

**SECOND CIRCUIT COURT OF APPEAL
STATE OF LOUISIANA**

**What's Afoot at the
Second Circuit Court of Appeal**

ROBIN N. JONES, CLERK OF COURT and
JESSICA STEPHENSON, ASST. CENTRAL STAFF DIRECTOR

1

New Rules on Filing:

- La. C.C.P. art. 253:
On and after January 1, 2026, all filings as provided in Paragraph A of this Article and all other provisions of this Chapter filed by an attorney shall only be filed in person in paper form or transmitted electronically in accordance with a system established by a clerk of court or by Louisiana Clerks' Remote Access Authority.
- La. C. Cr. P. art. 14.1:
Beginning January 1, 2026, all filings as provided in this Article and all other provisions of this Code filed by an attorney shall only be filed in person in paper form or transmitted electronically in accordance with a system established by a clerk of court or by the Louisiana Clerks' Remote Access Authority.

2

What's not new, but important!

**ELECTRONIC
FILING:**

**Local Rule 5-2
and Appendix F**

1. The e-filing e-mail address is: 2ndcirc@la2nd.org
Authorized users will be licensed Louisiana attorneys in good standing, *pro hoc vice* attorneys and self-represented parties. Registration will be via e-mail to the clerk's office and verification from clerk's office will consist of a reply e-mail. The burden is on the authorized user to supply an active and accurate e-mail. (See Appendix F for items to include on request for authorization.)
Effective 1/1/2026: E-filing or in-person filing will be required.
2. There is a \$25 processing fee for e-filing a document up to 250 pages, and \$50 if over 250 pages.

3

E-FILING (continued)

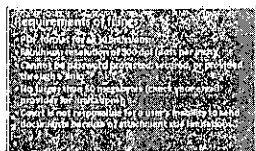
All filings are accepted via e-mail in all types of cases. No partial filings will be accepted.

The e-filed document will be the official court record; paper copies will not be required in addition to the e-filed document.

The authorized user will still bear the responsibility of serving copies on all parties evidenced by a certificate of service.

4

E-FILING (continued)



If an authorized user electronically uploads multiple documents in a single electronic filing through the e-filing system, the authorized user will receive a single filing number and single filing confirmation for the electronically filed documents. The electronic confirmation will be a manually sent e-mail from the clerk's office.

5

E-FILING (continued)

8. The electronic files shall not contain hyperlinks.
9. Signatures: Either a scanned signed document or the authorized user must include the notation "/s/", and the authorized user's name in the space where the authorized user's signature would otherwise appear on the electronically filed document to comply with and have all the legal effects as contained in the pleading certification provisions of La. C.C.P. art. 863. Signature(s) on an electronically-filed document shall have the same legal effect as any signature(s) on a conventionally-filed document.



6

**E-FILING
(continued)**

10. Documents may be electronically submitted at any time and timeliness of the filing will be determined by the date and time of receipt of the electronic filing. An electronically-filed document will be considered timely filed if the electronic filing is received at any time before 12:00 a.m. Central Time on or before the date on which the document is due unless another specific time is mandated by order, rule or statute.

7

**E-FILING
(continued)**

11. Once a document is electronically filed, the authorized user is bound by the document as electronically filed. The Court will not permit the authorized user to electronically alter and/or change any document. If an authorized user discovers an error in an electronic filing, the authorized user should report the error to the clerk of court by telephone at (318) 227-3700.

12. Emergency/stry requests: This system may be used to file emergencies in all case types, provided the authorized user calls the clerk's office during business hours before e-filing the document. (The clerk's office is not available to process emergencies after 4:30 p.m. Monday through Friday, on weekends or Court holidays.) Filers should type the word "Emergency" in the document description field when completing the e-filing of the document.

8

**E-FILING
(continued)**

13. Authorized user's responsibilities and undeliverable electronic notification via e-mail: It is the responsibility of the authorized user, at all times, to provide a current e-mail address with the court, to verify that their e-mail inbox is working properly and receiving incoming electronic notifications via e-mail from the court.

14. To change your e-mail address with the court, telephone the clerk's office at (318) 227-3700.

15. Hardware and software requirements:

- a. A personal computer running a standard platform such as Windows or Macintosh
- b. A web browser like Internet Explorer, Google Chrome, Firefox or Safari
- c. An e-mail address
- d. Adobe Acrobat reader is needed for viewing PDF documents.

9

E-FILING (continued)

16. **Security:** Authorized users acknowledge that the Internet is inherently unsecured and that all data transfers, including electronic mail, occur openly in the Internet and potentially can be monitored or read by others. We cannot guarantee that any data transfers using our services or e-mail transmitted to and from us, will not be monitored or read by others.
17. **Liability Disclaimer:** The authorized user has the responsibility to obtain, install, maintain and operate all computer hardware and software necessary for e-filing with this Court. We are not responsible for any loss or damage that the user may suffer as a result of the failure of systems or hardware that he/she uses to interface with this court's system, whether such use is initiated or processed directly with our system. The authorized user alone is responsible for the adequacy of the systems and software he/she uses. We are not responsible to the user for any computer virus or other malware that may be attributable to using our services.

30

10

How do I pay for filing?

- We have electronic payments!!
- How does it work? (1) e-mail your filing to the court; (2) we will send you a PayPal invoice; (3) pay the invoice via credit card; and (4) we will process your filing.

A filing requiring a fee cannot be processed until the fee is received in our office (the ONLY exception is a true emergency writ application); however, timeliness of the filing will be determined by the date and time of receipt of the electronic filing



31

11

Multiple judgments-be careful to appeal the appropriate judgment

- John Doe initiates lawsuit against High Rollers Casino for an alleged slip and fall. Doe files a MSJ seeking to establish liability; High Rollers files a MSJ to dismiss Doe's claims.
- At the conclusion of the hearing on both MSJs, the trial court denied Doe's MSJ (signed 7/1/24) and granted High Rollers' MSJ (signed 7/9/24).
- John Doe's attorney filed a "notice of appeal" to appeal the 7/1/24 judgment (the judgment denying his MSJ) without any mention of the 7/9/24 MSJ which dismissed all of Doe's claims.
- The Court dismissed Doe's appeal—the 7/1/24 judgment was not appealable.

32

12

Changes to La. C.C.P. art 1915: Final and interlocutory judgments; partial judgment; partial exception; partial summary judgment (EFFECTIVE 8/1/2025)

- A. A final judgment may be rendered, even though it may not grant the successful party or parties all of the relief prayed for, or may not adjudicate all of the issues in the case, when the court:
- (1) Dismisses the suit as to fewer than all of the parties, defendants, third-party plaintiff, third-party defendants, or interveners.
 - (2) Grants a motion for judgment on the pleadings, as provided by Articles 955, 968, and 969.
 - (3) Grants a motion for summary judgment, as provided by Articles 956 through 959, but not including a summary judgment granted pursuant to Article 966(4).
 - (4) Grants a judgment on either the principal or incidental demand, when the two have been tried separately, as provided by Article 1038.
 - (5) Grants a judgment on the issue of liability when that issue has been tried separately by the court, or when, in a jury trial, the issue of liability has been tried before a jury and the issue of damages is to be tried before a different jury.
 - (6) Imposes sanctions or disciplinary action pursuant to Article 191, 853, or 854 or Code of Evidence Article 510(6).
- B. If an appeal is taken from any judgment rendered in accordance with Paragraph A this Article, the trial court shall retain jurisdiction to adjudicate the remaining issues in the case.
- C. Except as otherwise provided by law, when a court grants a judgment or summary judgment, or sustains an exception in part, as to one or more but fewer than all of the claims, demands, issues, or theories by or against a party, whether in an original demand, reconventional demand, cross-claim, third-party claim, or intervention, that judgment is an interlocutory judgment.
- D. All judgments rendered in accordance with this Article shall be reduced to writing and signed by the court.

13

**What is a "return date"?
Appeals:**

- La. C.C.P. art. 2125:
The return day of the appeal shall be thirty days from the date estimated costs are paid if there is no testimony to be transcribed and lodged with the record and forty-five days from the date such costs are paid if there is testimony to be transcribed, unless the trial judge fixes a lesser period. The trial court may grant only one extension of the return day and such extension shall not be more than thirty days. A copy of the extension shall be filed with the appellate court. Subsequent extensions of the return day may be granted by the appellate court for sufficient cause or at the request of the court reporter as provided in Article 2127.2.
- La. C.C.P. art. 2125.1:
When a subsequent extension of the return day is granted by the appellate court in accordance with the provisions of Article 2125, notice thereof shall be given by mail by the clerk of the trial court to counsel of record of all parties, and to parties not represented by counsel. The failure of the clerk of the trial court to mail such notice does not affect the validity of the appeal, nor does any error or defect that is not imputable to the appellant affect the validity of the appeal.

14

**What is a "return date"?
Writs:**

- U.R.C.A. Rule 4-3:
- The judge who has been given notice of intention as provided by Rule 4-2 shall immediately set a reasonable return date within which the application shall be filed in the Court of Appeal. The return date in civil cases shall not exceed 30 days from the date of notice of the judgment, as provided in La. C.C.P. art. 1914. In criminal cases, unless the judge orders the ruling to be reduced to writing, the return date shall not exceed 30 days from the date of the ruling at issue. When the judge orders the ruling to be reduced to writing in criminal cases, the return date shall not exceed 30 days from the date the ruling is signed. In all cases, the judge shall set an explicit return date; a Court of Appeal shall not infer a return date from the record.
- Upon proper showing, the trial court or the Court of Appeal may extend the time for filing the application upon the filing of a motion for an extension of the return date by the applicant, filed within the original or an extended return date period. An application not filed in the Court of Appeal within the time so fixed or extended shall not be considered, in the absence of a showing that the delay in filing was not due to the applicant's fault. The application for writs shall contain documentation of the return date and any extensions thereof; any application that does not contain this documentation may not be considered by the Court of Appeal.

15

New Rule on Untimely Requests for Oral Argument

Local Rule 9.1:

Requests for oral argument should be made pursuant to U.R.C.A. Rule 2-11.4. However, a party requesting oral argument after 30 days of the filing of the appeal record shall make their request by filing a motion with the court, prior to the docketing of the appeal. The motion for untimely request for oral argument shall state the reason for the delayed request and include a statement that no parties have an objection to the request. Any motion for an untimely request for oral argument after the matter has been docketed will be denied absent extraordinary circumstances. The court retains its authority to order oral argument in any case pursuant to U.R.C.A. 2-11.8.



16

16

What happens
if you file a writ
when you
should have
filed an appeal?

Shows v. Shows, 434 So. 2d 1090 (La. 1983):

Granted: Relator's notice of intention to apply for writs is treated as the equivalent of a motion for an order of appeal, and the trial judge's order of January 31, 1983, is considered as an order granting the appeal. The matter is hereby remanded to the trial court for the purpose of perfecting the appeal.

- We will remand your case for perfection of an appeal if your notice of intention was timely filed within the appeal delays.
- Similarly, a timely, but improperly filed appeal may be converted to a writ application.

17

17

Are writs handled differently than appeals?

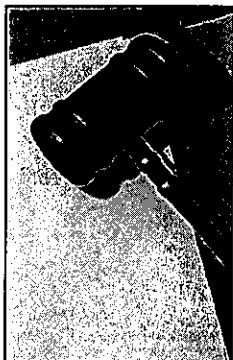
- We do not send notice of the filing of a writ; that is incumbent on the counsel or party making the filing.

Local Rule 16:

When an application for supervisory writs has been filed, a party has the right to respond. However, the court may adjudicate the application at any time after receipt, with or without the benefit of a response. If within fifteen days after the date on which a non-expedited application for supervisory writs has been filed, a response has not been filed, it shall be presumed that a response will not be forthcoming. No extensions of time to file a response will be granted.

- There is no oral argument on writ applications.

18



18

I think my writ deserves to be considered quickly. Can the Court consider that?

Not necessarily. Consider the Court's new Local Rule 17:

A writ application seeking expedited review pursuant to U.R.C.A. 4-4 (B) and (C), shall be filed as soon as possible after the trial court's ruling, and in no event later than fifteen days from the applicable Time to File provision of U.R.C.A. 4-3, relating to civil and criminal writ applications.

Failure to comply with this rule without good cause may be grounds for denial of expedited review, with review in regular course if the application is otherwise timely.

Comment

This Court's ability to address issues raised in writ applications requesting expedited review can be significantly impaired when applicants elect to wait until the last day of the thirty-day period for seeking review to request expedited consideration. Such late-filed requests often create unnecessary emergent circumstances which place a significant burden on this Court.

19

19

How do I ensure my writ is sufficient?

- Include the filing fee
- Include required Writ Intake Form
- Include Rule 4-2 and 4-3 documentation
- Attach the trial court ruling (Judgment and/or reasons for Judgment)
- Include full transcripts
- Attach the pleadings on which the Judgment, order or ruling was founded

See U.R.C.A. Rule 4-5 and Local Rule 13

20

20

Writ Not Considered – WHAT?!

WRIT NOT CONSIDERED.

- Writs are not considered for U.R.C.A. 4-2/4-3 noncompliance. This happens when (1) your writ is untimely filed or (2) when you forget to give us documentation of your return date order.
- If your writ was untimely, you cannot cure this. This means that you filed your writ after the return date set by the trial court. It may also mean that you obtained an extended return date after the original return date ran. These will not be considered unless you can show that "the delay in filing was not due to the applicant's fault."
- Note that if you simply omit the necessary documentation, you can re-file the writ and we will consider it as relating back to the date of your original filing.

21

21

Other Writ Dispositions

WRIT GRANTED TO DOCKET.

- When we grant a writ to docket, we are granting it for review and disposition by opinion. It does not mean that we are granting or denying the writ on the merits. The Court simply wants to do a deeper dive into your case and call up the whole record and write an opinion. The writ remains a writ – It does not turn into an appeal. The Court will render the writ action within the opinion.
- This allows both sides to brief the issue when no opposition has been filed, and also allows for oral argument.
- Note: La. C.C.P. art. 966(H) — On review, an appellate court shall not reverse a trial court's denial of a motion for summary judgment and grant a summary judgment dismissing a case or a party without assigning the case for briefing and permitting the parties an opportunity to request oral argument.

WRIT DENIED.

- The Court is declining to exercise its supervisory jurisdiction. This is not an affirmance of the trial court's ruling. When the Court declines to exercise jurisdiction, it may not affirm, reverse, or modify the trial court's ruling.
- Parties can still seek review of the decision on appeal after a final judgment is rendered.

22

22

La. C.C.P. art. 3612: Appeals of Injunctions

- There shall be no appeal from an order relating to a temporary restraining order.
- An appeal may be taken as a matter of right from an order or judgment relating to a preliminary or final injunction, but such an order or judgment shall not be suspended during the pendency of an appeal unless the court in its discretion so orders.
- An appeal from an order or judgment relating to a preliminary injunction must be taken, and any bond required must be furnished, within fifteen days from the date of the order or judgment. The court in its discretion may stay further proceedings until the appeal has been decided.
- Except as provided in this Article, the procedure for an appeal from an order or judgment relating to a preliminary or final injunction shall be as provided in Book III.

23

23

New PCR statutes – La. C. Cr. P. art. 924, et seq.

- "Post conviction relief" means a procedure that allows an individual who has been convicted of a crime in this state to challenge the legality of his confinement. It is a form of post conviction habeas corpus and is a collateral action to test the detention of a criminal defendant after his sentence and conviction have become final.
- More Involvement for the Attorney General
- Ineffective assistance of counsel – defendant waives attorney-client privilege as to any information necessary to allow the state to rebut the claim
- New procedure for requiring procedural objections/answer
- Abandonment of PCR application after 2 years – responsibility on defendant for pursuing claims
- Right to Review:
 - PCR denied – defendant can seek supervisory review
 - PCR granted – state has a right to suspensively appeal
 - Capital defendants – all PCR rulings reviewed by LASC
- New time delays for action by the trial court, remedy is by writ of mandamus

24

24

Where do I find you for help?

- Robin N. Jones, J.D., Clerk of Court
rjones@la2nd.org or 227-3702
- Jessica Stephenson, J.D., Assistant Central Staff Director
jjustig@la2nd.org

25

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QUESTIONS?

Thank you for attending.

26

26