

STATE OF LOUISIANA
COURT OF APPEAL, FIRST CIRCUIT

RESOLUTION

WHEREAS Act 290 of the 2012 Regular Session of the Legislature provides that, for purposes of Code of Civil Procedure articles 2166 and 2167 and Children's Code article 1143, "transmission of the notice" means the sending of the notice via United States Postal Service, electronic mail, or facsimile; and

WHEREAS the Uniform Rules of Louisiana Courts of Appeal were amended effective January 1, 2013, to allow the sending of notices or copies of papers, required to be transmitted by the clerk, to be sent to counsel of record or to a party not represented by counsel to the United States mailing address, email address, or facsimile number furnished to the clerk; and

WHEREAS the clerk of the Court of Appeal, First Circuit, intends to send a notice or copies of papers by only one of the three transmission methods; and

WHEREAS the certain rules require that the transmission of notice or copies of papers contain a certificate indicating the date of transmission and to whom the transmission was sent; and

WHEREAS the transmission certificate is also required to indicate the method of transmission for each counsel or party.

BE IT RESOLVED that the Local Rules of the Court of Appeal, First Circuit Supplementing and/or Superseding Uniform Rules of Louisiana Courts of Appeal are amended effective January 1, 2013 to adopt Local Rule 6 as follows:

LOCAL RULES OF THE COURT OF APPEAL, FIRST CIRCUIT
SUPPLEMENTING AND/OR SUPERSEDING
UNIFORM RULES OF LOUISIANA COURTS OF APPEAL

RULE 6. NOTICE OF JUDGMENT AND DISPOSITION

A. The First Circuit clerk's office shall issue a "Notice of Judgment and Disposition" (Notice) to comply with the provisions of Uniform Rules 2-16.5, 2-17.1, 2-17.2, 2-20, and 4-6.

B. The Notice shall contain the names and United States mailing addresses of all counsel of record, parties not represented by counsel, and the trial judge or equivalent.

C. The Notice shall certify that the Notice itself and a copy of the disposition were transmitted to the persons named therein by the method of transmission certified as follows:

- 1) If the person's email address or facsimile number is NOT printed on the Notice under the person's United States mailing address, the transmission was sent by United States Postal Service.
- 2) If the person's email address is printed on the Notice under the person's United States mailing address, the transmission was sent to the designated email address.
- 3) If the person's facsimile number is printed on the Notice under the person's United States mailing address, the transmission was sent by facsimile to that number.

D. The clerk's office will transmit the Notice and a copy of the disposition via U.S. mail or email in all instances except when the clerk's office is directed to transmit the document via facsimile at the number supplied to the clerk in a court-determined emergency or expedited situation.

E. The clerk will transmit the Notice and a copy of the disposition via only one of the allowable methods provided in the statutes and in court rules, that is: by United States mail, by email, or by facsimile.

BE IT FURTHER RESOLVED that a copy of the adopted Local Rule 6 of the Local Rules of the Court of Appeal, First Circuit be forwarded to West Publishing Corporation for publication in Southern Reporter and the Louisiana Rules.

I hereby certify that the above and foregoing is a copy of a resolution adopted by the Court of Appeal, First Circuit, at an Administrative Conference Meeting held on December 5, 2012, at the domicile of the Court in Baton Rouge, Louisiana.



Christine L. Crow, Clerk of Court