

LOCAL RULES OF THE COURT OF APPEAL, FIRST CIRCUIT,
SUPPLEMENTING AND/OR SUPERSEDING
UNIFORM RULES-COURTS OF APPEAL

RULE 1. FEES and ANNUAL INCREASE

Check the current filing fees here: [Filing Fees](#) effective July 1, 2023.

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, the filer should ascertain the correct fees in those categories subject to annual change. (Call 225-382-3000 or access www.la-fcca.org).

RULE 2. EFILING

- A. "EFiling" means the electronic transmission of a document to the Court via EClerk's Counter on <https://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 250 pages and that document 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. No hard copies are required for any EFiled document.
- 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. (1) Any party seeking relief regarding an Efiling issue that is attributable to the Court's computer system or procedures shall file a motion and proposed order requesting the relief, including review by the Court of an untimely filing because of a technical failure of the Court's computer system.

(2) A party may not be afforded relief for any delay or other problem attributable to the party's actions or use of the Court's computer system. If timeliness is of concern to the party, and the party has not received an acknowledgement email stating the document has been successfully uploaded to the Court's computer system, the party should file a hard copy of the document in accordance with Uniform Rule 2-13.
- N. The act of uploading a document for Efiling 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.

RULE 3. NUMBER OF COPIES TO FILE

No hard copies are required for any electronically filed document. If filing in-person or by mail, parties shall file an original and 7 copies of appellant, appellee, and reply briefs. For all other in-person or mailed filings in appeals and in writ applications, parties shall file an original and 1 copy of the filing.

RULE 4. ADMINISTRATIVE APPEALS

A. Appeals from Final Decisions of the Board of Ethics.

1) Every application for appeal from a final decision of the Board of Ethics shall be filed with the Board in writing as required by law and shall include an assignment of errors, which shall set out separately and particularly each error asserted and a designation of the portions of the record desired to be incorporated into the transcript. Within five (5) days after the filing of an application for appeal, any other party to the appeal may file a designation of additional portions of the record to be included for a proper review of the questions comprised within the assignment of errors. The Board shall transmit to the Court of Appeal, as a transcript of the record, only the portions of the record so designated. Costs for the inclusion of any unnecessary part of the record in any transcript may be assessed against the party requiring such inclusion. If by written stipulation filed with the Board, all parties agree on the portions of the record to be included in the transcript, only such portions shall be included. In all cases the application for appeal, the assignment of errors, the designation of the record, and the bond shall be copied into the transcript. The Board shall certify the correctness of the transcript.

2) The Board shall endorse on every application for an appeal the date of its filing and shall fix the return date, which shall not be more than sixty (60) days from the date of filing the application for appeal.

3) No appeal shall stay execution of the decision of the Board, unless otherwise ordered by the Court of Appeal.

4) All other rules and all laws regulating appeals not inconsistent with the foregoing, shall be applicable to appeals from the Board.

B. Appeals and Applications for writ from the decisions or orders of the Secretary of the Department of Environmental Quality

1) Application for Appeal. Every application for appeal from a final decision or order of the secretary of the Department of Environmental Quality shall be governed by Rule 3-1 of the Uniform Rules-Courts of Appeal.

2) Application for Writs. Every application for writs of any kind from a preliminary, procedural, or intermediary ruling, decision, or order of the secretary of the Department of Environmental Quality shall be governed by Rule 4 of the Uniform Rules-Courts of Appeal.

3) The above rules shall be promulgated by mailing a copy thereof to the clerk of court each parish in the state of Louisiana, and shall become effective on the 15th day of October, 1984. Amendments hereof shall become effective as of the date fixed therein.

RULE 5. MINIMUM CIVIL RECORD REQUIREMENTS AND DESIGNATION

A. 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

RULE 6. NOTICE OF JUDGMENT AND DISPOSITION

A. The 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 of Court in a court-determined emergency or expedited situation.

E. The clerk's office 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. PANELS

A. **Three-judge panels.** In accordance with the provision of Louisiana Constitution, Article V, Section 8(A), the First Circuit, which consists of 12 judges, shall sit in at least 6 cycles with 4 regular panels of 3 judges each throughout the court year. Rotation of the panel composition occurs in August of each year.

B. Five-judge panels.

- 1) Civil suits. A five-judge panel is convened when a proposed civil opinion suggests reversing or modifying the judgment of the trial court and one judge on the three-judge panel dissents from the reversal or modification.
- 2) Election suits. A five-judge panel is convened in all election contest suits except where an en banc sitting is required by law.
- 3) To reach a majority. A five-judge panel is convened if a majority of the judges sitting on the three-judge panel do not agree on a result.

C. En banc sittings.

- 1) Overruling prior decision. When a panel determines that its proposed action, to be made in the exercise of this Court's appellate or supervisory jurisdiction, suggests the overruling of a prior First Circuit published or unpublished decision on a point of law.
- 2) Subject matter. When in the opinion of the Court the subject matter warrants it.
- 3) Election suit. An en banc sitting is convened in an election contest case involving candidates for office voted on statewide or throughout a congressional district, or a justice of the Supreme Court, a judge of a court of appeal, membership on a state board or commission, district judge, district attorney, membership in the state legislature, or as otherwise provided by law.
- 4) Conflict within the circuit. When the Court determines the proposed action, to be made in the exercise of this Court's appellate or supervisory jurisdiction, must resolve a conflict between two or more prior decisions of this Court.
- 5) To reach a majority. An en banc sitting is convened if a majority of the judges sitting in a case heard by a five-judge panel do not agree on a result.

RULE 8. DESIGNATION OF CASES, MOTIONS IN LODGED MATTERS, DELINQUENCY CASES

A. Designation of Cases

CA - Civil Appeal
CW- Civil Writ
CM- Civil Motion
CE - Election Case
KA - Criminal Appeal
KW- Criminal Writ
KM- Criminal Motion
KJ - Criminal Juvenile
CJ - Civil Juvenile
CU - Custody

B. If a motion is filed in a matter, it is given the same appellate designation and appellate number as the matter.

C. Delinquency cases. KJ consists only of appeals involving adjudications of delinquency. If, as a result of a petition charging a juvenile with criminal conduct, the juvenile is found to be in need of care or in need of supervision instead of delinquent, the appeal is designated CJ.

RULE 9. PREFERENCE CASES

A. 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.

B. Setting cases by preference.

1) Children's cases. Preferential docketing will be accorded the "Children's Cases," i.e., those designated for expedited handling by Rule 5-1, Uniform Rules-Courts of Appeal.

2) Surrender of parental rights cases. The Court will hear those cases involving the surrender of parental rights within 20 days of the lodging of those cases.

3) Orders disapproving adoption placements. Appeals of orders disapproving private adoptive placements will be heard by the Court in chambers, by trial de novo, within 48 hours of lodging.

4) In those instances where the law or court rule provides a time period for the court of appeal to hear and/or decide the case, the case will be docketed and the briefing schedule adjusted accordingly in order to meet the required time restriction.

5) For civil appeals, in those instances where the law provides that the matter be considered by preference, 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 lodging 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.

RULE 10. 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.

RULE 11. CONSOLIDATION

A. Consolidation of appeals. When 2 or more appeals are pending at the court of appeal arising out of the same district court number, and involving the same facts and circumstances, on the Court's own motion or upon motion by any party, the appeals may be consolidated for oral argument, if applicable, and submission to the panel to which the lowest numbered appeal is allotted by a majority vote of each panel of the cases sought to be consolidated. Any appeal that has been submitted shall not be subject to consolidation. Following submission, a final disposition shall be issued in each appeal.

B. Consolidation of writ applications. When 2 or more writ applications are pending at the court of appeal, arising out of the same district court number, and involving the same facts and circumstances, on the Court's own motion or upon motion by any party, the writ applications may be consolidated for consideration and submission by the panel to which the lowest numbered writ application is allotted by a majority vote of each panel of the writ applications sought to be consolidated. Following submission, a disposition shall be issued in each writ application.

RULE 12. EXAMINATION OF RECORDS

A. The Clerk of Court shall cause each record to be examined upon lodging in the Court to determine whether the appeal was timely taken, the bond timely posted, the

record timely lodged, and that the record complies with Rules 2-1.1 to 2-1.15 of the Uniform Rules - Courts of Appeal. A written certificate shall be affixed to each record attesting such examination and the result thereof including, but not limited to, indicating a "show cause" order under the chief judge's initials is to be issued in the following instances:

The appeal appears to be filed untimely;

The appeal appears to be from a judgment that is not appealable;

The appeal appears to be premature due to an apparently pending new trial or judgment notwithstanding the verdict motion;

The appeal does not have signed judgment;

A question exists as to whether the judgment constitutes a final judgment for the purpose of an immediate appeal under La. C.C. P. art 1915(B);

The appeal involves a prisoner suit under the Louisiana Corrections Administrative Remedy Procedure Act (CARP), La. R.S. 15:1171, et seq. not involving a vested property right or liberty interest.

B. In the event there shall be an answer or answers to the appeal, an additional certificate shall be affixed to each record and shall state whether the answer was filed timely or that a "show cause" order under the chief judge's initials is to be issued because the answer appears to be filed untimely.

RULE 13. BRIEFS

A. The Clerk of Court shall cause each brief to be examined upon presentation for filing with the Court to determine whether it complies with Rule 2-12 of the Uniform Rules - Courts of Appeal. Only compliant merits briefs shall be filed as the respective party's appellant, appellee, or reply brief.

1) Any timely submitted merits brief not complying with Rule 2-12, shall be filed and marked as "Noncompliant." The clerk's office shall issue the Notice of Noncompliant Brief and Resubmission that allows the submitting party the opportunity to submit a compliant brief with a file date retroactive to the originally submitted brief.

2) Any untimely merits brief complying with Rule 2-12 shall be filed pursuant to Rule 2-12.

3) Any untimely submitted merits brief not complying with Rule 2-12 shall be filed and marked as “Noncompliant.”

4) The brief compliance checklist shall be issued by the clerk’s office and shall be affixed to each brief not complying with Rule 2-12.

B. Multiple appellants.

1) The notice of lodging shall set forth the following briefing schedule in cases involving multiple appellants:

All appellant briefs due:	25 days after lodging
All appellee briefs due:	45 days after lodging
All reply briefs due:	55 days after lodging*
All other briefs:	Require leave of court

*If a late appellee brief is filed, an appellant will be given ten days to file a response brief in response to that late brief only.

2) If an appellant is granted an extension, the due date for all appellee briefs is automatically extended another 20 days and the due date for all reply briefs is automatically extended another 10 days from the new due date, but this extension will not affect the briefing due date for the other appellant briefs.

3) An extension of time to file any appellee brief automatically extends the time for the filing of all reply briefs by 10 days, but this extension will not affect the briefing due date for the other appellee briefs.

4) If an appellant fails to file his appellant brief in 25 days, a notice of abandonment as to his appeal only will issue, giving him 30 days and extending all appellee briefs for another 20 days and all reply briefs—except his reply brief—for another 30 days from the NOA issuance date (in NOA situations, the late appellant loses the right to file a reply brief).

C. Cases designated for expedited handling. Merits brief due dates and extensions thereto are governed by Uniform Rule 5-3 or court order.

RULE 14. MOTIONS TO DISMISS IN CRIMINAL CASES

Any Motion to Dismiss submitted in a criminal case on behalf of the criminal defendant shall contain a signed writing by the defendant indicating he/she agrees to the dismissal of the appeal or writ application, or an affidavit by counsel asserting that counsel has advised the defendant of the Motion to Dismiss and the defendant agrees to the dismissal of the appeal or writ application.

RULE 15. MOTIONS TO REINSTATE ORAL ARGUMENT

A party moving to reinstate oral argument after thirty days of the lodging of the appeal shall request same by filing a motion no less than five days prior to the scheduled hearing which sets forth the reason for the delay and/or forfeiture, certifies that that the motion has been served on all parties in the same manner as it has been filed with the Court, certifies that all parties who have filed a brief in the matter have been contacted prior to the filing of the motion, and certifies whether there is any opposition to the motion.

RULE 16. MOTIONS TO CONTINUE ORAL ARGUMENT

As provided by Rule 2-11.6 of the Uniform Rules - Courts of Appeal, no case fixed for argument or submission on the calendar shall be continued except in extraordinary situations which the court deems to justify a continuance. All motions to continue shall set forth the reasons for which the continuance is sought, and shall confirm that all counsel or parties have been contacted, and shall also indicate whether there is opposition to same.

RULE 17. NOTICE OF PRO SE BRIEFING SCHEDULE

In every criminal appeal in which the appellant/defendant is represented by counsel, the Clerk of Court shall send a "Notice of Pro Se Briefing Schedule" to the appellant/defendant along with a copy of the brief filed by counsel on behalf of the appellant/defendant. The Notice of Pro Se Briefing Schedule will set the pro se brief due date, and a criminal pro se brief submitted after this due date or any extension authorized by the Court, whichever is later, will not be accepted for filing.