

# **LOCAL RULES OF THE COURT OF APPEAL, FIFTH CIRCUIT**

Adopted September 1985  
Including Amendments up to September 24, 2024

## **RULE 1: FEES**

- A. Pursuant to La. R.S. 13:352, the Fifth Circuit adopts the fee schedule applicable to all civil filings in this Court. This schedule may be updated periodically according to law.
- B. Pursuant to La. R.S. 13:352, in all criminal cases, in all proceedings connected with criminal cases relating to a violation of state law except for bond forfeiture proceedings, and in all appeals taken from sentences imposed for the violation of municipal or parochial ordinances, the entire cost to the clerk shall be three hundred dollars (\$300.00).
- C. Hard copies shall be one dollar (\$1.00) per page.
- D. (1) Digital copies of appeal records and supervisory writ applications shall be thirty-five dollars (\$35.00) each and, unless obtained through the Court's online eAccess service, shall be provided on electronic media supplied by the Court.  
(2) eAccess appeal subscriptions shall be eighty-five dollars (\$85.00) per case and eAccess writ subscriptions shall be fifty dollars (\$50.00) per case.  
(3) Digital copies of all other documents shall be fifty cents (\$0.50) per page.
- E. Certification of any document shall be two dollars (\$2.00) in addition to the copy fee.
- F. The shipping and handling fee for the mailing of electronic media shall be ten dollars (\$10.00).

Amended effective September 24, 2024.

## **RULE 2: NUMBER OF COPIES**

- A. All filings require only one original. Filings submitted electronically or via facsimile shall be deemed original and do not require hard copies.
- B. In accordance with Rule 2-1.1 of the Uniform Rules of the Courts of Appeal, the clerk of the trial court shall prepare a record in electronic form or one certified copy of the original record in hard copy form. A duplicate copy shall not be prepared for lodging in this court.

Amended effective September 24, 2024.

## **RULE 3: PUBLIC RECORDS**

- A. Louisiana Public Records law, La. R.S. 44:1, et seq., governs all public record requests in the Louisiana Fifth Circuit Court of Appeal.
- B. Public record requests shall be submitted to the Clerk of Court's Office. There are no requirements as to form.
- C. Copies of public records may be obtained in hard or digital formats in accordance with the fee schedule set forth in Local Rule 1.

Amended effective July 1, 2022.

## **RULE 4: UNTIMELY BRIEFS**

In addition to any other sanctions imposed by court rules for untimely briefs, in every civil case, if a party's original brief or a motion for extension of time is not filed by the date the brief is due, the brief

shall be deemed late and shall not be accepted as filed without payment of a fine of One Hundred Dollars (\$100.00).

Amended effective December 1, 2022.

#### **RULE 5: LENGTH OF TIME**

The parties shall be allowed a period of time not to exceed 30 minutes, divided equally between opposing parties, unless additional time is allowed by the court for sound reason, or the court deems additional time is needed for proper presentation of the case. Counsel is not required to use all of the allotted time. The time for argument may be shortened in the discretion of the court. When there is a conflict of interests between appellants or between appellees, the court will decide upon the apportionment of the time allowed them for argument, unless they agree upon the apportionment.

Adopted effective January 1, 1996.

#### **RULE 6-1: CRIMINAL PRO SE BRIEFING NOTICE**

In all criminal appeals, counsel for the defendant shall complete the pro se briefing notice (Appendix A) issued by this office and attached to the notice of lodging and briefing order. Counsel shall attach the original completed pro se briefing form to a copy of the brief to be filed with this court and mail the notice and copy of the brief to the defendant. The date of notice and mailing to the defendant shall not be later than the date the brief is filed with this court.

A copy of the completed form shall also be attached to counsel's brief and submitted to this court for filing within the briefing delays established by the clerk of court. Any brief submitted by counsel will be rejected by the clerk of court if a copy of the form is not attached to the brief at the time of its submission to this court or if the form is incomplete.

Adopted effective February 1, 2009.

#### **RULE 6-2: CRIMINAL CERTIFICATE OF SERVICE—DEFENSE AND PRO SE BRIEFS**

All criminal defense briefs filed with this court shall contain a Certificate of Service, properly setting forth service has been made upon opposing counsel and the defendant showing how and when such service was accomplished.

All pro se filings with this court shall contain a Certificate of Service indicating that service has been made on current counsel of record for the defendant, if any, and counsel for the State showing how and when such service was accomplished.

Any filings submitted without the proper Certificate of Service may be rejected by the clerk of court and returned to the filing party

Adopted effective February 1, 2009.

## **RULE 7: ELECTRONIC DOCUMENT FILING AND NOTIFICATION**

**Electronic Filing.** Qualified counsel shall be permitted to file documents with the Court by using the Court's electronic filing system. Counsel must agree to the terms of use and comply with the instructions of the Court's eFiling system. Counsel must also comply with all Rules of the Court except as modified by the electronic filing system terms of use or instructions.

**Waiver of Service by Mail.** Registration with this Court's Electronic Court System constitutes (1) waiver of the right to receive notice by first-class mail and the right to service by first-class mail or personal service and (2) consent to receive notice electronically and consent to electronic service. Waiver of service and notice by first-class or certified mail applies, but is not limited, to docketing information, orders, abandonment letters and writ grant decisions.

Adopted effective April 24, 2014.

## **RULE 7-1: FEE FOR ELECTRONIC AND FAX FILINGS**

**Convenience Fee.** A convenience fee of \$50.00 will be imposed for each document or pleading which is filed electronically or via facsimile.

Amended effective July 1, 2020.

## **RULE 8: ELECTRONIC SIGNATURES**

**Electronic Signatures.** The judges of this Court are authorized to use electronic signatures on all court documents in accordance with law.

Adopted effective May 1, 2015.

## **RULE 9: OPPOSITIONS TO WRIT APPLICATIONS MUST COMPLY WITH UNIFORM RULES COURTS OF APPEAL, RULE 4-5(B)**

- A. Any opposition to an original application for writs shall be signed by the respondent or counsel of record, and shall contain an affidavit verifying the allegations of the opposition and certifying that a copy has been transmitted or mailed to the respondent judge and to opposing counsel, and to 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 shall have the pages of the opposition 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 4-1/4 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. All oppositions to writ applications shall contain appropriate and concise responses and arguments to the contentions and arguments made in the writ application and shall conform to the requirements for the writ application set forth in Uniform Rules—Courts of Appeal, Rule 4-5, except that duplicate copies of documents contained in the writ application need not be attached to the opposition, and that

the following need not be included in the opposition unless the respondent is dissatisfied with the relator's statements:

- (1) the jurisdictional statement, Rule 4-5, Subsection C(2);
  - (2) the statement of the case, Rule 4-5, Subsection C(3);
  - (3) the issues and questions of law presented for determination by the court, Rule 4-5, Subsection C(4); and
  - (4) the assignments or specifications of errors, Rule 4-5, Subsection C(5).
- D. Oppositions to writ applications filed electronically with this Court shall be in accordance with the rules and procedures applicable to electronic filings, and shall be in compliance with the provisions of this Rule where applicable.

Adopted effective July 1, 2015.

### **RULE 9-1: SCOPE OF SUPERVISORY REVIEW**

- A. The scope of this court's supervisory review is customarily limited to materials submitted in a writ application and any supplements thereto.
- B. If a writ application omits materials required by Rule 4-5 of the Uniform Rules of the Courts of Appeal, the applicant may supplement the writ application, or the panel on its own motion may order supplementation thereof.
- C. The court retains discretion to take judicial notice of materials from the official record not contained in a writ application as the court deems necessary.

Adopted effective September 24, 2024.

### **RULE 10: RETURNING RECORD**

The appellate record must be returned with the appellate brief in order for the brief to be considered timely filed. When a brief is filed electronically, the record must be returned on the day the brief is filed or before close of business the following day for the brief to be accepted and considered timely filed. Failure to return the record timely may result in rejection of the filing, imposition of late fees and forfeiture of oral argument. See, Uniform Rules-Courts of Appeal, Rule 2-12.12.

Adopted effective September 22, 2015.

### **RULE 11: ELECTRONIC AUDIO AND VIDEO EVIDENCE**

- A. All electronic audio and video evidence submitted to the Court shall be in the Windows Media Audio (WMA) or Windows Media Video (WMV) format to ensure that the evidence can be played on the default Windows Media Player.
- B. In the event that audio or video evidence cannot be converted to the required formats, the software or codec required to view that evidence must be provided. This must include a description of the software or codec and instructions on how to install and use the software. Counsel for the parties must also inform the Clerk of Court in writing of these circumstances within five (5) days of the lodging of the record.
- C. The following information must be provided with all submitted electronic evidence:
  - Title of The file
  - Brief Description of what is contained in the file
  - Length of the file
  - Number of files
  - File format

- Guarantee of no virus
  - The anti-virus software that was used to scan the files and the date of the virus definitions
- D. It is the exclusive responsibility of counsel for the party who offered the electronic audio and video evidence in the lower court to ensure this evidence complies with this rule when it is submitted to this Court, whether it is lodged as part of a record on appeal or submitted in a supervisory writ application.

Amended effective March 21, 2023.

#### **RULE 12: CREDIT CARD SERVICE FEE**

A service fee of ten dollars (\$10.00) shall be assessed on all credit card transactions. This service fee is considered included in the convenience fee already assessed on efilings and facsimile filings.

Adopted effective May 19, 2021.

#### **RULE 13: STAYS RELATING TO BANKRUPTCY, ETC.**

A party who seeks a stay order and/or desires to notify this court that a bankruptcy, receivership, liquidation, or like proceeding has been filed against a party in a matter pending before this court shall file a motion to stay the matter before this court, attaching thereto documentation of the proceeding filed in the other court. This motion shall also include: (1) an acknowledgement that the mover shall notify this court in writing every one hundred eighty (180) days thereafter as to the status of the other proceeding; and (2) an acknowledgement by the mover that the failure to file this recurring notice may subject the mover to the imposition of a sanction or citation for contempt of court. Within thirty (30) days of an order lifting a stay of the proceeding in the other court, or any other order resolving the proceeding in the other court, the mover shall notify this court by written motion that the reason for the stay is no longer effective and request that the stay issued by this court be lifted. The failure to file the written motion may subject the mover to the imposition of a sanction or citation for contempt of court.

Adopted effective January 1, 2022.

#### **RULE 14: EMERGENCY CONSIDERATION**

- A. A filing seeking emergency consideration of a lower court ruling shall be filed in this court as soon as possible after the lower court ruling but not more than ten days after issuance of the notice of the ruling. Failure to comply with this rule without good cause may be grounds for denial of emergency consideration.
- B. If a party submits a filing seeking emergency consideration during regular business hours, to the extent practicable, the party should provide advance notice to the court at (504) 376-1400.
- C. If a party submits a filing seeking emergency consideration after hours that requires immediate attention, the court must be notified by calling (504) 376-1470, or the filing will not be processed until regular business hours.

Adopted effective September 19, 2023.

## **RULE 15: EXPEDITED CONSIDERATION**

- A. In addition to those cases afforded expedited consideration by law and court rule, the court shall have discretion to afford expedited consideration in the following cases:
  - (1) Title VIII of the Louisiana Civil Code (Tutorship); and
  - (2) Title IX of the Louisiana Civil Code (Interdiction).
- B. The procedures set forth in Rule 5-3 of the Uniform Rules of the Courts of Appeal shall apply to the cases in Subsection (A) of this rule.
- C. This rule shall take prospective effect on June 1, 2024.

Adopted effective June 1, 2024.

## **RULE 16: PANELS**

In accordance with Louisiana Constitution, Article V, Section 8(A), the Fifth Circuit Court of Appeal shall sit in panels of three judges, except as follows:

- A. A five-judge panel is convened in accordance with Louisiana Constitution, Article V, Section 8(B).
- B. A five-judge panel is convened in cases arising under Chapter 9 of Title 18 of the Louisiana Revised Statutes unless an en banc panel is required by law.
- C. A five-judge panel, and, if necessary, an en banc panel, is convened if a majority of the judges sitting in a case cannot concur to render judgment.
- D. An en banc panel is convened when precedent of the court is to be abrogated.
- E. A panel of more than three judges may be convened in all other cases as the court deems necessary.

Adopted effective June 1, 2024.

## **RULE 17: MOTIONS TO SUPPLEMENT APPEAL RECORDS**

A motion to supplement a record on appeal shall be filed within thirty days of the lodging of the record. Failure to comply with this rule without good cause may be grounds for denial of the motion and may subject the moving party to sanctions, including, but not limited to, forfeiture of the party's right to oral argument.

Adopted effective September 24, 2024.