

**LOCAL RULES OF THE COURT OF APPEAL, FOURTH CIRCUIT
SUPPLEMENTING AND/OR SUPERSEDING UNIFORM RULES
OF LOUISIANA COURTS OF APPEAL**

Adopted October 1982
Including Amendments

Last Revision: March 16, 2016

Table of Rules

1. ABANDONMENT OF APPEAL
2. NUMBER OF BRIEFS
3. EXTENSION OF TIME FOR APPELLEE'S BRIEF
4. PREPARATION OF THE RECORD
5. FILING FEE FOR MOTION TO DISMISS AN APPEAL
6. FILING FEES FOR ANSWER TO APPEAL AND MOTION FOR EXTENSION OF TIME
7. FEE FOR COPIES OF OPINIONS OR PARTS OF THE RECORD
8. UNTIMELY REQUEST FOR ORAL ARGUMENT
9. UNTIMELY BRIEFS BY APPELLEES; SANCTIONS
10. PAPERS FILED IN CRIMINAL CASES
11. DEPOSIT FOR COSTS OF MAILING
12. BRIEFS
13. INCLUSION OF BAR ROLL NUMBERS ON APPELLATE RECORDS
14. SUMMARY DOCKET--CIVIL APPEALS
15. FILING FEE FOR AMICUS BRIEFS
16. TIME TO RESPOND TO NON-EMERGENCY WRIT
17. REGARDING PROCESSING OF CRIMINAL APPEALS
18. SUPPLEMENTARY INFORMATION TO BE FILED FOR COMPLIANCE WITH UNIFORM RULE 4-5
19. MOTIONS FOR EXTENSION OF RETURN DATE FOR THE FILING OF A WRIT APPLICATION PURSUANT TO RULE 4-3
20. ABANDONMENT OF CIVIL APPEAL
- 20.1 STAYS RELATING TO BANKRUPTCY, ETC
21. FEE FOR MOTION TO EXCEED PAGE LIMIT
22. NUMBER OF WRITS
23. CALENDAR OF ASSIGNMENTS (DOCKET)
24. ELECTRONIC AUDIO AND VIDEO EVIDENCE

Local Rule 1 - ABANDONMENT OF APPEAL

If a record is not filed in this court on or before the return date or any extension thereof a notice shall be mailed by the clerk to counsel for the appellant, or to the appellant if not represented, that the appeal may be dismissed 30 days thereafter unless the record is filed in the meantime or good cause for the delay is shown. If an appellant does not file a brief, and the record is not filed within 30 days after such notice is mailed, the appeal shall be dismissed as abandoned. In order to be effective, any showing of good cause by appellant must contain an affidavit of the clerk of court verifying appellant's representations.

Local Rule 2 - NUMBER OF BRIEFS

Each party shall file an original and 4 copies of the brief in civil cases and an original and 2 copies of the brief in criminal cases.

Local Rule 3 - EXTENSION OF TIME FOR APPELLEE'S BRIEF

In the event appellant's brief is not filed by its due date appellee's brief may be filed not later than 20 days after appellant's brief is filed.

Local Rule 4 - PREPARATION OF THE RECORD

The requirements of Rules 2-1.4 et seq. of the Uniform Rules may be suspended by the Chief Judge so as to allow the clerk of the trial court to file the record as originally assembled in his office with the addition of the transcript of testimony if any and without the necessity of rearranging or deleting documents, preparing an index, or renumbering pages of the record.

Local Rule 5 - FILING FEE FOR MOTION TO DISMISS AN APPEAL

A filing fee in an amount as then currently applicable by order of the court shall be paid in connection with the filing of a motion to dismiss any appeal in which the record has not previously been filed in the court.

Amended July 1, 1988; July 1, 1989; July 1, 1990; amended July 1, 1993; amended effective July 1, 1994; amended effective July 1, 1995; amended effective July 1, 1996; amended effective July 1, 2004; amended effective July 1, 2007; amended effective July 1, 2008; amended effective March 16, 2016

Local Rule 6 - FILING FEES FOR ANSWER TO APPEAL AND MOTION FOR EXTENSION OF TIME

A filing fee in an amount as then currently applicable by order of the court shall be paid in connection with the filing in this court of an answer to an appeal. A filing fee of twenty-five dollars shall be paid in connection with the filing of a motion for an extension of time.

Adopted Feb. 1985. Amended July 1, 1988; July 1, 1989; July 1, 1990; Amended July 1, 1993; Amended effective July 1, 1994; Amended effective July 1, 1995; Amended effective July 1, 1996; amended effective July 1, 2004; amended effective July 1, 2007; amended effective July 1, 2008; amended effective March 16, 2016

Local Rule 7 - FEE FOR COPIES OF OPINIONS OR PARTS OF THE RECORD

Fees for copies of opinions designated for publication shall be \$1.00 per page. All other copies shall be \$2.00 per page except Fax copies which shall be \$3.00 per page.

Adopted Feb. 1985; Amended effective March 1, 1994

Local Rule 8: UNTIMELY REQUEST FOR ORAL ARGUMENT

A party requesting oral argument after thirty days of the filing of the record shall request same by filing a motion, which states the reason for the delay of the request and whether the opposing party has any objection.

Local Rule 9 - UNTIMELY BRIEFS BY APPELLEES; SANCTIONS

1. In addition to all other sanctions imposed by the Uniform Rules--Courts of Appeal for untimely briefs, in every civil case when the appellee's brief is not filed by the date the brief is due a fine of one hundred dollars shall be imposed and shall be paid prior to the filing of the brief.
2. Such fine may not be waived except on motion by the appellee based upon extenuating circumstances which are beyond the control of the appellee. When such a motion is filed before the case has been docketed for argument the order granting the waiver of the fine must be signed by the Chief Judge or Administrative Judge of the court or in their absence by the next senior judge present in court. When such a motion is filed after the case has been docketed for argument the order granting the waiver of the fine must be signed by a majority of the judges on the panel assigned to hear the case.

Adopted Jan. 15, 1987

Local Rule 10 - PAPERS FILED IN CRIMINAL CASES

Every paper filed in a criminal case must be signed by counsel of record, or, only when the district court has permitted the defendant to proceed pro se, by the defendant. This rule shall not apply to a case in which the defendant's conviction is final and the defendant is not actively represented by counsel or where the defendant is complaining of the delay in the processing of the appeal.

Adopted November 10, 1988

Local Rule 11 - DEPOSIT FOR COSTS OF MAILING

In every civil appeal the clerk of the trial court shall collect and forward to the clerk of the court of appeal in addition to the filing fee for the appeal the sum of ten dollars (\$10.00) to defray the cost of mailing notices by the court of appeal.

Adopted Dec. 13, 1989, eff. Jan. 1, 1990

Local Rule 12 - BRIEFS

Briefs shall comply with Rule 2-12.1 through Rule 2-12.13 of the Uniform Rules – Courts of Appeal.

Adopted effective January 1, 2014

Local Rule 13 - INCLUSION OF BAR ROLL NUMBERS ON APPELLATE RECORDS

In addition to the requirements for the cover inscription provided by Rule 2-1.3 of the Uniform Rules--Courts of Appeal the cover shall contain after the name of each counsel of record the bar roll number of the attorney.

Adopted Dec. 1991

Local Rule 14 - SUMMARY DOCKET--CIVIL APPEALS

1. Any civil case, after briefing, which involves relatively simple issues of law and fact and consists of a relatively short transcript of testimony, if any, may be placed on the summary docket.
2. There shall be no oral argument in a summary docket case except as provided hereafter.
3. The clerk of court shall notify all parties in writing that the case has been placed on the summary docket. Within ten days after the mailing of the notice a party may file a written motion to return the case to the regular docket or to be allowed oral argument. The court may deny the motion for oral argument or allow full or limited argument.

Adopted Sept. 15, 1992

Local Rule 15 - FILING FEE FOR AMICUS BRIEFS

A filing fee in an amount as then currently applicable by order of the court shall be paid in connection with filing an Amicus Curiae brief. This fee shall be due at the time of filing the Motion for Leave to File Amicus Brief.

Adopted Jan. 18, 1996. Amended effective March 16, 2016

Local Rule 16 - TIME TO RESPOND TO NON-EMERGENCY WRIT

When an application for supervisory writs has been filed, a party has the right to respond. However, the court may adjudicate the application at any time after receipt, with or without the benefit of a response. If within ten days after the date on which an application for supervisory writs has been filed, a response or motion for an extension of time in which to file a response has not been filed, it shall be presumed that a response will not be forthcoming.

Adopted effective Nov. 1, 1996

Local Rule 17 - REGARDING PROCESSING OF CRIMINAL APPEALS

- A. Criminal appeal records lodged with the Fourth Circuit shall contain the trial transcript, the sentencing and multiple bill transcripts (if the defendant was sentenced as a multiple offender under La.R.S. 15:529.1), and any other transcript designated by the parties pursuant to La.C.Cr.P. art. 914.1(A). If the appeal record is forwarded to the Fourth Circuit without necessary transcripts, the record will be accepted and lodged, but the Court will issue an order to the court reporter and/or the appellant's attorney to supplement the record with the missing transcript(s) within thirty days, and the offending court reporter or attorney may be subject to sanctions.
- B. If counsel for the appellant believes that additional transcripts are needed in light of the assignment(s) of error to be urged on appeal, a motion to supplement the record should be filed with the Fourth Circuit within twenty days of the lodging of the record. The Court will respond to the motion promptly, and, if the motion is granted, issue an Order to the court reporter or the appellant to supplement the appeal record within thirty days. Only one extension of this time period, of not more than thirty days will be considered. Motions to supplement the record filed after the twenty day period will be entertained by the Court; however, the attorney filing the motion may be subject to sanctions, if, after responding to an Order to show cause, the attorney is unable to provide just cause for his/her failure to file the motion timely.
- C. If a motion to supplement the record is granted by the Fourth Circuit, counsel will be granted twenty days in which to file the appellant's brief after the record is supplemented. The Court will grant extensions of this twenty-day period only when the moving party can demonstrate that additional time is necessary due to extenuating circumstances beyond the control of the party and that, without the extension, an unusual and undue hardship would be created.
- D. The Fourth Circuit will consider motions to extend the time period to prepare transcripts for criminal appeal records, either in preparation for lodging or a supplemental transcript, and motions to extend the briefing schedule; however, except in extraordinary cases, the Court will not consider more than two motions filed by a moving party, and will not grant more than a total of a sixty day extension to either a court reporter or attorney. An extension will not be granted after the return date, extended return date, or due date for a brief or transcript has passed. If the court reporter or attorney fails to comply with Orders issued by this Court, the offending party may be subject to sanctions, including a fine not to exceed \$100 per day for each day the brief, motion, or transcript is late.

Adopted effective Jan. 1, 1997

Local Rule 18 - SUPPLEMENTARY INFORMATION TO BE FILED FOR COMPLIANCE WITH UNIFORM RULE 4-5

In addition to the requirements of Uniform Rule 4-5 the original application for writs shall be served on the respondent judge, opposing counsel, or on a party not represented by counsel, contemporaneously with its filing in this court. The affidavit required to be filed by Rule 4-5, Uniform Rules-Courts of Appeal, shall certify both the date and the manner of service on the respondent judge, on opposing counsel, and on a party if not represented by counsel. Failure to make contemporaneous service in accordance with the affidavit shall result in dismissal of the application unless good cause is shown.

Adopted effective June 1, 1997

Local Rule 19 - MOTIONS FOR EXTENSION OF RETURN DATE FOR THE FILING OF A WRIT APPLICATION PURSUANT TO RULE 4-3

1. When any motion for the extension of the return date for the filing of a writ application is filed the clerk of court shall assign a docket number to the motion and shall collect a filing fee in an amount as then currently applicable by order of the court.
2. The motion shall contain a certificate that the trial judge has refused to grant an extension or that the attorney is unable to locate the trial judge and that a copy of the motion has been served upon the trial judge and opposing counsel.

3. The motion shall be presented to the Chief Judge or any judge of the court in his or her absence who shall alone act upon the motion.
4. After the motion is acted upon a copy of the order will be mailed to the attorney filing the motion, the trial court judge and the clerk of the trial court. The docket number assigned to it shall be retired.

Adopted Sept. 16, 1997, effective Nov. 1, 1997; amended effective July 1, 2004; amended effective July 1, 2007; amended effective July 1, 2008

Local Rule 20 - ABANDONMENT OF CIVIL APPEAL

- A. Except as provided hereafter when no activity occurs in an appeal for three years, the appeal shall be dismissed as abandoned, and notice thereof shall be sent to the appellant or the appellant's attorney at the last address shown on the court's records.
- B. If the court is notified that a case has been settled or that the progress of a case should be suspended for any reason the Clerk of Court shall send a notice to the appellant that ninety days thereafter the appeal shall be dismissed as abandoned unless the appellant in the meantime files a motion showing why the appeal should not be dismissed.
- C. In the event that an appellant files a written motion pursuant to Section (B) the court may order that the appeal be dismissed as scheduled, that the time of the dismissal be extended, or that any other appropriate action be taken.

Amended February 19, 2014

RULE 20.1. 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 pending proceedings in this court shall file a motion for stay of this court's proceedings, attaching thereto written evidence that a party has filed such a proceeding in another court. Attached to the motion shall be a proposed order that shall state: (1) the party involved in the bankruptcy, receivership, liquidation, or like proceeding; (2) a stay is requested; (3) the mover shall advise this court in a written motion every one hundred eight (180) days thereafter whether the proceeding for which the stay in this court is pending, and (4) the mover understands that each failure to file the one hundred eighty day written motion may subject the party and his counsel to the imposition of a sanction or cited for contempt of court. Within thirty (30) days of an order of a court lifting or cancelling a stay or an automatic stay of the proceedings, the party and the party's counsel shall notify this court in written motion that the reason for the stay is no longer effective and request that the stay issued by this court be vacated; the failure to file the written motion may subject the party and his counsel to the imposition of a sanction or cited for contempt of court.

Adopted February 19, 2014

Local Rule 21 - FEE FOR MOTION TO EXCEED PAGE LIMIT

A filing fee in an amount as then currently applicable by order of the court shall be paid in connection with the filing of a Motion to Exceed Page Limit.

Adopted effective March 15, 2001. Amended effective March 16, 2016

Local Rule 22 – NUMBER OF WRITS

1. An application for writs of any kind, and all documents and exhibits in connection therewith, shall be filed in an original and 1 duplicate copy with the Clerk of the court, and shall not be considered by the court or any judge of the court unless it is properly filed with the Clerk. Emergency writs and writs requesting expedited consideration and all documents and exhibits in connection there with, shall be filed in an original and 3 duplicate copies with the Clerk of the court.
2. An application for writs of any kind shall include a completed and verified writ application intake form, which form may be obtained from the Clerk of the court.

Adopted effective Jan. 1, 2009. Amended Feb. 10, 2010, effective March 19, 2010.

Local Rule 23 – CALENDAR OF ASSIGNMENTS (DOCKET)

The Clerk shall e-mail the calendar of assignments (docket) to all counsel of record not less than 30 days prior to the date fixed for the hearing of a case on the calendar. The Clerk shall fax this information to all counsel who have no e-mail address and mail via certified mail to all persons not represented by counsel. This docket shall also be posted on the court's web site.

Adopted effective March 15, 2001

Local Rule 24 – ELECTRONIC AUDIO AND VIDEO EVIDENCE

1. 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.
2. In the event that audio or video evidence cannot be converted to the required formats, the software or codec required to view the 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.
3. The following information must be provided with all submitted electronic evidence:
 - Title of file
 - Brief description of what is contained in the file
 - Length of file
 - Number of files
 - File format
 - Guarantee of no virus
 - The antivirus software that was used to scan the files and the date of the virus definitions

It is the exclusive responsibility of counsel for all parties to ensure that all electronic audio and video evidence works properly before submitting it to the Court.

Adopted by the Court En Banc January 20, 2010
Effective February 1, 2010