

## Initial Civil Appeals: Louisiana

by Kelly Brechtel Becker and Kathryn Zainey Gonski, Liskow & Lewis, with Practical Law Litigation

Status: Law stated as of 12 Feb 2021 | Jurisdiction: Louisiana, United States

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A Q&A guide to appealing from a trial court of general jurisdiction 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, arguing the appeal, and requesting rehearing. Answers can be compared across a number of jurisdictions (see Initial Civil Appeals: State Q&A Tool).

**Due to the ongoing COVID-19 pandemic, Louisiana courts have modified or suspended some court rules and procedures on a statewide or court-by-court basis. For more information, see the Louisiana Supreme Court Coronavirus (COVID-19) Information and Resources page.**

### Overview of State Appeals

#### 1. What types of rulings can a party appeal as of right (for example, final judgments, preliminary injunctions, interlocutory orders)?

A party may appeal as of right the following types of judgments from a trial court to a Louisiana court of appeal:

- A final judgment.
- Partial judgments that the trial courts designate final.
- A judgment reformed in connection with an additur or remittitur.
- An interlocutory judgment made expressly appealable by law.

(La. Code Civ. Proc. Ann. art. 2083.)

#### Final Judgments

Final judgments determine the merits in whole or in part (La. Code Civ. Proc. Ann. art. 1841 and 1915). Final judgments include, but are not limited to, orders:

- Granting summary judgment.
- Granting judgments on the pleadings.

(La. Code Civ. Proc. Ann. art. 968.)

### Judgments Granting Partial Relief

A final judgment may be rendered even if does not grant all relief requested or does not resolve all issues in the case. This occurs when the court:

- Dismisses the suit against a party (but not all parties).
- Grants a motion for judgment on the pleadings, if it does not grant all relief requested.
- Grants a motion for partial summary judgment, as provided in La. Code Civ. Proc. Ann. art. 966 to 969, excluding art. 966(E).
- Signs a judgment on the principal or incidental demand, when the two were tried separately.
- Signs a judgment on liability when it has been tried separately from damages.
- Imposes sanctions or disciplinary action in connection with La. Code Civ. Proc. Ann. art. 191, 863, or 864, or La. Code Evid. Ann. art. 510(G).

(La. Code Civ. Proc. Ann. art. 1915(A); see *Jeansonne v. New York Life Ins. Co.*, 11 So. 3d 1160, 1167-68 (La. Ct. App. 2009).)

A party may appeal a judgment that resolves some but not all of the claims or issues against a party only if the court designates the judgment as final (La. Code Civ. Proc. Ann. art. 1911(B) and 1915(B)). By designating a judgment granting partial relief as final, the court essentially gives the losing party an opportunity to bring an interlocutory



appeal where an appeal as of right does not otherwise exist (see Question 2: Partial Judgments).

### Additur or Remittitur Judgments

Trial court judgments that add to or reduce the amount of a jury's verdict may be appealed as of right (La. Code Civ. Proc. Ann. art. 2083(B)).

### Interlocutory Judgments

Interlocutory judgments determine preliminary matters in the course of the action (La. Code Civ. Proc. Ann. art. 1841). There are certain interlocutory judgments that are appealable as of right, including for example:

- Class action certification orders (La. Code Civ. Proc. Ann. art. 592(A)(3)(c)).
- Orders or judgments relating to a preliminary injunction (La. Code Civ. Proc. Ann. art. 3612 (B) and (C)).

### 2. What types of rulings, if any, can a party appeal by permission (for example, interlocutory orders)?

### Partial Judgments

In Louisiana, a party may move the trial court to designate a non-final partial judgment that determines some but not all of the claims or issues against a party as final so that it may be appealed (La. Code Civ. Proc. Ann. art. 1915(B)).

In determining whether to designate that type of partial judgment as final, a court must consider whether there is no just reason for delaying an appeal (La. Code Civ. Proc. Ann. art. 1915(B); *R.J. Messinger, Inc. v. Rosenblum*, 894 So. 2d 1113, 1122 (La. 2005)). The court may also consider:

- The relationship between the adjudicated and unadjudicated claims.
- The possibility that the need for review might or might not be mooted by future developments in the trial court.
- The possibility that the reviewing court might be compelled to consider the same issue a second time.
- Delay.
- Economic and solvency considerations.
- Shortening the time of trial.
- Frivolity of competing claims.
- Expense.

(*R.J. Messinger, Inc.*, 894 So. 2d at 1122-23.)

If a Louisiana court of appeal determines that the trial court improperly designated a partial judgment as final, it may convert the appeal into an application for a supervisory writ and rule on the merits (see *Spanish Lake Restoration LLC v. Shell Oil Co.*, 2016 WL 1572425, at \*4-6 (La. Ct. App. Apr. 18, 2016)).

### Writs

Rulings that cannot be appealed as of right, for example, interlocutory judgments or orders, may be reviewed by supervisory writ. The Louisiana courts of appeal are vested with supervisory jurisdiction over cases that arise within their respective circuits. (La. Const. art. V, § 10(A); La. Code Civ. Proc. Ann. art. 2083 cmt. a; La. Code Civ. Proc. Ann. art. 2201.) A Louisiana court of appeal may grant a writ where either:

- The failure to grant a writ would result in irreparable injury.
- The following are true:
  - the trial court's decision is incorrect;
  - there is no dispute of fact to be resolved; and
  - a reversal will end the litigation.

(*Herlitz Constr. Co., Inc. v. Hotel Inv'rs. of New Iberia, Inc.*, 396 So. 2d 878, 878 n.1 (La. 1981).)

Courts have found the following types of rulings appropriate for review by supervisory writ:

- Improper venue (*Land v. Vidrine*, 62 So. 3d 36, 40 (La. 2011)).
- Denial of a jury trial or denial of a motion to strike a jury demand (*Smith v. City of Lake Charles Police Dep't*, 858 So. 2d 869, 871 (La. Ct. App. 2003); *Scott v. Clark*, 583 So. 2d 938, 940 (La. Ct. App. 1991)).
- Denial of a motion to compel arbitration (*Arkel Constructors, Inc. v. Duplantier & Meric, Architects, L.L.C.*, 965 So. 2d 455, 459 (La. Ct. App. 2007)).
- Order compelling enforcement of a settlement (*Bourgeois v. Franklin*, 389 So. 2d 358, 361 (La. 1980)).

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

In Louisiana, there are no restrictions on the types of issues the courts of appeal can consider. Appellate

courts review both questions of law and fact (La. Const. art. V, § 10(B)).

### Starting an Appeal

#### 4. When must a party start an appeal?

The deadline for an appeal depends on whether a party takes a suspensive appeal or a devolutive appeal. A suspensive appeal is one that 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:
  - judgment notwithstanding the verdict (JNOV); or
  - a new trial.
- The date on which the delay for applying for a JNOV or motion for 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.

(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:
  - JNOV; or
  - a new trial.
- The date on which the delay for applying for a JNOV or motion for 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).)

#### Injunctions

A party must take an appeal of an order or judgment relating to a preliminary injunction, whether suspensive or devolutive, within 15 days from the date of the order or judgment (La. Code Civ. Proc. Ann. art. 3612(C)). An order or judgment relating to a preliminary or final injunction may not be suspended while an appeal is pending unless the court determines otherwise (La. Code Civ. Proc. Ann. art. 3612(B)).

#### Writs

If a party intends to apply to a court of appeal for a writ seeking discretionary review of an interlocutory judgment, the party must simultaneously give notice of that intention to:

- Opposing parties, or opposing counsel if the opposing party is represented.
- The judge whose ruling is at issue, by requesting a return date.

(La. Unif. R. Ct. App. 4-2.)

Once the judge receives the notice of intention, the judge must set a return date. The return date is the date on or before which the party must file an application for a supervisory writ in the court of appeal. The return date cannot exceed 30 days from the date of the notice of the judgment being appealed. (La. Unif. R. Ct. App. 4-3.)

Notice of an interlocutory judgment occurs when:

- A judge makes a ruling from the bench in open court.
- The court clerk mails notice of interlocutory judgment to each party if the matter is taken under advisement or it is order or contemplated that the judgment made in open court be reduced to writing.

(La. Code Civ. Proc. Ann. art. 1914.)

The deadline for filing the notice of intent is not entirely clear. However, it must be filed early enough after the notice of judgment so that the judge can set a return date that is not more than 30 days after the notice of judgment. Regardless of when the notice of intent is filed, a party must file the application for a supervisory writ within 30 days of the notice of judgment, unless the party obtains an extension of time. (La. Unif. R. Ct. App. 4-2 and R. 4-3.)

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

#### Appeals

A party cannot extend the time to start an appeal in Louisiana. The deadline for an appeal is jurisdictional and cannot be extended by any court. (*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).)

#### Writs

A party may extend the time for filing the writ application by filing a motion to extend the return date in the trial or

appellate court. The party must make this motion within the original or previously extended return date period. (La. Unif. R. Ct. App. 4-3.)

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

A party starts an appeal by obtaining an order granting the appeal from the trial 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 of all other parties.
- The appellate court.
- 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.)

A party starts a devolutive appeal as of right by moving in the trial court for an order of appeal within the applicable 60-day period (La. Code Civ. Proc. Ann. art. 2087(A);

*Traight v. Gulf Coast Aluminum Corp.*, 399 So. 2d 183, 186 (La. 1981)).

### 7. How does a party start an appeal by permission (for example, motion to the appellate court, motion to the trial court)?

## Appeals

When a Louisiana court renders a partial judgment granting partial relief, any party can file a motion with the trial court to designate a partial judgment as an appealable final judgment (see Question 2).

If the trial court grants the motion, the appeal proceeds in the same manner as appeals as of right (see Question 6).

## Writs

A party seeking a supervisory writ from a Louisiana court of appeal must simultaneously:

- File a notice of intention to seek a writ with the trial court, by requesting that the trial court set a return date.
- Serve the notice of intention on all opposing parties, or opposing counsel of record if the opposing party is represented.

(La. Unif. R. Ct. App. 4-2.)

The notice of intent requests that the trial court judge set a return date, which is the date on or before which the party seeking a supervisory writ must file its application for supervisory writ (La. Unif. R. Ct. App. 4-2 and R. 4-3). The trial court judge must immediately set a reasonable return date that is no later than 30 days from the date of the notice of the ruling for which review is sought (La. Unif. R. Ct. App. 4-3).

On or before the return date, the party seeking the writ must file an application for supervisory writ in the appropriate Louisiana court of appeal (La. Unif. R. Ct. App. 4-3).

The writ application must contain:

- An index of the application's contents.
- A concise statement of the grounds for the appellate court's jurisdiction.
- A concise statement of the case, including:
  - the status of the case at the time the writ application is filed; and
  - any pending trial dates or hearing dates.

- The issues and questions of law presented for determination by the court.
- The assignments or specifications of errors.
- A memorandum in support of the application.
- A prayer for relief.
- A copy of the judgment, order, or ruling being appealed (if by written judgment, order, or ruling).
- A copy of the judge's reasons for judgment, order, or ruling (if written).
- A copy of each pleading on which the judgment, order, or ruling was founded.
- A copy of any opposition and any attachments filed by a party in the trial court, or a statement by the relator that no opposing written document was filed.
- A copy of pertinent court minutes.
- The notice of intent to file a supervisory writ.
- The return date order and any return date extensions.
- If the applicant seeks expedited relief or a stay order:
  - a separate page entitled "REQUEST FOR EXPEDITED CONSIDERATION"; and
  - a corresponding affidavit as required by La. Unif. R. Ct. App. 4-4(C).
- The signature of the applicant or counsel of record.
- An affidavit that:
  - verifies the allegations in the application;
  - certifies that a copy has been delivered or mailed to the respondent judge and to opposing counsel or any opposing unrepresented parties; and
  - lists the addresses and telephone numbers, if available, of the respondent judge, any opposing counsel, and any opposing unrepresented parties.

(La. Unif. R. Ct. App. 4-5.)

Failure to include the required components and attachments and to comply with the formatting requirements of La. Unif. R. Ct. App. 4-5 may result in a summary denial of the writ application.

### Stays Pending Appeal

**8. How, if at all, can a party stay the lower court's ruling pending appeal (for example, posting a bond, making a motion, automatically by appealing)?**

### Appeals

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.
- The added requirement of security, usually in the form of a bond.

(La. Code Civ. Proc. Ann. art. 2123; see Question 4: Suspensive Appeal.)

### Writs

A party filing an application for a writ must request a stay of proceedings. The party must first request a stay from the trial court and then from the court of appeal if the trial court denies the request. (La. Unif. R. Ct. App. 4-4.)

### Preliminary Matters

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

### Payment of Estimated Costs

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

- 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 reduce this time or 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.)

For more on the record on appeal, see Question 10: Appeals: Factual Materials.

### Answering the Appeal

An appellee may answer the appeal within 15 days after the return day or the date of the lodging of the record, whichever is later. An appellee must answer the appeal if the appellee:

- Wishes to have the judgment modified, revised, or reversed in part.
- Demands damages against the appellant.

(La. Code Civ. Proc. Ann. art. 2133.)

## Court Submissions

**10. 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

### Factual Materials

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.
- All documents filed in the trial court.

(La. Code Civ. Proc. Ann. art. 2128.)

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.)

### Responsible for Filing

The trial court clerk of court must prepare and lodge the record with the court of appeal clerk on or before the return date, or in accordance with any granted extensions (La. Code Civ. Proc. Ann. art. 2127).

## Writs

### Factual Materials

There is no record when a writ application is filed with a court of appeal. However, certain documents must be attached to the writ application itself (La. Unif. R. Ct. App. 4-5). For a list of documents that must be attached to the writ, see Question 7: Writs.

### Timing

The writ application and all of the required attachments must be filed on or before the return date set by the trial court (La. Unif. R. Ct. App. 4-3).

### Responsible for Filing

The applicant is responsible for filing the writ application and the required attachments (La. Unif. R. Ct. App. 4-1).

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

### Appeals

Each party must file a brief as follows:

- The appellant's brief is due no more than 25 calendar days after the trial court clerk lodges the record with the appellate court.
- The appellee's brief is due no more than 45 calendar days after the filing of the record.
- The appellant's reply brief, if any, is due no more than ten calendar days after the appellee files its brief.

(La. Unif. R. Ct. App. 2-12.7.)

Generally, each party should file an original and seven copies of each brief (La. Unif. R. Ct. App. 2-12.1). However, the parties should confirm with the specific court of appeals where they are filing as local rules may vary.

### Briefing After Cross-Appeal

If there are cross-appeals, unless otherwise directed by the appellate court:

- The appellant whose order of appeal bears the earlier date must file its appellant's brief within 25 days after the record is filed.
- The appellant whose order of appeal bears the later date must file its appellant's brief within 45 days after the record is filed (20 days after the opposing party's appellant brief).

(La. Unif. R. Ct. App. 2-12.7.)

### Writs

#### Filing Briefs

A party must file an application for a supervisory writ with the required attachments on or before the return date set by the trial court (La. Unif. R. Ct. App. 4-5). For a list of the documents that must be attached to the writ, see Question 7: Writs.

An opposing party may file an opposition brief, and the applicant may file a reply brief. Counsel should consult the local rules for each court of appeal, as the procedures and deadlines for opposition and reply briefs for supervisory writs are typically governed by local court rules (for example, Court of Appeal, 3rd Cir. Internal Rule 19, 8 LSA-R.S.; Court of Appeal, 4th Cir. RULE 16, 8 LSA-R.S.; LA ST A CT 3 CIR Internal Rule 19; LA ST A CT 4 CIR Internal Rule 16).

If the local court rules do not provide for a procedure, counsel should notify the court as soon as possible that it intends to file an opposition brief. The applicant should file a reply brief as soon as possible after receiving an opposition brief.

### Briefing After Cross-Appeal

A cross-appeal is not permitted when review is sought by supervisory writ.

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

### Appeals

In Louisiana, a party can extend the time to file a brief for good cause by obtaining an order granting an extension on or before the date the brief is due. If the court grants an extension of time to an appellant, the appellee must file any opposition brief within 20 days after the appellant's extended due date expires. (La. Unif. R. Ct. App. 2-12.8.) Counsel should consult local court rules for any additional extension deadlines and procedures.

### Writs

A party may extend the time for filing a writ application by making a motion to extend the return date in the trial court or appellate court. The motion must be made within the original or previously extended return date period. An appellate court may not consider a writ application that is not filed within the extended return date unless the moving party shows that the filing delay was not its fault. When an extension is granted the writ application must contain documentation of the original return date and any extensions. (La. Unif. R. Ct. App. 4-3.) Extensions for filing oppositions and replies are typically governed by local court rules.

### 13. 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).

## Appeals

### Word or Page Limits

The appellant's original brief and the appellee's brief may not exceed 31 pages on legal-size paper, or 41 pages on letter-size paper. The appellant's reply brief may not exceed 13 pages on legal-size paper or 18 pages on letter-size paper. (La. Unif. R. Ct. App. 2-12.2(D)(1).)

This page limitation includes the cover page of the brief, but it does not include:

- The table of contents.
- The table of authorities.

(La. Unif. R. Ct. App. 2-12.2(D)(1).)

### Oversized Briefs

A party may seek leave to file an oversized brief at least ten days before the brief's due date. The court grants length extensions only for extraordinary and compelling reasons. (La. Unif. R. Ct. App. 2-12.2(D)(3).)

## Writs

### Word or Page Limits

The page limitations for briefs filed in connection with an application for a supervisory writ are the same as the page limitations for appellate briefs in general (La. Unif. R. Ct. App. 4-5(C) and R. 4-8).

### Oversized Briefs

A party may move for leave to file an oversized brief at least ten days before the brief's due date. The court grants length extensions only for extraordinary and compelling reasons. (La. Unif. R. Ct. App. 2-12.2(D)(3), R. 4-5, and R. 4-8.)

## Oral Arguments

### 14. 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.

## Appeals

### Types of Cases That May Be Argued

There are no restrictions on what types of cases may be argued.

### Party Involvement in Decision

The court may permit oral argument when any party requests oral argument. The request must be made in the form of a motion or letter within 30 days after the record is filed. Oral argument requests may not be made in a party's brief. (La. Unif. R. Ct. App. 2-11.4.)

If no party requests oral argument, appeals are submitted for decision without oral argument. When the right to oral argument has been granted to one party, the right extends to all other parties. (La. Unif. R. Ct. App. 2-11.4.)

### Length of Oral Arguments

Oral argument is generally limited to 40 minutes, divided equally between opposing sides, although local court rules may provide a shorter time. The court may also shorten or lengthen the time for argument in its discretion. The court determines how to apportion the time if there is more than one appellant or appellee and they cannot decide between themselves the apportionment of the allotted 20 minutes. (La. Unif. R. Ct. App. 2-15.2.)

## Writs

Louisiana law does not generally provide for oral argument on an application for a supervisory writ, and courts rarely grant it. An appellate court may not, however, reverse a trial court's denial of a motion for summary judgment and grant a motion for summary judgment dismissing a case or a party on an application for supervisory review without assigning the case for briefing and permitting the

parties an opportunity to request oral argument (La. Code Civ. Proc. Ann. art. 966(H)). If a court of appeal hears oral argument on a writ application, oral argument is governed by the same rules as general appellate oral arguments (La. Unif. R. Ct. App. 2-15.2 and R. 4-8).

### Rehearing for State Appeals

#### 15. Is there a mechanism for rehearing (panel or en banc)? If so, please describe:

- The process for requesting rehearing (for example, petition, motion).
- The process for presenting the merits if the court grants rehearing (for example, decision on the existing papers, new argument, new briefing).

### Appeals and Writs

A party may apply for rehearing if the court has either:

- Granted a writ application on the merits.
- Dismissed an appeal.
- Ruled on the merits of an appeal.

(La. Unif. R. Ct. App. 2-18.7 and R. 4-9.)

Generally, the same three judges that decided the matter in the first instance hear the rehearing application. Internal court practices, however, may dictate otherwise.

### Requesting Rehearing

A party must file a rehearing application within 14 days after the notice of judgment is transmitted. The court does not grant extensions for rehearing applications. (La. Unif. R. Ct. App. 2-18.2.)

The application must:

- Not exceed ten pages, except by permission of court.
- State the applicant's contentions with particularity.
- Provide a concise argument supporting the rehearing request.
- Include an original and four copies of a brief in support of the rehearing application, to be simultaneously filed with the rehearing application.

(La. Unif. R. Ct. App. 2-18.1 and R. 2-18.3.)

### Rehearing Procedure

The court may order oral argument of a rehearing application (La. Unif. R. Ct. App. 2-18.5).

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