

INVITATION TO COMMENT ON PROPOSED RULE INVOLVING THE CONTENT OF CIVIL WRIT APPLICATIONS

The Court is considering amendments to its Rule X, Sections 2 and 3, principally concerning the content of civil writ applications. The rule changes would:

- (1) Delete language in Supreme Court Rule X, Section 2 (General Filing Requirements) which implies that additional pleadings or exhibits may be attached to writ applications.
- (2) Amend Rule X, Section 3 (Content of Civil Writ Applications) to move language providing for the filing of lower court orders and judgments into the general filing requirements, rather than have these documents included in an appendix.
- (3) Delete all references to an appendix for civil writ applications, and specifically delete a sentence in present Rule X, Section 3, subpart 5, which now provides:

Other pleadings or documents shall not be filed, unless their inclusion is essential to demonstrate why the application should be granted.¹

The intent of the proposed rule changes is to prohibit the filing of extraneous pleadings and documents with civil writ applications.

The Court has decided to place the proposed rule changes on its website in order to allow interested persons to comment.

Amendments to the presently existing version of the rules have been noted through the use of **boldface** type or ~~striketrough~~. The use of brackets [] indicates the deletion of presently existing language.

Persons interested in commenting on the proposed rule changes may forward written comments to:

Tim Averill
Deputy Judicial Administrator/General Counsel
Office of the Judicial Administrator
Supreme Court of Louisiana
400 Royal Street, Suite 1190
New Orleans, LA 70130-8101

or via e-mail to: rulecomments@lajao.org

Comments should be forwarded no later than the close of business on Friday, July 8th. **Please be advised that any comments which are forwarded constitute matters of public record and are subject to public inspection.**

¹ The presently existing version of La. S. Ct. Rule X can be accessed from the “Court Rules” link on the Supreme Court’s home page.

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SUPREME COURT OF LOUISIANA

ORDER

Acting in accordance with Article V, Sections 1 and 5 of the Louisiana Constitution of 1974, and the inherent power of this Court, and considering the need to amend the Rules of this Court concerning writ applications,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

Part 1. Louisiana Supreme Court Rule X, Section 2(a), last sentence, be and is hereby amended to read:

Section 2. Writ Applications; General Filing Requirements.

(a) . . . The additional copies shall include the trial court's judgment and reasons for judgment, if the reasons were written or transcribed, and the court of appeal **order and** opinion, if any. ~~and may also include any other pleadings or exhibits attached to the original and duplicate.~~

Part 2. Louisiana Supreme Court Rule X, Section 3 be and is hereby amended to read:

Section 3. Writ Applications; Civil; Contents.

In civil cases, a writ application shall contain:

1. An index of all items contained herein;

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2. A statement of which of the considerations set forth in Section 1(a) of this rule is present in the case;

3. A memorandum, not exceeding 25 pages in length, containing:

(a) A concise statement of the case summarizing the nature of the case and prior proceedings;

(b) An assignment of errors in the opinion, judgment, ruling or order complained of;

(c) A summary of the argument which should be a succinct but accurate and clear condensation of the argument actually made within the body of the memorandum; it should not be a mere repetition of the headings under which the argument is arranged.

(d) An argument of each assignment of error on the facts and law, addressing particularly why the case is appropriate for review under the considerations stated in Section 1(a) of this rule.

4. A verification, as required by Section 2(d) of this rule; and

5. A copy of the trial court's judgment, order or ruling and reasons for judgment, if reasons were written or transcribed, and the court of appeal's order and opinion, if

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any, including rulings and opinions on rehearing or applications therefor. Copies of lower court judgments, orders and rulings shall not count against the 25-page limit on memoranda.

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Applications in cases where an application has been previously filed and is pending may refer to the documents or exhibits attached to the previous application without the necessity of filing additional copies. The court may require the submission of any additional documents or information that it deems useful to its consideration of the application.

This rule change shall become effective on _____, 2005, and shall apply to all civil writ applications filed on or after the effective date.

New Orleans, Louisiana, this _____ day of _____, 2005.

FOR THE COURT:

Pascal F. Calogero, Jr., Chief Justice