filled electronically, by e-mail attachment if available or CD-ROM if not.

Thank you in advance for your anticipated cooperation in this matter. I look forward to receiving your response to this request within 3 business days, as the statute requires.

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