

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,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. Louisiana Supreme Court Rules I through XII are hereby repealed and re-enacted to read as follows:

RULE I. GENERAL FILING AND CONFIDENTIALITY REQUIREMENTS

Section 1. General Filing Requirements

- A. The requirements set forth below apply to all filings submitted to the Supreme Court of Louisiana. Attorneys and self-represented litigants shall also consult the specific filing-type requirements contained in the subsequent Supreme Court of Louisiana Rules. The Clerk of Court shall not accept any filing that is not in compliance with all applicable Rules. An applicant whose filing is rejected shall have seven (7) days from the date of rejection to submit a compliant pleading or document, accompanied by the filing fee prescribed in Rule II. A compliant refiled document shall retain the date and time of the original filing.
- B. Pursuant to La. Code Civ. Proc. art. 253(B)(2) & (3) and La. Code Crim. Proc. art. 14.1(B), all filings filed by an attorney licensed in the State of Louisiana and in good standing with the Supreme Court of Louisiana shall only be filed in person in paper form or transmitted electronically. Filings by all other litigants may only be mailed or hand-delivered. No filings shall be submitted by facsimile transmission or email.
- C. All filings submitted in paper form shall be filed in original and duplicate with the Clerk of Court and must be accompanied by the appropriate filing fee as set forth in Rule II. To the extent practicable, the original and duplicate filings shall be prepared on white, legal-size paper. With the exception of matters that are customarily indented, margins of at least $\frac{3}{4}$ inch, but no more than $1\frac{1}{4}$ inches, shall be maintained on the left, right and bottom of all pages. Margins of at least $1\frac{1}{2}$ inches, but no more than 2 inches, shall be maintained at the top of each page. Filings shall be bound in at least one place along the top margin (metal fasteners or staples are preferred). No part of the text shall be obscured by the

binding. The text shall be double-spaced. No less than 12-point typeface, but no more than 14-point typeface, shall be used. The pages in the filing shall be consecutively numbered, except that exhibits and attachments may be indexed and tabbed on the right side of the page.

- D. All filings shall state on the front cover or the first page the following:
1. the words, SUPREME COURT OF LOUISIANA;
 2. the docket number of the case in this Court, once assigned by the Clerk of Court;
 3. the title of the case as it appears on the docket of this Court;
 4. the name or title of the court and the name of the parish from which the case originated, a statement whether the filing is an appeal or in response to a writ, and the name of the lower court judge who rendered the adverse ruling (for example: "Appeal from the Thirty-Fifth Judicial District Court, Parish of Grant, John Smith, District Judge", or "Writ of Review to the Court of Appeal, Third Circuit, Parish of Grant"); and
 5. a statement showing on whose behalf the filing is submitted, and whether as plaintiff, defendant, intervenor, amicus curiae, or otherwise, and whether as appellant, appellee, applicant, petitioner, relator or respondent, and whether the filing is original or supplemental, and whether in support of or in opposition to a writ, motion, rehearing, or otherwise, or on the merits. In all criminal matters, the inmate's Louisiana Department of Corrections identification number shall be listed on the cover page of the filing.
- E. Neither the Clerk of Court's Office nor its electronic filing portal provides formal service or notice to any party in any case. Accordingly, it is the filer's obligation to transmit, mail or deliver a copy of the filing to all counsel and all unrepresented parties. When filing a writ application in accordance with Rule X, the filer shall also transmit, mail or deliver a copy of the writ application to the lower court judge. In any case involving a ruling of a court of appeal, a copy of the writ application to this Court shall be simultaneously filed with the clerk of that court of appeal, which copy need only include the memorandum directed to this Court.
- F. All filings shall be signed by the applicant or the applicant's attorney of record, who shall verify the allegations of the application and certify that a copy of the application has been transmitted, mailed or delivered to all other counsel and unrepresented parties. The names, physical addresses, email addresses, and cellular numbers of all counsel and unrepresented parties involved in the proceeding, in addition to the names of any party each counsel represents, shall be listed in the verification or in an attachment thereto.
- G. If more than one attorney represents a party, one attorney shall be designated in the first pleading filed on behalf of that party as "Lead Counsel." This attorney may designate other enrolled counsel to sign pleadings. All notices and communications shall be directed to Lead Counsel. The designation of "Lead Counsel" may be changed at any time by ex parte motion.
- H. Exhibits containing digital media shall be submitted on two (2) flash drives, constituting an original and duplicate, and conform to the electronic filing requirements located in Section 2 of this Rule. Flash drives shall be filed in durable, clearly labeled envelopes. The media files uploaded to the flash drive must be clearly titled to reflect the content of the submission. The contents of

the flash drive shall be indexed within the related filing or in a separate index simultaneously submitted with the flash drive.

Section 2. General Electronic Filing Requirements [additionally, see Rule XLII]

- A. The Supreme Court of Louisiana shall provide technical support for its electronic filing portal during normal business hours. The failure of technical support to resolve a technical issue arising on the user's side shall not be considered in determining the timeliness of any electronic filing.
- B. An electronically filed document shall be considered timely filed if the electronic filing process is completed through the electronic filing portal at any time before 12:00 AM, Midnight, Central Time on or before the date on which the filing is due, unless another specific time is mandated by order, rule, or statute. In the event an electronic filing is untimely due to a technical failure, the attorney may seek relief from the Court only after the filing has been properly submitted in compliance with all applicable rules. Relief shall be requested by motion setting forth the nature and circumstances of the technical failure.
- C. Electronic signatures on electronically filed documents must include the notation, "/s/", and the attorney's name in the space where the attorney's signature would otherwise appear on the electronically filed document. Signature(s) on an electronically filed document shall have the same legal effect as any signature(s) on a conventionally filed document.
- D. Electronically filed documents shall be submitted in PDF-A format and shall not exceed 250 pages or 175 megabytes. Documents exceeding these limits may be divided into multiple files and submitted in compliance with this Rule.
- E. Filings that contain digital media shall be submitted in either .MP3, .MP4, .JPG, or .WAV format types.
- F. The Clerk of Court's Office shall not accept digital media that is encrypted or that requires third-party software installation.
- G. Digital media that cannot be electronically filed shall be mailed or hand-delivered to the Clerk of Court's Office on two (2) flash drives, constituting an original and duplicate. Flash drives shall be filed in durable, clearly labeled envelopes. The digital media files shall be clearly labeled and indexed to reflect the contents of the submission.
- H. Paper copies of electronically filed documents are not required and shall not be submitted unless requested by the Court.

Section 3. Timeliness Requirements

A. Mailed Filings by Self-Represented Litigants

- 1. Pursuant to La. Code Civ. Proc. art. 253(B)(2) & (3) and La. Code Crim. Proc. art. 14.1(B), attorneys licensed in the State of Louisiana and in good standing with the Supreme Court of Louisiana shall not file by United States

Postal Service mail delivery or commercial mail service delivery such as Federal Express or United Parcel Service.

2. Self-represented litigants may use mail services for filings. Properly mailed submissions shall be deemed timely filed if mailed on or before the last day of the delay for filing. If the filing is received by mail on the first legal day following the expiration of the legal deadline, there shall be a rebuttable presumption that it was timely filed. In all cases where the presumption does not apply, the date reflecting timeliness of the mailing shall be shown only by an official postmark, cancellation stamp, official receipt, or certificate from the United States Postal Service or a commercial mail service, such as Federal Express or United Parcel Service. Any other date stamp, including but not limited to, a private commercial mail meter stamp or automated postal label, shall not be used to establish timeliness.

B. Writ Applications [additionally, see Rule X]

1. An application seeking review of a judgment of the court of appeal shall be made within thirty (30) days of the mailing of the notice of the original judgment of the court of appeal. However, if a timely application for rehearing has been filed in the court of appeal in those instances where a rehearing is allowed, the application shall be made within thirty (30) days of the mailing of the notice of denial of rehearing or the judgment on rehearing. When the court of appeal considers a request for reconsideration of the court's denial of a writ application, the thirty-day (30) period for seeking review in this Court shall commence on the date of the notice of the writ denial. No extension of these deadlines shall be granted.
2. Pursuant to La. Code Civ. Proc. art. 2166(D), when a party files a timely application for a writ of certiorari to the Supreme Court of Louisiana within the delays provided, any other party may also apply for certiorari within thirty (30) days of the transmission of the notice of judgment of the court of appeal, or within ten (10) days of the transmission by the Supreme Court Clerk of the acknowledgment letter of the first application for certiorari in the case, whichever is later.
3. An application seeking expedited review of a judgment of the court of appeal shall be filed not more than ten (10) days after the mailing of notice of judgment by the court of appeal. Failure to comply with this rule without good cause may be grounds for denial of expedited review (with review of the merits in regular course if the application is otherwise timely) and/or imposition of sanctions against the party seeking expedited review.

Official Comment

Applications requesting expedited review place a considerable burden on the resources of the Court and its staff. The Court's ability to address such applications in an orderly fashion can be significantly impaired when applicants elect to wait until the last day of the thirty (30) day period following the court of appeal's disposition to request expedited attention in this Court. Although this Rule does not change the general thirty (30) day filing period set forth in La. Code Civ. Proc. art. 2166, it makes it clear that any request for expedited review must be made promptly. If an application seeking priority review is not filed within at least ten (10) days following the court of appeal's disposition and the applicant fails to show good cause for the delay, the Court retains the discretion to summarily deny the request for priority review and/or impose other sanctions pursuant to La. Code Civ. Proc. art. 2164.

C. Writ Application Oppositions and Reply to Oppositions [additionally, see Rule X]

1. An opposition to a writ application must be filed within thirty (30) days of the date of the acknowledgement letter issued by this Court. No extension of this deadline shall be granted unless the party, by motion, can demonstrate through clear and convincing evidence that the delay was the result of circumstances beyond its control or for other extraordinary circumstances.
2. The Court does not encourage the filing of reply memoranda. If a party contends that the filing of a reply is essential to the Court's consideration of the writ application, a reply memorandum may be filed in response to an opposition. The reply memorandum must be filed within ten (10) days of the filing of the opposition and shall be accompanied by the filing fee set forth in Rule II.

D. Appeals [additionally, see Rule X]

When an application is sought to review the action or inaction of a lower court in (a) a case in which the court of appeal does not have supervisory jurisdiction, or (b) a case in which the court of appeal has supervisory jurisdiction but the applicant seeks to file an application directly or simultaneously in this Court (which application shall not ordinarily be considered by this Court absent extraordinary circumstances), the lower court shall fix a reasonable time within which the application shall be filed in this Court, and the lower court may in the court's discretion stay further proceedings. Upon proper showing, the lower court or this Court may by order extend the time for such filing. Any application not filed in this Court within the time so fixed or extended may not be considered, unless the party, by motion, can demonstrate through clear and convincing evidence that the delay was the result of circumstances beyond its control or for other extraordinary circumstances.

E. Motions [additionally, see Rule V]

Oppositions to motions must be filed within seven (7) days of the filing of the motion. However, if priority consideration or a stay order is requested, the opposition to the motion must be filed immediately upon receipt of a copy of the motion.

F. Briefs [additionally, see Rule IV]

1. In all cases in which a writ application has been granted, except those specially assigned for arguments, the brief of the applicant or relator shall not be filed later than twenty-five (25) days after the date that the writ was granted, and the brief of the respondent shall not be filed later than forty-five (45) days after the date that the writ was granted.
2. In all appeals, the brief of the appellant shall not be filed later than thirty (30) days after the lodging of the record in this Court and the brief of the appellee shall not be filed later than sixty (60) days after the lodging of the record in this Court.
3. The briefing schedule for disciplinary proceedings shall be governed by Supreme Court Rule XIX, Section 11(G).
4. All briefs filed in this Court shall be accompanied by a certificate of service showing that a copy was transmitted, delivered or mailed to all opposing counsel and self-represented litigants.

G. Elections

An application for a writ to review a decision of the court of appeal on an objection to a candidacy or on an election contest, shall be made, as provided by La. R.S. 18:1409 and La. R.S. 18:1413, within forty-eight (48) hours, including Sundays and other legal holidays, after judgment is rendered by the court of appeal. However, if the forty-eighth (48) hour falls on a Sunday or other legal holiday, then noon of the next legal day shall be deemed to be the expiration of the time interval.

H. Rehearing Applications and Oppositions to Rehearing Applications [additionally, see Rule IX]

1. An application for rehearing shall be filed on or before the fourteenth (14) calendar day after the mailing of the notice of judgment. No extension of this deadline shall be granted.
2. Oppositions to an application for rehearing must be filed within seven (7) days of the date of the acknowledgment letter issued by this Court. No extension of this deadline shall be granted.

Section 4. Confidentiality Requirements

A. Minor Children

The identity of all minor children subject to any and all proceedings in this Court related to the protection of children, whether civil, criminal, or otherwise, shall remain confidential in all filings. The filer shall use initials in place of the name of any minor child.

B. Protected Categories of Information

The following types of information are deemed confidential and shall not be disclosed in filings or made available for public inspection:

1. full names of minors, victims of abuse, sex offenses, and human trafficking–related offenses;
2. records in juvenile and children’s cases;
3. medical records;
4. student records;
5. financial records, including bank records or statements;
6. tax return information; and
7. any other record or information otherwise declared confidential by law or court order.

C. Filer’s Responsibility

The filer is responsible for ensuring that private information is not included in filings. No filing shall include:

1. full names of minors, victims of abuse, sex offenses, and human trafficking–related offenses;
2. the first five digits of any social security number;
3. tax identification numbers;
4. state identification numbers;
5. driver’s license numbers;
6. financial account numbers;
7. full dates of birth; and
8. any information protected from disclosure by state or federal law.

D. Methods of Protection

The filer shall protect confidential information in all filings submitted to the Court. A filer shall indicate confidential information on their filing sheet and either:

- 1. redact confidential information;
- 2. file a motion for leave to file documents under seal; or
- 3. clearly mark the confidential portions of the filing to alert the Court.

E. Enforcement

Failure to comply with this Rule may result in the Court taking corrective action, including but not limited to:

- 1. sealing the noncompliant filing;
- 2. ordering the submission of a corrected filing;
- 3. imposing sanctions against the filer; and/or
- 4. any other relief deemed appropriate by the Court.

RULE II. FEES

Section 1. Fee Schedule

In addition to the fees authorized by La. R.S. 13:126, the Clerk of Court shall collect the following fees in connection with the filings listed below:

Filing Type	Fee
Amicus Filing	\$300.00
Appeal of the Decision of the Disciplinary Board or Judiciary Commission	\$50.00
Attorney Discipline	Same as writ application filing fee authorized by La. R.S. 13:126; assessed against respondent at the time of filing.
Attorney Resignation in Lieu of Discipline	Same as writ application filing fee authorized by La. R.S. 13:126.
Brief in Support of	\$150.00
Citation of Supplemental Authority	\$150.00
Judicial Discipline	Same as writ application filing fee authorized by La. R.S. 13:126; assessed against respondent at the time of filing.
Motion – Extension of Time or Continuance of Oral arguments	\$150.00
Motion for Priority Consideration or Stay Order	\$200.00
Motion for Pro Hac Vice Admission	\$250.00
Motions – Other (Consolidate, Dismiss, Exceed Page Limits, etc.)	\$100.00
Opposition	\$150.00
Petition for Bar Admission	Same as writ application filing fee authorized by La. R.S. 13:126.
Resubmission of Rejected Filing	\$200.00

Filing Type	Fee
Rehearing or Reconsideration Application	\$250.00
Reply Brief	\$200.00
Reply to Writ Opposition	\$150.00
Supplemental Filing with accompanying Motion to Supplement	\$150.00

Section 2. Electronic Filing Costs

The Supreme Court of Louisiana shall charge for costs in connection with the electronic filing of documents. The electronic filing costs shall be collected at the time the documents are electronically submitted. No exemptions or waivers of these costs shall be permitted.

Section 3. Fee Collection Policy

All fees shall be paid at the time a filing is submitted to the Court. In the event a fee is not timely paid:

A. Notice at Thirty (30) Days

The Court shall issue a notice at thirty (30) days to the filer advising of the delinquent fee and warning that a late fee may be imposed if payment is not received within sixty (60) days of the original submission;

B. Late Fee at Sixty (60) Days

If the fee remains unpaid sixty (60) days after the original submission, a late fee of \$100.00 shall be assessed for each delinquent fee; and

C. Referral at Ninety (90) Days

If the fee remains unpaid ninety (90) days after the original submission, additional fees may be assessed, and the matter shall be referred to collections for resolution. Any licensed attorney who remains delinquent in the payment of assessed fees and costs may also be referred to the Louisiana Attorney Disciplinary Board.

The provisions of this Rule concerning delinquent fees shall not apply to the State and its subdivisions.

RULE III. PREPARATION OF RECORDS

Section 1. Writ and Direct Appeal Records

A. Writ Records

In all cases where a writ is granted to review a lower court action, a certified copy of the original record, one duplicate record, and a signed cover letter outlining the size of the record shall be filed and prepared as set forth below. The contents of the record shall only contain pleadings, testimonies, exhibits, and rulings material to the action sought to be reviewed. The certified copy of the original record shall be filed in physical form, and the duplicate record may be filed in either physical or electronic form. The electronic duplicate record

shall be submitted on a flash drive and fully comply with Section 10 of this Rule.

The record shall be filed with this Court within fourteen (14) days from the grant of the writ of review. If additional time is needed to prepare the record, the lower court's clerk of court must request an extension through a formal written request that provides the reason for the delay and the expected record completion date.

Where a writ is granted to review the action of a court of appeal, the original and duplicate records filed at the court of appeal may be filed in this Court. The original record shall be filed in physical form, and the duplicate record may be filed in either physical or electronic form. The court of appeal's clerk of court shall ensure that the record complies with all applicable provisions of Rule III prior to filing the appellate record in this Court.

B. Appeal Records

In all cases appealed to this Court from the lower court, a certified copy of the original record, two (2) sets of duplicate records, and a signed cover letter outlining the record's size, shall be filed and prepared as set forth below. The record shall only contain pleadings, testimonies, exhibits, and rulings material to the action sought to be reviewed. The certified copy of the original record shall be filed in physical form, and the duplicate records may be filed in either physical or electronic form. Electronic duplicate records shall be filed on two (2) separate flash drives and fully comply with Section 10 of this Rule.

C. Designated Record

Notwithstanding the foregoing requirements, and subject to the minimum requirements of this Rule, the parties may designate, in writing, portions of the record to constitute the record on appeal, as provided by law. If this Court determines that it cannot undertake a proper analysis of the case 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 costs associated with transcribing additional portions of the record not originally included in a designated record, and any costs associated with supplementing the record with the additional pleadings and/or transcripts.

D. Exhibits to Records

In all cases where exhibits are part of the record, the exhibits shall be filed with this Court as certified copies of the original exhibits. Exhibits filed with the record shall only pertain to the issues that are sought to be reviewed. Exhibits filed separately from the record shall be contained in clearly labeled envelopes, binders, or boxes with all required indices as provided in Section 4 of this Rule. Exhibits filed under seal shall be properly separated and sealed from the other exhibits. Sealed exhibits shall be clearly marked as sealed. No physical evidence, particularly oversized items of physical evidence, shall be filed along with the record, and need only be filed if requested.

E. Clerk's Certificate

The clerk of the lower court shall prepare and certify as correct the original and duplicate record(s). Within this certification, the clerk of the lower court shall

certify compliance with this Rule along with the confidentiality requirements set forth in Rule I, Section 4.

Section 2. Record Cover Pages

On the outside of the front cover of the record (and of each volume if there is more than one), the clerk of court shall inscribe, with proper separation of lines and spaces, and in the following order:

- A. the Supreme Court of Louisiana Uniform Record Cover Page provided in Appendix G, shall be affixed to the cover of every record volume;
- B. the number of the volume along with the total number of volumes in the record (i.e., 1 of 4, 3 of 4, etc.);
- C. the title of the case, with the designation of the parties, respectively (i.e., appellant, appellee, applicant, respondent, relator, plaintiff, defendant);
- D. the name of the court and the parish from which the appeal derives, the docket number of the case in such court, and the name of the judge who rendered the judgment subject of review; and
- E. the names and addresses of all counsel enrolled in the proceedings at the time of the lodging of the record in this Court, showing the designation of each party as plaintiff, defendant, intervenor, opponent, or third-party plaintiff or defendant.

Section 3. Record Format

To the extent practicable, the original and duplicate records, shall be prepared on white legal-size (8 1/2 x 14") paper and shall be double-spaced and have adequate margins (top 2", left 1"). They shall be bound in strong, hard plastic covers, fastened at the top. If the record contains more than a total of 250 pages, then it shall be bound in a separate volume or volumes, each of which shall not contain more than 250 pages. The pages in the record shall be consecutively numbered. Supplemental record volumes shall continue the consecutive pagination of the original record. Digital duplicate records shall conform to these format requirements.

Section 4. Indices

- A. Each volume of the record shall contain the indices of the entire record as set forth below:
 - 1. a chronological index by date, item, and page of all filings in the entire record bound at the beginning of every volume of the record;
 - 2. an alphabetical index by item and page of all filings in the entire record bound at the beginning of every volume of the record; and
 - 3. a chronological or numerical index of the documents and exhibits introduced into evidence bound at the beginning of every volume of the record.
- B. Exhibit envelopes, binders, and boxes separated from the bound record shall be filed with an index that reflects the contents of each exhibit envelope, binder, and box. The index shall be securely attached to the outside cover or placed inside the exhibit binder, envelope, or box.

C. All supplemental records shall be filed with indices as set forth above.

Section 5. First Volume of Record

For any record composed of more than one volume, the pleadings, documents, exhibits, court orders, minutes, reasons and judgment of the court, petition or motion and order, and bond of appeal shall be included, insofar as possible, in Volume 1. Witness testimony and other court case records offered in evidence shall be included in Volume 2 and, if necessary, subsequent volumes. Each volume shall contain the index of the entire record as required by Section 4 of this Rule.

Section 6. Civil Records

Records in civil cases shall include the following in the listed order:

- A. Indices of filings, oral testimony, documents, and exhibits (as required by Section 4 of this Rule);
- B. Typed copies of the minutes showing the date of each entry;
- C. All pleadings, together with related documents, exhibits, and court rulings, in the chronological order in which they were filed. Answers to discovery requests shall immediately follow and be attached to the written requests;
- D. Documents introduced (except those annexed to pleadings as above directed) in the order in which they are filed. No record of any other case shall be included in the transcript of the record of the case appealed, unless such other record shall have been formally offered and ordered filed in evidence in that cause; in such event, this other record may be included in the record as an exhibit;
- E. Reasons for judgment and judgments, both interlocutory and final;
- F. Petition or motion and order, and bond for appeal;
- G. The transcript of oral testimony in the order in which it is taken, preceded by two indices:
 - 1. an index setting forth the names of witnesses in the order called by the respective litigants and the transcript volume and page numbers of their examination on direct, cross-examination, etc.; and
 - 2. an alphabetical index of the names of witnesses called by the respective litigants and the page number on which their testimony commenced on each occasion they testified.

These indices shall also list and identify the exhibits and show by whom presented and the page number where ordered filed.

The transcript of oral testimony shall indicate the party litigant on whose behalf each witness was sworn, whether in chief, on cross-examination, or in rebuttal, and by whom examined or cross-examined;

- H. Where documents or exhibits are too bulky or it is otherwise not feasible to bind them, they may be included in one or more exhibit envelope, with a list and identification of the enclosed exhibits attached to the envelope(s). The

duplicate record need not reproduce such exhibits. However, depositions introduced into evidence must be included in the original and duplicate records; and

- I. In all cases appealed to this Court from a judgment rendered in a civil case by a parish, city or municipal court, wherein the testimony of witnesses was electronically recorded, such electronic recording shall, before lodging of the appeal in this Court, be transcribed, and a certified copy of the original transcription and either the one or two duplicates shall be prepared and filed in accordance with the foregoing sections of this Rule.

Section 7. Criminal Records

Records in criminal cases shall contain the following in the listed order:

- A. Indices of filings, oral testimony, documents, and exhibits (as required by Section 4 of this Rule);
- B. Typed copies of minute entries, showing in chronological order the opening of court, the impaneling of the grand jury by which the indictment (if the prosecution was by indictment) was found, the various lists of challenges for cause, peremptory challenges, petit jurors selected, all evidence, and all witnesses, the times the jury went out and returned, and the jury's verdict;
- C. The indictment or bill of information, all pleas, demurrers, and motions and orders, including the verdict and sentence, in the order in which they were filed, made, returned, or imposed;
- D. The assignments of error in numerical order and the trial judge's per curiams, if any, which should follow each assignment of error. If the evidence necessary to form a basis for an assignment of error has been transcribed elsewhere in the record, such as in a full transcript of the trial, it may be incorporated by reference to the appropriate page numbers of the transcript or record, so as to dispense with unnecessary duplication in the record;
- E. The transcript of oral evidence at the trial and at any preliminary hearing, if made part of the record, each being prepared as in the case of transcripts for civil appeals (see Section 6(G) of this Rule);

In capital cases in which a sentence of death has been imposed and appealed to this Court, the record shall conform to the other requirements of this Section and shall also contain, in addition to a complete transcript of the oral evidence offered at the guilt and penalty phases of trial, transcripts of the following: all pretrial evidentiary hearings in chronological order in which they occurred; voir dire examination of prospective jurors in its entirety; opening statements of counsel at the beginning of the guilt phase; closing arguments of counsel at the guilt phase and the state's rebuttal argument; the lower court's jury instructions at the guilt phase and the jury's return of its verdict(s); opening statements of counsel at the penalty phase; closing arguments of counsel at the penalty phase and the state's rebuttal argument; the lower court's jury instructions at the penalty phase and the jury's return of its sentencing determination(s). The transcripts of pretrial hearings shall conform to the requirements of Section 6(G) above, and the transcript of voir dire examination shall identify each

prospective juror by name as he or she is questioned and the party litigant conducting the examination. The district judge in the court in which the case was tried shall retain all notes and video and audio recordings of the proceedings as the property of the court and, as to appeals in capital cases only, shall certify that the record conforms to the requirements of this Section before it is lodged in this Court;

- F. Exhibits not included in the bound volumes of the record, prepared as in the case of civil appeals (see Section 6(H) of this Rule); and
- G. In all cases appealed to this Court from a judgment rendered in a criminal case by a parish, city or municipal court, wherein the testimony of witnesses was electronically recorded, such electronic recording shall, before lodging of the appeal in this Court, be transcribed, and a certified copy of the original transcription and either the one or two duplicates shall be prepared and filed in accordance with the foregoing sections of this Rule.

Section 8. Utilizing Records Lodged with the Supreme Court of Louisiana

Any record lodged in this Court may be referenced in any other appeal pending in this Court, without the necessity of filing additional copies.

Section 9. Withdrawal of Records

- A. A record may be withdrawn by counsel for the parties upon request to the Clerk of Court. The record shall be returned by counsel within such period as may be fixed by the Court at the time of withdrawal, or at any time upon the request of the Clerk of Court.
- B. The original record shall not be withdrawn from the Clerk of Court's Office after a case has been submitted, except for the purpose of preparing applications for rehearing, in which case it shall be returned by counsel withdrawing same within not more than fourteen (14) days, unless otherwise directed by the Court.

Section 10. Electronic Record Submission Requirements

- A. The original record shall be filed in physical form, and the duplicate record may be filed in either physical or electronic form. The electronic duplicate record shall be a replica of the original record and be submitted on a flash drive.
- B. Exhibits shall be filed in physical form unless they were born digital. Digital scans of exhibits may be included with the digital duplicate record. Exhibits containing digital media shall be submitted on flash drives and comply with the requirements of Section 1(D) of this Rule.
- C. Electronically filed records must be submitted in PDF-A format. Digital media files shall be submitted in either .MP3, .MP4, .JPG, or .WAV format. The Clerk of Court's office shall not accept digital media that requires third-party software installation.
- D. PDF-A files containing the digital duplicate record volumes shall be considered record volumes, and as such,
 - 1. shall not exceed 250 pages pursuant to Section 3 of this Rule;

2. shall include cover pages pursuant to Section 2 of this Rule;
3. shall include indices pursuant to Section 4 of this Rule;
4. shall comply with all other provisions of this Rule;
5. shall be clearly titled with the record's case number and volume number; and
6. files containing exhibits shall be clearly titled to reflect the specific exhibit or exhibits being submitted.

RULE IV. BRIEFS

Section 1. Brief Filing Requirements

- A. All briefs shall be compliant with Rule I, Section 1.
- B. Briefs in civil cases shall not exceed twenty-five (25) legal size pages, exclusive of the cover page and the index of authorities.
- C. Briefs in criminal cases shall not exceed thirty-five (35) legal size pages, exclusive of the cover page and the index of authorities.
- D. Briefs in criminal capital cases shall not exceed eighty-five (85) legal size pages, exclusive of the cover page and the index of authorities.

Section 2. Appellant or Applicant Brief Contents

The brief for the appellant, applicant or relator, as the case may be, shall contain in order:

- A. an index of the authorities cited;
- B. a concise statement of the case;
- C. a specification of the alleged errors complained of; and
- D. an argument confined strictly to the issue(s) subject to the case.

Section 3. Appellee or Respondent Brief Contents

The brief for the appellee, or respondent, as the case may be, shall contain in order:

- A. an index of the authorities cited;
- B. a concise statement of the case; and
- C. an argument confined strictly to the issue(s) subject to the case.

Section 4. Criminal Briefs

When a brief is filed in a criminal case, the arguments on the assignments of error must include a suitable reference by page number, or by any more precise method of location, to any place in the transcript which contains the basis for the alleged error. If the party fails to do so, the Court may disregard that argument. The Court may consider as abandoned any assignment of error which has not been briefed.

Section 5. Timeliness of Briefs

- A. In all cases in which a writ application has been granted, except those specially assigned for arguments, the brief of the applicant or relator shall not be filed later than twenty-five days (25) after the date that the writ is granted, and the brief of the respondent shall not be filed later than forty-five (45) days after the date that the writ is granted.
- B. In all appeals, the brief of the appellant shall not be filed later than thirty (30) days after the lodging of the record in this Court, and the brief of the appellee shall not be filed later than sixty (60) days after the lodging of the record in this Court.
- C. The briefing schedule for disciplinary proceedings shall be governed by Supreme Court Rule XIX, Section 11(G).
- D. In all instances, the briefs shall be accompanied by a certificate showing that a copy was transmitted, delivered or mailed to the opposing counsel, or to the opposing litigant or litigants, if not represented by counsel.
- E. Failure to file briefs timely in accordance with the above provision shall forfeit the right of the party, so failing, to orally argue the case before the Court. In its discretion, the Court may nonetheless allow oral arguments by a party who has failed to file briefs timely, provided the party files a motion explaining the reasons for the untimely filing. All other parties who have complied shall be entitled to oral arguments. Notwithstanding the foregoing, briefs are required in all criminal cases.

Section 6. Appendix to the Brief

The filing of exhibits attached or as a separately bound appendix to the brief is not encouraged. Nonetheless, any party, who avers the filing of a separately bound appendix is essential to the Court's consideration, must file an accompanying separately bound motion for leave. The exhibits shall not exceed twenty-five (25) pages in civil cases.

Section 7. Extensions of Time

An extension of time within which to file a brief shall be granted at the discretion of the Court and only in cases in which good cause is shown through written motion filed with the Clerk of Court on or before the date the brief would ordinarily be due under the appropriate rule. If an extension is granted on behalf of appellant, an extension of time is automatically accorded for the filing of the brief on behalf of appellee, and no action to obtain such an extension shall be necessary on the part of the appellee or his counsel. An extension shall not be granted if the hearing and determination of the case will be hindered.

Section 8. Supplemental Briefs

Supplemental briefs on the merits, or briefs in support of or in opposition to motions, may be filed at any time. However, a brief filed without leave after the matter is argued or submitted may not be considered.

Section 9. Reply Briefs

The Court does not encourage the filing of reply briefs. Nonetheless, any party, who avers the filing of a reply is essential to the Court's consideration, may file and serve a reply brief in response to opposing counsel's brief. The reply brief must be filed within ten (10) days of the filing of opposing counsel's brief and shall be accompanied by the filing fee set forth in Rule II. The reply brief shall not exceed seven (7) pages in length. No response to a reply brief shall be allowed.

Section 10. Citation of Supplemental Authorities

If pertinent and significant authorities come to a party's attention after all original and reply briefs have been filed, or after oral arguments but before decision, a party may promptly advise the Clerk of Court by letter, with a copy to all other parties, setting forth the citations. The letter shall be limited to:

- A. the name and citation of the opinion or authority;
- B. the issue raised by the case which is pertinent to the issues raised in the case pending before this Court; and
- C. a citation to the page number of where this point has been raised in briefs before this Court or, if not raised in briefs and dealt with in oral arguments only, where and how this issue arose during oral arguments.

The body of the letter shall not exceed 350 words. Any response by an opposing party must be made promptly and be similarly limited. No reply to the response shall be allowed. The letter shall not contain argument; if a party desires to make an argument or to exceed 350 words, the party shall file a motion for permission to file a supplemental brief pursuant to Section 8 of this Rule.

Section 11. Brief of an Amicus Curiae

A brief of an amicus curiae shall be filed only by leave of court granted upon motion and notice to the parties. The amicus curiae brief shall be conditionally filed with the motion for leave. A motion for leave to file an amicus curiae brief must include consideration of and satisfaction of at least one of the following criteria:

- A. amicus has an interest in some other case involving a similar question;
- B. there are matters of fact or law that might otherwise escape the Court's attention; or
- C. the amicus has substantial, legitimate interests that will likely be affected by the outcome of the case and which interests will not be adequately protected by those already party to the case.

A motion for leave to file an amicus curiae brief, and the conditionally filed amicus curiae brief, shall be filed within the time allowed for the filing of a brief by the party whose position as to affirmance or reversal the amicus brief will support. The motion for leave to file an amicus brief shall not exceed five (5) pages in length

and the amicus curiae brief shall not exceed fifteen (15) pages in length.

No reply brief of an amicus curiae and no brief of an amicus curiae in support of a petition for rehearing shall be accepted.

The Clerk of Court shall be entitled to receive the filing fee set forth in Rule II for the filing of any motion for leave to file an amicus curiae brief in this Court. This fee shall not be assessed by the Clerk when the motion for leave is presented by the Attorney General for the State of Louisiana.

RULE V. MOTIONS

Section 1. Motion Filing Requirements

All motions filed in this Court shall bear the number and the title of the case and shall be accompanied by the filing fee set forth in Rule II. Motions shall be filed in original and duplicate with a certificate that they have been transmitted, mailed or delivered to the opposing counsel in the same manner in which they were filed with the Court. All motions filed with this Court shall include a proposed order. The proposed order shall be its own dedicated page and bear the number and title of the case.

Section 2. Oppositions to Motions

Oppositions to motions must be filed within seven (7) days of the filing of the motion. However, if priority consideration or a stay order is requested, the opposition shall be filed immediately upon receipt of a copy of the motion.

Oppositions shall be filed in original and duplicate with a certificate that they have been transmitted, mailed or delivered to the opposing counsel in the same manner in which they were filed with the Court.

Section 3. Motion to Dismiss

A motion to dismiss proceedings shall be submitted to this Court without oral arguments. The mover to dismiss may file a brief with the motion, and the opponent(s) may file an opposing brief, unless the motion to dismiss is fixed for oral arguments or referred to on the merits.

In the absence of a timely answer to an appeal or other formal action by an opponent to amend or modify a judgment of which review is sought, the appellant, applicant, or relator alone may file a motion to dismiss the case from this Court's review.

Section 4. Joint Motion to Dismiss

Any appeal or other proceedings pending review may be summarily dismissed by order of the Court where there has been a joint motion filed by all interested parties or their attorneys. The motion shall set forth the grounds for the dismissal and, if necessary, be supported by appropriate affidavits that the facts alleged in the motion are true and correct.

Section 5. Motion to Seal

When a motion to seal is filed, the motion and the accompanying documents shall be filed under seal and shall remain under seal until the Court rules on the motion. If the motion is granted, the order shall become public, and the motion and documents shall remain under seal. If the motion is denied, the motion and documents shall be available to the public unless the Court order allows the filing party to retrieve the motion and documents. Motions and documents filed under seal shall only be viewable by authorized Court personnel unless otherwise indicated in the order to seal.

RULE VI. ASSIGNING CASES FOR ORAL ARGUMENTS

Section 1. Cases Not Eligible for Oral Arguments

Oral arguments shall not be allowed in support of or in opposition to:

- A. an application for a rehearing;
- B. an application for a writ of review to the court of appeal; and
- C. an application for a supervisory or remedial writ.

Section 2. Cases Subject to Summary Docketing and Oral Arguments

Cases subject to summary docketing and oral arguments include, but are not limited to, the following:

- A. cases in which a rehearing has been granted;
- B. cases presenting questions certified by a court of appeal; and
- C. cases specially assigned for oral arguments by the Court.

Section 3. Assignment of Cases for Arguments

The Clerk of Court shall assign cases for arguments in the order in which they are granted and docketed, except where the Court orders otherwise.

Section 4. Notice of Oral Arguments

The Clerk of Court shall post the docket for oral arguments and send notice to all counsel of record not less than forty-five (45) days prior to the date fixed for arguments unless otherwise ordered by the Court.

RULE VII. DOCKETED CASES

Section 1. Continuances

No case granted and docketed for oral arguments shall be continued absent the filing of a motion proving extraordinary circumstances deemed sufficient to justify the continuance.

Section 2. Submission Without Oral Arguments

Any case granted and docketed for oral arguments before this Court may be submitted at any time for decision without oral arguments upon filing of a joint motion by all parties.

RULE VIII. ORAL ARGUMENTS

Section 1. Location and Sessions

The Court shall hold its sessions at its domicile in New Orleans or at other locations it deems appropriate. The dates and the hours of the sessions shall be determined by the Court and shall be noted on the calendar of hearings prepared by the Clerk of Court as provided by Rule VI.

Section 2. Order of Arguments

The appellant(s), applicant(s), or relator(s) shall have the right to open and close the arguments. If a case has two or more such parties, they may decide among themselves who shall open and who shall close the arguments. If they cannot reach an agreement, the Court shall determine the order.

Section 3. Time Allotments

Allotted times for oral arguments are as follows:

- A. Forty (40) minutes, divided equally between the opposing parties, shall be allowed for oral arguments in all criminal cases, except in the direct appeal of a capital case;
- B. Forty (40) minutes, divided equally between the opposing parties, shall be allowed for oral arguments in lawyer discipline cases;
- C. Sixty (60) minutes, divided equally between the opposing parties, shall be allowed for oral arguments in civil cases;
- D. Sixty (60) minutes, divided equally between the opposing parties, shall be allowed for oral arguments in cases in which the Judiciary Commission recommends the discipline of a judge; and
- E. Eighty (80) minutes, divided equally between the opposing parties, shall be allowed for oral arguments in the direct appeal of a capital case.

The Court, in its discretion, may prescribe a longer or shorter period of oral arguments for any case. Oral arguments may be limited if it becomes repetitive or is irrelevant to the issues before the Court.

Section 4. Participation by Amicus Curiae

Counsel for any amicus curiae may only participate in oral arguments upon counsel for any other party agreeing to share that party's time and upon the granting of a motion by this Court. A motion to participate in oral arguments by counsel for amicus curiae must not be filed later than ten (10) calendar days prior to the date fixed for argument.

Section 5. Visual and Demonstrative Aids

Visual or demonstrative aids may only be presented during oral arguments if the information subject of the aid is contained in the record and copies of what is being presented have been provided to opposing counsel and the justices during oral arguments. Counsel shall file a notice of intent to utilize visual or demonstrative aids with the Court no later than two (2) business days before the date fixed for arguments.

Section 6. Electronic Devices and Recording

Cellular phones are permitted in the courtroom but must be turned off at all times. Tablets are permitted but must be silenced. The use of any device to take photographs, make audio or video recordings, or otherwise capture proceedings is strictly prohibited in the courtroom and throughout the Chief Justice Pascal F. Calogero, Jr. Courthouse.

RULE IX. REHEARINGS

Section 1. Eligibility and Limitations

An application for rehearing is available only to parties when the Court has granted a writ application, an appeal, or any other proceeding. Any application for rehearing shall not exceed twenty-five (25) pages. If it is essential to demonstrate why the application for rehearing should be granted, an appendix containing other pleadings or documents may be filed. The appendix shall be bound separately from the application and shall not exceed twenty-five (25) pages in civil cases. Pursuant to La. R.S. 18:1409(I), no application for rehearing may be filed in an election case. An application seeking reconsideration of the denial of a writ application shall not be considered absent extraordinary circumstances.

Section 2. Oppositions to Applications for Rehearing

Any party may file an opposition memorandum setting forth the reasons why the application for rehearing should not be granted. The opposition memorandum shall not exceed twenty-five (25) pages. If the page limit is to be exceeded, a motion requesting leave of Court must be filed simultaneously with the writ application. Such motions are subject to the filing fees prescribed in Rule II.

Section 3. Briefing and Oral Arguments

When a rehearing is granted, the case may be specially fixed for oral arguments. No additional briefs shall be filed on rehearing unless expressly ordered by this Court.

Section 4. Subsequent Applications

A subsequent application for rehearing shall not be considered unless the applicant has not previously applied for and been granted a rehearing, or unless the Court, in deciding the case on rehearing, expressly reserves to the unsuccessful party or parties the right to apply for an additional rehearing.

RULE X. WRIT APPLICATIONS

Section 1. Writ Grant Considerations

A. The grant or denial of an application for writs rests within the sound judicial discretion of this Court. The following, while neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons that will be considered, one or more of which must ordinarily be present in order for an application to be granted:

- 1. Conflicting Decisions.** The decision of a court of appeal conflicts with a decision of another court of appeal, this Court, or the Supreme Court of the United States, on the same legal issue.

2. **Significant Unresolved Issues of Law.** A court of appeal has decided, or sanctioned a lower court's decision of, a significant issue of law which has not been, but should be, resolved by this Court.
3. **Overruling or Modification of Controlling Precedents.** Although the decision of the court of appeal is in accord with the controlling precedents of this Court, the controlling precedents should be overruled or substantially modified.
4. **Erroneous Interpretation or Application of Constitution or Laws.** A court of appeal has erroneously interpreted or applied the constitution or a law of this state or the United States and the decision will cause material injustice or significantly affect the public interest.
5. **Gross Departure from Proper Judicial Proceedings.** The court of appeal has so far departed from proper judicial proceedings or so abused its powers, or sanctioned such a departure or abuse by a lower court, as to call for an exercise of this Court's supervisory authority.

B. The application for writs shall address, in concise fashion, why the case is appropriate for review under the considerations stated in subsection (A) above, in accordance with Sections 3 or 4 of this Rule.

Section 2. Writ Application Filing Requirements

- A. All writ applications submitted in this Court shall include a completed writ application filing sheet. The completed writ application filing sheet should follow the cover sheet in the submission. The writ application filing sheets are published in the Appendices to the Rules of the Supreme Court of Louisiana.
- B. Applicants requesting priority consideration or a stay order must certify that all counsel and unrepresented parties have been notified by telephone or other equally prompt means of communication that the writ application has been or is about to be filed in this Court. The application must be served on all parties by a means equal to the means used to effect filing in this Court. (If filing in this Court is by overnight mail, the same means shall be sufficient for service on all parties at interest. If filing is by hand to this Court, service must be made on all parties at interest by an equally prompt method.)
 1. All writ applications seeking priority consideration or a stay order shall include, in addition to a completed writ application filing sheet, a completed civil or criminal priority filing sheet. The civil or criminal priority filing sheet shall precede the writ application filing sheet in the writ application. The civil and criminal priority filing sheets are published in the Appendices to the Rules of the Supreme Court of Louisiana.
 2. A separate motion and proposed order must be filed when requesting priority consideration or a stay order. Such motions are subject to the filing fees prescribed in Rule II.
- C. The applicant shall immediately notify the Court if the need for supervisory review changes due to any circumstance. For filings made simultaneously with the court of appeal, counsel shall immediately notify this Court of any action taken by the court of appeal. Failure to notify the Court under these circumstances shall subject the applicant to punishment for contempt of the authority of the Court.

Section 3. Civil Writ Applications

- A. In civil cases, a writ application shall be accompanied by the filing fee set forth in La. R.S. 13:126 and shall contain:
1. An index of all items contained therein, including the required lower court judgments as stated in Section 3(E) of this Rule and other pleadings or documents as stated in Section 3(F) of this Rule;
 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 twenty-five (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; and
 - 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 Rule I, Section 1(F); and
 5. The dated lower court judgment, order, or ruling, including any written or transcribed reasons for judgment, and the dated court of appeal's order and opinion, including any rulings or opinions on rehearing or applications, shall be attached to the writ application and properly indexed.
- B. If it is essential to demonstrate why the application should be granted, an appendix containing other pleadings or documents may be filed; however, briefs previously filed in the court of appeal shall not be included. The appendix shall be bound separately from the writ application and shall not exceed twenty-five (25) pages. It shall be filed in original only, with an index reflecting the contents bound at the beginning of the appendix.
- If the page limit is to be exceeded, a motion requesting leave of Court must be filed simultaneously with the writ application. Such motions are subject to the filing fees prescribed in Rule II.
- C. The Court may, sua sponte, require the application be supplemented with any missing item or any other documentation, information, or materials deemed necessary for the Court's consideration of the matter.
- D. 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 submitting additional copies.

Official Comments

Excessive and irrelevant pleadings and documents included with writ applications are burdensome to the Court and are strongly discouraged. In cases where the applicant believes the inclusion of exhibits is absolutely necessary to his or her argument, the applicant should limit the scope of those materials to ensure they relate to the subject matter of the application. For example, if an applicant attaches a deposition, it should be limited to those pages which clearly relate to the

subject matter of the application. Ordinarily, there is no need to attach pleadings filed in the lower courts, such as petitions, answers, exceptions, appellate briefs, etc. In no event shall the applicant file more than twenty-five (25) pages of other pleadings or documents. The filing of condensed deposition or trial transcripts, reducing multi-page exhibits to one page, and other artifices designed to circumvent the twenty-five (25) page limit are prohibited and shall be grounds for rejecting the other pleadings and documents. If the Court determines additional materials are necessary for its review, the Court may request supplementation.

Section 4. Criminal Writ Applications

In criminal cases, a writ application shall contain:

- A. An index of all items contained therein, including the required lower court judgments as stated in Section 4(E) of this Rule and other pleadings or documents as stated in Section 4(F) of this Rule;
- B. A statement of which of the considerations set forth in Section 1(a) of this Rule is present in the case;
- C. A memorandum, not exceeding twenty-five (25) pages, or in a capital post-conviction case, not exceeding fifty (50) pages, providing:
 - 1. A concise statement of the case summarizing the nature of the case and prior proceedings;
 - 2. An assignment of errors in the opinion, judgment, ruling or order complained of;
 - 3. 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; and
 - 4. 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.
- D. A verification, as required by Rule I, Section 1(F);
- E. A copy of the dated judgment, order or ruling and opinion or reasons for judgment, if any, of the court of appeal, including rulings and opinions on rehearing or applications shall be attached to the writ application and properly indexed; and
- F. An appendix, separately bound from the writ application, containing:
 - 1. A copy of the charging document filed in the court of original jurisdiction, if specifically relevant to the writ application;
 - 2. A copy of the minutes of the proceedings in the lower court, if specifically relevant to the judgment or order under review;
 - 3. Copies of briefs of all parties filed in the court of appeal relevant to the issues raised by the application;
 - 4. A copy of the order of the trial judge fixing the time for filing the application in this Court, if such be required by Rule I, Section 3, and of any extension thereof, or if a copy is not readily available, an affidavit of the applicant or counsel indicating the contents of the order and explaining why the order is not available;

5. The inclusion of other documents is discouraged, with the exception of transcripts of relevant judicial proceedings. The Court may require the submission of any additional documents or information that it deems useful to its consideration of the application; and
6. 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 appendix shall be filed in original only, and an index reflecting the contents shall be bound at the beginning of the appendix.

G. The Court may, sua sponte, require the application be supplemented with any missing item or any other documentation, information, or materials deemed necessary for the Court's consideration of the matter.

Section 5. Opposition to Writ Application

Oppositions serve an important purpose in assisting the Court in the exercise of its discretionary jurisdiction. As such, the Court encourages the filing of oppositions.

Any party may file and serve an opposition memorandum, setting forth reasons why the application should not be granted. If opposing counsel determines that the applicant has omitted documentation or information material to the issues presented, such omission shall be brought to the Court's attention in the opposition memorandum. Opposing counsel may include the omitted materials in an appendix to the opposition, to the extent available, or otherwise notify the Court of the omission. Upon such notification, the Court may order the applicant to furnish the missing documentation or information in a formal response.

The opposition must be filed within thirty (30) days of the date of the acknowledgement letter issued by this Court. No extension of this deadline shall be granted unless the party, by motion, can demonstrate through clear and convincing evidence that the delay was the result of circumstances beyond its control or for other extraordinary circumstances. The opposition memorandum should be as brief as possible and must not exceed twenty-five (25) pages in length. The opposition memorandum shall be accompanied by the filing fee set forth in Rule II.

Other pleadings or documents shall not be filed with the opposition memorandum, unless their inclusion is essential to demonstrate why the application should not be granted. In the event any other pleadings or documents are filed, they shall be bound separately from the opposition memorandum and shall not exceed twenty-five (25) pages.

When the application requests priority consideration or a stay order, any party desiring to oppose such action should file the opposition to such action immediately upon receipt of a copy of the application.

Official Comment

The Court is cognizant that in many cases, the prior fifteen (15) day opposition deadline was too short for opposing parties to adequately respond to issues raised in the application, which has resulted in the filing of motions for extension of time. While the Court encourages the filing of oppositions, motions for extension can delay consideration and affect the Court's ability to rule upon applications in a

timely fashion. To balance these competing concerns, the fifteen (15) day opposition deadline has been increased to thirty (30) days, with the condition that no extension shall be granted. The only exception to this prohibition is for truly exceptional situations where the party can demonstrate through clear and convincing evidence that the inability to file the opposition timely was due to circumstances beyond the party's control. Circumstances within a party's control, such as errors in calendaring the delay or conflicting obligations, shall not constitute a basis for extension under this Rule.

Section 6. Reply to Opposition

The Court does not encourage the filing of reply memoranda. Nonetheless, any party who avers the filing of a reply is essential to the Court's consideration of the writ application may file and serve on opposing parties a reply memorandum in response to an opposition. The reply memorandum must be filed within ten (10) days of the filing of the opposition and shall be accompanied by the filing fee set forth in Rule II. The reply memorandum shall not exceed seven (7) pages in length, inclusive of exhibits and other documents. No response to a reply memorandum shall be allowed.

Section 7. Granted Writ Applications

- A. When a writ has been granted, the record shall be lodged with the Clerk of Court within fourteen (14) days from the grant of the writ of review. The case shall be placed on the calendar for oral arguments and briefs shall be required in accordance with Rule IV, Section 5(A), unless otherwise ordered by the Court. In lieu of filing a brief, the applicant may, within the time prescribed by Rule IV, Section 5(A), file an additional copy of the application (with or without the supporting exhibits) and any memorandum or brief filed in support of the application.
- B. At the time the writ is granted, the Court may order peremptory relief. A party affected may apply for rehearing within the delay provided by Rule IX and the Court may, with or without application, stay the relief granted to permit consideration of any such application.

Section 8. Supplements

A supplement to the writ application shall only be filed if accompanied by a separately bound motion for leave to supplement the writ application. The supplement shall not exceed twenty-five (25) pages.

RULE XI. CERTIFIED QUESTIONS FROM THE LOUISIANA COURTS OF APPEAL

Section 1. Certification Procedure

When the judges of a court of appeal apply to this Court for instruction on a question of law arising in a case, they shall certify their findings of fact on which the question of law is predicated and send up copies of all briefs filed in the court of appeal. The Court may require that the whole record be submitted for its consideration. No additional briefs with respect to the question certified shall be filed in this Court by the parties until ordered by the Court.

Section 2. Court Discretion and Docketing

The Court may, in its discretion, decline to answer the question certified to it. If the Court accepts the certified question, the case shall be placed on the docket for oral arguments and for briefing at the earliest practicable date.

RULE XII. CERTIFIED QUESTIONS FROM FEDERAL COURTS AND OTHER STATE COURTS OF LAST RESORT

Section 1. Authority to Certify Questions

When the Supreme Court of the United States, any United States Circuit Court of Appeals, any United States District Court, or any state court of last resort determines that a proceeding before it involves questions of Louisiana law that are determinative of the cause and lack clear controlling precedent from the Supreme Court of Louisiana, the court may, before rendering a decision, certify those questions to the Supreme Court of Louisiana for a judgment or opinion. The Supreme Court of Louisiana may, in its discretion, decline to answer the certified questions or reformulate the certified questions.

Section 2. Initiation of Certification

The provisions of this rule may be invoked by the certifying court upon its own motion or upon the suggestion or motion of any interested party.

Section 3. Certificate Contents

The certificate provided for herein shall contain the style of the case, a statement of facts showing the nature of the cause and the circumstances out of which the questions or propositions of law arise, and the question or questions of law to be answered.

Section 4. Preparation and Filing

The certificate may be prepared by stipulation or as directed by such certifying court. When prepared and signed by the presiding judge of the certifying court, it shall be certified to the Supreme Court of Louisiana by the clerk of the certifying court and under its official seal. The original or copies of all or any portions of the record before the certifying court, as it may direct or as either party may request, shall be filed with the said certificate. If all of the record has not been filed, the Supreme Court of Louisiana may in its discretion order that all or any portion of the remaining record be filed with a proper certificate as herein described.

Section 5. Fees and Costs

Fees and costs shall be the same as in civil cases docketed for this Court and shall be equally divided between the parties unless otherwise ordered by this Court or by the certifying court in its order of certification.

Section 6. Briefing

No briefs with respect to the question or questions certified shall be filed by the parties until ordered by the Supreme Court of Louisiana. If so ordered, the appellant or moving party in the certifying court shall have thirty (30) days from the date of the order to file and serve upon the adversary party its brief. The appellee or responding party in the certifying court shall have sixty (60) days from the date of the order to file and serve upon its adversary its brief. If the Court elects to certify a question on its own motion, the plaintiff in the certifying court shall have thirty (30) days from the date of the order of certification to file and serve its

brief upon the defendant. The defendant in the certifying court shall have sixty (60) days from the date of the order of certification to file and serve its brief upon the plaintiff. In all other respects, the filing of the briefs shall be governed by Rule IV.

Section 7. Oral Arguments

Oral arguments may be granted upon application or may be ordered by this Court. If granted or ordered, order of and time for arguments shall be governed by Rule VIII. Any attorney seeking to participate in oral arguments pursuant to pro hac vice status must file a motion for admission in accordance with Rule XVII, Section 13 or provide a signed order granting pro hac vice admission prior to oral arguments.

Section 8. Intervention in Constitutional Questions

When the constitutionality of an act of the Louisiana Legislature affecting the public interest is raised in a certification in which the State of Louisiana or any of its officers, agencies, or employees is not a party, this Court shall notify the Attorney General and permit the State of Louisiana to intervene to present briefs and oral arguments on the constitutional question, pursuant to La. R.S. 13:4448.

Section 9. Transmission of Judgment

When a judgment is rendered by this Court upon the question certified, it shall be sent by the Clerk of this Court under the seal of this Court to the certifying court and to the parties.

2. Louisiana Supreme Court Rule XIV is hereby repealed.

3. Louisiana Supreme Court Rule XLII is hereby repealed and re-enacted to read as follows:

RULE XLII. ELECTRONIC FILING

Section 1. Definitions

A. **Case Management System** (“CMS”) means the system used by the Supreme Court of Louisiana for maintaining conventionally and electronically filed documents at the Court.

B. **Conventional Filing** means the filing of paper documents pursuant to the provisions of Rules I through XIII.

C. **Court Data/Document Exchange** (“CDX”) means the system maintained by the Court for Registered Users to electronically file documents.

D. **Docket Number** means the number assigned to a case by the Clerk of Court.

E. **Document** means any instrument on which is recorded, by means of letters, figures or marks the original, official or legal form of something, which may be evidentially used.

F. **Electronic Filing** means uploading a document directly from the Registered User’s computer to the Court Data/Document Exchange.

G. Electronic Filing Costs means the costs charged to Registered Users by the Court for Electronic Filing and distribution of paper copies required by the Court.

H. Filing Confirmation means the written notice that is electronically mailed to the Registered User by the Court Data/Document Exchange displaying the Filing Number previously electronically mailed to the Registered User, the Docket Number assigned to the case, the date and time of electronic filing of the document and whether the Clerk of Court has accepted or rejected the electronically filed document. The Filing Confirmation shall constitute proof of the electronic filing of a document.

I. Filing Number means the number that is electronically mailed to the Registered User by the Court Data/Document Exchange immediately upon electronic receipt of the uploaded document from the Registered User's computer.

J. Registered User means any attorney who has completed the Court Data/Document Exchange Training Course, has registered a username and password with the Court Data/Document Exchange and been approved by the clerk of court for the electronic filing of documents.

Section 2. Scope

A. Attorneys admitted to and in good standing with the Supreme Court of Louisiana may electronically file documents as provided in this Rule.

B. Any document which may be filed by conventional filing may be electronically filed.

C. An electronically filed document has the same legal effect as a conventionally filed document.

D. If a document is electronically filed, the electronic document constitutes the official original court record of said document.

E. The electronic filing of a document does not relieve the Registered User of any legal duty to serve copies on parties and/or lower courts as required by order, rule or statute.

F. Electronic filings will be accepted by the Court in a pending matter regardless of the form of filing of previous or subsequent documents in a case.

G. The Supreme Court of Louisiana shall provide technical support for its Court Data/Document Exchange during normal business hours. The failure of technical support to resolve a technical issue arising on the user's side shall not be considered in determining the timeliness of any electronic filing.

H. To the extent of any conflict between the provisions of this Rule and the provisions of Rules I through XIII, the provisions of this Rule will prevail.

Section 3. Registration, Change of Contact Information, Usernames and Passwords

- A. Attorneys admitted to and in good standing with the Supreme Court of Louisiana may register to file documents through the Court Data/Document Exchange located at the Court's website, <http://cdx.lasc.org>.
- B. Registration will be on a form available on the Court Data/Document Exchange. The form shall include the Registered User's name, address, telephone number, electronic mail address and Louisiana State Bar number.
- C. Any Registered User whose name, address, telephone number or electronic mail address changes, must update the information on the Court Data/Document Exchange. If a Registered User does not keep his or her name, address, telephone number, or electronic mail address current, the account access will be suspended. Updating this information on the Court Data/Document Exchange does not relieve an attorney from complying with the requirements contained in Rule XVIII, Sections 1 and 2.
- D. After registration is complete, a Registered User will be offered mandatory training on the Court Data/Document Exchange.
- E. Once training has successfully been completed, the Registered User will submit one username and password. The Clerk of Court will review the Registered User's registration and, upon the Clerk of Court's approval, the Registered User may file documents through the Court Data/Document Exchange.
- F. The Registered User is responsible for all documents filed, and any fees or costs incurred in doing so, whether or not the Registered User performs the physical act of filing such documents.
- G. Registration as a Registered User constitutes consent to an electronically mailed notice of receipt of document(s) by the Court.
- H. Registration as a Registered User constitutes consent to pay Electronic Filing Costs as set by the Court.
- I. The Court reserves the right to revoke a Registered User's privileges with or without cause.

Section 4. Document Format

- A. An electronically filed document shall comply with all Rules governing conventional filings, including but not limited to page limitations, paper size, font type, margin width and font size.
- B. An electronically filed document must be in text-searchable PDF-A format. Appendix and/or exhibit materials may be scanned if necessary, but should maintain 300 dots per inch when scanned.
- C. A Registered User may electronically upload multiple documents in a single electronic filing through the Court Data/Document Exchange. The Registered User will receive a single Filing Number and Filing Confirmation for the electronically

filed documents.

D. An electronically filed document may contain hyperlinks to another part of the same document, a motion and order electronically filed with the document or an appendix and/or exhibit electronically filed with the document. No other hyperlinks are permitted.

E. The size of any single electronic filing shall not exceed 175 megabytes.

F. A Registered User must refrain from including, or must partially redact where inclusion is necessary, any personal data identifiers from all documents electronically filed, including exhibits, unless otherwise ordered by the Court.

G. An electronically filed document must not contain a virus, malware, encryption, public key infrastructure, password or any other type of rights management when uploaded.

H. The Clerk of Court may reject an electronically filed document for nonconformance with any Rule.

Section 5. Signatures

A. The Registered User's username and password constitute the Registered User's signature on an electronically filed document. The Registered User must also include the notation, "/s/", and the Registered User's name in the space where the Registered User's signature would otherwise appear on the electronically filed document.

B. When a Registered User electronically files a document requiring multiple signatures, the Registered User will include a statement in the electronically filed document, following the Certificate of Service, setting forth the Registered User's authority to submit the electronically filed document on behalf of the other signatories.

C. Signature(s) on an electronically filed document shall have the same legal effect as any signature(s) on a conventionally filed document.

Section 6. Timeliness

A. Documents may be electronically filed at any time and shall be deemed filed with the Court at the date and time of the electronic filing. However, documents electronically filed after 4:30 P.M. Central Time will be processed by the Clerk of Court beginning at 8:30 A.M. Central Time on the next day of business.

B. Following the electronic filing of a document, the Court Data/Document Exchange will provide the Registered User with a Filing Number by electronic mail, documenting that the electronic filing has been received by the Court Data/Document Exchange.

C. Once processed by the Clerk of Court, the Court Data/Document Exchange will provide the Registered User, and those Registered Users designated by the electronically filing Registered User, with a Filing Confirmation by electronic mail, documenting the Filing Number previously assigned to the electronically

filed document, the Docket Number of the case, the date and time of filing of the electronically filed document and whether the Clerk of Court has accepted or rejected the electronically filed document.

D. Once a document is electronically filed by the Registered User through the Court Data/Document Exchange, the Registered User is bound by the document as electronically filed.

E. An electronically filed document will be considered timely filed if electronic filing is completed at any time before 12:00 A.M. Midnight Central Time on or before the date on which the document is due unless another specific time is mandated by order, rule or statute.

F. A Registered User whose electronic filing is untimely due to technical failure may seek relief from the Court.

Section 7. Rejected Electronic Filings

A. If an electronically filed document has been rejected by the Clerk of Court, the Registered User and those Registered Users designated by the electronically filing Registered User will receive notification of the rejection in the Filing Confirmation together with a written reason as to why the electronically filed document was rejected.

B. If an electronically filed document has been rejected by the Clerk of Court, the Registered User will have seven (7) calendar days from the date of transmission by the Clerk of Court to the Registered User of the electronically mailed Filing Confirmation to re-file the document(s) either electronically or conventionally.

C. A properly re-filed document will retain the date and time of its original electronic filing.

Section 8. Electronic Filing of Documents Cost(s)

A. The Court will charge for costs in connection with the electronic filing of documents.

B. The electronic filing costs will be collected at the time the Registered User electronically files documents.

Section 9. Electronic Priority/Stay Requests

A. A Registered User may electronically file a document seeking priority consideration of same and/or a request for stay of proceedings. However, the Clerk of Court or designee must be contacted by telephone prior to the electronic filing of such a document.

B. If a Registered User electronically files a document seeking priority consideration and/or a stay request, the Registered User must indicate such request by attaching the Court's Priority Filing Sheet when uploading the electronic document to the Court Data/Document Exchange.

Section 10. Electronic Sealed/Confidential Filings

A. A motion to electronically file sealed documents and the documents to be sealed, documents previously sealed by lower court order and/or documents that are confidential by operation of law may be filed electronically.

B. If a Registered User electronically files a motion to electronically file sealed documents and the documents to be sealed, documents previously sealed by lower court order and/or documents that are confidential by operation of law, the Registered User must indicate such request when uploading the electronic document to the Court Data/Document Exchange.

Section 11. Electronic Notice

The Court Data/Document Exchange will electronically mail a Filing Confirmation to the Registered User who initiated the electronic filing of a document, as well as any other Registered Users designated in the electronically filed document. This notice cannot be substituted for the legal duty to serve the electronic document on parties and/or lower courts as required by order, rule or statute.

Section 12. Electronic Filing Errors

A. The Court will not permit the Registered User to electronically alter and/or change any document.

B. If a Registered User discovers an error in an electronic filing, the Registered User should report the error to the Clerk of Court by telephone at (504) 310-2300.

RULE XLII APPENDICES

Appendix A. Schedule of Electronic Filing Costs

Electronic Costs for Writ Applications - \$100.00

Electronic Costs for all other Documents - \$ 50.00

Appendix B. Schedule of Electronic Filing Types

The following documents may be filed electronically by Registered Users through the Court Document/Data Exchange:

1. Writ Application
2. Petition
3. Appendix/Exhibit
4. Opposition
5. Reply
6. Supplement
7. Motion
8. Brief
9. Rehearing

Appendix C. Terms and Conditions of the Supreme Court of Louisiana Document/Data Exchange

By becoming a Registered User of the Court Document/Data Exchange, you hereby certify that as a Registered User, you are and will continue to be in compliance with all applicable Rules and the Court Document/Data Exchange Policies and Procedures. This includes, but is not limited to, the following security requirements:

1. Username and password is to be kept secure and never be disclosed to any unauthorized user.
 2. You will, as a Registered User, take responsibility for anyone having access to your username and password.
 3. Antivirus software must be installed and set to run automatically on all computers used to access the Court Document/Data Exchange.
4. Appendices G-1 and G-2 are hereby added as follows:
1. Appendix G-1: Records Sample Cover Sheet; and
 2. Appendix G-2: Example of Completed Sample Cover Sheet.

This Rule change shall become effective January 1, 2026, and shall remain in full force and effect thereafter, until amended or changed through future Orders of this Court.

New Orleans, Louisiana, this _____ day of December, 2025

FOR THE COURT:

John L. Weimer, Chief Justice