

NOT DESIGNATED FOR PUBLICATION

STATE OF LOUISIANA

COURT OF APPEAL

FIRST CIRCUIT

NO. 2007 CA 1583

JAMES E. BALLARD

VERSUS

SYLVIA A. BALLARD

Jaw
J.P.

Judgment Rendered: March 26, 2008.

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On Appeal from the
23rd Judicial District Court,
In and for the Parish of Ascension,
State of Louisiana
Trial Court No. 45592

Honorable Ralph Tureau, Judge Presiding

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Sylvia Ballard
Sacramento, CA

Defendant/Appellant,
In Proper Person

John Lieux
Gonzales, LA

Attorney for Plaintiff/Appellee,
James E. Ballard

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BEFORE: CARTER, C.J., PETTIGREW AND WELCH, JJ.

CARTER, C. J.

In these protracted post-divorce proceedings, Sylvia Ballard appeals a judgment of the trial court dismissing: 1) her motion for new trial on the partition of community property; 2) her motion to recover attorney's fees, travel fees, and appeal costs; and 3) her motion for permanent alimony.

The bulk of Ms. Ballard's assignments of error challenge evidentiary rulings of the trial court. Generally, the trial court is granted broad discretion on its evidentiary rulings, and its determinations will not be disturbed on appeal absent a clear abuse of that discretion. **Terrance v. Dow Chemical Co.**, 06-2234 (La. App. 1 Cir. 9/14/07), 971 So.2d 1058, 1066, writ denied, 07-2042 (La. 12/14/07), 970 So.2d 534. After reviewing the transcript of the hearing, we find no error in the trial court's evidentiary rulings, which excluded documentary and testimonial evidence that were not admissible under the Code of Evidence. Although Ms. Ballard complains that she felt alienated by the trial court sustaining objections made by opposing counsel, the record clearly reflects that the trial court was extremely tolerant throughout the hearing and correctly applied the law. By appearing *pro se*, Ms. Ballard assumed all responsibility for her lack of knowledge of procedural and substantive law, including the rules of evidence. See Murray v. Town of Mansura, 06-355 (La. App. 3 Cir. 9/27/06), 940 So.2d 832, 845.

Ms. Ballard also challenges the trial court's refusal to award her attorney's fees. The trial court correctly denied the request for attorney's fees as Ms. Ballard represented herself during the relevant portions of these proceedings and has therefore incurred no attorney's fees. Cf. Makar v. Stewart, 486 So.2d 166, 177 (La. App. 3 Cir. 1986). Further, Ms. Ballard misconstrues this court's previous opinion of **Ballard v. Ballard**, 97-0711 (La. App. 1 Cir. 4/8/98) (unpublished). Although this court ordered Mr. Ballard to bear the costs associated with that

appeal, this court's award of costs does not encompass attorney's fees. Finally, we find no error in the trial court's denial of Ms. Ballard's request for costs associated with her travel to Louisiana from California for court appearances.

For the foregoing reasons, the judgment appealed from is affirmed. Costs of this appeal are assessed to Sylvia A. Ballard. This memorandum opinion is issued in compliance with URCA Rule 2-16.1.B.

AFFIRMED.