

**MANUAL
FOR THE PREPARATION OF
APPELLATE RECORDS**



**LOUISIANA THIRD CIRCUIT
COURT OF APPEAL**

**PREPARED UNDER THE DIRECTION OF
ULYSSES GENE THIBODEAUX
CHIEF JUDGE**

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. Internal 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, makes the job easier for you 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 Internal Rules of the Third Circuit. Any amendments to this manual will be posted at this website.

The Third Circuit asks that all personnel who participate in record preparation use this manual. Keep the manual handy to answer questions.

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)

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.
2. 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.
3. 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. 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 (3) of this section.
 - a. 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.
 - 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 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.**

PUTTING IT ALL TOGETHER

This entire Manual should be followed when preparing a record for appeal. However, for convenience, this quick reference is included in the Manual to show the order in which papers should be placed in an appellate record. It can be used as a checklist. Please see the appropriate section of the Manual for elaboration.

<u>ORDER</u>	<u>QUICK REFERENCE</u>	<u>MANUAL SECTION</u>
1)	COVER INSCRIPTION (Please use the correct one: district court, worker's comp., city court, criminal court, or juvenile court. Also, be sure to indicate if the record is confidential and/or sealed.)	VII.
2)	JURISDICTIONAL INDEX (Make sure to choose the correct one: criminal, civil, worker's comp., city court, or juvenile.)	VIII.
3)	INDEXES (In the following order) <ul style="list-style-type: none"> a. Chronological index b. Alphabetical index c. Chronological index of documents and exhibits 	IX.
4)	MINUTE ENTRIES OF TRIAL COURT (In chronological order)	X.
5)	PLEADINGS (In the order in which they are made or filed, except in criminal matters, the charging instrument and all amendments thereto shall immediately follow the minute entries and be located at the beginning of the pleadings.)	XI.
6)	DOCUMENTS AND OTHER EVIDENCE (In the order filed)	XII.

- | | | |
|----|--|------|
| 7) | OTHER ITEMS (In the following order) <ul style="list-style-type: none">a. Reasons for judgment or orderb. Judgment or orderc. Notice of judgmentd. Petition and order for appeal and bond | XV. |
| 8) | TRANSCRIPT OF TESTIMONY (In the order it is taken and preceded by an index. All transcripts shall be located immediately preceding the certificate of clerk in the appellate record.) | XVI. |
| 9) | CERTIFICATE OF CLERK | XXI. |

PREPARATION OF APPELLATE RECORDS

- I. IN GENERAL (URCA Rule 2-1, 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.
- D. If the case involves either a crime victim who is under the age of eighteen years of age or a sex offense, regardless of age, the record shall be completed in compliance with La.R.S. 46:1844(W) or its equivalent.
- 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.
- B. However, the parties may designate in writing, portions of the record to constitute the record in the Court of Appeal.
- C. 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.
- D. 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)

- A.** The clerk of the trial court shall prepare:
- 1.** a certified copy of the original record, and
 - 2.** one duplicate 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, so as 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. BINDER

- A. This court requests all records be bound in strong, flexible, loose-leaf binders or covers of 25 pt. pressboard material.
1. The front cover shall be 9" x 14½" and the back cover shall be 9" x 15¼" so as to allow a ¾" tab on the back cover.
 2. Covers shall have 1" hinged flaps with two reinforced holes, 4"/4" center to center and 9/16" top to center, end tab scored for label placement, and shall be fastened at the top, so as to open flat at the top.

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 - District Court Cover Inscription, Appendix B - Worker's Compensation Cover Inscription, Appendix C - City Court Cover Inscription, Appendix D - Criminal District Court Cover Inscription, or Appendix E - Juvenile Court Cover Inscription:
1. Number of the volume of the record as well as the total number of volumes (Example: Volume III out of VI Volumes)
 2. The date of the filing of the record (to be entered by the Appellate Court clerk)
 3. 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. In the event 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 charging instrument.
 4. Status of the parties (appellant/appellee, defendant/plaintiff, intervenor, etc.)
 5. Lower court information
 - a. Name of the court and parish from which the appeal came

- b. Number of the case in the court below
 - c. The division of the court
 - d. Name of the judge who rendered the ruling or judgment to be reviewed
6. Names of counsel, with addresses, phone numbers, the law firm with which they are affiliated, and the names of the parties represented. If available, the attorney's **Bar number, and fax number 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, they should be listed, along with their addresses, phone numbers, law firms, and names of parties represented, 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, or as an exhibit prepared in accordance with Section XII of this Manual, Order of Documents and Other Evidence - Separate exhibits, whichever may be the case. In either case, the supplemental information should reference the docket number assigned by the appellate court in order to make it readily identifiable upon receipt.

VIII. JURISDICTIONAL INDEX

(Internal Rule 8)

- A.** The clerk of each trial court shall include in the record a jurisdictional index in the form as shown in Appendix F- Criminal Jurisdictional Index, Appendix G - Civil Jurisdictional Index, Appendix H - Worker's Compensation Jurisdictional Index, Appendix I - City Court Jurisdictional Index, or Appendix J - Juvenile Jurisdictional Checklist.
1. The appropriate index should be filled in completely.
 2. The entries should be typewritten or printed legibly.
 3. Any relevant information which does not fit in the blanks provided should be given in the additional information space near the bottom of the form.
 4. A complete jurisdictional index and other indices should be placed in front of **each** volume of the record, both **original and duplicates.**
- 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. A chronological index
 2. An alphabetical index
 3. An exhibit index
- B.** Clerk's responsibilities:
1. The clerk of the trial court is responsible for preparing these three indexes in accordance with the following specifications.
 - a. The chronological and alphabetical indexes shall specify:
 - (1) The volume and page number on which the minutes of the trial court appear,
 - (2) The volume and page number on which each paper or filing appears, and
 - (3) The volume and page number on which the note of evidence appears.
 - b. The chronological index shall be by:
 - (1) Date, and
 - (2) Item,
 - (3) Volume and page of all filings (papers) in the record.

- c. The alphabetical index shall be by:
 - (1) Item, and
 - (2) Volume and page of all filings (papers) in the record.

- d. There shall also be a chronological index of the documents and exhibits filed in evidence indicating whether these items were sent to the Third Circuit or retained by the trial court.
 - (1) This index must show on whose behalf the exhibits were filed.
 - (2) This shall be in addition to the index contained in the transcript and the other indexes described in this Section.

C. Court reporter's responsibilities.

- 1. The record shall also contain an index to each transcript of testimony. (See section XVI. Transcript of Testimony in this manual for details on index). The index to the transcripts is the responsibility of the court reporter preparing the transcript and shall be prepared in accordance with the Transcript Format Rules promulgated by the Louisiana Supreme Court. (Supreme Court Rules, Part G, §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 on index).

X. MINUTE ENTRIES OF TRIAL COURT (URCA Rule 2-1.5)

- A.** The record in all cases shall contain an extract of the pertinent minute entries of the trial court, and shall show:
1. The date of each entry,
 2. The action taken by the trial court, and
 3. The trial court judge presiding.
 4. The name and presence of the following persons:
 - a. Court reporter
 - b. Deputy clerk
 - c. Bailiff
 - d. 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 appeals, the extracts from the minute entries shall also 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 defendant goes to trial:
 - a. List of challenges for cause
 - b. List of peremptory challenges
 - c. List of petit jurors selected
 - d. List of evidence
 - e. List of witnesses
 - f. Time when jury retired to deliberate, and time 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 of such rights are 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, is suspended
 - d. Length of and condition 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
- C. In criminal cases, the accuracy of the minute entries is very important. The minute entries should state exactly what was stated by the trial judge and should not include information which is not stated by the trial judge.

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.
 - 1. An exception is that answers to interrogatories (or similar inquiries) shall immediately follow the interrogatories.
- B. In **criminal appeals**, immediately following the minutes of court, the record shall also contain:
 - 1. The indictment (information);
 - 2. Amendments to the indictment (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: Presentence Investigation (PSI) Reports are not to be forwarded with the record. In the event 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:
 - 1. Such other record has been introduced in evidence (at trial) in the case on appeal or on writs, in which event such other record shall accompany the record as an exhibit and be labeled accordingly.
- D. 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.
- E. In **criminal appeals**, **all** exhibits are to be separate and apart from the bound record.
- F. In **criminal appeals**, do not send black and white copies of photographs.
- G. In **criminal appeals**, do not send physical evidence.

XIII. SEALED RECORDS AND/OR EXHIBITS

- A. 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.

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.
- 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.
- E. The duplicate record need not reproduce such items, but reference thereto should be made.

XV. ORDER OF OTHER ITEMS

(URCA Rule 2-1.8)

- A. Other items in the record shall be placed after Documents and Other Evidence and shall be arranged, in the following order:
1. Written reasons for judgment, transcribed oral reasons for judgment, or order (if any).
 2. Judgment or order (interlocutory and final) and, in **criminal appeals**, all orders, including the verdict, judgment, and sentence.
 3. 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.
 4. Petition (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.

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) to be prepared in compliance with the Transcript Format Rules promulgated by the Louisiana Supreme Court.

- B.** 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; and
 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; and
 - a. Show by whom presented and the transcript page number where offered.

4. The volume and transcript page number of any oral reasons for judgment.
- C. 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.
- D. In criminal cases, if the voir dire examination of prospective jurors is requested, it shall be accompanied by an index setting forth the names of the prospective jurors in the order called and the volume and page numbers of their examination. This index shall also list whether the prospective juror was challenged, whether the challenge was for cause or peremptory, who raised the challenge and whether the juror was released or accepted.
- E. The record must also contain all or any portion(s) of the record designated by any party to the appeal.
- F. All video or audio taped depositions or testimony submitted **must be transcribed.**
- G. The clerk shall also insure that any deposition included as an exhibit consists of one page of deposition testimony per physical page and do 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 certified copy of the original 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 requested:
1. Subpoenas
 2. Notices
 - a. **This does not include notice of judgment. Notice of judgment must be included in the record in order 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. However, 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 may be supplied upon timely application to this Court by any party, upon showing their materiality.

XIX. SEPARATE RECORDS

(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 for trial.
 - 1.** The record must retain the caption and docket number given to the case by the lower court. It is the district court's duty to ascertain which parties to consolidated cases are appealing and to send only the appropriate record(s).
- B.** Each of such records shall be enclosed in a separate cover, with proper references indicating the consolidation thereof.
- C.** However, the transcript of the proceedings and testimony in the consolidated cases need be included in only one of the records.
- D.** 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)

- A. The certified copy of the original record and the duplicate record shall each bear the certificate of the individual clerk of the trial court who prepared the record as to the completeness and authenticity thereof.
 - 1. **This is the person who will be contacted in case there are questions about the record.**

XXII. FILING OF RECORD

(URCA Rule 2-2.3)

- A. 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; Internal Rules - Fee Filing Schedule; Internal Rules 10 and 11; La.R.S. 13:352)

A. Civil appeals:

1. The fee for filing the record of appeal in civil appeals is \$131.50 per appellant per record number.
2. In addition to the filing fee, an assessment is made per record number for the Judges' Supplemental Compensation Fund; as of July 1, 2009 that assessment is \$21.50 per record number.
3. Also, there is a postage fee of \$10 for each appeal.
4. The district court collects all fees and shall forward the above fees to the appellate court along with the record.

B. Criminal appeals:

1. The filing fee for a criminal appeal is \$50 per record 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.