

**Rule 1. FEES** Check the current filing fees here: Filing Fees effective July 1, 2014.

*Adopted March 4, 1994, effective March 1, 1994; amended May 20, 2000, effective July 1, 2000; amended May 21, 2008, effective July 1, 2008.*

## **Rule 2. FEES--ANNUAL INCREASE**

Pursuant to La. R.S. 13:10.3(E), the annual fees charged in Rules 1-1, 1-2, 1-5, 1-6, and 1-10 may be increased each July 1 by an amount equal to the percent of increase to the nearest half-dollar in the average consumer price index as published by the United States Department of Labor, bureau of labor statistics, between the two complete calendar years preceding July of the year in which the adjustment is made. In forwarding the fee to the First Circuit Court of Appeal, the filer should ascertain the correct fees in those categories subject to annual change. (Call 225-382-3000 or access [www.la-fcca.org](http://www.la-fcca.org)).

*Adopted March 4, 1994, effective March 1, 1994; amended May 20, 2000, effective July 1, 2000; amended May 21, 2008, effective July 1, 2008.*

## **Rule 3. PREFERENCE CASES**

For civil appeals, in those instances where the law provides that the matter be considered by preference or within a specified time period in the court of appeal, the appellant shall include the relevant legal citation in his motion for appeal. Unless a motion and order to set the case by preference is filed in the clerk's office by a party within fourteen (14) days after the filing of the record in the court, the right to set the case by preference shall be deemed to have been waived and the case shall be assigned to the regular docket of the court.

*Adopted and effective January 17, 2001.*

*The Court of Appeal, First Circuit, by resolution adopted March 4, 1994, adopted new Local Rules 1 and 2. The new rules replaced Local Rules 1 to 4 adopted in 1986. A new Local Rule 3, relating to preference cases, was adopted in 2001.*

#### **Rule 4. ABANDONMENT OF CIVIL APPEAL**

A. Except as provided hereafter, when no activity occurs in an appeal for three years, the appeal shall be dismissed as abandoned, and notice thereof shall be sent to the appellant or the appellant's attorney at the last address shown on the court's records.

B. If a stay order or notice thereof resulting from a bankruptcy, receivership, liquidation, or like proceeding is filed the Clerk of Court shall send a notice to the appellant that one year thereafter the appeal shall be dismissed as abandoned unless the appellant in the meantime files a motion showing why the appeal should not be dismissed.

C. If the court is notified that a case has been settled or that the progress of a case should be suspended for any reason the Clerk of Court shall send a notice to the appellant that ninety days thereafter the appeal shall be dismissed as abandoned unless the appellant in the meantime files a motion showing why the appeal should not be dismissed.

D. In the event that an appellant files a written motion pursuant to Section (B) or (C) the court may order that the appeal be dismissed as scheduled, that the time of the dismissal be extended, or that any other appropriate action be taken.

The Court of Appeal, First Circuit, by resolution adopted March 4, 1994, adopted new Local Rules 1 and 2. The new rules replaced Local Rules 1 to 4 adopted in 1986. A new local rule 4, relating to abandonment of Civil Appeals, was adopted in 2001.

#### **Rule 5. MINIMUM CIVIL RECORD REQUIREMENTS AND DESIGNATION**

Notwithstanding Uniform Rule 2-1.17, and regardless of whether or not a designation is made, the following items shall be included in the civil appeal record:

- 1) Petitions-original, supplemental, and/or amending naming all parties
- 2) Answers and cross-pleadings
- 3) Signed pauper order, if claimed
- 4) Any judgment dismissing a party or parties to the suit

- 5) Signed judgment complained of and reasons (transcribed oral or written), if any
- 6) All notices of judgment
- 7) Motions for new trial or judgment notwithstanding the verdict
- 8) Disposition of new trial or judgment notwithstanding the verdict motions
- 9) Notices of new trial or judgment notwithstanding the verdict dispositions
- 10) Motion(s) and signed order(s) of appeal
- 11) Notice of return date and/or proof and date of cost paid
- 12) Designation(s) of the appellate record, if filed
- 13) Motion and signed order of consolidation, if consolidated
- 14) Minute entries required by Rule 2-1.5

*Adopted and effective October 17, 2001*

#### **Rule 6. NOTICE OF JUDGMENT AND DISPOSITION**

A. The First Circuit clerk's office shall issue a "Notice of Judgment and Disposition" (Notice) to comply with the provisions of Uniform Rules 2-16.5, 2-17.1, 2-17.2, 2-20, and 4-6.

B. The Notice shall contain the names and United States mailing addresses of all counsel of record, parties not represented by counsel, and the trial judge or equivalent.

C. The Notice shall certify that the Notice itself and a copy of the disposition were transmitted to the persons named therein by the method of transmission certified as follows:

- 1) If the person's email address or facsimile number is NOT printed on the Notice under the person's United States mailing address, the transmission was sent by United States Postal Service.
- 2) If the person's email address is printed on the Notice under the person's United States mailing address, the transmission was sent to the designated email address.
- 3) If the person's facsimile number is printed on the Notice under the person's United States mailing address, the transmission was sent by facsimile to that number.

- D. The clerk's office will transmit the Notice and a copy of the disposition via U.S. mail or email in all instances except when the clerk's office is directed to transmit the document via facsimile at the number supplied to the clerk in a court-determined emergency or expedited situation.
- E. The clerk will transmit the Notice and a copy of the disposition via only one of the allowable methods provided in the statutes and in court rules, that is: by United States mail, by email, or by facsimile.

**Rule 7. FACSIMILE FILING.**

- A. "Facsimile filing" means the facsimile transmission of a document to this court for filing with this court.
- B. A facsimile filing will only be accepted by this court in the case of an emergency writ.
- C. "Emergency writ" is defined as a situation where a trial court sets a return date that would otherwise bar a party from completing a timely filing with this court due to geographic distance from this office, or where the time frame is such that if the party could physically deliver the filing timely, the court would be burdened with undue time restraints in considering the application and rendering an order.
- D. *NO* facsimile filing will be accepted without prior contact with the clerk's office to advise the nature of the emergency, to request authority to proceed with the facsimile filing and to notify the Court of the approximate time of transmittal.
- E. A facsimile filing must be complete and in compliance with the Uniform Rules of the Courts of Appeal at the time of transmission.
- F. Once an application is received by facsimile, any response or opposition by opposing counsel may also be received by facsimile provided the opposing counsel complies with Subsection D of this Rule.
- G. A facsimile filing shall be accompanied by a cover sheet. The cover sheet shall be the first page transmitted and clearly identify the name, facsimile number, and voice telephone number of the sender. It should also identify the documents being transmitted by caption and matter and the number of pages. Any risk associated with the use of facsimile transmissions shall lie with the sender.

- H. Notwithstanding any provisions of law to the contrary, a signature produced by facsimile transmission will be treated as an original. A party who files a signed document by facsimile represents that the original physically signed document is in his or her possession or control and can be made available for review as necessary for any subsequent challenge to authenticity.
- I. The filing fee, if applicable, and the service charge imposed by Subsection J of this Rule, accompanied by a copy of the facsimile filing cover sheet, shall be deposited in the U.S. mail to the court or delivered to the court no later than the day following the facsimile transmission. Non-receipt of payment will result in suspension of facsimile privileges, the striking of pleadings for which fees were not tendered, and any other penalty deemed appropriate within the discretion of the court.
- J. A service charge for a facsimile filing, to cover duplicating, operating and maintenance costs, is assessed as follows:
- 1) Each document from 1 to 10 pages in length shall be assessed \$25.00.
  - 2) Each document in excess of 10 pages in length shall be assessed \$25.00 plus \$2.00 for each page in excess of 10 pages.

*Adopted effective July 1, 2013.*

**Rule 8. APPELLEE’S BRIEF (Superseding Uniform Rule 2-12.5)**

*Adopted November 15, 2013, effective January 1, 2014. REPEALED MAY 6, 2014*

**Rule 8. EFILING**

- A. “EFiling” means the electronic transmission of a document to the Court via EClerk’s Counter on <http://www.la-fcca.org>.
- B. Documents to be EFiled shall be saved in PDF format for uploading to the Court. Appendices and/or exhibit materials may be scanned for attachment if necessary, but in all instances, the scanned materials must be legible as required by the Uniform Rules.
- C. The size of any single document to be EFiled shall not exceed 175 megabytes.
- D. Except as otherwise provided by this Rule, all Uniform Rules relative to a document’s content and format, except for provisions requiring binding, are applicable to documents to be EFiled.

- E. A document to be EFiled may contain hyperlinks to another part of the same document. No other hyperlinks are permitted.
- F. An EFiled document shall be considered the original filing.
- G. All documents to be EFiled shall include an electronic signature. "Electronic signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.
- H. If the document is signed electronically by the person required to sign the document and the document is required to contain an affidavit by the Uniform Rules, in lieu of this affidavit, the signer shall include a declaration with the exact same contents and certifications required by affidavit. The signer shall be subject to contempt of court for a false declaration.
- I. The person uploading the document to EFile shall receive an acknowledgment email stating the document has been successfully uploaded to the Court's computer system.
- J. The timeliness of a document to be EFiled shall be based upon the time of completion of the document's upload to the Court's computer system, provided the document is accepted for filing by the clerk's office. A technical difficulty will not be taken into account by the clerk's office in the determination of timeliness of a document to be EFiled.
- K. Uploads completed on or before 11:59 p.m. Central Standard Time will be considered filed that day, provided the document is accepted for filing by the clerk's office. A party may presume the uploaded document will be filed unless the party is otherwise notified by the clerk's office.
- L. Uploaded documents are reviewed for compliance with court rules by the clerk's office during regular business hours.
- M. Any party seeking relief in regard to an EFiled issue may do so by filing a motion and proposed order requesting the relief, including review by the Court of an untimely filing because of a technical failure.

N. The act of uploading a document for EFiled does not constitute notice to the Court that a writ application requesting expedited consideration of an emergency nature is to be filed. In this instance, the party shall contact the clerk's office via telephone at 225-382-3000 to notify the Court that the party intends to upload or has uploaded an emergency writ for EFiled.

*Adopted May 6, 2014, effective May 19, 2014*