

Uniform Rules of Louisiana Courts of Appeal

(These Rules as amended and restated were approved by the Louisiana Conference of Court of Appeal Judges on May 2, 2022 and are effective as of January 1, 2023.)

RULE 1. THE COURT

Rule 1-1. Promulgation and Effective Date of Rules; Amendments

1-1.1. Promulgation and Effective Date

The Rules of Court shall be promulgated by posting a copy to the five Louisiana Courts of Appeal websites, and shall be published hereafter in the manner that the court deems most effective and practicable. As amended and restated, they shall become effective on January 1, 2023.

1-1.2. Amendments

Amendments to the Rules of Court shall be promulgated and published in the same manner, and shall become effective as of the date stated therein.

Rule 1-2. Title and Scope of Rules

The Rules of Court shall govern practice and procedure in all appeals, in all writ applications, and in all filings with the Louisiana Courts of Appeal, and shall be known as the “Uniform Rules of Louisiana Courts of Appeal.”

Rule 1-3. Scope of Review

The scope of review in all cases within the appellate and supervisory jurisdiction of the Courts of Appeal shall be as provided by La. Const. Art. 5, § 10(B), or as otherwise provided by law. The Courts of Appeal shall review issues that were submitted to the trial court and that are contained in specifications or assignments of error, unless the interest of justice requires otherwise.

Rule 1-4. Sessions of Court

Unless the court orders otherwise, each Court of Appeal shall hold sessions at its legal domicile.

Rule 1-5. Panels

The court will ordinarily sit in randomly assigned panels, each composed of at least 3 judges, as may be directed by the Chief Judge. In civil cases, when a judgment or ruling of a trial court is to be modified or reversed and one judge dissents, the case shall

be reargued or resubmitted before a panel of at least 5 judges. When an appeal is taken from an election case objecting to candidacy or contesting an election, the case shall be heard by the court as directed by law. The court may sit in panels of more than 3 judges or *en banc* when required by law or when the court deems it necessary to promote justice or expedite the business of the court.

RULE 2. THE PRACTICE

Rule 2-1. Preparation of Record

The record shall be prepared by the clerk of the trial court from which the appeal is taken, in accordance with the requirements set forth in this Rule. If a Court of Appeal directs that a record be prepared pursuant to its supervisory jurisdiction, the record shall likewise be prepared in accordance with the requirements set forth in this Rule. In such matters, the Court of Appeal may order that preparation of the record be expedited.

2-1.1. Number of Copies

The clerk of the trial court shall prepare a certified copy and a duplicate copy of the original record, or a record in electronic form, subject to and in accordance with the local rules of the individual Courts of Appeal.

2-1.2. Production of Record

The certified copy and the duplicate copy, unless in electronic form, shall be typewritten or produced by any acceptable printing, copying, or duplicating process, and shall be prepared on white, unglazed, opaque paper of legal size, so as to produce a clear black image on white paper, with a margin at the top of each page of 2 inches, and side margins of 1 inch. The impression shall be on one side of the paper only, and must be double-spaced, except for matters customarily single-spaced and indented. Illegible copies and photocopies are not acceptable. The duplicate record shall include all matters contained in the certified copy of the original record, except items which are not reproducible. The record in electronic form shall conform to these requirements as well.

2-1.3. Cover Inscription

The record, unless in electronic form, shall be bound in strong, flexible, loose-leaf covers, 9 inches by 14½ inches, fastened at the top, so as to open flat.

On the outside of the front cover of each volume, there shall be inscribed with proper separation of lines and spaces, and in the following order:

- (1) the title of the court to which the record is directed;

- (2) the docket number of the case in the Court of Appeal (to be given and entered by the clerks of the Courts of Appeal);
- (3) the number of the volume of the record;
- (4) the title of the case (the same title given in the trial court);
- (5) the status of the parties;
- (6) the name of the court or administrative body and of the parish from which the appeal originates, the docket number of the case in the court or administrative body, the division/section of the court or administrative body, and the name of the judge or official who rendered the ruling or judgment to be reviewed;
- (7) the names of counsel, with mailing addresses and phone numbers, and the names of the parties represented;
- (8) the names of unrepresented parties, with mailing addresses and phone numbers; and
- (9) the date of the lodging of the record in the Court of Appeal (to be entered by the clerks of the Courts of Appeal).

2-1.4. Copy of Front Cover and Indexes

The first volume of the record shall contain:

- (1) a front cover in compliance with Rule 2-1.3;
- (2) a chronological index of the contents of the entire record, which shall specify the volume and page of the minutes of the trial court, any paper or filing, and any note of evidence by item, date, and page in the record;
- (3) an alphabetical index of the contents of the entire record, which shall specify the volume and page of the minutes of the trial court, any paper or filing, and any note of evidence by item and page in the record; and
- (4) a chronological index of the documents and numbered exhibits filed in evidence (showing on whose behalf filed). Proffered evidence shall be enclosed in a sealed envelope and shall be properly identified and marked with the name of the party making the proffer.

2-1.5. Minute Entries of Trial Court

The record shall contain the minute entries of the trial court, and indicate the date of each entry, the action taken by the trial court, and the trial court judge presiding. In criminal cases, the minute entries shall include, in chronological order, these items:

- (1) the opening of the court;

- (2) the impaneling of the grand jury by which the indictment was found (if prosecution by indictment);
- (3) the list of challenges for cause;
- (4) the list of peremptory challenges;
- (5) the list of petit jurors selected;
- (6) the list of evidence;
- (7) the list of witnesses;
- (8) the time when the jury retired to deliberate, and the time returned to render verdict;
- (9) the jury's verdict;
- (10) the trial court's judgment, ruling, and sentence;
- (11) any post-trial motions filed and the disposition thereof;
- (12) the Louisiana Uniform Commitment Order of sentencing;
- (13) the motion and order for appeal; and
- (14) the names of the defendant(s) and all attorney(s) when present.

2-1.6. Order of Pleadings

All pleadings, together with documents and exhibits attached thereto, and orders of court pertaining thereto, shall be placed in the record in the order in which they are filed, except that answers to interrogatories (or similar inquiries) shall immediately follow the interrogatories.

The record in criminal cases shall also contain the indictment or the bill of information, and any pleas thereto in the order made, returned, or filed.

2-1.7. Order of Documents and Other Evidence

The record shall include exact legible copies of all documentary evidence and other evidence (including depositions filed into evidence) in the order in which such evidence was filed. If it is necessary that the original of any evidence be filed, such original must be clearly marked with an exhibit number and the date of filing, and shall be filed separately and not attached to the record; however, there must be proper reference in the record showing such filing. No record of another case (or prior record in the same titled and numbered case) shall be included in the record, unless such other record has been introduced into evidence at the trial court in the case on appeal, or on writs, and such other record shall accompany the record as an exhibit.

2-1.8. Order of Other Items

Other items in the record shall be arranged in the following order:

- (1) the written reasons for judgment or transcribed oral reasons for judgment (if any);
- (2) the judgment or order (final and interlocutory); and, in criminal cases, all orders, including the verdict, judgment, sentence, and disposition with respect to post-verdict motions; and
- (3) the petition or motion and order for appeal, and bond (if any).

2-1.9. Transcript of Testimony

The verbatim transcript of oral testimony of the witnesses in the order in which it is taken shall be included in the record. The transcript of testimony shall indicate the party in whose behalf each witness was called (whether on direct, on cross-examination, or in rebuttal), and by whom examined or cross-examined. The transcriptions shall be preceded by an index setting forth the names of witnesses in the order called by the respective parties and the volume and pages of their examination on direct, on cross-examination, on re-direct, on re-cross, and in rebuttal. This index shall also list and identify the exhibits, and offers of proof, and show by whom offered and the volume and page where offered. The index shall also give the volume and page of any oral reasons for judgment.

In criminal cases, the record shall also contain all or any portion of the following if designated by the defendant, the state, or the trial judge: the preliminary hearing; voir dire examination of prospective jurors; statements, rulings, orders, and jury instructions by the trial court; objections, questions, statements, and arguments of counsel. If the voir dire examination of prospective jurors is requested, it shall be accompanied with an index setting forth the names of the prospective jurors in the order called and the volume and page numbers of their examination. This index shall also list whether the prospective juror was challenged, whether the challenge was for cause or peremptory, who raised the challenge, and whether the juror was released or accepted.

All transcripts filed with a Court of Appeal must comply with the Transcript Format Rules promulgated by the Louisiana Supreme Court.

2-1.10. Numbering of Pages

The pages in the record, whether in paper or electronic form, shall be consecutively numbered. If the paper record contains more than a total of 250 pages, it shall be bound in separate volumes, each containing not more than 250 pages. To the extent practicable,

the minute entries, pleadings, documents, written reasons for judgment, judgments, appeal pleadings, and orders (also bonds, if any), shall be included in the first volume of the record, with the transcript of testimony and other evidence in subsequent volumes. The pages of the duplicate record shall be numbered to correspond with those of the certified copy of the original record.

2-1.11. Items to be Omitted

Subpoenas, notices, and returns may be omitted from the record, unless they are at issue. Prior to the submission of the case for decision, any party may move to supplement the record with the omitted items upon showing that the items are material to a decision in the case.

2-1.12. Bulky Exhibits

Bulky or cumbersome documents, exhibits, and other physical or corporeal evidence shall not be filed with the record, unless otherwise ordered by the Court of Appeal. They may be included in specially marked envelopes, or other containers, with a list and identification of the enclosed items attached thereto, with proper reference noted in the record. Offers of proof (or proffers) shall be included in separate specially marked envelopes, properly identified. The duplicate record need not reproduce such items, but reference thereto shall be made.

2-1.13. Separate Records

Separate records shall be prepared of each case even though consolidated with another case for trial. Each record shall be enclosed in a separate cover, with proper references indicating the consolidation thereof. The transcript of testimony in the consolidated cases may be included in only one of the records. Documentary evidence applicable to only one of the consolidated cases shall be enclosed in the appropriate record.

2-1.14. Use of Another Record

Any record lodged in the Court of Appeal may, with leave of court, be used, without necessity of duplication, in any other appeal or writ application.

2-1.15. Certificate of Clerk

The certified and duplicate copies of the original record shall each bear the certificate of the clerk of the trial court as to their completeness and authenticity. The trial court shall also certify the amount of court costs.

2-1.16. Responsibility of Clerk

It is the responsibility of the clerk of the trial court from which a case is appealed, or to which writs are directed, to prepare the record. To assist in its preparation, the clerk of the trial court may require of its court reporter a legible copy of the transcript of testimony, and of the appellant (or party seeking review by this court) legible copies of all pleadings, depositions, and other papers to be included in the record. In preparing the record, the clerk of the trial court shall ensure that depositions included as an exhibit consist of one page of deposition testimony per physical page and do not contain reduced images of multiple pages placed on one page. If any deposition introduced into evidence in the case does not meet this standard, the party who introduced the deposition shall provide a certified true copy of the substandard document in the required format. If the deposition is presented in electronic form, such as a CD or flash drive, it shall be placed in an envelope clearly marked with the exhibit number, the date of filing, the name of the deponent, and the party that introduced the deposition into evidence.

2-1.17. Designated Record

Notwithstanding the foregoing requirements, and subject to the minimum requirements provided by local rules of the Courts of Appeal, the parties may designate, in writing, portions of the record to constitute the record on appeal, as provided by law. If the Court of Appeal determines that it cannot undertake a proper analysis of the case on appeal without additional pleadings and/or transcripts, the court may require that additional pleadings and/or transcripts be supplemented into the record. The appellant shall be responsible for any cost associated with transcribing additional portions of the record not originally included in a designated record, and any cost associated with supplementing the record with the additional pleadings and/or transcripts.

Rule 2-2. Notice of Appeal; Transmission of Record

2-2.1. Notice of Appeal

Within seven (7) days of the order of appeal, the clerk of the trial court shall transmit to the Court of Appeal and the judicial administrator of the Supreme Court, the notice of appeal required by the Code of Civil Procedure or the Code of Criminal Procedure.

2-2.2 Transmission of Record

In all appeals, the certified copy of the original record shall be timely transmitted to the office of the clerk of the Court of Appeal by the clerk of the trial court on or before the return date, or on or before any extension of the return date as may be granted in

accordance with law. If the Court of Appeal orders the transmittal in conjunction with a request for supervisory review, a certified copy of the trial court record, in paper or electronic form, and one duplicate copy of the trial court record if in paper form, shall be provided by the clerk of the trial court to the clerk of the Court of Appeal within the time frame fixed by the Court of Appeal.

2-2.3. Notification of Lodging

Upon the lodging of the record on appeal, the clerk of the Court of Appeal shall forthwith notify counsel of record and each party not represented by counsel of the date of the lodging.

Rule 2-3. Criminal Appeals or Writ Applications from Courts of Limited Jurisdiction Wherein Testimony was Electronically Recorded

In all cases brought by appeal or writ application to a Court of Appeal from a judgment rendered in a criminal case by a parish, city, or municipal court, where the testimony of witnesses was electronically recorded, such electronic recording shall, before filing of the appeal or the writ application, be transcribed, and a certified copy of the original transcription and one duplicate shall be prepared and filed in accordance with Rules 2-1 and 2-2.

Rule 2-4. Fees

The clerks of the Courts of Appeal shall charge the fees prescribed by law.

Rule 2-5. Docketing of Cases

Cases shall generally be docketed by the clerk in the order in which they are lodged.

Rule 2-6. Withdrawal of Records

A record may be withdrawn from the office of the clerk of a Court of Appeal by counsel of record pursuant to the procedures established by the clerk. The record shall be returned within such reasonable period of time as may be fixed by the clerk at the time of withdrawal. A party not represented by counsel shall not be permitted to withdraw a record, but may make arrangements with the clerk to review the record at reasonable times in the clerk's office. Records are subject to recall by the court at any time.

Rule 2-7. Motions, Pleadings, Instructions to Clerk, Agreements of Parties

2-7.1. Motions in Open Court

Motions which may be made in open court shall be made at the beginning of the daily session, or at the time the case is called for argument or submission.

2-7.2. Requirements of Other Pleadings

All other pleadings (e.g., peremptory exceptions and answers to appeals) filed originally in a Court of Appeal shall be typewritten and double-spaced on white paper of legal size, with proper margins, and shall bear the number and title of the case in the Court of Appeal, the nature of the motion or pleading, the name of counsel filing the pleading, or the name of the self-represented litigant if unrepresented, and the name of the party on whose behalf it is filed. The pleading shall bear a certificate indicating that a legible copy thereof has been delivered or mailed to opposing counsel of record, and to each opposing party not represented by counsel, and showing the date of service thereof. All motions filed in a Court of Appeal shall include a proposed order.

2-7.3. Filing

Unless made in an electronic filing, an original and such number of copies of the pleading as the local rule of each court requires, shall be filed with the clerk of court. No other pleadings shall be considered by the court.

2-7.4. Summary Dismissal; Re-submission

- (1) The court may summarily dismiss untimely or improperly filed motions or exceptions.
- (2) The court may reject a proposed filing of a motion with other than a singular or alternative nature and, in lieu of, require the filing of separate motions.

2-7.5. Instructions and Agreements

Instructions to the clerk, or agreements between the parties or their counsel, of which the court is expected to take cognizance, shall be in writing, signed, and dated by the parties or counsel, and filed in the clerk's office.

Rule 2-8. Motion to Dismiss or Remand, Pre-docketing Dismissals; Abandonment

2-8.1. Motion to Dismiss or Remand

Motions to dismiss or to remand appeals shall comply with the provisions of Rule 2-7. Such motions shall be submitted to the court by the clerk without oral argument; provided, however, the court may, in its discretion, fix any such motion for oral argument, or refer the motion to the argument on the merits. The motion may include a

request to suspend briefing delays until such time as a ruling is made on the motion to dismiss or remand. If the court grants the request for suspension of briefing delays and later denies the motion to dismiss or remand, the court shall set new briefing delays. The act of filing the motion to suspend briefing delays shall not suspend the delays; a suspension is effective only as ordered by the court.

2-8.2. Service of Motion

A copy of a motion to dismiss or to remand an appeal, together with a copy of the accompanying brief, if any, shall be served in accordance with the provisions of Louisiana Code of Civil Procedure article 1313 to opposing counsel of record and to each opposing party not represented by counsel.

2-8.3. Joint Motion

Any appeal may be summarily dismissed or remanded by order of the court where there has been a joint motion filed by all interested parties or their counsel of record, which shall set forth the reason for such action and which shall be supported by appropriate affidavits that the facts alleged in the motion are true and correct.

2-8.4. Ex Parte Motion

Where there has been no timely answer to the appeal, or other formal action to amend or modify the judgment appealed by any other party, the appellant may, by ex parte motion, request that the appeal be dismissed. The appeal shall be dismissed only by order of the court.

2-8.5. Pre-lodging Dismissals

In cases where the parties desire to dismiss or to remand an appeal in which jurisdiction of the Court of Appeal has attached, but in which the record on appeal has not yet been lodged, the court may nevertheless consider a joint motion to such effect, provided the parties submit their motion signed by all counsel of record, and by each party not represented by counsel, together with, in the case of a motion to dismiss the appeal, the statement of counsel that all costs incurred in the trial court have been paid, or that counsel will be responsible for the payment of same. The motion shall be accompanied by a certificate from the clerk of the trial court indicating that the motion to dismiss or to remand has been signed by all counsel of record, and by each party not represented by counsel. It shall show that the appeal bond, if required, has been filed or, in the case of a pauper suit, indicate the lack of necessity for an appeal bond.

2-8.6. Abandonment of Civil Appeal

For civil appeals, if an appellant does not file a brief within the time prescribed by Rule 2-12.7, or any extension thereof granted by the Court of Appeal as provided by Rule 2-12.8, a notice shall be transmitted by the clerk to counsel for the appellant, or to the

appellant if not represented, that the appeal shall be subject to dismissal 30 days thereafter unless a brief is filed within the 30-day period. If an appellant does not file a brief within 30 days after such notice is transmitted, the appeal shall be subject to dismissal as abandoned. Provided, however, that irrespective of the time limit provided in Rule 2-12.7 for the appellee to file a brief, the appellee brief shall be filed within 20 days from the due date shown on the notice of abandonment.

2-8.7. Suspension of Briefing Delays

A party may by written motion request that the Court of Appeal suspend the briefing delays for good cause. If the court grants the request for suspension of the briefing delays, the clerk shall set new briefing delays as directed by the court. The act of filing the motion to suspend the briefing delays shall not suspend the delays; a suspension is effective only as ordered by the court.

Rule 2-9. Substitution of Parties

The rules and procedures for substitution of parties provided by La. C.C.P. arts. 801-807 shall regulate the substitution of parties.

Rule 2-10. Withdrawal of Counsel

No counsel may withdraw without leave of the Court of Appeal once the trial court is divested of jurisdiction. The motion to withdraw shall be signed by the attorney seeking the withdrawal.

Rule 2-11. Assignment on Calendar

2-11.1. Assignment as Docketed

Unless otherwise provided by law, or the court orders otherwise, the clerk shall assign cases for hearing on the calendar in the order in which they are docketed.

2-11.2. Special Assignment

A special assignment may be given by the court in any case where the state or any subdivision thereof is a party, or in any matter impressed with the public interest, or in any case where the interest of justice requires an immediate or special hearing.

2-11.3. Summary Disposition

Cases may be assigned for summary disposition with or without oral argument when the court so orders.

2-11.4. Request for Oral Argument

Appeals in all cases shall be submitted for decision without oral argument unless a written request for permission to orally argue is filed in the clerk's office by a party within thirty (30) days after lodging of the record in the court and permission is granted.

Pursuant to this Rule, the request for oral argument shall be in the form of a motion or a letter. A request for oral argument made within a party's brief shall not be considered. A timely request for oral argument by one party shall be applicable to all parties. Ordinarily, timely requests for oral argument will be granted, except in cases assigned for summary disposition. When permission for oral argument has been granted to one party, the right to oral argument shall extend to all parties, unless the right to orally argue had been forfeited.

2-11.5. Cases Carried Over

A case assigned for oral argument that is not reached or in which the argument is not completed on the assigned day, shall go over to the next argument day, unless the court reassigns the case for a particular day.

2-11.6. Continuance

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.

2-11.7. Submission Without Oral Argument

Any case docketed may be submitted at any time for decision without oral argument on the court's own motion, or on the joint motion of all parties entitled to oral argument.

2-11.8. Court's Authority to Hear Argument

The court shall retain its authority to order oral argument in any case.

2-11.9. Notification of docketing

The clerk shall post each docket and transmit it to all counsel of record, and to any party not represented by counsel, not less than 30 days prior to the date fixed for oral argument/submission; provided, however, that the 30-day notice required herein shall not be applicable if otherwise ordered by the court. The clerk shall note on the docket the dates and hours of sessions of court.

Rule 2-12. Briefs

2-12.1. Filing

Unless the brief is electronically filed, each party shall file an original and such number of copies of the brief in every case as the local rule of each court requires. All parties shall file briefs in every criminal appeal.

2-12.2. Preparation of Briefs

- A. Briefs may be printed, typewritten, or produced by any copying or duplicating process which produces a clear black image on white paper. Illegible copies

and photocopies are not acceptable. Briefs may be typewritten or otherwise acceptably produced on either letter or legal-size, white, unglazed, opaque paper, with a margin of 1 inch on each side, using only one side of each page. The text of briefs shall be double-spaced except for matters which are customarily single-spaced. The pages in the briefs shall be numbered consecutively.

- B. The language used in the brief shall be courteous, free from vile, obscene, obnoxious, or offensive expressions, and free from insulting, abusive, discourteous, or irrelevant matter or criticism of any person, class of persons or association of persons, or any court, or judge or other officer thereof, or of any institution. Any violation of this Subsection shall subject the author, or authors, of the brief to punishment for contempt of court, and to having such brief returned.
- C. The preparation of briefs submitted in appeals shall be subject to the following requirements and limitations:
 - (1) Original appellant and appellee briefs on paper measuring 8½ inches by 14 inches shall not exceed thirty-one pages; reply briefs on such paper shall not exceed thirteen pages. Original appellant and appellee briefs on paper measuring 8½ inches by 11 inches shall not exceed forty-one pages; reply briefs on such paper shall not exceed eighteen pages. These limitations do not include pages containing the table of contents required by Rule 2-12.4, Subsection A(1) and the table of authorities required by Rule 2-12.4, Subsection A(2).
 - (2) The size type in all briefs shall be: (a) Times New Roman 14 point or larger computer font, normal spacing; or (b) no more than 10 characters per inch typewriter print. A margin of at least one inch at the top and bottom of each page shall be maintained. Footnotes may be single-spaced but shall not be used to circumvent the spirit of this Rule.
 - (3) A motion for leave to file a brief in excess of the page limitation of this Rule shall be filed in advance of the due date of the brief. Such a motion shall be granted only for extraordinary and compelling reasons and shall have no effect on the due date of the brief.

2-12.3. Cover Inscription

Briefs shall state on the cover or on the title page the following:

- (1) the title of the court to which it is directed;
- (2) the docket number of the case in the court;

- (3) the title of the case as it appears on the notice of lodging;
- (4) the name or title of the court and the parish from which the case originated;
- (5) the name of the judge who rendered the judgment or ruling complained of;
- (6) a statement as to whether the case comes before the court on appeal or under the supervisory jurisdiction of the court;
- (7) a statement identifying the party on whose behalf the brief is filed and the party's status before the court;
- (8) the nature of the brief, whether original, in reply, or supplemental; and
- (9) the name of counsel, with mailing address, email address, and telephone number, by whom the brief is filed, and a designation of the parties represented.

2-12.4. Appellant Brief

- A. The brief of the appellant shall contain, under appropriate headings and in the order indicated:
 - (1) a table of contents with page references;
 - (2) a table of authorities, including cases alphabetically arranged, statutes and other authorities, with references to the pages of the brief where the authorities are cited;
 - (3) a jurisdictional statement setting forth the constitutional and statutory basis for the court to exercise appellate jurisdiction, with citations to applicable provisions. The jurisdictional statement shall also include the dates of the judgment appealed and of the motion and order for appeal to establish the timeliness of the appeal and the following, as applicable:
 - (a) an assertion that the appeal is from a final appealable judgment and, if the appealability is dependent upon a designation by the trial court, a reference to the specific page numbers of the record where the designation and reasons for the designation are to be found; or
 - (b) an assertion that the appeal is from an interlocutory judgment or order which is appealable as expressly provided by law; or
 - (c) an assertion of information establishing the Court of Appeal's jurisdiction on some other basis;
 - (4) a concise statement of the case, indicating the nature of the case, the action of the trial court, and the disposition;
 - (5) the assignments of alleged errors;

- (6) a listing of issues presented for review;
 - (7) a statement of facts relevant to the assignments of error and issues for review, with references to the specific page numbers of the record;
 - (8) a short summary of the argument, i.e., a succinct, clear, and accurate statement of the arguments made in the body of the brief;
 - (9) the argument, which shall contain:
 - (a) appellant's contentions, with reference to the specific page numbers of the record and citations to the authorities on which the appellant relies;
 - (b) for each assignment of error and issue for review, a concise statement of the applicable standard of review, which may appear in the discussion or under a separate heading placed before the discussion; and
 - (c) for each assignment of error and issue for review which required an objection or proffer to preserve, a statement that the objection or proffer was made, with reference to the specific page numbers of the record; and
 - (10) a short conclusion stating the precise relief sought.
- B.
- (1) A copy of the judgment, order, or ruling complained of, and a copy of either the trial court's written reasons for judgment, transcribed oral reasons for judgment, or minute entry of the reasons, if given, shall be appended to the brief of the appellant. If reasons for judgment were not given, the brief shall so declare.
 - (2) Citation of Louisiana cases shall be in conformity with Section VIII of the Louisiana Supreme Court General Administrative Rules. Citations of other cases shall be to volume and page of the official reports (and when possible to the unofficial reports). It is recommended that where United States Supreme Court cases are cited, all three reports be cited, e.g., *Miranda v. Arizona*, 384 U.S. 436, 86 S.Ct. 1602, 16 L.Ed.2d 694 (1966).
 - (3) The court may not consider the argument on an assignment of error or issue for review if suitable reference to the specific page numbers of the record is not made.
 - (4) All assignments of error and issues for review shall be briefed. The court may deem as abandoned any assignment of error or issue for review which has not been briefed.

2-12.5. Appellee Brief

The brief of the appellee shall contain appropriate and concise responses and arguments to the assignments of error, contentions, and arguments of the appellant and shall conform to the requirements for the appellant brief set forth in Rule 2-12.4, except that the following need not be included unless the appellee is dissatisfied with the appellant's statements:

- (1) the jurisdictional statement, Rule 2-12.4, Subsection A(3);
- (2) the statement of the case, Rule 2-12.4, Subsection A(4);
- (3) assignments of alleged errors, Rule 2-12.4, Subsection A(5);
- (4) the listing of issues, Rule 2-12.4, Subsection A(6);
- (5) the statement of facts, Rule 2-12.4, Subsection A(7);
- (6) the statement of the standard of review, Rule 2-12.4, Subsection A(9)(b);
- (7) the statement of the objection or proffer, Rule 2-12.4, Subsection A(9)(c); and
- (8) a copy of the judgment or order and a copy of the trial court's written or transcribed oral reasons, Rule 2-12.4, Subsection B(1).

2-12.6. Reply Brief

The appellant may file a reply brief, if he has timely filed an appellant brief, but it shall be strictly confined to rebuttal of points urged in the appellee brief. No further briefs shall be filed except by order of the court.

2-12.6.1. Citation of Supplemental Authorities

- A. If pertinent and significant authorities come to a party's attention after all original and reply briefs have been filed - or after oral argument but before decision - a party may promptly advise the clerk by letter, with a copy to all other parties, setting forth the citations.
- B. The letter shall be limited to: (1) the name and citation of the opinion or authority; (2) the issue presented by the case which is pertinent to the issues raised in the case pending before the court; and (3) a citation to the page where this point has been raised in briefs before the court, or if not raised in briefs and dealt with in oral argument only, where and how this issue arose during oral argument. The letter shall not include attachments, including but not limited to the documents cited within the letter.
- C. The body of the letter shall not exceed two pages (letter size). Any response must be made promptly and must be similarly limited. This section 2-12.6.1 letter shall not contain argument; if a party desires to make an argument or to

exceed two pages (letter size), the party shall file a motion requesting permission to file a supplemental brief.

2-12.7. Time to File

The brief of the appellant shall be filed not later than 25 calendar days after the lodging of the record in the court, and the brief of the appellee shall be filed not later than 45 calendar days after the lodging of the record in the court. The reply brief, if any, of the appellant shall be filed not later than 10 calendar days after the appellee brief is filed.

Unless otherwise directed by the court in the notice of lodging, in the case of a timely order of appeal being obtained by a litigant subsequent to an earlier order of appeal obtained by a different litigant, the brief on behalf of the litigant whose order of appeal bears the earlier date shall be due in accordance with the provisions of the appropriate Rule regarding the appellant. The brief on behalf of the litigant whose order of appeal bears the later date shall be due in accordance with the provisions of the appropriate Rule regarding the appellee.

2-12.8. Extensions of Time

An extension of time within which to file a brief may be granted by the court for good cause shown on written motion filed with the clerk of the court on or before the date the brief is due. If an extension of time is granted to an appellant to file the appellant brief, time for filing the appellee brief shall be extended for a period of twenty days from the date of the extended time granted the appellant, without the necessity of a motion by the appellee. An extension of time may not be granted if such extension will retard the hearing or determination of the case.

2-12.9. Specially-assigned Cases

In cases specially assigned for argument, the briefs shall be filed as ordered by the court.

2-12.10. Briefs on Motions

Briefs in support of motions shall be filed with the motion. Briefs in opposition thereto shall be filed prior to decision by the court, or as may be ordered by the court.

2-12.11. Amicus Curiae Briefs

Amicus curiae briefs may be filed only upon motion by the applicant and order of the court. The motion shall identify the interest of the applicant, state that the applicant has read the briefs of the parties, and state specific reasons why the applicant's brief would be helpful to the court in deciding the case. Amicus curiae may not request oral argument.

2-12.12. Untimely Briefs; Sanctions

If the brief on behalf of any party is not filed by the date that the brief is due, such party's right to oral argument shall be forfeited. The court may also impose other sanctions including, but not limited to, dismissal of the appeal when the appellant does not file a brief as provided for in Rule 2-8.6.

2-12.13. Non-conforming Briefs; Sanctions

Briefs not in compliance with these Rules may be stricken in whole or in part by the court, and the delinquent party or counsel of record may be ordered to file a new or amended brief.

Rule 2-13. Filing of Documents; Timeliness

All documents and required copies to be filed in a Court of Appeal shall be legible and shall be filed with the clerk. Filing may be accomplished by personal delivery or by mail addressed to the clerk. Filing may also be accomplished by facsimile or by electronic filing, if permitted by local rule. The filing of such documents by mail shall be deemed timely when the documents are mailed on or before the due date. If the documents are received by mail on the first legal day following the expiration of the delay, there shall be a rebuttable presumption that they were timely filed. In all cases where the presumption does not apply, the timeliness of the mailing shall be shown only by an official United States postmark or cancellation stamp or by official receipt or certificate from the United States Postal Service or bonafide commercial mail services such as Federal Express or United Parcel Service, made at the time of mailing which indicates the date thereof. Any other dated stamp, such as a private commercial mail meter stamp, shall not be used to establish timeliness. The filing of such documents by facsimile or by electronic filing shall be deemed timely if the facsimile or electronic filing is received by the clerk on or before the due date.

Rule 2-14. Service of Legible Copies; Certificate

2-14.1. Service of Legible Copies

At or before the time of filing, legible copies of all documents filed in a Court of Appeal by any party shall be served in accordance with the provisions of Louisiana Code of Civil Procedure article 1313 to opposing counsel of record and to each opposing party not represented by counsel.

2-14.2. Certificate

The fact of such service shall be evidenced by a certificate listing all parties and all counsel, indicating the parties each represents, and showing when and by what means such service was accomplished.

Rule 2-15. Oral Argument

2-15.1. Order of Argument

The appellant shall have the right to open and close the argument. Where there are 2 or more appellants in the same case, the court shall decide when the case is called for argument who shall open and who shall close the argument, unless the parties agree upon the order of presentation.

2-15.2. Length of Time

The parties shall be allowed a period of time not to exceed 40 minutes, divided equally between opposing parties, unless the court deems additional time is needed for proper presentation of the case. Counsel, or self-represented litigants, shall not be required to use all of the allotted time. The time for argument may be shortened at the discretion of the court. When there are conflicts of interest between appellants or between appellees, the court shall decide upon the apportionment of the time allowed them for argument, unless they agree upon the apportionment.

2-15.3. Reading from Briefs

Argument should not be read from a prepared text. Counsel, or self-represented litigants, shall not be permitted to read from briefs, except matters, such as quotations, which are customarily read.

2-15.4. Textual Materials and Exhibits

- (1) **Textual Materials.** A book, treatise, or other textual material not conveniently available to the court, used as authority during argument by counsel, shall, on request of the court, be deposited with the court until the case is decided. With permission of the court, a photocopy of the pertinent material may be substituted in lieu of the book, treatise, or other textual material.
- (2) **Exhibits for Demonstration.** All models, maps, charts, diagrams, or other exhibits used for purposes of illustration, demonstration, or explanation during oral argument before the court (but not made a part of the record) and deposited thereafter with the court shall be removed by the party or counsel responsible for such use and deposit within 30 days after written notice is given by the clerk. Failure to timely remove the item shall authorize the clerk to destroy the exhibit or make other disposition thereof as the court may deem proper. All such items not deposited with the court shall be removed by the end of the court's session that day.

Rule 2-16. Decisions of the Courts of Appeal

The decisions of the Court of Appeal may be expressed in one of the following forms: a full opinion, a concise memorandum opinion, or a summary disposition conforming to the provisions of this Rule. All opinions and summary dispositions shall contain the names of the judges who rendered the opinion or summary disposition.

2-16.1. Opinions of the Courts of Appeal

Opinions of the Court of Appeal, whether authored or per curiam, shall be formal opinions or memorandum opinions.

- A. A case may be disposed of by formal opinion when at least one of the following criteria is satisfied. The formal opinion:
- (1) establishes a new rule of law or alters or modifies an existing rule;
 - (2) involves a legal issue of continuing public interest;
 - (3) criticizes or explains existing law;
 - (4) applies an established rule of law to a factual situation significantly different from that in published opinions of the courts of this state;
 - (5) resolves an apparent conflict of authority; or
 - (6) constitutes a significant and non-duplicative contribution to legal literature because it contains:
 - (a) a historical review of the law;
 - (b) a review of legislative history; or
 - (c) a review of conflicting decisions among the courts or other jurisdictions.
- B. Where the panel unanimously agrees that a case does not qualify for disposition by formal opinion, the case may be disposed of by a concise memorandum opinion. A memorandum opinion shall succinctly state:
- (1) the court from which the appeal comes;
 - (2) the germane facts, including the ruling of the lower court;
 - (3) the issues and contentions of the parties when appropriate;
 - (4) the reasons for the decision;
 - (5) the judgment of the Court of Appeal; and
 - (6) a statement that the memorandum opinion is issued in compliance with Rule 2-16.1(B).

2-16.2. Summary Disposition

- A. In any case in which the panel unanimously determines no jurisprudential purpose would be served by a written opinion and that any one or more of the following dispositive circumstances exist, the decision of the court may be made by summary disposition. A summary disposition may be utilized when:
- (1) the Court of Appeal lacks jurisdiction;
 - (2) the disposition is clearly controlled by case law precedent, statute, or rules of court;
 - (3) the appeal is moot;
 - (4) the issues involve no more than an application of well-settled rules to recurring fact situations;
 - (5) the opinion or findings of fact and conclusions of law of the trial court or agency adequately explain the decision;
 - (6) no error of law appears on the record;
 - (7) the trial court or agency did not abuse its discretion;
 - (8) the record does not demonstrate that the decision of the trier of fact is clearly wrong (manifestly erroneous);
 - (9) the record demonstrates that the evidence in support of a criminal jury verdict is not insufficient; or
 - (10) the panel otherwise unanimously determines summary disposition is appropriate in accordance with the law and the evidence.
- B. The court may dispose of a case by summary disposition with or without oral argument at any time after the case is docketed in the Court of Appeal. The disposition may provide for dismissal, affirmance, remand, reversal, or any combination thereof as is appropriate to the case.
- C. When a summary disposition is issued, it shall contain:
- (1) a statement describing the nature of the case and the dispositive issues without a discussion of the facts;
 - (2) a citation to controlling precedent, if any; and
 - (3) the judgment of the Court of Appeal and a citation to one or more of the criteria under this Rule which supports the judgment, e.g., “Affirmed in accordance with Uniform Court of Appeal Rule 2-16.2(A)(1).”

2-16.3. Publication and Citation

- (1) A formal opinion of a Court of Appeal shall be designated for publication unless a majority of the panel determines otherwise.
- (2) A memorandum opinion or a summary disposition of a Court of Appeal shall not be designated for publication except by majority vote of the panel.
- (3) The panel shall reconsider its decision not to publish an opinion upon the request of the trial judge or a party, provided that the request and reasons therefor are made in writing within the delays for rehearing following the rendition of the opinion.

2-16.4. Copies of Opinions

In every case, one copy of the opinion, when rendered, shall be transmitted by mail or electronic transmission to the trial judge, the clerk of the trial court, all appeal counsel of record, and all parties not represented by counsel.

Rule 2-17. Notice of Judgment

2-17.1. Notice

Notice of judgment a Court of Appeal shall be transmitted by the clerk to all counsel of record, and to all parties not represented by counsel.

2-17.2. Certificate

The clerk shall file a certificate in the record showing the date on which and the names of all parties or persons to whom the notice of judgment was transmitted and the transmission method.

Rule 2-18. Rehearing

2-18.1. Application for Rehearing

An application for rehearing shall state with particularity contentions of the applicant and shall contain a concise argument in support of the application. Except with permission of the court, an application for rehearing shall not exceed 10 pages. An original and such number of copies as the local rule of each court requires shall be filed, unless the application for rehearing is filed electronically. Oral argument in support of the application will not be permitted.

2-18.2. Time to File

- (1) In cases governed by the Code of Criminal Procedure, an application for rehearing shall be filed with the clerk on or before fourteen days after the rendition of the judgment.

- (2) In cases governed by the Code of Civil Procedure, an application for rehearing shall be filed with the clerk on or before fourteen days after transmission of the notice of the judgment.
- (3) No extension of time for filing an application for rehearing shall be granted.

2-18.3. Support Brief

The applicant shall file the brief in support of the application for rehearing at the time the application for rehearing is filed. Unless the brief is filed electronically, the applicant shall file an original and such number of copies of the brief as the local rule of each court requires.

2-18.4. Additional Time for Brief

An applicant for rehearing may request additional time to file a brief in support of the application by filing a written motion with the clerk at the time the application for rehearing is filed. The court may grant the request for additional time for good cause shown.

2-18.5. Granting of Rehearing

When a rehearing is granted, the case shall be submitted, with or without oral argument, as ordered by the court.

2-18.6. Repetitive Applications

When a case has been decided on rehearing, another application for a rehearing will not be considered unless the applicant has not theretofore been granted a rehearing, or unless the court has expressly granted the right to apply for another rehearing.

2-18.7. When Rehearing Shall Be Considered

An application for rehearing shall be considered only in cases where the court has:

- (1) Granted a writ application on the merits;
- (2) Dismissed an appeal; or
- (3) Ruled on the merits of an appeal.

Rule 2-19. Frivolous Appeal

The court may award damages for a frivolous appeal in civil cases as provided by law.

Rule 2-20. Notices or Copies by Clerk, Sufficiency of

All notices or documents required by the Rules of Court to be transmitted by the clerk shall be sent to counsel of record for each party, and to any party not represented by

counsel, to the mailing address, email address, or facsimile number on record with the clerk.

RULE 3. THE SPECIAL APPEALS

Rule 3-1. Administrative Cases

3-1.1. Application for Appeal

Every application for appeal from a final decision of any administrative body shall be filed with the appropriate administrative body in writing as required by law and may include a designation of the documents filed and transcripts desired to be incorporated into the record on appeal. If such a designation is made, within 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. If no designation is made, the record shall be a transcript of all the proceedings as well as all documents filed with the administrative body. Costs for the inclusion of any unnecessary part of the record may be assessed against the party requiring such inclusion. The record on appeal shall include the application for appeal, any designation of the record, and a certification by the administrative body as to the correctness of the record.

Appeals from the Office of Workers' Compensation. In addition, the record on appeal from the Office of Workers' Compensation shall include a jurisdictional statement as contemplated by La. R.S. 23:1310.4 and 23:1310.5(A)(2).

3-1.2. Filing and Return Dates

The administrative body 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 60 days from the date of filing the application for appeal. The administrative body shall transmit the record to the appropriate Court of Appeal by the return date.

3-1.3. Application for Supervisory Review (Writs)

Every application for supervisory review from any ruling of an administrative body that is not a final and definitive ruling on the merits of the case shall be governed by Rule 4.

3-1.4. Stay of Execution

A stay pending review by the Court of Appeal of any ruling or decision of an administrative body may be granted either by that body or by the Court of Appeal only in those matters where the authority is expressly granted by law or in exercise of supervisory jurisdiction by the Court of Appeal.

3-1.5. Applicability of Rules

All other Rules of the court and all laws regulating appeals, not inconsistent with the foregoing, shall be applicable to appeals from such administrative bodies.

Rule 3-2. Additional Notice Requirements in Election Cases; Responsibility of Appellant and Clerk of Trial Court

In any action objecting to candidacy or contesting an election, governed by the provisions of Title 18 of the Revised Statutes, the following additional notices and procedures shall be applicable to either the parties or the clerk of the district court:

- (1) Within 24 hours after any document is filed in an action objecting to candidacy or contesting an election, the clerk of the district court shall by facsimile transmission or by e-mail, as directed by clerk of the Court of Appeal, provide a copy thereof to the clerk of the Court of Appeal.
- (2) Within 24 hours after the signing of the judgment, the clerk of the district court shall provide a copy of the judgment and the reasons for judgment to the clerk of the Court of Appeal by facsimile transmission or by e-mail, as directed by the clerk of Court of Appeal.
- (3) Within 24 hours after an order of appeal has been obtained and a bond given, the clerk of the district court shall give notice of the order of appeal to the clerk of the Court of Appeal by facsimile transmission, or by e-mail, as directed by the clerk of the Court of Appeal.
- (4) Once the record is lodged with the Court of Appeal, all briefing and docketing notices issued by the clerk of court shall be by facsimile or e-mail transmission.

RULE 4. WRITS

Rule 4-1. Applications for Writs

Unless filed electronically, an application for writs of any kind, and all documents and exhibits therewith, shall be filed with the clerk of the Court of Appeal as an original and such number of copies as the local rule of each court requires.

4-1.1. Briefs on Applications for Writs

Briefs in support of applications for writs shall be filed with the writ application. Briefs in opposition to applications for writs shall be filed prior to decision by the court, and within the delays provided by local rule of the Court of Appeal or within the delays as may be ordered by the court.

Rule 4-2. Notice of Intention

The party, or counsel of record, intending to apply to the Court of Appeal for a writ shall give to the opposing parties or the opposing counsel of record, notice of such intention. The party, simultaneously, shall give notice to the judge whose ruling is at issue, by requesting a return date to be set by the judge within the time period provided for in Rule 4-3.

Rule 4-3. Time to File; Extension of Time

The judge who has been given notice of intention as provided by Rule 4-2 shall immediately set a reasonable return date within which the application shall be filed in the Court of Appeal. The return date in civil cases shall not exceed 30 days from the date of notice of the judgment, as provided in La. C.C.P. art. 1914. In criminal cases, unless the judge orders the ruling to be reduced to writing, the return date shall not exceed 30 days from the date of the ruling at issue. When the judge orders the ruling to be reduced to writing in criminal cases, the return date shall not exceed 30 days from the date the ruling is signed. In all cases, the judge shall set an explicit return date; a Court of Appeal shall not infer a return date from the record.

Upon proper showing, the trial court or the Court of Appeal may extend the time for filing the application upon the filing of a motion for an extension of the return date by the applicant, filed within the original or an extended return date period. An application not filed in the Court of Appeal within the time so fixed or extended shall not be considered, in the absence of a showing that the delay in filing was not due to the applicant's fault. The application for writs shall contain documentation of the return date and any extensions thereof; any application that does not contain this documentation may not be considered by the Court of Appeal.

Rule 4-4. Stay of Proceedings

- A. When an application for writs is sought, further proceedings may be stayed at the trial court's discretion. Any request for a stay of proceedings should be presented first to the trial court. The filing of, or the granting of, a writ application shall not stay further proceedings unless the trial court or the Court of Appeal expressly orders a stay.
- B. When expedited consideration by a Court of Appeal is requested, including, but not limited to, a request for a stay order, the application shall include on the cover a statement in bold print that such consideration is sought and a statement within the application itself, entitled "REQUEST FOR EXPEDITED CONSIDERATION," setting forth justification for the request and a specific time within which action by the Court of Appeal is sought by the applicant. The "REQUEST FOR EXPEDITED CONSIDERATION" shall

be included as a separate page and properly noted in the index. The applicant shall notify the Court of Appeal immediately of any change in the status of the case.

- C. In all applications requesting a stay order or other priority consideration, the applicant shall certify in affidavit form that the trial court, all counsel, and unrepresented parties have been notified by telephonic, electronic, or other equally prompt means of communication that said writ application has been or is about to be filed and that said application has been served forthwith on the trial court and all parties at interest or their counsel, by means equal to the means used to effect filing with the Court of Appeal. (That is, if filing with the Court of Appeal is by overnight mail, the same means shall be employed for service on the trial court and all parties at interest or their counsel. If filing is by hand or in electronic form to the Court of Appeal, service shall be made on the trial court and all parties at interest or their counsel by an equally prompt means.)

Rule 4-5. Contents of Application

- A. The original application for writs shall be signed by the applicant or counsel of record, and shall contain an affidavit verifying the allegations of the application and certifying that a copy thereof has been delivered, transmitted, or mailed to the respondent judge, opposing counsel, and any opposing party not represented by counsel. The affidavit shall list all parties and all counsel, indicating the parties each represents. The affidavit also shall list the addresses and telephone numbers (if available) of the respondent judge, opposing counsel, and any opposing party not represented by counsel.
- B. The original and duplicates of the application for writs shall be legible and shall have the pages of the application and attached documents and exhibits consecutively numbered. The entire submission shall be hole punched and bound in two places along the top margin, preferably with 4¼-inch metal file fasteners such that no part of the text on any page is obscured, and in sections consisting of no more than 250 pages. No tabs shall be used in lieu of consecutive page numbering and no tabs or extensions shall be placed outside the paper dimensions. Documents within the bound submission shall not contain any staples, clips or other fasteners.
- C. The submission shall contain these items:
 - (1) an index of all items contained therein providing the corresponding page number for all items and attachments;

- (2) a concise statement of the grounds on which the jurisdiction of the court is invoked;
- (3) a concise statement of the case, including the status of the case at the time the writ application is filed, in order to reflect any trial dates or hearing dates that are pending;
- (4) the issues and questions of law presented for determination by the court;
- (5) the assignments or specifications of errors and a brief in support of the application, in accordance with Rules 2-12.2 and 4-1.1, and a prayer for relief;
- (6) a copy of the judgment, order, or ruling complained of (if by written judgment, order, or ruling);
- (7) a copy of the judge's reasons for judgment, order, or ruling (if written);
- (8) a copy of each pleading on which the judgment, order, or ruling was founded, including the petition(s) in civil cases and the indictment or the bill of information in criminal cases;
- (9) a copy of any opposition and any attachments thereto filed by a party in the trial court or a statement by the applicant that no opposing written document was filed;
- (10) a copy of pertinent court minutes;
- (11) the notice of intent and return date order required by Rules 4-2 and 4-3; and
- (12) a separate page entitled "REQUEST FOR EXPEDITED CONSIDERATION OR STAY" and indexed as such shall be included if the applicant seeks expedited relief or a stay order as required by Rule 4-4(B) and a corresponding affidavit as required by Rule 4-4(C).

D. If any trial or hearing date is set after a writ application is filed, or if any trial or hearing date included in a filed writ application is changed or continued, the applicant shall supplement the writ application with documentation of such information by the end of the next business day.

Rule 4-6. Notices of Disposition of an Application for Writs

- A. The clerk shall transmit a copy of the Court of Appeal's disposition of an application for writs in each particular case to:
 - (1) The applicant;
 - (2) The opposing party or parties respondent;

- (3) The trial judge whose ruling has been complained of;
- (4) The trial court clerk; and
- (5) Any party who has requested, before disposition, a copy of such disposition.

If a party is not represented by a counsel of record, the clerk shall transmit a copy of the disposition to the litigant at the mailing address shown in the application, or in care of the trial court clerk where no such address of the litigant is shown.

- B. Where circumstances require prompt notice of the court's disposition of an application for writs, the clerk shall transmit the disposition in accordance with Rule 2-20, but may also give prompt notice of the disposition by telephone and/or by email or facsimile transmission to those who are to receive the notice via mail.

Rule 4-7. Action on Writ Application

In the exercise of its supervisory jurisdiction, the court may act peremptorily on the application, if circumstances warrant such action, with or without a response by the opposing party. The court alternatively may order a response by the opposing party and/or a per curiam by the trial court or may assign the case for argument and/or submission on any day that the court shall select.

Rule 4-8. Applicability of Rules

In situations not covered by this Rule 4, the Rules pertaining to appeals shall apply and govern the writ applications and the dispositions thereof.

Rule 4-9. Rehearing

Rule 2-18 shall apply to requests for rehearing related to writ applications.

RULE 5. PROCEDURES FOR WRITS AND APPEALS IN CERTAIN CASES INVOLVING MINORS

Rule 5-1. Cases Designated for Expedited Handling

In recognition of the need for confidentiality and expeditious consideration of writs and appeals in certain types of cases involving minors, the following cases shall be afforded preferential treatment and consideration:

- A. Cases set forth in La. Ch.C. art. 337, including:
 - (1) Title VI. Child in Need of Care;
 - (2) Title VII. Families in Need of Services;

- (3) Title VIII. Delinquency;
 - (4) Title X. Involuntary Termination of Parental Rights;
 - (5) Title XI. Surrender of Parental Rights;
 - (6) Title XII. Adoption of Children; or
 - (7) Title XV, Chapter 7. Protection of Terminally Ill Children.
- B. Cases in which there is a modification of an existing custody decree or custody arrangement, including but not limited to:
- (1) change of domiciliary parent;
 - (2) change of custodial time;
 - (3) change in or to sole custody; or
 - (4) rendition of an initial custody decree changing custody in fact.
- C. Cases involving intercountry adoption of children, as set forth in Title XII-A of the Children's Code.

Rule 5-2. Confidentiality

To protect the minor's identity and to ensure the confidentiality of a minor who is a party to or whose interests are the subject matter in the proceedings listed in Rule 5-1(a) or (c) above, initials shall be used in all filings and in opinions rendered by the Court of Appeal.

Rule 5-3. Procedures in Cases Designated for Expedited Handling

The following procedures shall apply in cases designated for expedited treatment, unless a case is given special assignment by the court pursuant to Rule 2-11.2:

- (1) Once a return date is set by the trial court, no extension shall be granted by the trial court or the Court of Appeal except upon a showing of extraordinary circumstances.
- (2) Appeals and writ applications in such cases shall be assigned by preference to the next docket or cycle following any required briefing schedule.
- (3) (a) In appeals taken in such cases, the appellant brief shall be filed not later than 15 calendar days after the lodging of the record, and the appellee brief shall be filed not later than 30 calendar days after the lodging of the record. The reply brief, if any, of the appellant shall be filed not later than 5 calendar days after the appellee brief is filed.
- (b) In such civil cases, if an appellant does not file a brief within the time prescribed by this Rule or any extension thereof granted by the court as

provided by this Rule or Rule 2-12.8, a notice shall be mailed by the clerk to counsel for the appellant, or to the appellant if not represented, that the appeal shall be subject to dismissal 10 days thereafter unless a brief is filed in the meantime. If an appellant does not file a brief within 10 days after such notice is mailed, the appeal shall be subject to dismissal as abandoned. Provided, however, that irrespective of the time limit provided in this Rule for the appellee to file a brief, the appellee brief shall be filed within 15 days from the due date shown on the notice of abandonment.

- (4) When an application for writs is sought in such cases to review the actions of a trial court, the trial court shall fix a reasonable time within which the application shall be filed in the Court of Appeal, not to exceed 15 days from the date of the ruling at issue. Only upon a showing of extraordinary hardship shall the trial court or a Court of Appeal extend the time for filing the application; and such an extension, if any, shall be sought by the applicant, in writing, within the original or an extended return date period.
- (5) Appeals and writs in these cases shall be considered by priority and the court shall render such opinions expeditiously to allow release on or before the next regularly scheduled opinion release date following the cycle or docket in which the case was submitted.
- (6) Rehearing applications in compliance with Rule 2-18 shall be decided by preference by the court.

Rule 5-4. Applicability of Rules

All other Rules or laws regulating writs or appeals, not inconsistent with the foregoing, shall apply.