

**MANUAL
FOR THE PREPARATION OF
APPELLATE RECORDS**



LOUISIANA THIRD CIRCUIT

COURT OF APPEAL

PREPARATION OF APPELLATE RECORDS
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INTRODUCTION

Louisiana law mandates a set procedure for the preparation of appellate records. The Louisiana Code of Civil Procedure, the Louisiana Code of Criminal Procedure, and the Uniform Rules of the Courts of Appeal provide the basic rules for preparing appellate records. Local Rules of the Court of Appeal, Third Circuit, supplement the basic rules with additional rules specific to this Circuit. The guidelines in this manual are taken from these four sources.

Placing in one manual all of the statutory and judicial requirements for the preparation of appeal records will make it job easier for those who prepare records for appeal. The manual will also be of use to all deputy clerks of court whose work product contributes to the appeal record. For example, the minute clerk prepares the minutes of court relating to a case. Detailed requirements are listed in the minutes section of this manual, and these requirements must be followed.

For convenience, we have placed a copy of this manual on our website at www.la3circuit.org. To view the manual on-line, select "Preparation of Appellate Records Manual" from our Home Page. The Appendices referred to are included in the on-line manual in a downloadable format. The on-line manual also contains hyperlinks to both the Uniform Rules of Court and the Local Rules of the Third Circuit. Any amendments to this manual will be posted at this website.

This manual is to take precedence over all prior instructions from this Court regarding preparation of records.

PRELIMINARY MATTERS

A. **NOTICES OF APPEAL** (URCA Rule 2-2.1, La.Code Civ.P. art. 2121, La.Code Crim.P. arts. 915 and 915.1)

In **civil appeals**, the clerk of the trial court shall mail to the appellate court the notice of appeal within seven days of the granting of the order of appeal. The notice shall also certify the amount of the appeal bond.

In **criminal appeals**, within twenty-four hours of the date the appeal is ordered, the minute clerk shall forward a copy of the notice of appeal, which may have been given orally, to the clerk of the trial court and to the court reporters responsible for preparing the necessary transcripts.

In **criminal appeals**, within seven days of the date the appeal is ordered, the clerk of the trial court shall forward a copy of the notice of the appeal which may have been given orally, to the sheriff having custody of the defendant, to the appropriate appellate court, and to each party.

B. **RETURN DATE** (La.Code Civ.P. art. 2125, 2127.2, 2127.3, La.Code Crim.P. arts. 915 and 919.1)

1. In **civil appeals** the return date is 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.
2. In **criminal appeals** the return date shall be seventy-five days from the date the motion for appeal is granted, unless the trial judge fixes a lesser period.
3. The failure of the court reporter to file the transcript with the clerk before the return date or any extension thereof shall subject such reporter to prosecution for contempt of court.
4. The failure of any person to comply with the applicable articles for preparation of the appellate record may subject such person to contempt of court.

C. **EXTENSIONS** (La.Code Crim.P. arts. 915.1, 919; La.Code Civ.P. arts. 2125, 2125.1, and 2127.2)

1. 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.
2. 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 paragraph 3 of this section. When a subsequent extension of the return day is granted by the appellate court, 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.
3. Whenever the court reporter cannot deliver the transcript to the clerk of the trial court five days before the return date, the reporter shall draft and file a request for an extension of the return day with the trial court or court of appeal as provided in (1) and (2) of this section. Whenever a court reporter has not delivered a transcript within five days before the return date, the clerk of the trial court shall file a certificate with the court of appeal advising that the record is ready for lodging except for the lack of delivery of the transcript. In such certificate the clerk shall include the names and addresses of each court reporter who has failed to deliver a transcript, the date estimated costs were paid, and whether any of the named court reporters have requested an extension of the return date. **Faxed requests for extensions are not accepted.**

PREPARATION OF APPELLATE RECORD

I. **IN GENERAL** (URCA Rule 2-1 & 2-1.15, La.Code Civ.P. arts. 2127, 2127.1, 2128 and La.Code Crim.P. arts. 917, 918, 919)

- A. The record for a Court of Appeal shall be prepared by the clerk of the trial court when an appeal is taken, or when this Court grants a writ and orders the record up. **The clerk shall cause it to be lodged with the appellate court on or before the return day or any extension thereof.**
- B. All records and supplemental records prepared for filing shall be **certified** and **dated** upon completion by the individual clerk who prepared the record.

- C. All transcripts or parts thereof completed for inclusion in the record shall be dated and certified by the court reporter who prepares them. The date of certification by the court reporter shall be the date on which the transcript was concluded and furnished to the clerk for inclusion in the record. Also see: Rules of the Louisiana Supreme Court, Part G, Section 7 – Transcript Format Rules.
- D. 1. If the case involves a crime where the victim is under **eighteen years of age or the crime is a sex offense (regardless of age)**, the record shall comply with La.R.S. 46:1844(W)(1)(a).

2. If the case involves a crime against a family member, household member, or dating partner of the defendant, the record shall comply with La.R.S. 46:1844(W)(5)(a).
- E. If the case, or any portion thereof, was sealed in the lower court, the record shall be properly identified as a sealed record on the outside front cover of each volume. The record shall also contain a copy of the Order sealing the record. This Order should be specifically identified in the indexes.
- F. The record shall be prepared in accordance with the requirements set forth in this Manual.

II. RESPONSIBILITY OF CLERK (URCA Rule 2-1.16, La.Code Civ.P. art. 2127.2 and La.Code Crim.P. art. 919)

- A. It is the responsibility of the clerk of the trial court from which a case is appealed, or to which writs are directed, to prepare the record for a Court of Appeal.
- B. To assist in its preparation, the clerk of the trial court may:
 - 1. Require of its court reporter a legible copy of the transcript of testimony to be delivered on or before the return day.
 - a. Whenever a court reporter has not delivered a transcript within five days before the return date, the clerk of the trial court shall file a certificate with the court of appeal advising that the record is ready for lodging except for the lack of delivery of the transcript. (In **criminal**

appeals, the certificate shall be filed not later than seven days after the return date.) In such certificate the clerk shall include the names and addresses of each court reporter who has failed to deliver a transcript, the date estimated costs were paid, and whether any of the named court reporters have requested an extension of the return date.

- b. Upon the request of the court of appeal when the transcript has not been delivered to the clerk of court, but the record is otherwise ready for lodging, the record shall be lodged. The clerk of the trial court shall include with the record a certificate stating the names and addresses of each court reporter who is required to prepare and deliver a transcript of the case and a statement of the date on which estimated costs and, if relevant, additional costs were paid. Thereafter, the court of appeal may issue appropriate orders to any named court reporter to expedite preparation and delivery of any necessary transcripts.
2. Require of the appellant (or party seeking review by this Court) legible copies of all pleadings, depositions, and other papers to be included in the record.

III. DETERMINATION OF CONTENT (URCA Rule 2-1.17, La. Code. Civ.P. arts. 2128, 2129, and La. Code. Crim.P. art. 914.1)

- A. The form and content of the record on appeal should be in accordance with this manual. However, the parties may designate in writing, portions of the record to constitute the record in the Court of Appeal.
- B. In **civil appeals**, within three days, exclusive of holidays, after taking the appeal the appellant may designate, in a writing filed with the trial court, such portions of the record appellant desires to constitute the record on appeal.
 1. Within five days, exclusive of holidays, after service of a copy of this designation on the other party, that party may also designate, in a writing filed with the trial court, such other portions of the record on appeal as so directed.
 2. But a party or the trial court may cause to be filed thereafter any omitted portion of the record as a supplemental record.
 3. When no designation is made, the record shall be a transcript of all the proceedings as well as all documents filed in the trial court.

4. An assignment of errors is not necessary. Where the appellant designates only portions of the record as the record on appeal, he must serve with his designation a concise statement of the points on which he intends to rely, and the appeal shall be limited to those points.
- C. In **criminal appeals**, the party making the motion for appeal shall, at the time the motion is made, request in writing, simultaneously with the filing of the brief, the transcript of that portion of the proceedings necessary, in light of the assignment of errors to be urged.
1. Not later than five days after the motion, the opposing party may designate in writing the transcript of that portion or portions of the proceedings necessary to oppose the appeal.
 2. A transcript of any portion of the proceedings which does not relate to anticipated assignments of error shall not be furnished to a party for purposes of appeal and shall not result in delay of preparation of the appeal record.
 3. The trial court or the appellate court may designate additional portions of the transcript of the proceedings which are necessary for full and fair review of the assignments of error.

IV. NUMBER OF COPIES (URCA Rule 2-1.1)

The clerk of the trial court shall prepare: one original certified copy of the record, and one duplicate copy of the record for the Court of Appeal.

V. PRODUCTION OF THE RECORD (URCA Rule 2-1.2)

- A. The certified copy and the duplicate, which may be typewritten or produced by any acceptable copying or duplicating process, shall be prepared on white, unglazed, opaque paper of legal size, to produce a clear black image on white paper, with a margin at the top of each page of 2", and side margins of 1".
- B. The impression must be on one side of the paper only, and must be double-spaced, except for matters customarily single-spaced and indented. However, in preparing the record, the Clerk shall assure that the back side of two-sided documents are copied and included in the record. (Examples of documents which may contain print on two-sides: bills of indictment, search warrants, insurance policies, and warranties.)

C. All copies must be legible.

D. The duplicate record shall include all matters contained in the certified copy of the original record, except matters which are not reproducible.

VI. **BINDING** (URCA Rule 2-1.3)

All records must be bound in strong, flexible, loose-leaf covers, 9 inches by 14 ½ inches, fastened at the top, so as to open flat.

VII. **COVER INSCRIPTION** (URCA Rule 2-1.3)

A. On the outside of the front cover of each volume, there shall be inscribed in type in the precise form as shown in Appendix A - Civil Cover Inscription, Appendix B - Worker's Compensation Cover Inscription, Appendix C - City Court Cover Inscription, Appendix D - Criminal Cover Inscription, or Appendix E - Juvenile Cover Inscription:

1. Number of the volume of the record as well as the total number of volumes (Example: Volume III of VI Volumes)
2. Title of the case (the same title given in the trial court)
 - a. In **civil appeals**, the caption must be the same as the one given in the original petition. The only exception to this rule is that the name may be different if a supplemental and amended petition is filed which adds a new party to the suit or changes the name of an existing party and the amended petition expressly changes the caption of the case.
 - b. If the case is a **juvenile** matter, initials or other appropriate designation should be used in lieu of the name(s) of the juvenile(s).
 - c. In **criminal appeals**, the name of the defendant in the caption shall be spelled as it appears in the original or amended charging instrument.
3. Status of the parties (appellant/appellee, defendant/plaintiff, intervenor, etc.)
4. Lower court information

- a. Parish and judicial district from which the appeal originate
 - b. Trial court docket number
 - c. Name of the judge who rendered the ruling or judgment to be reviewed
5. Names of counsel, with addresses, phone numbers, fax numbers, the law firm with which they are affiliated, and the full names of all parties represented. If available, the **attorney's bar number and e-mail address** should also be listed.
- a. The attorney must be the attorney of record or associated with the same law firm as the attorney of record to be able to file pleadings, etc. in association with the case.
 - b. Only if there is not enough room on the cover for all of the names of counsel, then the names, addresses, phone numbers, law firms, names of parties represented, attorney's bar number, fax number, and e-mail should listed on a separate page. This page should be placed on the inside front cover of each volume. If the names of counsel exceed more than one page, instead of placing on the inside front cover, they should be placed at the front of the record, before the Jurisdictional Index.

B. Supplemental records or exhibits:

1. In the event additional information is forwarded to this Court from the trial court, it should be sent to this Court in the form of a **supplemental record** prepared in accordance with this Section and Section V of this Manual, Production of the Record.
2. In the event an **additional exhibit** is forwarded to this Court, it should be prepared in accordance with Section XII of this Manual, Order of Documents and Other Evidence - Separate exhibits, whichever is applicable.
3. In either case, the supplemental record or exhibit should reference the assigned appellate docket number to make it readily identifiable upon receipt.

VIII. JURISDICTIONAL INDEX (Local Rule 6)

A. The clerk of each trial court shall include in the record the appropriate jurisdictional index. (Appendix F - Civil Jurisdictional Index, Appendix G - Worker's Compensation Jurisdictional Index, Appendix H - City Court Jurisdictional Index, Appendix I - Criminal Jurisdictional Index, and Appendix J - Juvenile Jurisdictional Index). Only indexes provided by this Court are acceptable.

1. The appropriate index should be filled in completely.
2. The entries should be typewritten or printed legibly.
3. For hearings, the page number listed shall reference the transcript, not the minute entry.
4. For hearings, the date listed shall be the date on which the hearing occurred, not the date the transcript was filed with the clerk.
5. Any relevant information which does not fit in the blanks provided should be given in the "Additional Notes" space near the bottom of the form.
6. A completed jurisdictional index and other indexes should be placed in front of **each** volume of the record, both **original and duplicate**.

B. The jurisdictional index required by this rule is in addition to the indexes required by Section IX of this Manual.

IX. INDEXES (URCA Rule 2-1.4)

A. The record shall contain three (3) distinct indexes in the front of each volume of the record:

1. Chronological
2. Alphabetical
3. Documents and exhibits filed into evidence

B. **Clerk's** responsibilities - The clerk of the trial court shall prepare the following:

1. The chronological index shall specify:
Filing date, item, volume & page(s) of all filings (minutes, papers, transcripts, etc.) in the record.
2. The alphabetical index shall specify:
Item, filing date, volume & page(s) of all filings (minutes, papers, transcripts, etc.) in the record.
3. The exhibit index shall be an index in chronological order of the exhibits filed in evidence indicating on whose behalf the exhibits were filed.
 - a. This index must show whether these items are being sent to the Third Circuit or retained by the trial court.
 - b. This shall be in addition to the index contained in the transcript (court reporter does) and the other indexes described in this Section.

C. **Court reporter's** responsibilities

1. Each transcript of testimony shall contain an index to each witness's testimony. See section XVI. Transcript of Testimony in this manual for details on index or Supreme Court Rules, Part G, Section 7.
2. In **criminal cases**, if the voir dire examination of prospective jurors is requested, it shall be accompanied by an index (See section XVI. Transcript of Testimony in this manual for details).

X. **MINUTE ENTRIES** (URCA Rule 2-1.5)

The accuracy of the minute entries is very important, the entries should accurately reflect what transpired. The minute entries should state exactly what was stated by the trial judge and should not include information not stated by the trial judge.

- A. The record in **all cases** shall contain the minute entries of the trial court and shall indicate:
1. The date of each entry
 2. The trial court judge presiding
 3. The action taken by the trial court judge presiding
 4. The name of the following persons:
 - a. Court reporter

- b. Deputy clerk
- c. Parties and attorneys of record
- 5. In all trials:
 - a. List of evidence
 - b. List of witnesses
- 6. In jury trials:
 - a. List of jurors selected
 - b. Time when jury retired to deliberate, and time returned to render verdict
 - c. Jury's verdict and whether polled; if polled, the results of the poll

B. In **criminal cases**, the minute entries shall include, in chronological order, the minutes of all proceedings held in open court including, but not limited to, the following items:

- 1. The defendant's presence or absence in court, including whether the defendant was present in court after each recess
- 2. Opening of the court
- 3. Impaneling of the grand jury by which the indictment was found (if prosecution by indictment)
- 4. Arraignment
- 5. Any pretrial proceedings
- 6. If a jury trial:
 - a. List of challenges for cause
 - b. List of peremptory challenges
 - c. List of jurors selected
 - d. List of evidence
 - e. List of witnesses
 - f. Time when jury retired to deliberate and returned to render verdict
 - g. Time jury was sequestered and time released
 - h. Jury's verdict and whether polled; if polled, the results of the poll
- 7. If defendant pled guilty:
 - a. Specific rights defendant waived in entering plea (Examples: the right to remain silent, right to confront witnesses, right to trial.)
- 8. Trial court's judgment, ruling, and sentence, including but not limited to the following, if specifically stated by the trial court during sentencing:
 - a. Length of sentence
 - b. Whether the sentence was with or without hard labor
 - c. What portion, if any, was suspended
 - d. Length of and condition(s) of probation, if any
 - e. Credit for time served, if any

- f. Advisement, if any, of the two-year limitation for filing post-conviction relief
- 9. Motion and order for appeal, including return date
- 10. Any post-trial proceedings
- 11. Habitual offender proceedings, including specific rights defendant is advised of:
 - a. Arraignment
 - b. Hearing/adjudication
 - c. Sentence

XI. ORDER OF MOTIONS AND PLEADINGS (URCA Rule 2-1.6)

- A. All motions and pleadings, together with documents and exhibits attached, and orders of court pertaining thereto, shall be placed in the record in the order in which they are made or filed.
EXCEPTION: The answers to interrogatories (or similar inquiries) shall immediately follow the interrogatories.
- B. When an exception or motion for summary judgment is granted and appealed, include in the record a copy of the memoranda in support of and in opposition to the exception and/or summary judgment with attachments.
- C. In **criminal appeals**, immediately following the minutes of court, the record shall also contain:
 - 1. The indictment or bill of information;
 - 2. Amendments to the indictment or bill of information, if any; and
 - 3. Pleas

XII. ORDER OF DOCUMENTS AND OTHER EVIDENCE (URCA Rule 2-1.7)

- A. The record shall include, in the order in which such evidence was filed, exact copies of the following:
 - 1. All documentary evidence; and
 - 2. Other evidence (including depositions filed in evidence).
- B. If it is necessary that the original of any evidence be filed, such original must be filed separately and not attached to the record.
(NOTE: Do NOT forward the Presentence Investigation (PSI) Reports with the record. If this Court requests the PSI, it shall be

forwarded, without delay, in an exhibit envelope marked "Sealed and Confidential.")

1. There must be proper reference in the record showing such filing.
 2. **Separate exhibits must be contained in an envelope or box. A typewritten sheet must be attached to the front stating:**
 - a. Caption of the case
 - b. Lower court identification
 - c. Lower court docket number
 - d. Contents of envelope or box
 - e. On whose behalf the exhibit was filed
 - f. In the event there are multiple exhibit boxes and/or envelopes, each shall include a designation indicating the number of the exhibit box and/or envelope as well as the total number of exhibit boxes and/or envelopes.
- C. No record of another case (or prior record in the same titled and numbered case) shall be included in the record unless such other record has been introduced in evidence (at trial) in the case on appeal or on writs. In that event, such other record shall accompany the record as an exhibit and be labeled accordingly.
- D. If evidence is contained on a disc or thumb drive, send the disc or thumb drive, not a photocopy of the disc or thumb drive.
- E. Do not send picture frames or glass. If a photograph is in a picture frame, remove the photograph from the frame and send only the photograph.
- F. In **criminal** appeals, **all** exhibits are to be separate and apart from the bound record.
- G. In **criminal** appeals, do **NOT** send physical evidence.
- H. In **criminal** appeals, do **NOT** send black and white copies of photographs.
- I. In **civil** appeals, all original photographs should be sent along with the record as separate exhibits. However, if the photographs can be reproduced without losing the quality of the originals, then they may be reproduced and made part of the bound record.

XIII. SEALED RECORDS AND/OR EXHIBITS

If the case, or any portion thereof, was sealed in the lower court, the record and/or the exhibits shall be properly identified as a sealed record and/or exhibit on the outside front cover of each volume or envelope. The record shall also contain a copy of the Order sealing the record and/or exhibit. This Order should be specifically identified in the indexes. Exhibits should **NOT** be labeled as “Sealed” unless there is an order stating such.

XIV. BULKY EXHIBITS AND/OR OFFERS OF PROOF (URCA Rule 2-1.12)

- A. Bulky or cumbersome evidence should not be filed with the record, unless otherwise ordered by the court. **(CDs & thumb drives should be sent with the record.)**
- B. If it is necessary that such exhibits be filed with this Court, they should be prepared in accordance with Section XII of this Manual, Order of Documents and Other Evidence.
- C. They may be included in specially marked envelopes, or other containers, with a list and identification of the enclosed items attached thereto, with proper reference noted on the record.
- D. Offers of proof (or proffers) should be included in separate specially marked envelopes, properly identified.

XV. ORDER OF OTHER ITEMS (URCA Rule 2-1.8)

Other items in the record shall be placed after Documents and Other Evidence and shall be arranged, in the following order:

- A. Written reasons for judgment, transcribed oral reasons for judgment, or order (if any).
- B. Judgment or order (interlocutory and final) and, in **criminal appeals**, all orders, including the verdict, judgment, and sentence.
- C. Notice of judgment **must** be included in the record in order for the Third Circuit to determine the timeliness of the appeal. According to La.Code Civ.P. art. 1913, notice of final judgment is required in all contested

cases unless the judgment rendered is signed in open court the same day as trial and all counsel or parties not represented by counsel are present.

1. In the event there is no formal notice of judgment, some type of documentation with the date of mailing **must** be included (sheriff return, date stamped envelope, etc.).
2. A notice of judgment should be included for **all** judgments being appealed.
3. The notice of judgment should be included for the judgments on JNOVs and/or Motion for New Trial, if applicable.

D. Motion and order for appeal and bond (if any).

XVI. TRANSCRIPT OF TESTIMONY (URCA Rule 2-1.9 and 2-1.16, La.Code Civ.P. arts. 2127, 2127.2, 2128, and La.Code Crim.P. arts. 914.1, 919)

- A. It shall be the **responsibility** of the **clerk** to include in the record the verbatim transcript(s) of the proceedings including the oral testimony of the witnesses in the order in which they are taken. The transcript(s) are to be located in the record immediately preceding the certificate of clerk.
- B. It shall be the **responsibility** of the **court reporter** to prepare the verbatim transcript(s) for submission to the clerk of court for inclusion in the record. Said transcript(s) are to be prepared in compliance with the Transcript Format Rules of the Louisiana Supreme Court. (Supreme Court Rules – General Administrative Rules – Sec. 7)
- C. The verbatim transcript(s) shall be preceded by an index (which is to be prepared by the **court reporter**) setting forth the following:
 1. The names of the witnesses in the order called by the respective parties
 2. The transcript and page number of their examination on:
 - a. Direct;
 - b. Cross-examination;
 - c. Redirect;
 - d. Recross; and
 - e. Rebuttal.
 3. List and identify the exhibits and offers of proof, show by whom presented, and the transcript page number where offered.
 4. The volume and transcript page number of any oral reasons for judgment.

- D. The transcript of testimony shall indicate:
 - 1. The party in whose behalf each witness was called (whether on direct, on cross-examination, or in rebuttal); and
 - 2. By whom examined or cross-examined.

- E. In **criminal cases**, if the voir dire examination of prospective jurors is requested, it shall be accompanied by an index setting forth:
 - 1. The names of the prospective jurors in the order called
 - 2. The volume and page numbers of their examination
 - 3. Whether the prospective juror was challenged
 - 4. Whether the challenge was for cause or peremptory
 - 5. Who raised the challenge
 - 6. Whether the juror was released or accepted.

- F. The record must also contain all or any portion(s) of the record designated by any party to the appeal.

- G. All video or audio taped depositions or testimony submitted **must be transcribed**.

- H. The clerk shall also ensure that any deposition included as an exhibit consists of one page of deposition testimony per physical page and does not contain reduced images of multiple pages placed on one page.

XVII. NUMBERING OF PAGES (URCA Rule 2-1.10)

- A. The pages in the record, beginning with the minute entries, shall be consecutively numbered.

- B. If the record contains more than a total of 250 pages, it shall be **bound in separate volumes**, each containing not more than **250** pages.

- C. The pages of the duplicate record shall be numbered to correspond with those of the original certified record.

XVIII. ITEMS TO BE OMITTED (URCA Rule 2-1.11)

- A. The following items should be omitted from the record unless they are at issue or designated/requested:
 - 1. Subpoenas

2. Notices - **Notice of judgment must be included in the record for the Third Circuit to determine the timeliness of the appeal.** Notice of final judgment is required in all contested cases unless the judgment rendered is signed in open court the same day as trial and all counsel or parties not represented by counsel are present.)
3. Returns
4. Trial briefs
5. When an exception or motion for summary judgment is granted and appealed, include in the record a copy of the memoranda in support of and in opposition to the exception and/or summary judgment with attachments.

B. Such items (designated in XVIII. A.) may be supplemented into the record upon timely application to this Court by any party, upon showing their materiality.

XIX. SEPARATE RECORDS AND CONSOLIDATED CASES (URCA Rule 2-1.13)

A. Separate records shall be prepared for each case on appeal even though the case was consolidated with another case or docket number for trial. The main case will be referred to as the **lead** case. Any companion cases that were consolidated at or for trial will be referred to as **companion** cases.

When cases have been consolidated, it is the district court's duty to ascertain which parties are appealing and to send only the appropriate record(s). Each record shall be enclosed in a separate cover and shall properly reference the consolidation.

1. Each record must retain the caption and docket number given to the case by the lower court and comply with Section VII.
2. The **lead** case (which is usually the one with the earlier district court docket number) shall contain:
Civil cases:
 - a. A completed jurisdictional index;
 - b. Alphabetical and chronological indices (and exhibit index if applicable);
 - c. All court minutes;

- d. Petition;
- e. All motions and pleadings captioned with its own caption and all motions and pleadings filed subsequent to the consolidation, which should be jointly captioned with the names and numbers of all consolidated cases;
- f. The jointly captioned motion and order of consolidation;
- g. The judgment(s) being appealed;
- h. Notice of mailing of judgment;
- i. Motion and order of appeal (joint captioned, if filed subsequent to consolidation);
- j. Relevant transcript(s);
- k. Clerk's certificate.

Criminal cases:

- a. A completed jurisdictional index;
- b. Alphabetical and chronological indices, and exhibit index (if exhibits).
- c. All court minutes;
- d. The bill of information or indictment and any amendments thereto;
- e. All motions and pleadings captioned with its own caption and all motions and pleadings filed subsequent to the consolidation, which should be jointly captioned with the names and numbers of all consolidated cases;
- f. The jointly captioned motion and order of consolidation;
- g. All orders, including the verdict, judgment, and sentence;
- h. If there was a plea, the "Waiver of Constitutional Rights and Plea of Guilty" form;
- i. Motion and order of appeal (joint captioned, if filed subsequent to consolidation);
- j. Transcript of trial or guilty plea; and
- k. Transcript of sentencing.

3. Any **companion** case(s) shall contain:

Civil cases:

- a. A completed jurisdictional index;
- b. The judgment being appealed;
- c. The notice of mailing;
- d. The motion and order for appeal;
- e. The notice of appeal; and

- f. Alphabetical and chronological indices, and exhibit index (if exhibits).

If the **companion** case has a separate lower court docket number it also needs the petition, all pleadings and judgments bearing that docket number (if no designation), and the motion and order consolidating the case (if it is a consolidated case).

Criminal cases:

- a. minutes of court in that case prior to the consolidation and minutes of court of trial or the plea and sentencing,
- b. bill of information filed in that docket number,
- c. all pleadings/motions filed in that case prior to the consolidation,
- d. if there was a plea, the “Waiver of Constitutional Rights and Plea of Guilty” form,
- e. the jointly captioned motion and order of consolidation, and
- f. the jointly captioned motion and order for appeal.

4. Each record shall contain the motion and order of appeal that is applicable to the specific record and the judgment being appealed.

5. The transcript of the proceedings and testimony in the consolidated cases need be included in only the **lead** record (unless the transcript was specific to a **companion** case).

B. If the companion case contains a sealed record or exhibit which was filed specifically and only in this docket number, follow Section XIII and/or XIV to prepare.

C. Documentary evidence restricted in its application to only one of the consolidated cases shall be enclosed in the record of the case to which the evidence applies.

XX. USE OF ANOTHER RECORD (URCA Rule 2-1.14)

A. Any record lodged with this Court may, without leave of Court, be used, without necessity of duplication, in any other case on appeal or on writs.

B. Any record previously lodged with this court may be lodged as an exhibit to the new record without the necessity of duplication or leave of Court. **This**

exhibit must be clearly marked as an exhibit on the front cover of each volume of the exhibit.

XXI. CERTIFICATE OF CLERK (URCA Rule 2-1.15)

The original record shall bear a certificate as to its completeness and authenticity by the individual clerk of the trial court who prepared the record. **This is the person who will be contacted in case there are questions about the record.** The duplicate record shall be an exact copy of the original.

XXII. FILING OF RECORD (URCA Rule 2-2.3)

In all cases appealed or in which a writ is granted and called up by Order of this court, a certified copy of the original record and one duplicate record shall be filed timely in the office of the clerk of the Court of Appeal by the clerk of the trial court on or before the date fixed for the return of the appeal or of the writ, or such extension thereof as may be granted in accordance with law.

XXIII. FEES (URCA Rule 2-4; Local Rules Fee Filing Schedule; Local Rule 9; La.R.S. 13:352)

A. Civil appeals:

1. The fee for filing the record of appeal in civil appeals is \$341.00 per appellant per docket number, which includes an assessment per docket number for the Judges' Supplemental Compensation Fund of \$30.50, \$.50 for the Judicial College, and a postage fee of \$10.
2. The district court collects all fees and shall forward the above fees to the appellate court along with the record.
3. The cost for an answer to an appeal is \$30.50 for the Judges' Supplemental Compensation Fund.

B. Criminal appeals:

1. The filing fee for a criminal appeal is \$50 per docket number.
2. The fee is paid by the parish from which the case originated, or by the parish or municipality which adopted an ordinance from the violation of which a sentence was imposed.
3. The Clerk's office bills each parish monthly to collect all filing fees due.

NOTE: For an up-to-date schedule of filing fees, please see our website (www.la3circuit.org).

APPENDIX A

(Space reserved for Court of Appeal)

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA**

Volume No. _____ of _____ Volumes

* * *

Plaintiff and _____

VERSUS

Defendant and _____

* * *

APPEAL FROM:

The _____ Judicial District for the Parish of _____

No. _____ Judge

* * *

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____
Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

APPENDIX B

(Space reserved for Court of Appeal)

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA**

Volume No. _____ of _____ Volumes

* * *

Plaintiff and _____

VERSUS

Defendant and _____

* * *

APPEAL FROM:

The Office of Worker's Compensation, District _____
Parish of _____
No. _____

Administrative Hearing Officer

* * *

Counsel _____ for _____
Firm _____
Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____
Firm _____
Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

APPENDIX C

(Space reserved for Court of Appeal)

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA**

Volume No. _____ of _____ Volumes

* * *

Plaintiff and _____

VERSUS

Defendant and _____

* * *

APPEAL FROM:

City Court of _____

No. _____

_____ Judge

* * *

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

APPENDIX D

(Space reserved for Court of Appeal)

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA**

Volume No. _____ of _____ Volumes

* * *

Plaintiff and _____

VERSUS

Defendant and _____

* * *

APPEAL FROM:

The _____ Judicial District Court for the
Parish of _____
No. _____ Judge

* * *

Counsel _____ for _____
Firm _____
Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____
Firm _____
Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____
Firm _____

Address _____
Phone _____ Fax _____ Bar # _____

APPENDIX E

(Space reserved for Court of Appeal)

**COURT OF APPEAL, THIRD CIRCUIT
STATE OF LOUISIANA**

Volume No. _____ of _____ Volumes

* * *

STATE IN THE INTEREST OF
[Initials]

* * *

APPEAL FROM:

The _____ Judicial District Court for the
Parish of _____
No. _____ Judge _____

* * *

Counsel _____ for _____
Firm _____
Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____
Firm _____
Address _____

Phone _____ Fax _____ Bar # _____

Counsel _____ for _____

Firm _____

Address _____

Phone _____ Fax _____ Bar # _____

APPENDIX F

**CIVIL JURISDICTIONAL INDEX
COURT OF APPEAL, THIRD CIRCUIT**

NOTE: Complete for all **civil** appeals and include as the first page of the record.

_____ Dist. Ct. No.: _____

v. _____

JDC: _____ Parish: _____ Trial Judge: _____

Check type of case below: Delay for appealing
_____ Eviction 24 hours after judgment (4735)
_____ Preliminary Injunction 15 days after date of inj. (3612)
_____ Annulment, Separation, Divorce, Custody, Alimony 30 days (3942, 3943)
_____ Possessory Action 30 days (3662)
_____ Other expedited matters: Type of case: _____
_____ Other cases _____
_____ Devolutive 60 days (2087)
_____ Suspensive 30 days (2123)

_____ Bond _____ Date filed _____
Court of Appeal Filing Fees Paid \$ _____ Exempt _____ Pauper Order _____

	<u>DATE</u>	<u>VOL.</u>	<u>PAGE</u>
Case filed in district court on	_____	_____	_____
*Judgment or order appealed from was signed on	_____	_____	_____
Notice of judgment mailed on	_____	_____	_____
Motion for new trial or JNOV filed on	_____	_____	_____
Denied? _____	_____	_____	_____
Notice of Denial mailed on	_____	_____	_____
Granted? _____	_____	_____	_____
New final judgment signed on	_____	_____	_____
Notice of judgment mailed on	_____	_____	_____
_____ No Motion for new trial or JNOV filed.			
Motion for Appeal filed by:			
(1) _____ on	_____	_____	_____
(2) _____ on	_____	_____	_____
Order granting appeal for appellant (1) signed on	_____	_____	_____
Order granting appeal for appellant (2) signed on	_____	_____	_____
(Additional appellants: put dates, volumes and pages of order in Additional Notes section below.)			
If a government entity is involved, cost sheet on	_____	_____	_____
Trial by judge _____, jury _____ in district court occurred on (dates)	_____	_____	_____
Transcript(s) begin in record on	_____	_____	_____
(Additional transcripts should be listed by date, volume and page in Additional Notes section below.)			
Number of volumes in record _____			
All attorneys of record shown on cover sheet? _____ yes _____ no			
Record contains exhibits? _____ yes _____ no			
Exhibits: ___ bound with record ___ bound separately.			
Additional Notes: _____			

Prepared by: _____ Phone #: _____

FOR COURT OF APPEAL USE ONLY

Date Lodged: _____ No. of Volumes: _____
Exhibits? Yes ___ No ___ bound with record ___ bound separately ___ oversized?
Appeal (s) Filing Fees: _____ Paid _____ Exempt _____ Pauper
Answer Filed? Yes ___ No ___ Date of filing? _____ Paid _____ Exempt _____ Pauper ___
_____ Examiner

Notes: _____

* If a new final judgment has been signed after a grant of a motion for JNOV or new trial, enter information as to that judgment below in the Granted JNOV or New Trial section. Enter the information as to the initial final judgment here.

APPENDIX G

**WORKER'S COMPENSATION JURISDICTIONAL INDEX
COURT OF APPEAL, THIRD CIRCUIT**

NOTE: Complete this form for all worker's compensation appeals, include as the first page of the record.

v. _____ Case No. _____

OWC Dist.: _____ Parish: _____ Hearing Officer: _____

Check type of case below:

- ___ Devolutive
- ___ Suspensive
- ___ Bond _____ Date filed
- ___ Pauper
- ___ Exempt

Delay for appealing
60 days (2087)
30 days (2123)

	<u>DATE</u>	<u>VOL.</u>	<u>PAGE</u>
Case filed on	_____	_____	_____
Judgment or order appealed was signed on	_____	_____	_____
Written reasons for ruling given? no ___			
yes ___	_____	_____	_____
Notice of judgment (if required) mailed on	_____	_____	_____
Motion for new trial filed on	_____	_____	_____
Denied? ___	_____	_____	_____
Notice of Denial mailed on	_____	_____	_____
Granted? ___	_____	_____	_____
New final judgment signed on	_____	_____	_____
Notice of judgment mailed on	_____	_____	_____
No Motion for new trial filed.			
Motion for Appeal filed by:			
(1) _____ on	_____	_____	_____
(2) _____ on	_____	_____	_____
Order granting appeal for appellant 1 signed on	_____	_____	_____
Order granting appeal for appellant 2 signed on	_____	_____	_____
(Additional appellants: put the dates, volumes, and pages of orders in Additional Notes section below.)			
Trial occurred on (Dates) _____			
Record contains transcripts of each date of trial?			
no ___ yes ___	_____	_____	_____
Number of volumes in record _____			
All attorneys of record shown on cover sheet? no ___ yes ___			
Record contains exhibits? no ___ yes ___			

APPENDIX H

**CITY COURT JURISDICTIONAL INDEX
COURT OF APPEAL, THIRD CIRCUIT**

NOTE: Complete this form for all **civil** appeals and include as the first page of the record.

v. _____ City Ct. No.: _____

City: _____ Parish: _____ Judge: _____

Check type of case below: _____ Delay for appealing _____
_____ Eviction 24 hours after judgment
_____ Other cases: type _____ 10 days
 _____ Devolutive 10 days
 _____ Suspensive 10 days
 _____ Bond _____ Date filed
 _____ Pauper
 _____ Exempt

	<u>DATE</u>	<u>VOL.</u>	<u>PAGE</u>
Case filed in lower court on	_____	_____	_____
Judgment or order appealed from was signed on	_____	_____	_____
Notice of judgment mailed on	_____	_____	_____
Application for new trial filed?			
No _____			
Yes _____	_____	_____	_____
Denied? _____	_____	_____	_____
Notice of Denial mailed on	_____	_____	_____
Granted? _____	_____	_____	_____
New final judgment signed on	_____	_____	_____
Notice of judgment mailed on	_____	_____	_____
Motion for Appeal filed by:			
(1) _____ on	_____	_____	_____
(2) _____ on	_____	_____	_____
Order granting appeal for appellant 1 signed on.	_____	_____	_____
Order granting appeal for appellant 2 signed on.	_____	_____	_____
(Additional appellants: put dates, volumes and pages of order in Additional Notes section below.)			
Trial occurred on (dates) _____			
Record contains transcripts of each date of trial? _____ no _____ yes	_____	_____	_____
Number of volumes in record _____			
All attorneys of record shown on cover sheet? _____ no _____ yes			
Record contains exhibits? _____ no _____ yes			
Exhibits: _____ bound with record _____ bound separately.			

Additional Notes:

Prepared by: _____

FOR COURT OF APPEAL USE ONLY

Date Lodged: _____ Ct./App. Docket No.: _____ No. of Volumes: _____

Exhibits? Yes _____ No _____ _____ bound with record _____ bound separately _____ oversized?

Appeal (s) Filing Fees: _____ Paid _____ Exempt _____ Pauper _____

Answer Filed? Yes _____ No _____ Date of filing? _____ Paid _____ Exempt _____ Pauper _____

Examiner

Notes: _____

APPENDIX I

**CRIMINAL JURISDICTIONAL INDEX
COURT OF APPEAL, THIRD CIRCUIT**

NOTE: Complete this form for all **criminal** appeals and include as the first page of the record.

Dist.Ct.No. _____

STATE v. _____

JDC: _____ Parish: _____ Trial Judge: _____

Conviction: _____

Sentence: _____

APPEAL BY: _____ Defendant _____ State	DATE	VOL.	PAGE
Date of motion: _____ oral _____ written _____	_____	_____	_____
Is this an out-of time-appeal? _____ yes _____ no	_____	_____	_____
Designation of record filed by counsel: _____ yes _____ no	_____	_____	_____
Are all designated transcripts included in the record? _____ yes _____ no	_____	_____	_____
Counsel substituted: _____ yes _____ no	_____	_____	_____
CHARGE: (indicate date <u>filed</u> & page no. of bill)	_____	_____	_____

MANNER CONVICTED : (if applicable)

_____ plea (indicate date accepted and transcript location) _____

_____ trial by: _____ judge _____ jury _____

Date trial commenced (voir dire, if jury trial; opening statements, if judge trial)
(indicate transcript location) _____

Date verdict or judgment rendered: _____

SENTENCING:

Date sentence pronounced: _____

PSI report ordered? _____ yes _____ no (date) _____

Motion to reconsider filed? _____ yes _____ no (date) _____

If yes, date of hearing of motion to reconsider? _____

Ruling of motion to reconsider by trial court _____ yes _____ no _____

EXHIBITS? _____ yes _____ no

Please describe number and type of exhibits included with the record in the "Additional Notes" below.
PLEASE DO NOT BIND WITH THE RECORD BUT BIND/SEND SEPARATELY.

Does this case involve a: _____ victim who is a minor as defined by La.R.S. 46:1844(W)(1)(a)?
_____ victim of a sex offense as defined by La.R.S. 46:1844(W)(1)(a)?
_____ victim of domestic abuse defined by La.R.S. 46:1844(W)(5)(a)?

If yes to any of the above, are the contents of the record in compliance with the confidentiality provisions of La.R.S. 46:1844(W)(1)(a) and (5)(a)? _____ yes _____ no

(Note: La.R.S. 46:1844(W)(1)(a) prohibits public disclosure of the name, address, contact information, or identity of crime victims under the age of 18 or victims of sex offenses or human trafficking-related offenses, and La.R.S. 46:1844(W)(5)(a) prohibits public disclosure of the address or contact information of family members, household members, or dating partners who are victims of domestic abuse.)

Additional Notes:

Prepared by: _____

FOR COURT OF APPEAL USE ONLY

Date Lodged: _____ Ct./App. Docket No.: _____ No. of Vols. _____
Exhibits? ___ Yes ___ No Bound: ___ with record ___ separately _____ Clerk's Initials
JD Check Complete: _____
Staff Attorney's/Paralegal's Initials _____ Date _____

Notes: _____

APPENDIX J

**JUVENILE JURISDICTIONAL INDEX
COURT OF APPEAL, THIRD CIRCUIT**

NOTE: Complete this form for all **Juvenile** appeals and include as the first page of the record.

PLEASE MARK THE OUTSIDE OF THE RECORD WITH THE NOTATION "EXPEDITED"

Juvenile Ct.No. _____

STATE IN THE INTEREST OF (INITIALS) _____

JDC: _____ Parish: _____ Trial Judge: _____

CHECK APPLICABLE: IN NEED OF CARE: _____ DELINQUENCY: _____

Crime Adjudicated Delinquent for: _____

Disposition Imposed: _____

	DATE	VOL.	PAGE
APPEAL BY: _____ Juvenile _____ State			
Date of motion: _____ oral _____ written	_____	_____	_____
Is this an out-of-time appeal? _____ yes _____ no			
Designation of record filed by counsel: _____ yes _____ no	_____	_____	_____
Are all designated transcripts included in the record? _____ yes _____ no			
Counsel substituted: _____ yes _____ no	_____	_____	_____

PETITION: (indicate date filed & page no. of bill) _____

DATE OF ADJUDICATION:
Date trial commenced (indicate transcript location) _____
Date verdict or judgment rendered: _____

DISPOSITION:
Date disposition pronounced: _____
Date verdict or judgment rendered: _____
Motion to modify disposition filed?
_____ yes (date) _____ no
If yes, date of hearing on motion to modify: _____
Ruling on motion to modify
_____ yes (date) _____ no

EXHIBITS? _____ yes _____ no
Please describe number and type of exhibits included with the record in the "Additional Notes" below.
PLEASE DO NOT BIND WITH THE RECORD BUT BIND/SEND SEPARATELY.

Are the contents of the record in compliance with the confidentiality provisions of:

La.R.S. 46:1844(W)(1)(a)? _____ yes _____ no
Uniform Rules—Courts of Appeal, Rule 5? _____ yes _____ no
Additional Notes:

Prepared by: _____

FOR COURT OF APPEAL USE ONLY

Date Lodged: _____ Ct./App. Docket No.: _____ No. of Vols. _____
Exhibits: _____ Yes _____ No Bound: _____ w/ record _____ separately Clerk's Initials
JD Check Complete: _____
Staff Attorney's/Paralegal's Initials _____ Date _____

Notes: _____
