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JUDGES

Court of Appeal
FIFTH CIRCUIT
STATE OF LOUISIANA
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May 14, 2020

Mr. Robert A. Kutcher, President
Louisiana State Bar Association
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Dear Mr. Kutcher:

On behalf of the Fifth Circuit Court of Appeal, this correspondence is offered to alert your members to the implementation of Phase One of the Governor's proclamations number 58 and 59 to begin the process of re-opening business in Louisiana. We are cognizant that many may be anxious and concerned that this could lead to a refreshed outbreak of the contagion. In order to achieve the goals of returning to normal operations, while maintaining safety in our facility for your members, as well as our staff, we wanted to make you all aware of what Phase One implementation will require of anyone seeking to enter our facility.

The building in Gretna is scheduled to reopen on Monday May 18th at 8:30 a.m. While filing deadlines have been suspended by the Governor's latest order 59 (3)(H) till June 5th, many individuals may want to get things filed as soon as this deadline expires to avoid any minor sanctions. Please be assured that we intend for the period of time from June 8th through June 26th to act as a filing 'bridge',

and that rigid adherence will not be expected or required by anyone who should have filed during the period of suspension to get things into the court that first available date, which would be Monday June 8th. THIS APPLIES ONLY TO FILINGS BEING SUBMITTED ACCORDING TO THE LOCAL RULES OF THE 5TH CIRCUIT, WE DO NOT HAVE THE AUTHORITY TO EXTEND STATUTORY DEADLINES, SO PLEASE, WHEN FILING WRITS OR NOTICES OF APPEAL, YOU MUST CONTINUE TO ADHERE TO THE CODAL PROVISIONS AND DEADLINES THAT APPLY TO THOSE TYPES OF FILINGS.

Additionally, through June 26th, we will be continuing to offer e-filing through our electronic filing system **without the necessity to pay the \$50.00 convenience fee.** Filing fees for pleadings such as writs or motions will still be collected. Assuming that re-entry progresses as planned, we intend as of today to re-instate the convenience fee of \$50.00 for e-filing at midnight on June 26th.

We will also be continuing to allow **filing by fax or email until the end of June**, and this may be extended indefinitely as need dictates, or if we find it is helpful. Again, no convenience fees are charged for these types of filings, but you will be billed for any filing fees that may be owed for email or fax filed submissions that require those payments. Filing through the U.S. mail will be continued as usual for all submissions, and payment of any filing fees should be sent with those as you would have done prior to the suspension. Filing by U.S. mail will continue to be available in the regular course of business as has always been the case in our Court.

The facility will be open to the public, however the following restrictions will apply:

1. **You will be required to wear a mask to enter our facility.** A place for disposal of PPE will also be provided as you leave our facility.
2. You will be asked the following questions:
 - a. Have you had any symptoms of COVID19 in the past 2 weeks, including coughing, sneezing, or fever? If you answer yes, we may require you to have your temperature taken with a non-invasive device. A temperature of 99.5 or above will require you to remain outside of our facility.

- b. Have you been in contact with anyone in the last 2 weeks who has tested positive for the COVID19 virus?
- c. Have you tested positive for the COVID19 virus in the last 2 weeks?

An affirmative answer to any of these questions will require that we restrict your access to our facility. We will take your submission at the door. You will be asked to wait outside in the area designated for social distancing, and your submission will be filed and a stamped copy returned to you. Any payment you need to submit at that time will also be taken at the door, and a receipt will be returned with your stamped copy.

If you are allowed to enter our facility, no more than two people will be allowed to queue up at the clerk's window. The floor will be clearly marked for the appropriate social distancing, and we ask that you respect these precautions while in the public areas of the building. If more than three people arrive simultaneously to submit documents, or to pick something up, only two will be allowed to enter, and others will be asked to wait in their order of arrival in the staging area that will be marked for this use on the portico outside the building.

Regarding oral arguments, as some of you may be aware, the Fifth Circuit accomplished six successful oral arguments with the Zoom webinar platform in early May. This method of remote interaction allowed for a free exchange between the judges and attorneys that remained in keeping with the mandated facility closure that we were still experiencing at that point in time. Members of the public were allowed to watch, in real time, by submitting an email request to the Clerk's Office in advance of the arguments to be allowed to "attend", thereby satisfying the requirement of public access to court proceedings. We will continue to assess the use of this technology as we move forward, and may choose, at the Court's discretion, to continue to conduct oral arguments this way for the time being. If you have oral argument scheduled before the Fifth Circuit in the next 90 days, you will be contacted by a member of the Clerk's Office and instructed on how that oral argument will proceed.

We would urge all of your members to take advantage of our **e-filing** and **e-notice** system as much as possible throughout these first few weeks of re-entry. While we realize some things can only be accomplished in person, many of us have become much more adept at electronic communication in the past eight weeks, and these

methods of interacting clearly insure your safety, as well as that of our staff, in a much more significant way. As always, our Clerk of Court's Office is available to answer any questions, and walk you through any of the remote filing procedures that are, and will continue to be available in the foreseeable future. The Clerk's Office can still be reached at the assistance line, 504-376-1470, or by email at clerksoffice@fifthcircuit.org.

As always, this and any other information regarding changes or alterations in these policies will be made available on our Fifth Circuit Court website at <http://www.fifthcircuit.org>. If you intend to come to our Courthouse in Gretna in the coming weeks, **please check the website for updated information before you arrive at the facility**, as we are in a fluid situation at this time, and may require closure, or other safety measures as the Governor or Supreme Court dictates the evolving terms of re-entry.

Please note that all of the aforementioned policies apply only to the Fifth Circuit Court of Appeal and our building in Gretna. As to any other state or local court, we would direct you to their Clerk's Office or website in order that you obtain accurate information about filing options or re-entry into their facilities.

We appreciate your cooperation and attention to this detailed information. We are all experiencing the "new normal" together, so we ask that you continue to remain cognizant of our concerns for your safety and the safety of our court staff as we move forward together. As always, we are available to assist the public and the bar in any way that we can to answer any questions, and to have in place any procedures that will help us all facilitate a safe and effect transition to reopening in these uncertain times. Thank you again for transmitting this information to your members, please contact us if we can be of assistance.

Very truly yours,



Chief Judge Susan M. Chehardy