

Additional Civil Appeals: Louisiana

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Law stated as at 25 May 2018 • Louisiana, United States

A Q&A guide to appealing from an intermediate appellate court to the court of last resort in Louisiana. This Q&A addresses starting an appeal (as of right or by permission), obtaining a stay pending appeal, completing preliminary requirements (like mediation), submitting a factual record or appendix, briefing the appeal, and arguing the appeal. Answers to questions can be compared across a number of jurisdictions (see [Additional Civil Appeals: State Q&A Tool](#)).

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Overview of State Appeals

1. What types of rulings, if any, can a party appeal as of right?

In Louisiana, a case is appealable as of right to the Louisiana Supreme Court only when:

- A law or ordinance has been declared unconstitutional.
- The defendant has been convicted of a capital offense and the death penalty has been imposed.
- There are disciplinary proceedings against a member of the bar.
- The case involves an action by the Public Service Commission.

(La. Const. art IV, § 21(E) and art. V, § 5(D); *State ex. Rel. T.L.R. v. R.W.T.*, 737 So. 2d 688, 692 (La. 1999); *Perez v. Evenstar, Inc.*, 108 So. 3d 898, 902 (La. Ct. App. 2013).)

2. What type of rulings can a party appeal by permission (for example, anything not appealable as of right, final judgments)?

Louisiana does not have appeals by permission. Rather, Louisiana courts use the term "supervisory" to refer to the state supreme court's discretionary jurisdiction, under which it has the power to select the cases it will hear (*City of Baton Rouge v. Ross*, 654 So. 2d 1311, 1327 (La. 1995)). An aggrieved party may seek Louisiana Supreme Court review of certain decisions that are not appealable as of right by filing an application for supervisory writs of certiorari, mandamus, or review. This writ application procedure is not considered an "appeal."

A party may file an application for a supervisory writ to seek review of an appellate court decision that either:

- Was rendered after an appeal to that court.

- Granted relief on an application for supervisory writs, but not when the court has merely granted an application for purposes of further consideration.
- Denied an application for supervisory writs.

(LA ST S CT Rule 10, § 5(a).)

The party may file an application for supervisory writs seeking review of a trial court's action or inaction:

- In a case where the court of appeal does not have supervisory jurisdiction, for example, a criminal case where:
 - a death sentence has been imposed; or
 - a conviction and sentence were imposed prior to July 1, 1982.
- In a case where the court of appeal has supervisory jurisdiction, but the applicant seeks to file the writ application either directly or simultaneously in the Louisiana Supreme Court. However, these applications are not ordinarily considered absent extraordinary circumstances.

(LA ST S CT Rule 10, § 5(b).)

The Louisiana Supreme Court has the discretion to grant or deny an application for writs. The court generally requires that one or more of the following factors be present before granting a writ application:

- **Conflicting Decisions.** A court of appeal decision conflicts with a decision of another court of appeal, the Louisiana Supreme Court, or the US Supreme Court on the same legal issue.
- **Significant Unresolved Legal Issue.** A court of appeal has decided or affirmed a lower court's decision concerning a significant issue that the Louisiana Supreme Court has not yet resolved, but should resolve.
- **Overruling or Substantially Modifying Controlling Precedent.** A court of appeal decision is consistent with the controlling precedents of the Louisiana Supreme Court, but the controlling precedents should be overruled or substantially modified.

- **Erroneous Interpretation or Application of Constitution or Laws.** A court of appeal has erroneously interpreted or applied the constitution or a law of Louisiana or the US, and the decision will cause material injustice or significantly affect the public interest if it is not corrected.
- **Significant Departure from Proper Judicial Proceedings.** A court of appeal has so far departed from proper judicial proceedings or so abused its powers, or sanctioned a lower court's departure or abuse, that the Louisiana Supreme Court should exercise its supervisory authority and correct the error.

([LA ST S CT Rule 10](#), § 1(a).)

The judges of a Louisiana court of appeal may also apply to the Louisiana Supreme Court for instruction on a question of law arising in a case ([LA ST S CT Rule 11](#)).

3. Are there any restrictions on the types of issues the court of last resort can consider (for example, only constitutional questions, only questions of law)?

In civil cases, there are no restrictions on the types of issues the Louisiana Supreme Court can consider. The Louisiana Supreme Court may consider legal and factual issues ([La. Const. art. V, § 5\(C\)](#)).

4. Can the court of last resort consider the entire case (subject to any restrictions in [Question 3](#)) or is it limited to particular matters (for example, questions on which certiorari was granted)?

The Louisiana Supreme Court has appellate jurisdiction over all issues involved in a civil action properly before it ([La. Const. art. V, § 5\(F\)](#)). The court may consider any issue not properly raised to be waived ([Boudreaux v. State, Dept. of Transp. & Development, 815 So. 2d 7, 11 \(La. 2002\)](#)).

Starting an Appeal

5. When must a party start an appeal?

Appeals

As there are a limited number of situations where direct appeals may be taken to the Louisiana Supreme Court, these appeals are rare (see [Question 1](#)).

For direct appeals to the Louisiana Supreme Court, the same rules that govern appeals to the Louisiana Courts of Appeal apply ([La. Code. Civ. Proc. Ann. art. 2081](#)). The deadline for an appeal depends on whether a party takes a suspensive appeal or a devolutive appeal. A suspensive appeal suspends the enforcement of the judgment pending the outcome of the appeal, while a devolutive appeal does not.

Suspensive Appeal

A suspensive appeal must be taken within 30 days of:

- The date on which the court clerk mails notice of the trial court's refusal to grant a timely application for:
 - a judgment notwithstanding the verdict (JNOV); or
 - a new trial.

- The date on which the delay for filing a JNOV or motion for a new trial expires, which is seven working days after the notice of judgment is mailed or served, if the party has not timely applied for a new trial or JNOV in the trial court.

([La. Code Civ. Proc. Ann. art. 1811, 1974, and 2123\(A\).](#))

Devolutive Appeal

A devolutive appeal must be taken within 60 days of:

- The date on which the court clerk mails notice of the trial court's refusal to grant a timely application for:
 - a judgment notwithstanding the verdict (JNOV); or
 - a new trial.

- The date on which the delay for applying for a JNOV or motion for a new trial expires, which is seven working days after the notice of judgment is mailed or served, if the party has not applied for JNOV or a new trial.

([La. Code Civ. Proc. Ann. art. 1811, 1974, and 2087\(A\).](#))

Writs

A party must submit a writ of certiorari application to the Louisiana Supreme Court within 30 days after the court of appeals' notice of judgment is transmitted ([La. Code Civ. Proc. Ann. art. 2166\(A\)](#); [LA ST S CT Rule 10](#), § 5(a)).

When any party timely files an application for rehearing, the time within which that party or any other party may apply to the Louisiana Supreme Court for a writ of certiorari is extended for 30 days from the date that the notice of rehearing denial or the judgment on rehearing is transmitted ([La. Code Civ. Proc. Ann. art. 2166\(B\)](#); [LA ST S CT Rule 10](#), § 5(a)).

6. How, if at all, can a party extend the time to start an appeal?

A party may not extend the time to take an appeal to the Louisiana Supreme Court, or to file an application for supervisory writs ([Smith v. Allied Waste Ind., Inc.](#), 169 So. 3d 385, 386 (La. Ct. App. 2015) (suspensive appeal); [Ashton v. United Parcel Serv.](#), 147 So. 3d 748, 752-53 (La. Ct. App. 2014) (devolutive appeal); [LA ST S CT Rule 10](#), § 5(a)).

7. How does a party start an appeal as of right (for example, notice of appeal, petition)?

The same rules that govern appeals to the Louisiana courts of appeal apply to direct appeals to the Louisiana Supreme Court ([La. Code Civ. Proc. Ann. art. 2081](#); see [Question 1](#)).

A party starts an appeal by obtaining an order granting the appeal from the court that rendered the judgment. The party may obtain this order:

- On oral motion, in open court.
- On written motion.
- On petition.

([La. Code Civ. Proc. Ann. art. 2121](#).)

In practice, the order of appeal is usually granted in connection with a written motion for appeal.

After the court grants the order, the court clerk mails a notice of appeal to the counsel of record, the appellate court, and to all other parties not represented by counsel ([La. Code Civ. Proc. Ann. art. 2121](#)).

The order granting the appeal must state:

- The return day of the appeal in the appellate court (the day by which the trial court record must be lodged with the appellate court).
- The amount of security to be furnished.

([La. Code Civ. Proc. Ann. art. 2121](#).)

Security is only required for suspensive appeals ([La. Code Civ. Proc. Ann. art. 2124](#)).

A party starts a suspensive appeal by completing the following within the applicable 30-day period:

- Moving the court for an order of appeal.
- The trial court issuing and signing the order granting the appeal.

- Providing security in the amount that the court requires.

(La. Code Civ. Proc. Ann. art. 2121, 2123(A), and 2124; *Cox v. So. Colonial Inv., Inc.*, 393 So. 2d 146 (La. App. 1st Cir. 1980).)

A party starts a devolutive appeal by moving the court for an order of appeal within the applicable 60-day period (La. Code Civ. Proc. Ann. art. 2087(A); *Traigle v. Gulf Coast Aluminum Corp.*, 399 So. 2d 183, 186 (La. 1981)).

8. How does a party start an appeal by permission (for example, motion to the court of last resort, motion to the intermediate appellate court)?

Louisiana does not have appeals by permission. Rather, Louisiana courts use the term "supervisory" to refer to the state supreme court's discretionary jurisdiction, under which it has the power to select the cases it will hear (see [Question 2](#)). An aggrieved party may seek Louisiana Supreme Court review of certain decisions that are not appealable as of right by filing an application for a supervisory writ.

A party seeking a supervisory writ from the Louisiana Supreme Court must file an application for a writ of certiorari in the Louisiana Supreme Court clerk's office. The writ must be filed within 30 days after the court of appeals' notice of judgment is transmitted ([LA ST S CT Rule 10](#), §§ 2(a) and 5(a).) An original writ application and all accompanying documents and exhibits must be filed in duplicate with seven additional copies. The additional copies may include any other pleadings or exhibits that are attached to the original and must include:

- The trial court's judgment.
- The trial court's written or transcribed reasons for judgment, if any.

- The court of appeal's opinion, if any.

(LA ST S CT Rule 10, §2(a).)

A writ application in a civil case must contain:

- An index of all items (LA ST S CT Rule 10, § 3(1)).
- A statement setting out which of the following considerations is present in the case:
 - conflicting decisions;
 - significant unresolved issues of law;
 - overruling or modification of controlling precedents;
 - erroneous interpretation or application of constitution or laws; and
 - a gross departure from proper judicial proceedings.

(LA ST S CT Rule 10, §§ 1(a) and 3(2); see Question 2.)

- A memorandum not exceeding 25 pages in length, containing:
 - a concise statement of the case summarizing the nature of the case and prior proceedings;
 - an assignment of errors that were made in the opinion, judgment, ruling, or order being appealed;
 - a succinct, accurate, and clear summary of the arguments made in the memorandum; and
 - factual and legal arguments for each alleged error, addressing why the case is appropriate for review.

(LA ST S CT Rule 10, §3(3).)

- A verification, as required by Section 2(d) of Rule 10 of the Louisiana Supreme Court Rules (LA ST S CT Rule 10, §3(4)).
- An appendix containing a copy of:
 - the trial court's judgment, order or ruling and any written or transcribed reasons for judgment.

- any court of appeal's order and opinion, if any, including any rulings and opinions on rehearing or rehearing applications.

(LA ST S CT Rule 10, §3(5).)

- The appropriate filing fee (LA ST S CT Rule 10, § 3; La. R.S. 13:126.) For more information on filing fees, see the Louisiana Supreme Court [website](#).
- The applicant or attorney's signature (LA ST S CT Rule 10, § 2(d)).
- Verification of the allegations set out in the application (LA ST S CT Rule 10, § 2(d)).
- Certification that a copy of the application has been mailed or delivered to:
 - the appropriate court of appeal, as required by LA ST S CT Rule 10 §2(c);
 - the respondent judge, in the case of a remedial writ;
 - all other counsel; and
 - any unrepresented party.

(LA ST S CT Rule 10, § 2(d).)

- The names, addresses, and telephone numbers of all counsel and unrepresented parties, together with the name of the party each counsel represents (LA ST S CT Rule 10, § 2(d)).
- A [writ application filing sheet](#), which satisfies the verification requirements if completed properly. The writ application filing sheet should follow the application's cover sheet. (LA ST S CT Rule 10, § 2(d).)
- A completed [civil priority filing sheet](#), for priority writ applications (LA ST S CT Rule 10, § 2(e)).

Stay Pending Appeal

9. How, if at all, can a party stay the lower courts' rulings pending appeal (for example, posting a bond, making a motion, automatically by appealing)?

Appeals

For direct appeals to the Louisiana Supreme Court, the same rules that govern appeals to the Louisiana courts of appeal apply ([La. Code Civ. Proc. Ann. art. 2081](#)). A party obtains a stay of the lower court's ruling by taking a suspensive appeal instead of a devolutive appeal. A suspensive appeal has a shorter deadline than a devolutive appeal and the added requirement of security, usually in the form of a bond. ([La. Code Civ. Proc. Ann. art. 2123](#); see [State Q&A, Initial Civil Appeals: Louisiana: Question 8.](#))

Writs

Louisiana does not have appeals by permission. Rather, Louisiana courts use the term "supervisory" to refer to the state supreme court's discretionary jurisdiction, under which it has the power to select the cases it will hear (see [Question 2](#)). An aggrieved party may seek Louisiana Supreme Court review of certain decisions that are not appealable as of right by filing an application for a supervisory writ.

To stay the lower courts' rulings pending a party's writ application, the party must request a stay order from the Louisiana Supreme Court if:

- The application is sought from an appellate court's judgment on a writ application. As a practical matter, however, the party could have by this point requested a stay from the trial court or the appellate court in connection with the writ application filed in the appellate court.
- The application is sought from an appellate court's judgment on a devolutive appeal.

In these cases, a [civil priority filing sheet](#) must precede the writ application. The party filing the application must certify that he has:

- Notified all counsel and unrepresented parties, by phone or equally prompt means, that the application has been or is about to be filed.

- Served the application on all counsel and unrepresented parties by means equally prompt to that used to file the application.

(LA ST S CT Rule 10, § 2(e).)

On an application for supervisory writs from a court of appeal's judgment on a suspensive appeal, the lower court's ruling remains automatically stayed pending the Louisiana Supreme Court's disposition of the application ([La. Code Civ. Proc. art. 2166\(E\)](#)).

Preliminary Matters

10. What, if any, preliminary matters are required before the parties brief the appeal (for example, filing informational forms, participating in mediation or settlement conferences)?

Appeals

The same rules that govern appeals to the Louisiana Courts of Appeal apply to the rare direct appeals to the Louisiana Supreme Court ([La. Code Civ. Proc. Ann. art. 2081](#); see [Question 1](#)).

Payment of Estimated Costs

Immediately after the order of appeal is granted, the trial court clerk estimates the cost of the appeal, which includes:

- Court reporter fees for trial transcripts.

- Costs of compiling the record on appeal.
- The appellate court filing fee.

([La. Code Civ. Proc. Ann. art. 2126\(A\)](#).)

The clerk sends the estimated costs to the appellant by certified mail and to the appellee by first class mail ([La. Code Civ. Proc. Ann. art. 2126\(A\)](#)).

The appellant must pay the amount of the estimated costs to the clerk within 20 days from the date the clerk mailed the notice. The trial court may grant one 20-day extension for paying estimated costs if the appellant shows good cause for the extension in a written motion. ([La. Code Civ. Proc. Ann. art. 2126\(B\)](#).)

If the appellant believes the estimate is excessive, the appellant may file a written application in the trial court to reduce the costs. This application must be made within the first 20-day time limit. The appellant has 20 days from the date that the court rules on the cost reduction application to pay the estimated costs. ([La. Code Civ. Proc. Ann. art. 2126\(C\)](#); *Schindler v. Ogden*, 921 So. 2d 126, 128 (La. Ct. App. 2005).)

Lodging of the Record

The trial court clerk must prepare and lodge the record on appeal with the appellate court by the return day ([La. Code Civ. Proc. Ann. art. 2127](#)). The return day is:

- 30 days from the date the appellant pays estimated costs, if there is no testimony to be transcribed and lodged with the record.
- 45 days from the date the appellant pays estimated costs, if there is testimony to be transcribed for the record.

([La. Code Civ. Proc. Ann. art. 2125](#).)

The trial court may also reduce the time, and may grant one extension of the return day that does not exceed 30 days. A copy of any order granting an extension must be filed with the appellate court. Any further extensions of the return day may be granted only by the appellate court for sufficient cause or at the court reporter's request. ([La. Code Civ. Proc. Ann. art. 2125](#).)

Writs

A writ is not considered an appeal in Louisiana. Rather, an aggrieved party may file an application for a supervisory writ to seek Louisiana Supreme Court review of certain decisions that are not appealable as of right (see [Question 2](#)).

An application for supervisory writs must include a completed [Writ Application Filing Sheet](#) following the cover sheet ([LA ST S CT Rule 10](#), § 2(d).)

Court Submissions

11. What factual materials are submitted to the court (for example, the trial court record, excerpts of the record, an appendix)? When and by whom?

Appeals

The same rules that govern appeals to the Louisiana Courts of Appeal apply to the rare direct appeals to the Louisiana Supreme Court ([La. Code Civ. Proc. Ann. art. 2081](#); see [Question 1](#)).

Within three days (exclusive of holidays) after obtaining an order of appeal, the appellant may file a written designation with the trial court specifying portions of the record that the appellant wants to include in the record on appeal. The appellant must serve this designation on all other parties. ([La. Code Civ. Proc. Ann. art. 2128](#).)

Within five days (exclusive of holidays) after the appellee receives service of the appellant's designation, the appellee may file a written designation in the trial court specifying any other portions of the record that the appellee wishes to be included in the record on appeal. ([La. Code Civ. Proc. Ann. art. 2128.](#))

If the parties make no designations, the record consists of all proceeding transcripts and all documents filed in the trial court, however, pleadings, testimony, exhibits, and rulings not material to the action sought to be reviewed need not be included in the records. ([La Code Civ. Proc. Ann. art. 2128](#); [LA ST S CT Rule 1](#), §§ 1, 3.)

The clerk must then prepare the record on appeal as directed. A party or the trial court may later supplement the record by filing any record materials that were omitted. ([La. Code Civ. Proc. Ann. art. 2128.](#))

Writs

The full record from the lower court is not submitted to the Louisiana Supreme Court on a writ of certiorari application. The applicant must include with the writ application:

- An appendix containing a copy of the trial court's judgment, order or ruling and the reasons for judgment, if they were written or transcribed.
- The court of appeal's order and opinion, if any, including rulings and opinions on rehearing or a rehearing application.

([LA ST S CT Rule 10](#), § 3(5).)

The applicant may not file other pleadings or documents unless those pleadings and documents are essential to demonstrating why the writ application should be granted. If the applicant submits those documents, they must be bound separately and cannot exceed 25 pages. ([LA ST S CT Rule 10](#), § 3(6).) The Louisiana Supreme Court may require the submission of additional documents or information that it deems useful, when considering a writ application ([LA ST S CT Rule 10](#), § 3(8)).

If a writ application is granted, the record must be lodged with the Louisiana Supreme Court clerk of court ([LA ST S CT Rule 10](#), § 8(a)).

Where a writ is granted to review the action of a trial court, a certified copy of the original record and one duplicate is prepared by the trial court. The records need not contain pleadings, testimony, exhibits, or rulings not material to the action sought to be reviewed. The certified copy of the original must include all documentary and photographic evidence as well as any other evidence that was part of the original record.

Where a writ is granted to review the action of an appellate court, the original and duplicate records filed in the appellate court are sufficient to file in the Louisiana Supreme Court.

([LA ST S CT Rule 1](#), § 1.)

12. What briefs are filed and when? Does this change when there is a cross-appeal?

Filing Briefs

Appeals

On a direct appeal to the Louisiana Supreme Court:

- The appellant's brief must be filed within 30 days after the record is lodged in the Supreme Court ([LA ST S CT Rule 7](#), § 8(a)).
- The appellee's brief must be filed within 60 days after the record is lodged ([LA ST S CT Rule 7](#), § 8(a)).
- Supplemental briefs on the merits may be filed at any time; however, leave of court is required if the matter has already been argued or submitted ([LA ST S CT Rule 7](#), § 11.1).

- The parties must file an original and 15 legible copies of each brief with the Louisiana Supreme Court clerk ([LA ST S CT Rule 7, § 1](#)).

Writs

A party may file and serve an opposition memorandum within 15 days of the filing of the writ application unless the court extends the time for filing. If the application requests emergency action or a stay order, a party desiring to oppose the action should file the opposition to such action immediately after receiving the application. ([LA ST S CT Rule 10, § 6](#).)

The court does not encourage the filing of reply memoranda. However, if a party feels that a reply is essential to the court's consideration of the writ application, the party may file and serve a reply within ten days of the filing of the opposition. No response to a reply memorandum is allowed. ([LA ST S CT Rule 10, § 7](#).)

An application for supervisory writs, and all documents and exhibits in connection, must be filed in duplicate with the clerk of the Louisiana Supreme Court, along with seven additional copies ([LA ST S CT Rule 10, § 2](#)).

If an application for supervisory writs is granted:

- The applicant's brief must be filed no later than 25 days after the date that the writ is granted ([LA ST S CT Rule 7, § 8\(a\)](#)).
- The respondent's brief must be filed no later than 45 days after the date that the writ is granted ([LA ST S CT Rule 7, § 8\(a\)](#)).
- Supplemental briefs on the merits may be filed at any time. However, a party must obtain leave of court if the matter has already been argued or submitted ([LA ST S CT Rule 7, § 11.1](#)).
- The parties are required to file an original and 15 legible copies of each brief with the Louisiana Supreme Court clerk ([LA ST S CT Rule 7, § 1](#)).

In lieu of filing a brief, the applicant may file 15 additional copies of the application (with or without the supporting exhibits) and any memorandum or brief filed in support of the application ([LA ST S CT Rule 10, § 8\(a\)](#)).

If pertinent and significant authorities come to a party's attention after all briefs have been filed, or after oral argument but before a decision has been issued, a party may promptly advise the clerk by sending a letter to the clerk and all parties, providing the relevant citations. This may be done for both appeals and writs. The letter cannot exceed 350 words and must be limited to:

- The case name and citation.
- The issues raised by the case that are pertinent to the issues under consideration.
- The page number in the party's brief where the issue is raised.

If the issue was raised during oral argument only, counsel must describe where and how this issue arose. Any response to that letter must be made promptly and be similarly limited. A response to the response is not permitted. ([LA ST S CT Rule 7](#), § 11.2.)

Briefing After Cross-Appeal

Appeals

Due to the limited instances in which a party may take a direct appeal to the Louisiana Supreme Court, cross-appeals are uncommon. While the Louisiana Supreme Court does not have a specific rule governing cross-appeals, the same briefing deadlines set forth above apply for each party as an appellant and an appellee (see [Filing Briefs: Appeals as of Right](#)).

Writs

Any party may file a writ application with the Louisiana Supreme Court. The same briefing deadlines set forth above apply to each party as an applicant and a respondent (see [Filing Briefs: Writs](#)).

13. How, if at all, can a party extend the time to file a brief (for example, stipulation, so-ordered stipulation, motion)?

Appeals

On direct appeal to the Louisiana Supreme Court, or in connection with a writ application that has been granted, a party may request an extension of time to file a brief by filing a motion on or before the brief is due. The Louisiana Supreme Court may in its discretion grant an extension on a showing of good cause. The court may not grant an extension if an extension delays the hearing and a decision. ([LA ST S CT Rule 7, § 10.](#))

The appellee's time to file a brief is automatically extended when the court grants an extension to the appellant ([LA ST S CT Rule 7, § 10.](#)).

Writs

The time for filing an application for supervisory writs cannot be extended ([LA ST S CT Rule 10, § 5\(a\)](#)). However, the court may issue an order extending the time for filing an opposition to a writ application ([LA ST S CT Rule 10, § 6](#)).

14. Are there word or page limits for briefs? If so, please indicate:

- The word or page limit for each type of brief (for example, appellant's brief, appellee's brief, reply brief).
- How, if at all, a party can obtain permission to exceed the usual limit (for example, stipulation, so-ordered stipulation, motion).

Word or Page Limits

Merits

Briefs in a civil action may not exceed 25 legal size pages or 35 letter size pages, not including the cover page and the index of authorities ([LA ST S CT Rule 7](#), § 2). A letter containing citations of supplemental authorities may not exceed 350 words ([LA ST S CT Rule 7](#), § 11.2).

Writs

An application for supervisory writs may not exceed 25 legal size pages, not including the index of contents and authorities and the statement of writ grant considerations present in the case ([LA ST S CT Rule 10](#), § 3).

The opposition memorandum should be as brief as possible, and must not exceed 25 pages ([LA ST S CT Rule 10](#), § 6).

A reply memorandum may not exceed seven pages, including exhibits and other documents ([LA ST S CT Rule 10](#), § 7).

Oversized Briefs

There is no formal procedure for a party to request permission to exceed the usual page limits. In practice, a party obtains permission by filing a motion with the court.

Oral Arguments

15. Is oral argument available? If so, please indicate:

- Any restrictions on what types of cases may be argued.
- Whether the parties can request oral argument or submission on the papers.
- How much time each party or side typically receives for argument.

Types of Cases that May Be Argued

In cases that involve direct appeals and where a writ application is granted, oral argument is expected in the Louisiana Supreme Court. The Supreme Court clerk assigns oral argument in the order in which they are docketed ([LA ST S CT Rule 6](#), § 1 and Rule 10, § 8(a)). The court may decline to hear oral argument if a party fails to file a timely brief ([LA ST S CT Rule 7](#), § 8(b)).

Oral argument is not allowed in support of or opposition to:

- An application for rehearing.
- An application for writ of review to the court of appeal.
- An application for a supervisory or remedial writ.

([LA ST S CT Rule 8](#), § 4.)

Party Involvement in Decision

The Louisiana Supreme Court rules do not provide for party requests for oral argument. The parties may make a joint motion to submit the case for a decision on the papers, however. That motion must be signed by all parties to the suit or their attorneys. ([LA ST S CT Rule 6](#), § 6.)

Length of Oral Arguments

Oral argument is generally limited to 60 minutes, divided equally between the opposing parties. Additional time may be permitted, for good cause, if it is requested in advance of the argument. ([LA ST S CT Rule 8](#), § 2(B).)

The court may:

- Shorten the time for oral argument.
- Limit oral argument in any case in which the argument becomes repetitive or irrelevant to the issue or issues before the court.

([LA ST S CT Rule 8](#), § 2.)

Rehearing

In Louisiana, a party may file an application for rehearing. This application must be filed with the clerk of the Louisiana Supreme Court within 14 days after the mailing of notice of judgment. However, the court may within its discretion extend the time for filing a party's brief in support of an application, if the party requests additional time in the application. ([LA ST S CT Rule 9](#), §§ 1, 3.)

Applications for rehearing will not be considered if either:

- The court merely granted or denied a writ application.

- The case has already been decided on rehearing, unless:
 - the applicant is not the party that originally applied for and was granted rehearing; or
 - the court, in deciding the case on rehearing, expressly reserved to the unsuccessful party or parties the right to apply for another rehearing.

([LA ST S CT Rule 9](#), §§ 5 and 6.)

When the Louisiana Supreme Court grants a rehearing, it may set the case for oral argument or order the case submitted on the briefs. In either case, the parties may choose to file additional or supplemental briefs ([LA ST S CT Rule 9](#), § 4).