

Introduction to the 2026 Edition

This 2026 Edition of *Louisiana Civil Appellate Procedure*, part of the Louisiana Practice Series, is a completely up-to-date guide for handling Louisiana Appellate Courts' procedures and practices. This publication provides both a substantive discussion of Louisiana Civil Appellate Procedure as well as practice pointers, a table of cases, and sample forms. Since last year's edition, new material has been added and/or existing material updated on the following subjects:

Caselaw developments

- A 2025 amendment now provides that a party may file a motion for a new trial not later than seven days, exclusive of legal holidays, after the clerk has mailed or delivered in open court, or the sheriff has served, the notice of judgment as required by Article 1913. [§ 3:78]
- The court of appeal's e-mail notice of the rehearing decision affirming the judgment appointing a liquidator and ordering the LLC's dissolution was "transmitted" to the LLC's counsel and counsel's failure to timely seek a rehearing in the court of appeal or for supervisory writs in the Louisiana Supreme Court caused the rehearing decision to become final, such that court of appeal lacked jurisdiction over the LLC's appeal, even though the e-mail was redirected to the LLC's counsel's junk-mail folder. Notice of the rehearing decision was sent to the same e-mail address counsel used in the current appeal, notice was sent on the same day the rehearing decision was handed down, and the rehearing decision was referenced in the liquidator's e-mailed notice of motion to substitute, filed only seven calendar days after the rehearing decision was handed down. [§ 12:2]
- Converting an appeal into a supervisory writ application would not cure defects in the judgment on appeal, and the court of appeal lacked a basis to exercise supervisory review, on an appeal brought by a purported property purchaser from the trial court's dismissal of its third-party claim for dereliction of duty against a notary, which was reflected in a judgment signed by the successor trial judge after the original judge who orally granted the dismissal retired. The judge that signed the judgment did not act within the authority conferred by the statute governing decisions of successor judges, converting the appeal into a supervisory writ applica-

tion would not cure such a jurisdictional defect, as there was no valid final judgment for the court of appeal to review. [§ 13:30]

New Forms

- § 3:104—Petition from the decision of parish council, petition for declaratory judgment, injunctive relief, mandamus relief and damage
- § 7:58—Motion to dismiss appeal—Motion to dismiss petition for suspensive appeal or in the alternative, motion for contradictory hearing

Retitled Sections

- § 3:23 Final and interlocutory judgments
- § 3:24. Final and interlocutory judgments—Dismissal of some, but not all, plaintiffs, defendants, or interveners
- § 3:25 Final and interlocutory judgments—Grant of motion for judgment on the pleadings or for summary judgment
- § 3:26. Final and interlocutory judgments—Grant of motion for judgment on the pleadings or for summary judgment—Agreement between parties to consider partial summary judgments as final
- § 3:27. Final and interlocutory judgments—Grant of motion for judgment on the pleadings or for summary judgment—Illustrations of final judgment
- § 3:28. Final and interlocutory judgments—Grant of motion for judgment on the pleadings or for summary judgment—Illustrations of no final judgment
- § 3:29. Final and interlocutory judgments—Judgment on separately tried principal or incidental demand
- § 3:30. Final and interlocutory judgments—Judgment on separately tried issue of liability
- § 3:31. Final and interlocutory judgments—Judgment on separately tried issue of liability—Damages
- § 3:32. Final and interlocutory judgments—Interlocutory judgments that may cause irreparable injury
- § 3:33. Final and interlocutory judgments—Interlocutory judgments that may cause irreparable injury—What constitutes irreparable injury
- § 3:34. Final and interlocutory judgments—Interlocutory judgments that may cause irreparable injury—Illustrations

NOTE

By order of the Court, effective February 11, 2025, Local Rule 19 of the Louisiana Fifth Circuit Court of Appeal is adopted as follows: LOCAL RULE 19: FORMAT OF CITATIONS All filings in this court shall employ the following

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citation formats: A. Citation of Louisiana appellate court decisions shall be in conformity with Section 8 of the Louisiana Supreme Court General Administrative Rules. B. Citations to the appellate record shall be formatted as “(R. at _).” C. All other citations and issues of formatting not addressed in this rule and not in conflict herewith shall be in conformity with The Bluebook.