

# LOUISIANA CONFERENCE OF COURT OF APPEAL JUDGES

## CERTIFICATION

I HEREBY CERTIFY that, by majority vote of the duly appointed members of the Uniform Rules Committee of the Louisiana Conference of Court of Appeal Judges, the following revisions to Rules 2-1, 2-12.4, 2-12.5, 2-13, 3-2, 4-5, 4-5(c), 4-5(h), and 4-5(l) of the Uniform Rules of Louisiana Courts of Appeal (URCA) were adopted with an effective date of November 1, 2006:

(~~Strike-through~~ are deletions; **Bold/underline** are additions.)

### Rule 2-1. Preparation of Record

The record for a Court of Appeal shall be prepared by the clerk of the trial court from which the appeal is taken, ~~or to which the writ is directed~~, in accordance with the requirements set forth in this Rule. **If a Court of Appeal directs that a record be prepared for a nonappealable matter to be considered under its supervisory jurisdiction, the record in such matters also shall be prepared in accordance with the requirements set forth in this Rule.**

### 2-12.4. Appellant's Brief

The brief of the appellant or relator shall set forth the jurisdiction of the court, a concise statement of the case, the **ruling or** action of the trial court thereon, a specification or assignment of alleged errors relied upon, the issues presented for review, an argument confined strictly to the issues of the case, free from unnecessary repetition, giving accurate citations of the pages of the record and the authorities cited, and a short conclusion stating the precise relief sought.

## 2-12.5. Appellee's Brief

The brief of the appellee shall conform to the requirements for the appellant's brief as set out in the preceding Rule, except that a statement of the jurisdiction, **the ruling or action of the trial court**, the facts and of the issues need not be included unless the appellee considers the statements of the appellant to be insufficient or incorrect. It should contain appropriate and concise answers and arguments and reference to the contentions and arguments of the appellant.

## Rule 2-13. Timely Filing of Papers

All papers to be filed in a Court of Appeal shall be filed with the clerk. Filing may be accomplished by delivery or by mail addressed to the clerk. The filing of such papers shall be deemed timely when the papers are mailed on or before the due date. If the papers 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.**

## 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 parties or the clerk of district court.

(a) Within 24 hours after any pleading is filed in an action objecting to candidacy or contesting an election, the clerk of district court shall by facsimile transmission **or by e-mail, if directed by the Court of Appeal**, provide a copy to the clerk of the **Court of Appeal**.

All parties to the action must provide a copy of any legal memorandum to the clerk of the Court of Appeal by facsimile transmission **or by e-mail, if directed by the Court of Appeal**, on the same date provided to the trial court.

(b) Within 24 hours after the signing of judgment, the clerk of the district court shall provide a copy of the judgment and reasons for judgment to the clerk of **the Court of Appeal** by facsimile transmission **or by e-mail, if directed by the Court of Appeal**.

(c) Within 24 hours after an order of appeal has been obtained and a bond given, as required by the provisions of Title 18, the clerk of district court shall give notice of the order of appeal to the clerk of the Court of Appeal by telephone and/or **by** facsimile transmission, **or by e-mail, if directed by the Court of Appeal**. The telephone or, facsimile, **or e-mail** transmission required above shall be immediately followed by the mailing of that notice to the clerk of the Court of Appeal.

**(d) Once the record lodges with the Court of Appeal, all briefing and docketing notices issued by the clerk of court shall be by telephone, facsimile, or e-mail transmission.**

#### Rule 4-5. Contents of application

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 has been delivered 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. The original and duplicates 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 4 ¼ 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;** and **the submission** shall contain these items:

Rule 4-5(c):

(c) 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;**

Rule 4-5(h):

(h) 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;**

**Rule 4-5(I):**

**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 notify the court by facsimile or by e-mail, if directed by the Court of Appeal, of the setting, change, or continuance of the hearing date no later than three business days after the setting, change or continuance. The filed writ application shall be supplemented with this information not later than one week after the setting, change or continuance.**

THUS DONE this 10th day of October, 2006, at Gretna, Louisiana.

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Jerry Peterson  
Secretary  
Louisiana Conference of Court of Appeal Judges