



## **COURT OF APPEAL, SECOND CIRCUIT APPEAL DOCKETING PROCEDURE**

The Second Circuit Court of Appeal operates on a cycle, that is, we hear oral argument and submit cases without oral argument beginning on Monday of a week and then hand down decisions in those cases on Wednesday of the next cycle. The court has nine judges. There are 84 possible three-judge panels for a nine-judge court. The courts sits eight times a year. Cases are assigned each cycle to nine different three-judge panels. Each judge sits on three of the nine panels each cycle.

The law requires that notice of the setting of cases must be given 30 days prior to the date of argument or submission. About eight weeks prior to the first day of a cycle, the clerk prepares a pre-docket report listing all of the cases which have not been docketed in chronological order. After considering factors such as case posture, backlog and expedited matters, the clerk then prepares the final docket, assigns the cases, and mails it out to all parties. During the docketing and assignment process, the clerk is working with docket numbers only (with no knowledge of case names). The docket is arranged to fit in with the panel

assignments, which are made by the clerk on a rotation basis. The objective in assigning panels is to alternate the composition of panels so that all possible combinations are used on a rotating basis. The cases fall to panels by lot and are arranged in random order. On each docket, each judge will write, read, and act as third judge on an equal number of cases and case types. Writing, reading and third assignments are determined by the clerk on a random basis.

Panel assignments will be released by the clerk's office once the docket has been made public (30 days prior to oral argument). Panel assignments are always released in seniority order so as not to reflect the positions of the judges on the individual case assignments. Panel assignment information is deemed by the Court to be confidential until the opinion is rendered, in compliance with Code of Judicial Conduct, Canon 3A(6).

These procedures were adopted pursuant to this Court's Constitutional grant of authority under La. Const. Art. 5, §8(A), and in full compliance with the laws of the State of Louisiana. See La. R.S. 13:319, which provides in pertinent part that each civil and criminal proceeding and each application for writs shall be randomly assigned by the clerk. The Clerk and her deputies are sworn to support the constitution and laws of the United States and the constitution and laws of this state and to faithfully and impartially discharge and perform all of the duties incumbent on them.

Prepared by Lillian Evans Richie, J.D., Clerk of Court/Judicial Administrator April 4, 2018