



Louisiana Clerks
OF COURT ASSOCIATION

CIVIL

2025 Legislative Update

Clerks Institute – Wednesday, August 13, 2025

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SENATE BILL NO. 67

BY SENATOR FOIL AND REPRESENTATIVES WILFORD CARTER, NEWELL AND
TAYLOR (On Recommendation of the Louisiana State Law Institute)

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To amend and reenact Code of Civil Procedure Arts. 2881, 2882, 2889, 2890, 2901, the
3 heading of Chapter 5 of Title I of Book VI of the Code of Civil Procedure, and Code
4 of Civil Procedure Arts. 5181(A) and 5186, relative to the continuous revision of
5 successions and donations; to provide for ex parte probate; to provide for cross-
6 references; to provide for proceeding without the prior payment of costs; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Code of Civil Procedure Arts. 2881, 2882, 2889, 2890, 2901, the heading
10 of Chapter 5 of Title I of Book VI of the Code of Civil Procedure, and Code of Civil
11 Procedure Arts. 5181(A) and 5186 are hereby amended and reenacted to read as follows:

12 Art. 2881. Ex parte probate if no objection

13 The court shall proceed to probate the testament ex parte ~~as provided in~~
14 ~~Article 2882~~, unless an objection thereto is made ~~at the hearing~~.

15 ~~An objection to the ex parte probate of a testament may be presented in an~~
16 ~~opposition, or made orally at the hearing. The opposition must comply with the~~
17 ~~provisions of Article 2902, and must be filed prior to the hearing. The oral objection~~
18 ~~must specify the grounds of invalidity of the testament asserted, and must be urged~~
19 ~~immediately after the objector has had an opportunity to examine the purported~~
20 ~~testament.~~

Art. 2882. Proceedings at probate hearing **Ex parte probate if objection**

~~At the probate hearing the court shall open the testament, if it is enclosed in a sealed envelope, receive proof of the making of the testament as provided in Articles 2883 through 2889, may read the testament to those present, and shall paraph the top and bottom of each page of the testament by inscribing it "ne varietur" over the judicial signature.~~ **An objection to the ex parte probate of a testament may be presented in an opposition. The opposition shall comply with the provisions of Article 2902 and shall be filed.**

* * *

Art. 2889. Depositions of witnesses

A petitioner for the probate of a testament ~~under~~ **in accordance with** the provisions of Articles ~~2882~~ **2883** through 2888 may obtain leave of court ex parte for the taking of the deposition of any witness whose testimony otherwise would not be available. The provisions of Articles 1426, 1434 through 1436, 1443 through 1446, 1449, 1452, and 1469 through 1471, so far as applicable, shall govern the taking of ~~such~~ **the** deposition.

Art. 2890. Proces verbal of probate

A. A proces verbal of the hearing shall be prepared; **and shall be** signed by the judge or ~~by~~ the clerk, and by the witnesses who testified **personally** at the hearing. **The proces verbal,** which shall be a record of the succession proceeding, ~~and which~~ shall recite or include:

(1) The opening of the testament, and the manner in which proof of its authenticity and validity was submitted;

(2) The names ~~and surnames~~ of the witnesses testifying, either personally or by affidavit or deposition; the substance of the testimony of the witnesses who testify personally at the hearing; and that any affidavits or depositions used are made a part thereof by attachment or by reference;

~~(3) The paraphing of the testament by the court, as set forth in Article 2882;~~

~~(4)~~**(3)** An order that the testament be recorded, filed, and executed, if the court finds that it has been proved in accordance with law; or an order refusing to

probate the testament, giving the substance of the court's reasons therefor.

B. If written affidavits only are used to prove a will ~~under~~ **pursuant to** Articles 2883 through ~~2887~~ **2888**, the proces verbal shall be dispensed with, and the court shall render a written order that the testament be recorded, filed, and executed, if the court finds that it has been proved in accordance with law, or a written order refusing to probate the testament, giving the substance of the court's reasons therefor.

* * *

Art. 2901. Contradictory trial required; time to file opposition

If an objection is made to the ex parte probate of a testament, as provided in Article ~~2881~~ **2882**, the testament may be probated only at a contradictory trial of the matter. ~~If only an oral objection is made to the ex parte probate, the court shall allow the opponent a reasonable delay, not exceeding ten days, to file his opposition.~~

* * *

~~CHAPTER 5. PAYMENT OF STATE INHERITANCE TAXES~~

DETAILED DESCRIPTIVE LIST IN LIEU OF INVENTORY

* * *

Art. 5181. Privilege of ~~litigating~~ **proceeding** without prior payment of costs

A. Except as provided in Paragraph B of this Article, an individual who is unable to pay the costs of court because of ~~his~~ poverty and lack of means may prosecute or defend a judicial proceeding, **including a succession proceeding**, in any trial or appellate court without paying the costs in advance or as they accrue or furnishing security therefor.

* * *

Art. 5186. Account and payment of costs

A. An account shall be kept of all costs incurred by a party who has been permitted to litigate without the payment of costs, by the public officers to whom these costs would be payable.

B. If a party has been permitted to proceed without the payment of costs in a succession proceeding, the court shall order the payment from succession assets of all costs due to any public officer.

1 C. If judgment is rendered in favor of the indigent party, the party against
 2 whom the judgment is rendered shall be condemned to pay all costs due ~~such officers~~
 3 **to a public officer**, who **shall** have a privilege on the judgment superior to the rights
 4 of the indigent party or his attorney. If judgment is rendered ~~against~~ **condemning** the
 5 indigent ~~plaintiff and he is condemned~~ **party** to pay court costs, an affidavit of the
 6 account by an officer to whom costs are due; **shall be** recorded in the mortgage
 7 records; **and** shall have the effect of a judgment for the payment due.

 PRESIDENT OF THE SENATE

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

SENATE BILL NO. 75

BY SENATOR MILLER

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 Solely to reenact Sections 1, 2, and 3 of Act No. 19 of the 2024 Third Extraordinary Session
3 of the Legislature as that Act was enacted by the legislature, which Act amended and
4 reenacted R.S. 13:4163, relative to legislative continuances and extensions for
5 legislators and legislative employees; to provide with respect to continuance and
6 extension of deadlines; to authorize members of the legislature and legislative
7 employees to file legislative continuances in certain circumstances; to provide for
8 peremptory grounds; to provide with respect to time delays and procedures; to
9 provide for a rebuttable presumption; to provide for service of process; to provide
10 for notification and reporting requirements; to provide for electronic transmission;
11 to provide for exceptions; to provide for denial of a motion for continuance or
12 extension; to provide for the supreme court's authority to regulate disciplinary
13 proceedings against a member of the legislature or legislative employee; to provide
14 for an effective date; and to provide for related matters.

15 Be it enacted by the Legislature of Louisiana:

16 Section 1. Sections 1, 2, and 3 of Act 19 of the 2024 Third Extraordinary Session of
17 the Legislature as that Act was enacted by the legislature are hereby reenacted to read as
18 follows:

19 Section 1. R.S. 13:4163 is hereby amended and reenacted to read as follows:

20 §4163. Motion for legislative continuance or extension of time; legislators or
21 employees engaged in legislative or constitutional convention
22 activities

23 A.(1)(a) A member of the legislature or legislative employee shall be entitled
24 to peremptory grounds for a continuance of any court or administrative proceeding
25 or the extension of any legal delay or deadline, excluding civil prescriptive or
26 peremptive periods, criminal statutes of limitations, and criminal cases where the
27 death penalty is sought, if the presence, participation, or involvement of a member

1 of the legislature or legislative employee, who is a party or an attorney for a party,
2 is required in any criminal or civil case or administrative proceeding, including any
3 pretrial or post-trial proceeding, during any legislative session or constitutional
4 convention.

5 (b) For purposes of this Section, "legislative employee" means the clerk of
6 the House of Representatives, the secretary of the Senate, and an employee of the
7 House of Representatives, the Senate, or the Legislative Bureau, when such person
8 is employed full-time during the legislative session or during any other time in which
9 the continuance or extension is being sought.

10 (c) Peremptory grounds are available any time between twenty-one days
11 before the convening of any session of the legislature or constitutional convention
12 and thirty days after the adjournment sine die of any session of the legislature or
13 constitutional convention.

14 (2)(a) The motion for continuance shall be filed no later than five days prior
15 to the proceeding to be continued, or no later than five days prior to the expiration
16 of the deadline to be extended, at no cost and shall be accompanied by an affidavit,
17 executed by the presiding officer or the clerk or secretary of the respective house,
18 that the legislative employee will be or is in actual attendance of a session of the
19 legislature or constitutional convention and that it is the legislative employee's
20 intention to participate actively in the preparation or presentation of the case.

21 (b) A member of the legislature shall not be required to submit an affidavit
22 as required by Subparagraph (a) of this Paragraph.

23 (3)(a) The motion for continuance may be filed by electronic means such as
24 facsimile transmission or electronic mail, or by other electronic means in accordance
25 with Code of Civil Procedure Article 253 if the member of the legislature or
26 legislative employee seeking the continuance provides all enrolled counsel or parties
27 with a copy of the motion prior to or simultaneously with the transmission of the
28 motion to the clerk of court.

29 (b) Every motion for a legislative continuance or extension shall be served
30 by transmitting a copy by electronic means to counsel of record, or if there is no

1 counsel of record, to the adverse party, at the number or address expressly designated
2 in a pleading or other writing for receipt of electronic service. Service by electronic
3 means is complete upon transmission but is not effective and shall not be certified
4 if the serving party learns the transmission did not reach the party to be served.

5 B.(1) There shall be a presumption that a motion for continuance filed within
6 the period specified in Paragraph (A)(2) of this Section by the member of the
7 legislature or legislative employee is proper and shall be granted within seventy-two
8 hours of the filing of the motion. The motion shall be granted for a period of not less
9 than forty-five days from the date of adjournment sine die of any session of the
10 legislature or constitutional convention.

11 (2) The presumption may be overcome by clear and convincing evidence
12 under either of the following circumstances:

13 (a) The motion is being presented for an improper purpose, such as to harass,
14 cause unnecessary delay, or needlessly increase the cost of litigation. A showing that
15 the continuance shall cause a delay or increase the cost of litigation shall not be
16 sufficient grounds to overcome the presumption of granting the continuance.

17 (b) The objecting party has a substantial existing right or interest that will be
18 defeated or abridged and will suffer substantial and immediate irreparable harm if
19 the requested continuance is granted. Notwithstanding the provisions of this
20 Paragraph, the court shall also consider any potential substantial and immediate
21 irreparable harm to the party requesting the continuance which may result from
22 requiring the party requesting the continuance to obtain new counsel with
23 insufficient time to prepare.

24 C. The court may grant the motion ex parte or grant a hearing on a motion in
25 opposition to the continuance or extension. If the court grants a hearing, it shall be
26 conducted by telephone, or other electronic means, within forty-eight hours of the
27 filing of the motion in opposition or extension.

28 D. A court denying a properly filed motion for a legislative continuance shall
29 issue contemporaneous written reasons for the denial that shall include an analysis
30 of Subparagraph (B)(2)(a) or (B)(2)(b) of this Section as applied to the specific facts

1 of the case.

2 E.(1) A member of the legislature or legislative employee who has filed a
3 motion for legislative continuance that has been denied or which has not been
4 granted within seventy-two hours may apply directly to the supreme court for
5 supervisory writs at no cost to review the action or inaction of the court where the
6 motion was filed, or may file an appeal at no cost with the court of appeal with
7 jurisdiction as provided in Paragraph (2) of this Subsection.

8 (2) If a motion filed pursuant to this Section is denied or not acted upon
9 within the requisite deadline, then such denial shall be an appealable order filed at
10 no cost. The order of appeal shall be signed within twenty-four hours of being filed,
11 and the provisions of Code of Civil Procedure Article 2088 shall attach.

12 (3) Upon appeal, the reviewing court shall consider de novo any denial or
13 failure to act on a motion for legislative continuance or extension of proceeding.

14 (4) If the supreme court affirms the lower court's denial of a motion for a
15 legislative continuance or extension based on the objecting party's overcoming the
16 presumption pursuant to Paragraph (B)(2) of this Section, the supreme court may
17 exercise its jurisdiction of disciplinary proceedings against the member of the
18 legislature or legislative employee whose motion was denied or refer the matter to
19 the office of disciplinary counsel.

20 F. Notwithstanding the provisions of this Section, if any part of the
21 proceedings occurs on a day that a member of the legislature has been ordered by a
22 majority vote of the elected members of each house of the legislature to attend a
23 session day during which that house is in session, then the provisions of Article III,
24 Section 10 of the Constitution of Louisiana shall be given effect and no legal
25 proceedings may be conducted in the member's absence on such day. If any part of
26 the proceeding occurs in violation of this Subsection, it shall be deemed an absolute
27 nullity.

28 G.(1) For good cause shown, the court may consider a motion for legislative
29 continuance or extension at any time prior to the hearing or proceeding.

30 (2) If seeking a continuance of a court proceeding or extension of any type

1 of deadline occurring outside the time frame of a legislative session or constitutional
2 convention, a member of the legislature or legislative employee who is a party or an
3 attorney for a party to an action may obtain a legislative continuance upon a showing
4 of good cause. A showing, accompanied by an affidavit, that the member or
5 employee is required to attend an interim committee hearing or other official
6 legislative function and that the presence of the member or employee in court is
7 necessary and essential to a fair and proper trial or other proceeding in the suit may
8 be considered good cause.

9 H. If the attorney for a party seeking a continuance under this Section is a
10 member of the legislature, the attorney shall also serve a copy of the motion for a
11 legislative continuance or extension with the judicial administrator for the Louisiana
12 Supreme Court. The copy of the motion shall be sent to the Louisiana Supreme Court
13 contemporaneously when the attorney files the motion for legislative continuance or
14 extension with the court.

15 I. The provisions of this Section shall not apply to proceedings wherein a
16 temporary restraining order, protective order, preliminary injunction, permanent
17 injunction, court-approved consent agreement resulting from an action brought, or
18 order issued pursuant to any of the following:

19 (1) R.S. 46:2131 et seq., R.S. 46:2151 et seq., R.S. 46:2171 et seq., R.S.
20 46:2181 et seq., R.S. 9:361 et seq., R.S. 9:372, Children's Code Article 1564 et seq.,
21 Code of Civil Procedure Articles 3604 and 3607.1, or peace bonds pursuant to Code
22 of Criminal Procedure Article 30(B).

23 (2) Code of Criminal Procedure, including Article 871.1, regarding the
24 disposition and sentence of a criminal matter.

25 (3) R.S. 46:1846 to prohibit communications between offenders and victims
26 following a charge or after sentencing for any crime of violence.

27 (4) R.S. 15:574.4.2(A)(5) as condition of a parole release that requires that
28 the parolee stay away from any specific person.

29 J. The provisions of this Section shall not apply to child custody proceedings
30 or proceedings pursuant to the Domestic Violence Prevention Firearm Transfer Act,

1 Code of Criminal Procedure Article 1001 et seq.

2 K. The provisions of this Section shall not apply to proceedings for writs of
3 habeas corpus for the determination and enforcement of rights to the custody of a
4 minor or for the release of a person in custody in which the family court has original
5 jurisdiction.

6 Section 2. This Act shall become effective upon signature by the governor or, if not
7 signed by the governor, upon expiration of the time for bills to become law without signature
8 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
9 vetoed by the governor and subsequently approved by the legislature, this Act shall become
10 effective on the day following such approval.

11 Section 3. The provisions of this Act shall be given prospective and retroactive
12 application to all actions filed or pending on or after October 25, 2024.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 145

2025 Regular Session

HOUSE BILL NO. 123

BY REPRESENTATIVE CARLSON

1 AN ACT

2 To amend and reenact R.S. 13:4521(B) and to enact R.S. 13:4521(A)(6), relative to deferral
3 of costs and fees associated with electronic filing requirements; to provide for
4 definitions; to provide relative to periods within which to pay court costs; and to
5 provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:4521(B) is hereby amended and reenacted and R.S. 13:4521(A)(6)
8 is hereby enacted to read as follows:

9 §4521. State and its subdivisions; temporary deferral of court costs; exceptions

10 A.

11 * * *

12 (6) As the term is used in this Section, "court costs" include costs, user fees,
13 and recording fees charged by each clerk of court or third party vendor for electronic
14 filing of civil and criminal pleadings authorized by R.S. 13:754, fees for electronic
15 filing of documents authorized by R.S. 13:841 and Code of Civil Procedure Article
16 253(B), and related convenience, transaction, or service fees for electronic filings.

17 B. Except when the law imposes personal responsibility for costs on the
18 agent, officers, or employees, it shall be the responsibility of the governmental
19 entities who temporarily defer costs as set forth in this Section to pay any deferred
20 costs assessed against them or their agents, officers, or employees, ~~within thirty days~~
21 ~~of the judgment becoming final~~ or to assist in the collection of court costs due by the
22 opposing litigants by requesting the court to tax costs in accordance with the

1 provisions of Article 1920 of the Code of Civil Procedure by requesting that the
 2 court include the cost assessment in a judgment dismissing a claim against the
 3 governmental entity or any agent, officer, or employee thereof. When a judgment
 4 is rendered against the state, political subdivision, or agent, officer, or employee
 5 thereof, the costs shall not be payable to the clerk of court or third-party vendor until
 6 the judgment becomes final and definitive under the provisions of Articles 2166 and
 7 2167 of the Code of Civil Procedure or otherwise nonappealable or nonreviewable,
 8 and until all issues in the judicial proceeding are adjudicated. The state, political
 9 subdivision, or agent, officer, or employee thereof shall withhold any court costs due
 10 by the opposing litigants from any settlement payment made to the parties and shall
 11 forward such costs to the clerk of court.

12 * * *

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 176

HOUSE BILL NO. 291

BY REPRESENTATIVES GALLE, ADAMS, BAGLEY, BAYHAM, BERAULT, CARRIER, ROBBY CARTER, CARVER, CHASSION, CREWS, DICKERSON, EDMONSTON, EGAN, KNOX, STAGNI, TAYLOR, VENTRELLA, AND WILDER

1 AN ACT

2 To amend and reenact Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B)

3 and to enact Civil Code Articles 2315.1(F) and 2315.2(F), relative to prescription in

4 wrongful death and survival actions; to provide for a prescriptive period of two years

5 from the date of death of the deceased; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 2315.1(A)(introductory paragraph) and 2315.2(B) are

8 hereby amended and reenacted and Civil Code Articles 2315.1(F) and 2315.2(F) are hereby

9 enacted to read as follows:

10 Art. 2315.1. Survival action

11 A. If a person who has been injured by an offense or quasi offense dies, the

12 right to recover all damages for injury to that person, his property or otherwise,

13 caused by the offense or quasi offense, shall survive for a period of one year from

14 the death of the deceased or two years from the day that injury or damage is

15 sustained, whichever is longer, in favor of:

16 * * *

17 F. The prescriptive period for medical malpractice survival actions is

18 governed by R.S. 9:5628.

19 * * *

20 Art. 2315.2. Wrongful death action

21 * * *

4 * *

PRESIDENT OF THE SENATE

APPROVED: _____

2025 Regular Session

ACT No. 179

HOUSE BILL NO. 304

BY REPRESENTATIVES ROBBY CARTER AND OWEN

1 AN ACT

2 To amend and reenact R.S. 30:1108(C), relative to expropriation under the Louisiana

3 Geologic Sequestration of Carbon Dioxide Act; to provide for venue for

4 expropriations; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 30:1108(C) is hereby amended and reenacted to read as follows:

7 §1108. Eminent domain; expropriation

8 * * *

9 C. The eminent domain authority authorized under this Chapter shall be

10 exercised pursuant to the procedures found in R.S. 19:2, and shall be in addition to

11 any other power of eminent domain authorized by law. Notwithstanding any law to

12 the contrary, expropriation hearings conducted pursuant to this Chapter shall be

13 heard in the parish in which the property subject to the expropriation is situated.

14 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2025 Regular Session

ACT No. 250

HOUSE BILL NO. 178

BY REPRESENTATIVE MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

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AN ACT

To amend and reenact Civil Code Article 3462 and Code of Civil Procedure Articles 74.2(E), 371, 684, 863(F), 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 3721, 4607, 4873, and 5059, to enact Code of Civil Procedure Article 1915(D), and to repeal Code of Civil Procedure Articles 74.2(F), 2088(A)(12), and 3784, relative to civil procedure; to provide for the interruption of prescription; to provide for the imposition of sanctions; to provide with respect to child custody proceedings; to provide with respect to attorney conduct; to provide with respect to interdicts; to provide with respect to objections raised by peremptory exception; to provide with respect to summary judgment procedure; to provide with respect to service of citation; to provide with respect to electronic service; to provide with respect to the issuance of subpoenas; to provide for pretrial and scheduling conference orders; to provide with respect to default judgments; to provide with respect to motions for judgment notwithstanding the verdict; to provide with respect to the signing of final judgments; to provide for notice of judgments; to provide for final, interlocutory, and partial judgments; to provide with respect to delays for applying for new trial; to provide with respect to divesting the trial court of jurisdiction; to provide with respect to the trial of summary proceedings; relative to methods of enforcing mortgages; to provide relative to civil actions; to provide with respect to provisions of the judgment; to provide relative to specific amounts, costs, expenses, and fees;

1 to provide relative to terms, conditions, procedures, and requirements; to provide
2 relative to judicial process, collection proceedings, and sales under fieri facias; to
3 provide with respect to partitions by licitation or by private sale; to provide with
4 respect to the procedure to transfer to district court; to provide for the computation
5 of time; to provide for applicability; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Civil Code Article 3462 is hereby amended and reenacted to read as
8 follows:

9 Art. 3462. Interruption by filing of ~~suit~~ action or by service of process

10 ~~Prescription~~ Unless otherwise expressly provided by legislation, prescription
11 is interrupted when the owner commences action against the possessor, or when the
12 obligee commences action against the obligor, in a court of competent jurisdiction
13 and venue. If action is commenced in an incompetent court, or in an improper
14 venue, prescription is interrupted only as to a defendant served by process within the
15 prescriptive period. If an action is commenced in a competent court of improper
16 venue, prescription is suspended for a period of seven days as to a defendant not
17 served by process within the prescriptive period.

18 Revision Comments - 2025

19 This amendment changes the law. The filing of an action in a court of
20 competent jurisdiction will interrupt the prescriptive period even if venue is
21 improper. There are, however, numerous more specific statutes that still require an
22 action to be filed in a court of both competent jurisdiction and proper venue in order
23 to interrupt prescription, including R.S. 9:5604 (professional accounting liability),
24 5605 (legal malpractice), 5606 (professional insurance agent liability), 5607
25 (professional engineer, surveyor, interior designer, architect, and real estate
26 developer liability), and 5608 (action against home inspectors).

27 Section 2. Code of Civil Procedure Article 863(F) is hereby amended and reenacted
28 to read as follows:

29 Art. 863. Signing of pleadings; effect

30 * * *

31 F. A sanction authorized in Paragraph D of this Article shall not be imposed
32 with respect to an original petition ~~which~~ that is filed within sixty days of an
33 applicable prescriptive date and then voluntarily dismissed or transferred to a court

of proper venue within ninety days after its filing or on the date of a hearing on the pleading, whichever is earlier.

* * *

Section 3. Code of Civil Procedure Articles 74.2(E), 371, 684, 927(A)(5), 966(B)(5), 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D), 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 3721, 4607, 4873, and 5059 are hereby amended and reenacted, and Code of Civil Procedure Article 1915(D) is hereby enacted, to read as follows:

Art. 74.2. Custody proceedings; support; forum non conveniens

* * *

E. For the convenience of the parties and the witnesses and in the interest of justice, a court, upon contradictory motion or upon its own motion after notice and hearing, may transfer the custody or support proceeding to another court where the proceeding might have been brought.

* * *

Art. 371. Attorney

A. An attorney ~~at law~~ is an officer of the court. He An attorney shall conduct himself at all times act with decorum; and in a manner consistent with the dignity and authority of the court and the role ~~which he himself~~ that the attorney should play in the administration of justice.

B. ~~He~~ An attorney shall treat the court, its officers, jurors, witnesses, the opposing party, and opposing counsel with due respect; shall not interrupt opposing counsel; or otherwise interfere with or impede the orderly dispatch of judicial business by the court; shall not knowingly encourage or produce false evidence, including evidence that is artificially generated or altered by any means; and shall not knowingly make any misrepresentation; or otherwise impose upon or deceive the court.

C. An attorney shall exercise reasonable diligence to verify the authenticity of evidence before offering it to the court. If an attorney knew or should have known through the exercise of reasonable diligence that evidence was false or artificially

1 manipulated, the offering of that evidence without disclosure of that fact shall be
2 considered a violation of this Article.

3 D. For a violation of any of the provisions of this ~~article~~ Article, the attorney
4 ~~at law subjects himself~~ is subject to punishment for contempt of court; and ~~such~~
5 further disciplinary action as is otherwise provided by law.

6 * * *

7 Art. 684. ~~Mental incompetent; interdict~~ Interdict

8 A. ~~A mental incompetent~~ A person fully interdicted or a person whose
9 limited interdiction specifically restricts the procedural capacity to sue does not have
10 the procedural capacity to sue.

11 B. Except as otherwise provided in Articles 4431, 4554, and 4566, the
12 curator is the proper plaintiff to sue to enforce a right of ~~an interdict~~ a person fully
13 interdicted or a person whose limited interdiction specifically restricts the procedural
14 capacity to sue.

15 Comments - 2025

16 This amendment seeks to address an issue raised by the court in Walcott v.
17 Louisiana Department of Health and Valley Services, 341 So. 3d 696 (La. App. 1
18 Cir. 2022), in which the First Circuit held that sustaining an exception of lack of
19 procedural capacity in a civil proceeding against a plaintiff who, in a criminal
20 proceeding, was determined a mental incompetent but was not interdicted would
21 leave the plaintiff with no avenue to pursue a civil claim. Under the amendment to
22 this Article, a person determined in a criminal proceeding to be a mental incompetent
23 has the procedural capacity to file a civil action unless that person is fully interdicted
24 or the person's limited interdiction restricts the capacity to sue. A court may order the
25 full interdiction of a person whose interests cannot be protected by less restrictive
26 means. See Civil Code Article 389. A limited interdiction does not deprive the
27 interdict of the procedural capacity to sue unless the judgment of limited interdiction
28 specifically restricts the ability to sue. See Article 4551 and Civil Code Article 390.

29 * * *

30 Art. 927. Objections raised by peremptory exception

31 A. The objections that may be raised through the peremptory exception
32 include but are not limited to the following:

33 * * *

34 (5) No cause of action, including an objection of no cause of action in part,
35 as to one or more but fewer than all of the claims, demands, issues, or theories

against a party, whether in an original demand, reconventional demand, cross-claim,
third-party claim, or intervention.

* * *

Comments - 2025

Subparagraph (A)(5) of this Article was amended to clarify that a partial judgment sustaining an exception raising the objection of no cause of action may be appropriate when two or more actions based on the same operative facts of a single transaction or occurrence are cumulated. This changes the result reached by the Louisiana Supreme Court in *Everything on Wheels Subaru, Inc. v. Subaru South, Inc.*, 616 So. 2d 1234 (La. 1993).

* * *

Art. 966. Motion for summary judgment; procedure

* * *

B. Unless extended by the court and agreed to by all of the parties, a motion for summary judgment shall be filed, opposed, or replied to in accordance with the following provisions:

* * *

(5) ~~Notwithstanding Article 1915(B)(2), the~~ The court shall not reconsider or revise the granting of a motion for partial summary judgment on motion of a party who failed to meet the deadlines imposed by this Paragraph, nor shall the court consider any documents filed after those deadlines.

* * *

Art. 1201. Citation; waiver; delay for service

* * *

C. Service of the citation shall be requested on all named defendants within ninety days of commencement of the action. When a supplemental or amended petition is filed naming any additional defendant, service of citation shall be requested within ninety days of its filing, and the additional defendant shall be served with the original petition and the supplemental or amended petition. The defendant may expressly waive the requirements of this Paragraph by any written waiver. The requirement provided by this Paragraph shall be expressly waived by a defendant unless the defendant files, in accordance with the provisions of Article 928, a declinatory exception of insufficiency of service of process specifically alleging the

failure to timely request service of citation or a contradictory motion in accordance with Article 1672(C).

* * *

Art. 1313. Service by mail, delivery, or electronic means

A. Except as otherwise provided by law, every pleading subsequent to the original petition, and every pleading which under an express provision of law may be served as provided in this Article, may be served either by the sheriff or by:

* * *

(4) Transmitting a copy by electronic means to counsel of record, or if there is no counsel of record, to the adverse party, at the number or addresses expressly designated in a pleading or other writing for receipt of electronic service. Service by electronic means is complete upon transmission but is not effective and shall not be certified if the serving party learns that the transmission did not reach the party to be served. If electronic service cannot be effected in accordance with this Subparagraph, service may be effected in accordance with other provisions of this Paragraph.

* * *

Comments - 2025

The amendment to Subparagraph (A)(4) of this Article clarifies that if service cannot be effected by electronic means, service may be effected in accordance with the other provisions of Paragraph A. See Article 966(B)(1) and (2) providing that a motion for summary judgment, all documents in support of the motion, any opposition to the motion, and all documents in support of the opposition shall be filed and served in accordance with Subparagraph (A)(4) of this Article.

* * *

Art. 1351. Issuance; form

The clerk ~~or judge~~ of the court wherein the action is pending, at the request of the court or a party, shall issue subpoenas for the attendance of witnesses at hearings or trials. A subpoena shall issue under the seal of the court. It shall state the name of the court; and the title of the action; and shall command the attendance of the witness at a time and place specified, until discharged.

Comments - 2025

The amendment to this Article is not intended to remove the authority of a justice of the peace to issue a summons pursuant to Article 4921.2.

* * *

Art. 1551. Pretrial and scheduling conference; order

A. In any civil action in a district court, the court may, in its discretion, direct the attorneys for the parties to appear before it for conferences that may be conducted in chambers, by telephone, or by video teleconference to consider any of the following:

(1) ~~The simplification of the issues, including the elimination of frivolous claims or defenses~~ The setting of deadlines for the filing of a motion in accordance with Article 1425(F), motion for summary judgment, motion in limine, and any other pretrial motion.

(2) The setting of the trial and the deadline for the filing of any jury bond.

(3) The necessity or desirability of, and the deadline for filing, any amendments to the pleadings.

~~(3) What material facts and issues exist without substantial controversy, and what material facts and issues are actually and in good faith controverted.~~

(4) ~~Proof, stipulations regarding the authenticity of documents, and advance rulings from the court on the admissibility of evidence.~~ The simplification of the issues, including stipulations as to material facts, exhibits, and issues that are not disputed, and a determination of the facts, exhibits, and issues to be tried.

(5) The authenticity and admissibility of exhibits that a party intends to introduce at trial, including a pretrial ruling on the admissibility of exhibits or the setting of a hearing date as to the admissibility of exhibits.

(a) If a party has reasonable suspicion that an opposing party's exhibits are falsified, including having been generated by artificial intelligence or altered by any means, the party shall raise these concerns at the pretrial conference or at a pretrial hearing on the admissibility of the exhibits.

1 **(b) If a party knows or has reason to know that its exhibits have been**
2 **falsified, including having been generated by artificial intelligence or altered by any**
3 **means, the party shall disclose this fact in accordance with Article 371.**

4 **(c) Subsubparagraphs (a) and (b) of this Subparagraph shall not apply to**
5 **demonstrative exhibits.**

6 ~~(5)~~ **(6) Limitations or restrictions on or regulation of the use of expert**
7 **testimony under Louisiana pursuant to Code of Evidence Article 702.**

8 ~~(6)~~ **(7) The control and scheduling of discovery including any issues relating**
9 **to disclosure or discovery of electronically stored information, and the form or forms**
10 **in which it should be produced.**

11 ~~(7)~~ **(8) Any issues relating to claims of privilege or protection of trial**
12 **preparation material, and whether the court should include agreements between**
13 **counsel relating to ~~such~~ those issues in an order.**

14 ~~(8)~~ **(9) The identification of witnesses, documents, and exhibits.**

15 ~~(9) The presentation of testimony or other evidence by electronic devices.~~

16 **(10) The setting of any trial, motion, or exception hearing by audiovisual**
17 **means, or the presentation of any evidence or testimony by audiovisual means, in**
18 **accordance with Article 195.1.**

19 ~~(11) ~~Such other~~ Other matters as ~~that~~~~ **may aid in the disposition of the action.**

20 B. The court shall render an order ~~which~~ **that** recites the action taken at the
21 conference, ~~the amendments allowed to the pleadings, and the agreements made by~~
22 ~~the parties as to any of the matters considered, and which limits the issues for trial~~
23 ~~to those not disposed of by admissions or agreements of counsel pursuant to~~
24 **Paragraph A of this Article. ~~Such~~ The order ~~controls~~ shall control** the subsequent
25 course of the action, unless modified ~~at the trial by the court~~ to prevent manifest
26 injustice.

27 C. If a party's attorney fails to obey a pretrial order, or to appear at the
28 pretrial and scheduling conference, or is substantially unprepared to participate in the
29 conference or fails to participate in good faith, the court, on its own motion or on the
30 motion of a party, after hearing, may make ~~such~~ orders as are just, including orders

provided in Article 1471(A) (2), (3), and (4). In lieu of or in addition to any other sanction, the court may require the party or the attorney representing the party or both to pay the reasonable expenses incurred by noncompliance with this Paragraph, including attorney fees.

D. If a suit has been pending for more than one year since the date of ~~filing~~ service of the original petition on all defendants and no trial date has been assigned, upon motion of any party, the court shall set the matter for conference for the purpose of resolving all matters subject to the provisions of this Article, including the scheduling of discovery, assignment for trial, and any other matters that will expedite the resolution of the suit. ~~The conference may be conducted in chambers, by telephone, or by video teleconference.~~

Comments - 2025

(a) Subparagraph (A)(5) of this Article requires that the parties address at a pretrial conference or hearing the authenticity and admissibility of exhibits that are suspected to have been created, altered, or manipulated. The Article's use of "artificial intelligence" is broad and encompasses the suspected use of "deepfakes". R.S. 14:73:13 defines "deepfake" to mean "any audio or visual media in an electronic format . . . that is created, altered, or digitally manipulated in a manner that would falsely appear to a reasonable observer to be an authentic record of the actual speech or conduct of the individual or replace an individual's likeness with another individual and depicted in the recording." Black's Law Dictionary (12th ed. 2024) defines "deepfake" to mean a "false video, audio recording, or other medium that is generated or manipulated by computer, often using artificial intelligence, with the intent to deceive viewers or listeners."

(b) Paragraph C of this Article is new and mandatory. To resolve the many issues with respect to the timing of challenging an expert's qualifications or methodologies, the court shall either provide for deadlines in a pretrial or scheduling order in accordance with Paragraph A of this Article or, upon being notified by a party that it intends to use an expert in a summary judgment proceeding or at trial, issue an order in accordance with Paragraph C of this Article. These deadlines aim to ensure that motions are filed, and hearing dates are set, in accordance with applicable law and in consideration of the court's calendar.

(c) The requirements of this Article are not meant to supersede the requirements of Article 1571

* * *

Art. 1702. Default judgment

A.

* * *

(5) No default judgment shall be rendered against a defendant when notice is required ~~under~~ pursuant to Subparagraph (2) or (3) of this Paragraph unless ~~proof~~ of the required notice is ~~made in the manner provided by R.S. 13:3205.~~ given in accordance with any of the following:

(a) By mailing the notice to the defendant or attorney, in which case the plaintiff shall provide proof that the notice was enclosed in an envelope properly addressed to the defendant or attorney, with sufficient postage affixed, and the date on which it was deposited in the United States mail, and the plaintiff shall file the return receipt of the defendant or attorney.

(b) By utilizing the services of a commercial courier to make delivery of the notice to the defendant or attorney, in which case the plaintiff shall provide proof of the name of the commercial courier, the date, and the address at which the notice was delivered to the defendant or attorney, and the plaintiff shall file the commercial courier's confirmation of delivery.

(c) By actual delivery of the notice to the defendant or attorney, in which case the plaintiff shall provide proof of the date, place, and manner of delivery.

* * *

Art. 1811. Motion for judgment notwithstanding the verdict

A.(1) 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 ~~under~~ in accordance with Article 1913, a party may move for a judgment notwithstanding the verdict. If a verdict was not returned, a party may move for a judgment notwithstanding the verdict not later than seven days, exclusive of legal holidays, after the jury was discharged.

* * *

Art. 1911. Final judgment; ~~partial final judgment~~; signing; appeals

* * *

B. For the purpose of an appeal as provided in Article 2083, no appeal ~~may~~ shall be taken from a final judgment until the ~~requirement of this Article has been fulfilled~~ judgment has been signed by the judge. ~~No appeal may be taken from a partial final judgment under Article 1915(B) until the judgment has been designated~~

1 ~~a final judgment under Article 1915(B). An appeal may be taken from a final~~
2 ~~judgment under Article 1915(A) without the judgment being so designated.~~

3 * * *

4 Art. 1913. Notice of judgment

5 A. Except as otherwise provided by law, notice of the signing of a final
6 judgment, ~~including a partial final judgment under Article 1915~~, is required in all
7 contested cases; and shall be mailed or delivered in open court by the clerk of court
8 to the counsel of record for each party, and to each party not represented by counsel.
9 Delivery of the signed judgment in open court shall constitute notice of judgment
10 and shall be documented in the record of the proceeding.

11 * * *

12 C. Except when service is required ~~under~~ in accordance with Paragraph B
13 of this Article, notice of the signing of a default judgment shall be mailed by the
14 clerk of court to the defendant at the address where personal service was obtained or
15 to the last known address of the defendant.

16 D. The clerk shall file a certificate in the record showing the date on which,
17 and the counsel and parties to whom, notice of the signing of the judgment was
18 mailed or delivered in open court.

19 Art. 1914. Interlocutory judgments; notice; delay for further action

20 * * *

21 B. The interlocutory judgment shall be reduced to writing if the court so
22 orders, if a party requests within ten days of rendition in open court that it be reduced
23 to writing, if a judgment is granted or an exception is sustained in accordance with
24 Article 1915(C), or if the court takes the interlocutory matter under advisement. The
25 clerk shall mail or deliver in open court notice of the ~~subsequent~~ judgment to each
26 party. Delivery of the signed judgment in open court shall constitute notice of
27 judgment and shall be documented in the record of the proceeding.

28 * * *

29 D. Except as provided in Paragraph C of this Article, each party shall have
30 ten days either from notice of the interlocutory judgment; or from the mailing of

1 notice when required to take any action or file any pleadings in the trial court;
 2 ~~however, this.~~ This provision does not suspend or otherwise affect the time for
 3 applying for supervisory writs, nor does it affect the time for appealing an
 4 interlocutory judgment ~~under~~ in accordance with Article 2083.

5 * * *

6 Art. 1915. ~~Partial final judgment~~ Final and interlocutory judgments; partial
 7 judgment; partial exception; partial summary judgment

8 A. A final judgment may be rendered ~~and signed by the court~~, even though
 9 it may not grant the successful party or parties all of the relief prayed for, or may not
 10 adjudicate all of the issues in the case, when the court:

11 (1) Dismisses the suit as to ~~less~~ fewer than all of the parties, defendants, ~~third~~
 12 ~~party~~ third-party plaintiffs, ~~third-party~~ third-party defendants, or ~~intervenors~~
 13 interveners.

14 * * *

15 (4) ~~Signs~~ Grants a judgment on either the principal or incidental demand,
 16 when the two have been tried separately, as provided by Article 1038.

17 (5) ~~Signs~~ Grants a judgment on the issue of liability when that issue has been
 18 tried separately by the court, or when, in a jury trial, the issue of liability has been
 19 tried before a jury and the issue of damages is to be tried before a different jury.

20 * * *

21 ~~B.(1) When a court renders a partial judgment or partial summary judgment~~
 22 ~~or sustains an exception in part, as to one or more but less than all of the claims,~~
 23 ~~demands, issues, or theories against a party, whether in an original demand,~~
 24 ~~reconventional demand, cross-claim, third-party claim, or intervention, the judgment~~
 25 ~~shall not constitute a final judgment unless it is designated as a final judgment by the~~
 26 ~~court after an express determination that there is no just reason for delay.~~

27 (2) ~~In the absence of such a determination and designation, any such order~~
 28 ~~or decision shall not constitute a final judgment for the purpose of an immediate~~
 29 ~~appeal and may be revised at any time prior to rendition of the judgment adjudicating~~
 30 ~~all the claims and the rights and liabilities of all the parties.~~

¶ B. If an appeal is taken from any judgment rendered ~~under the provisions~~
~~of~~ in accordance with Paragraph A this Article, the trial court shall retain jurisdiction
to adjudicate the remaining issues in the case.

C. Except as otherwise provided by law, when a court grants a judgment or summary judgment, or sustains an exception in part, as to one or more but fewer than all of the claims, demands, issues, or theories by or against a party, whether in an original demand, reconventional demand, cross-claim, third-party claim, or intervention, that judgment is an interlocutory judgment.

D. All judgments rendered in accordance with this Article shall be reduced
to writing and signed by the court.

Comments - 2025

(a) These amendments largely restore the Article to its pre-1997 form. The revisions remove from Paragraph B of this Article the authority of the trial court to designate a judgment as final and appealable after an express determination that there is no just reason for delay. As a result, Paragraph A of this Article now provides a list of judgments from which an appeal may be taken. This change seeks to remove uncertainty as to whether an appeal or a supervisory writ should be taken from a judgment that does not grant the successful party or parties all of the relief prayed for or may not adjudicate all of the issues in the case.

(b) Paragraph B of this Article retains much of the language of former Paragraph C. The language of Paragraph C of this Article is new and provides for interlocutory judgments that are not appealable. See Article 2083(C). Paragraph D of this Article provides that all judgments rendered in accordance with this Article shall be reduced to writing and signed by the court, thus clearly defining the commencement of the delay to apply for a supervisory writ from a judgment rendered in accordance with Paragraph C. See La. Ct. App. Unif. Rules 4-2 and 4-3 and Article 1914.

* * *

Art. 1974. Delay for applying for new trial

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.

* * *

Art. 2088. Divesting of jurisdiction of trial court

A. The jurisdiction of the trial court over all matters in the case reviewable under the appeal is divested, and that of the appellate court attaches, on the granting

of the order of appeal and the timely filing of the appeal bond, in the case of a
 suspensive appeal, or on the granting of the order of appeal, in the case of a
 devolutive appeal. Thereafter, the trial court has jurisdiction in the case only over
 those matters not reviewable under the appeal, including the right to do any of the
 following:

* * *

(11) ~~Certify a partial judgment or partial summary judgment in accordance
 with Article 1915(B).~~

(12) Amend a judgment to provide proper decretal language ~~under in~~
accordance with Article 1918 or 1951.

* * *

Art. 2595. Trial; decision

A. Upon reasonable notice a summary proceeding ~~may be tried in open court
 or in chambers, in term or in vacation; and~~ shall be tried by preference over ordinary
 proceedings, and without a jury, except as otherwise provided by law.

B. The court shall render its decision as soon as practicable after the
 conclusion of the trial of a summary proceeding and, whenever practicable, without
 taking the matter under advisement.

* * *

Art. 3721. Methods of enforcing mortgage

A. A conventional mortgage is enforced by ordinary or executory
 proceedings.

B. In any ordinary or executory proceeding to enforce a promissory note or
 other debt instrument combined with a mortgage or other security device, the
 judgment or order of executory process granted may include any amounts which
 accrue after the rendition of the judgment or order, including until the collateral is
 sold by judicial process pursuant to the provisions of the promissory note, debt
 interest, or security device, including, without limitation, obligations to reimburse
 advances for taxes and insurance, inspection or other fees provided for by contract,
 reasonable attorney fees, and court costs. The provisions of this Article shall be

1 enforceable notwithstanding any other provision of law requiring that a judgment or
2 order specify a definite amount.

3 C. Prior to the date of the sheriff's sale, the seizing creditor or his counsel
4 shall file into the record the payoff amount of the obligation being enforced,
5 including any amounts which have accrued after the filing of the petition, or
6 rendition of the judgment or order in the case of ordinary process.

7 D. Any party with an interest in the property seized, including but not limited
8 to mortgage and lien holders, may file a rule to show cause to traverse the payoff
9 amount filed in accordance with Subsection C of this Article. The rule to show cause
10 shall be filed before the sheriff disburses any funds from the judicial sale pursuant
11 to the writ being executed.

12 E. A sheriff's or other sale held pursuant to court order shall be valid
13 notwithstanding failure of an interested party to comply with the provisions of this
14 Article.

15 * * *

16 Art. 4607. Partition by licitation or by private sale

17 When a partition is to be made by licitation, the sale shall be conducted at
18 public auction and after the advertisements required for judicial sales under
19 execution. When a partition is to be made at private sale without the consent of all
20 co-owners, the sale shall be for not less than the appraised value of the property, and
21 documents required pursuant to a court order shall be executed on behalf of the
22 absentee or nonconsenting co-owner by a court-appointed representative, who may
23 be a co-owner, after the advertisements required for judicial sales under execution
24 are made. All counsel of record, including ~~curators~~ attorneys appointed to represent
25 absentee defendants, and persons appearing in proper person shall be given notice
26 of the sale date. At any time prior to the sale, the parties may agree upon a
27 nonjudicial partition.

28 * * *

1 Art. 4873. Transfer to district court; procedure; contest; effect

2 A party entitled thereto under the provisions of Article 4872 may transfer the
3 action to the district court in the following manner:

4 (1) Within the delay allowed for answer in the trial court of the limited
5 jurisdiction, or within ten days after answer has been filed, ~~he~~ the party shall file a
6 motion to transfer with the clerk of the court in which the suit is pending. The
7 motion shall include a declaration that the matter is one to which the defendant
8 would have been entitled to a trial by jury if commenced in district court, and that
9 the defendant desires a trial by jury. If a party fails to file a motion to transfer within
10 the delays required by this Subparagraph, the matter shall not be transferred.

11 (2) A plaintiff may oppose the transfer of the action to a district court only
12 if the plaintiff stipulates that the action does not exceed ten thousand dollars
13 exclusive of interest and costs.

14 ~~(2)~~ (3) If no opposition is filed within ten days after the filing of the motion
15 to transfer, the judge of the court in which the suit is pending shall order the transfer
16 to the district court. If an opposition is timely filed, it shall be tried summarily.

17 ~~(3)~~ (4)(a) Where a transfer is ordered, the clerk of the court in which the
18 action was initially filed shall forward to the clerk of the court to which the action
19 is transferred a certified copy of the record in the initial court, including pleadings,
20 minute entries, and all other proceedings.

21 (b) The clerk of the district court shall file the action as a new proceeding in
22 that court, upon payment by the defendant of a filing fee as provided by rule of the
23 district court. All costs accruing thereafter, however, shall be advanced in the same
24 manner as though the action ~~initially~~ had initially been commenced in the district
25 court by the original plaintiff.

26 ~~(4)~~ (5) When the matter is docketed by the clerk of the district court, the
27 proceeding shall continue in that court as though originally commenced therein. In
28 the event that transfer is effected prior to answer, the defendant shall file ~~his~~ the
29 answer in the district court within the delays provided by Article 1001, commencing
30 from the date on which the transferred proceeding is filed in that court.

(5) (6) The disposition of a motion to transfer and any opposition thereto shall not be appealable; but shall be reviewable through the exercise of its supervisory jurisdiction by the court of appeal having appellate jurisdiction over the case.

* * *

Art. 5059. Computation of time

A. In computing a period of time allowed or prescribed by law or by order of court, the date of the act, event, or default ~~after~~ from which the period begins to run is not ~~to be~~ included. The last day of the period is ~~to be~~ included, unless it is a legal holiday, in which event the period runs until the end of the next day ~~which~~ that is not a legal holiday.

B. The "next day" as set forth in Paragraph A of this Article means the subsequent calendar day that is not a legal holiday following a legal holiday.

~~B. C.~~ C. A half-holiday is considered ~~as~~ a legal holiday. A legal holiday is ~~to be~~ included in the computation of a period of time allowed or prescribed, except when:

- (1) It is expressly excluded;
- (2) It would otherwise be the last day of the period; ~~or,~~
- (3) The period is less than seven days.

~~C. D.~~ (1) A legal holiday shall be excluded in the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by an agency in the executive branch of state government.

(2) Subparagraph (1) of this Paragraph shall not apply to the computation of a period of time allowed or prescribed to seek rehearing, reconsideration, or judicial review or appeal of a decision or order by the Department of Revenue, the Department of Environmental Quality, or the Department of Insurance relative to examination reports in R.S. 22:1983.

1 Comments -2025

2 The revisions to this Article clarify existing law and conform to the
3 computation of time set forth in *Becnel v. Northrop Grumman Ship Systems, Inc.*,
4 18 So. 3d 1269 (La. 2009) and Article 966(B)(4). Paragraph B of this Article makes
5 clear that if the last day in a period of time allowed or prescribed by law or court
6 order falls on a legal holiday, the period runs until the subsequent, later-in-time
7 calendar day that is not a legal holiday. For example, if the legal deadline to file a
8 pretrial motion is due sixty days prior to trial and that day is a Saturday, the motion
9 is not due until the subsequent Monday as long as that Monday is not a legal holiday.

10 Section 4. Code of Civil Procedure Articles 74.2(F), 2088(A)(12), and 3784 are
11 hereby repealed in their entirety.

12 Section 5. The provisions of Civil Code Article 3462 as amended by Section 1 of
13 this Act shall not apply to actions that have prescribed prior to the effective date of this Act.

14 Section 6. The provisions of Article 1915 as amended by Section 3 of this Act shall
15 have prospective application only and shall not apply to appeals and supervisory writs filed
16 prior to the effective date of this Act.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 253

2025 Regular Session

HOUSE BILL NO. 199

BY REPRESENTATIVE EDMONSTON

1 AN ACT

2 To amend and reenact R.S. 15:1186(A) and (B)(1) and 1188(B)(2), relative to civil claims
3 of prisoners; to provide relative for proceeding in forma pauperis; to provide for
4 procedural requirements; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 15:1186(A) and (B)(1) and 1188(B)(2) are hereby amended and
7 reenacted to read as follows:

8 §1186. Proceedings in forma pauperis

9 A.(1) A prisoner who seeks to bring a civil action or file an appeal or writ
10 application in a civil action without prepayment of fees or security ~~must~~ shall comply
11 with all requirements for proceeding in forma pauperis except for Code of Civil
12 Procedure Article 5183(A)(2).

13 (2)(a) and A prisoner who is incarcerated in any prison at the time of his
14 application to proceed in forma pauperis shall submit a certified copy of the trust
15 fund account statement or institutional equivalent for the six-month period
16 immediately preceding the filing of the petition, notice of appeal, or writ application
17 obtained from the appropriate official of each prison at which where the prisoner is
18 or was confined. If the prisoner was incarcerated for less than six months at the time
19 of his application to proceed in forma pauperis, his account statement shall be
20 limited to the period of incarceration.

21 (b) A prisoner who is no longer incarcerated in any prison at the time of his
22 application to proceed in forma pauperis shall submit an affidavit of the prisoner's
23 present assets and any supporting documentation pursuant to Code of Civil
24 Procedure Article 5183(A)(1).

(2) (3) If a prisoner brings a civil action or files an appeal or writ application in forma pauperis as authorized by Paragraph (A)(1) of this Section, the prisoner shall still be required to pay the full amount of a filing fee. The court shall assess and, when funds exist, collect, as a partial payment of any court fees required by law, an initial partial filing fee of calculated as follows:

(a) For partial filing fees based on a trust account or institutional equivalent, the fee shall be twenty percent of the greater of the average monthly deposits to the prisoner's account, or the average monthly balance in the prisoner's account for the six-month period immediately preceding the filing of the petition, notice of appeal, or writ application.

(b) For partial filing fees based on a prisoner's present assets, the fee shall be determined based on the fee schedule in Code of Civil Procedure Article 5181.

(3) (4) If a prisoner brings a civil action, files an appeal, or files a writ application in which the prisoner is not allowed to proceed as a pauper, the prisoner ~~must~~ shall pay the required costs in advance. If the prisoner does not pay the costs in advance, the civil action, appeal, or writ application shall be dismissed without prejudice. If the action is dismissed pursuant to this Paragraph, the filing of the suit shall not be considered an interruption of prescription for purposes of Civil Code Article 3463.

B.(1) After payment of the initial partial filing fee, as required by Paragraph (A)(2) (A)(3) of this Section, the prisoner shall be required to make monthly payments of twenty percent of the preceding month's income credited to the prisoner's account. ~~The agency having custody of the prisoner shall forward payments from the prisoner's account to the clerk of the court each time the amount in the account exceeds ten dollars until the filing fees are paid.~~ In no event shall the filing fee collected exceed the amount of fees permitted by statute law.

(a) If the prisoner is incarcerated in a prison, the order granting pauper status shall direct the agency having custody of the prisoner to forward payments from the prisoner's account to the clerk of court each time the amount in the account exceeds ten dollars until the filing fees are paid.

(b) If the prisoner is not incarcerated, the prisoner shall forward the payments to the clerk of court whenever the amount in his possession exceeds ten dollars until the filing fees are paid.

* * *

§1188. Judicial screening and service of process

* * *

B. A court shall not authorize or permit service of a prisoner suit until compliance with both of the following:

* * *

(2) The provisions of R.S. 15:1186(A)(1), and (2), and (3) have been satisfied, if the plaintiff is proceeding in forma pauperis.

* * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2025 Regular Session

ACT No. 299

HOUSE BILL NO. 644

BY REPRESENTATIVE BROWN

1 AN ACT

2 To amend and reenact R.S. 13:86, relative to court costs; to provide relative to court costs
3 collected for civil filings and criminal convictions; to provide for the allocation of
4 such costs; to provide for the use of proceeds of such costs; and to provide for related
5 matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 13:86 is hereby amended and reenacted to read as follows:

8 §86. Judicial College; education account; sources of funds

9 A. In addition to any other filing fee or cost imposed or authorized by law,
10 the clerk of the supreme court and each city, parish, juvenile, family, district, and
11 appellate court shall impose and collect from each party liable for court costs the
12 additional sum of two dollars and fifty cents for the initial filing in all civil matters.

13 B. In addition to the costs provided for in Subsection A of this Section, a
14 person convicted of a felony, a misdemeanor, or violating an ordinance of any local
15 government, including a traffic felony, traffic misdemeanor, or a local traffic
16 violation, shall be assessed an additional two dollars and fifty cents as a special court
17 cost. These costs shall be imposed by all courts, including mayor's courts and
18 magistrate courts.

19 C. All funds collected pursuant to this Section shall be deposited into a
20 special account and transmitted monthly to the Louisiana Supreme Court in the
21 manner and form specified by the supreme court ~~and~~ provided that one-third of the
22 total collected shall be used solely to defray the costs associated with the general
23 growth and program improvement strategies of the Judicial College, and the
24 remainder shall be used pursuant to the court's direction to defray the costs

1 associated with coordinated efforts between the Judicial College and the Judiciary
2 Commission for improved education concerning judicial ethics and best practices of
3 the court or for other expenses of the Judiciary Commission related to the education,
4 investigation, or enforcement of judicial ethics. The supreme court shall conduct an
5 annual audit of the books and accounts relating to the funds collected pursuant to this
6 Section, and shall file the audit with the legislative auditor where it shall be available
7 for public inspection.

8 Section 2. In accordance with the provisions of R.S. 13:62, the change in court costs
9 or fees as provided by this Act shall become effective on January 1, 2026, if the Judicial
10 Council provides a recommendation that such court costs and fees meet the applicable
11 guidelines in its report to the Louisiana Legislature. No fee shall be imposed or collected
12 without Judicial Council approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

ACT No. 352

2025 Regular Session

HOUSE BILL NO. 310

BY REPRESENTATIVE ZERINGUE

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 253(B)(2) and Code of Criminal
3 Procedure Article 14.1(B) and to enact Code of Civil Procedure Article 253(B)(3),
4 relative to civil and criminal court filings; to provide that civil and criminal court
5 filings shall be filed in person in paper form or electronically; and to provide for
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 253(B)(2) is hereby amended and
9 reenacted and Code of Civil Procedure Article 253(B)(3) is hereby enacted to read as
10 follows:

11 Art. 253. Pleadings, documents, and exhibits to be filed with clerk

12 * * *

13 B.

14 * * *

15 (2) On and after January 1, 2026, all filings as provided in Paragraph A of
16 this Article and all other provisions of this Chapter filed by an attorney shall only be
17 filed in person in paper form or transmitted electronically in accordance with a
18 system established by a clerk of court or by Louisiana Clerks' Remote Access
19 Authority. The filer shall be responsible for ensuring that private information is not
20 included in filings. No filing shall include the first five digits of any social security
21 number, tax identification numbers, state identification numbers, driver's license
22 numbers, financial account numbers, full dates of birth, or any information protected
23 from disclosure by state or federal law. The clerk of court shall adopt a system for

the electronic filing and storage of any pleading, document, or exhibit filed with a pleading. A pleading or document filed electronically is deemed filed on the date and time stated on the confirmation of electronic filing sent from the system, if the clerk of court accepts the electronic filing. Public access to electronically filed pleadings and documents shall be in accordance with the rules governing access to paper filings.

(3) Notwithstanding the provisions of Subparagraph (B)(2) of this Article, the following original documents may be filed in paper form, either in person, by U.S. mail, or by commercial courier:

(a) An original will or testament filed and retained in accordance with Code of Civil Procedure Article 2911.

(b) An original promissory note, other instrument, or any evidence required to be in authentic form in accordance with Code of Civil Procedure Article 2635.

(c) Motions for default judgment which do not require a hearing in open court pursuant to Code of Civil Procedure Articles 1702 and 1702.1 and supporting attached documentation.

(d) Documents which are required to be original in order to support or defend against a claim.

* * *

Section 2. Code of Criminal Procedure Article 14.1(B) is hereby amended and reenacted to read as follows:

Art. 14.1. Electronic filings

* * *

B. Beginning January 1, 2026, all filings as provided in this Article and all other provisions of this Code filed by an attorney shall only be filed in person in paper form or transmitted electronically in accordance with a system established by a clerk of court or by the Louisiana Clerks' Remote Access Authority. The filer shall be responsible for ensuring that private information is not included in filings. No filing shall include the first five digits of any social security number, tax identification numbers, state identification numbers, driver's license numbers,

1 financial account numbers, full dates of birth, or any information protected from
 2 disclosure by state or federal law. The clerk of court shall adopt a system for the
 3 electronic filing and storage of any pleading, document, or exhibit other than those
 4 documents or exhibits introduced and filed at a hearing or trial. Furthermore, in a
 5 court that accepts electronic filings in accordance with this Paragraph, the official
 6 record shall be the electronic record. A pleading or document filed electronically is
 7 deemed filed on the date and time stated on the confirmation of electronic filing sent
 8 from the system, if the clerk of court accepts the electronic filing. Public access to
 9 electronically filed pleadings and documents shall be in accordance with the rules
 10 governing access to written filings.

11 * * *

 SPEAKER OF THE HOUSE OF REPRESENTATIVES

 PRESIDENT OF THE SENATE

 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2025 Regular Session

ACT No. 488

HOUSE BILL NO. 181

BY REPRESENTATIVE WILEY

(On Recommendation of the Louisiana State Law Institute)

1 AN ACT

2 To amend and reenact Civil Code Articles 14, 159, 234, 811(B), 1805, 1899, 1900, the
3 heading of Chapter 7 of Title IV of Book III of the Civil Code, and Civil Code
4 Articles 1978, 1979, 1981, 1985, 2021, 2035, 2315.1(E), 2315.2(E), 2321(C)(3),
5 2442, 2701, 2806(B) and (C), 2838, 2841, 2843, 2844(A) and (C), 3025, 3506, and
6 3536, to enact Civil Code Articles 15 and 3514, and to repeal Civil Code Article
7 3343, relative to the signification of terms; to provide for definitions; to provide for
8 use of gender and number; to provide with respect to parental authority; to provide
9 with respect to abandonment in the survival and wrongful death actions; to provide
10 with respect to multistate cases and conflict of laws; to provide with respect to third
11 persons and third parties; to provide for Comments; and to provide for related
12 matters.

13 Be it enacted by the Legislature of Louisiana:

14 Section 1. Civil Code Articles 14, 159, 234, 811(B), 1805, 1899, 1900, the heading
15 of Chapter 7 of Title IV of Book III of the Civil Code, and Civil Code Articles 1978, 1979,
16 1981, 1985, 2021, 2035, 2315.1(E), 2315.2(E), 2321(C)(3), 2442, 2701, 2806(B) and (C),
17 2838, 2841, 2843, 2844(A) and (C), 3025, 3506, and 3536 are hereby amended and
18 reenacted and Civil Code Articles 15 and 3514 are hereby enacted to read as follows:

19 CHAPTER 3. ~~CONFLICT OF LAWS~~

20 Art. 14. ~~Multistate cases~~ Use of gender

21 ~~Unless otherwise expressly provided by the law of this state, cases having~~
22 ~~contacts with other states are governed by the law selected in accordance with the~~

~~provisions of Book IV of this Code. Unless the context indicates otherwise, words~~
~~used with reference to one gender apply to other genders.~~

Revision Comments - 2025

This Article does not change the law. It restates the principles that existed in prior Article 3506(1). It is also consistent with other similar provisions on interpretation of laws. See, e.g., Code of Civil Procedure Article 5055; R.S. 1:8.

Art. 15. Use of number

Unless the context indicates otherwise, words used in the singular include the plural, and the plural includes the singular.

Revision Comments - 2025

This Article does not change the law. It restates the principles that existed in prior Article 3506(2) and reformulates them to be consistent with Code of Civil Procedure Article 5055 and R.S. 1:7.

* * *

Art. 159. Effect of divorce on community property regime

A judgment of divorce terminates a community property regime retroactively to the date of filing of the petition in the action in which the judgment of divorce is rendered. The retroactive termination of the community shall be without prejudice to rights of third ~~parties~~ persons validly acquired in the interim between the filing of the petition and recordation of the judgment.

* * *

Art. 234. Parental authority; custody award

Parental authority continues during marriage, unless modified by a judgment awarding custody to one parent, by a joint custody implementation order, or by a judgment awarding custody to a ~~third~~ person other than a parent.

An ascendant, other than a parent, who is awarded custody has parental authority. The authority of a ~~third~~ person who is awarded custody, other than a parent or an ascendant, is governed by the rules of tutorship, unless modified by court order.

* * *

Art. 811. Partition by licitation or by private sale

* * *

1 B. In the event that one or more of the co-owners are absentees or have not
 2 consented to a partition by private sale, the court shall order a partition by private
 3 sale and shall give first priority to the private sale between the existing co-owners,
 4 over the sale by partition by licitation or private sale to third ~~parties~~ persons. The
 5 court shall order the partition by private sale between the existing co-owners as
 6 identified in the conveyance records as of the date of filing for the petition for
 7 partition by private sale. The petition for partition by private sale shall be granted
 8 first priority, and the sale shall be executed under Title IX of Book VII of the Code
 9 of Civil Procedure.

10 * * *

11 Art. 1805. Enforcement of contribution

12 A party sued on an obligation that would be solidary if it exists may seek to
 13 enforce contribution against any solidary co-obligor by making him a ~~third-party~~
 14 third-party defendant according to the rules of procedure, whether or not that ~~third~~
 15 ~~party~~ third-party defendant has been initially sued, and whether the party seeking to
 16 enforce contribution admits or denies liability on the obligation alleged by plaintiff.

17 * * *

18 Art. 1899. Rights acquired by third ~~parties~~ persons

19 Compensation can neither take place nor may it be renounced to the prejudice
 20 of rights previously acquired by third ~~parties~~ persons.

21 Art. 1900. Assignment by obligee

22 An obligor who has consented to an assignment of the credit by the obligee
 23 to a third ~~party~~ person may not claim against the ~~latter~~ third person any
 24 compensation that the obligor otherwise ~~he~~ could have claimed against the ~~former~~
 25 obligee.

26 An obligor who has been given notice of an assignment to which ~~he~~ the
 27 obligor did not consent may not claim compensation against the assignee for an
 28 obligation of the assignor arising after that notice.

29 * * *

1 CHAPTER 7. ~~THIRD PARTY~~ THIRD-PARTY BENEFICIARY2 Art. 1978. Stipulation for the benefit of a third party person3 A contracting party may stipulate a benefit for a third person called a ~~third~~
4 ~~party~~ third-party beneficiary.5 Once the ~~third party~~ third-party beneficiary has manifested his intention to
6 avail himself of the benefit, the parties may not dissolve the contract by mutual
7 consent without the beneficiary's agreement.

8 Art. 1979. Revocation

9 The stipulation may be revoked only by the stipulator and only before the
10 ~~third party~~ third-party beneficiary has manifested his intention of availing himself
11 of the benefit.12 If the promisor has an interest in performing, however, the stipulation may
13 not be revoked without his consent.

14 * * *

15 Art. 1981. Rights of beneficiary and stipulator

16 The stipulation gives the ~~third party~~ third-party beneficiary the right to
17 demand performance from the promisor.18 Also the stipulator, for the benefit of the ~~third party~~ third-party beneficiary,
19 may demand performance from the promisor.

20 * * *

21 Art. 1985. Effects for third ~~parties~~ persons22 Contracts may produce effects for third ~~parties~~ persons only when provided
23 by law.

24 * * *

25 Art. 2021. Rights of third ~~party~~ person in good faith26 Dissolution of a contract does not impair the rights acquired through an
27 onerous contract by a third ~~party~~ person in good faith.

28 If the contract involves immovable property, the principles of recordation

apply to a third person acquiring an interest in the property whether by onerous or gratuitous title.

* * *

Art. 2035. Rights of third ~~party~~ person in good faith

Nullity of a contract does not impair the rights acquired through an onerous contract by a third party person in good faith.

If the contract involves immovable property, the principles of recordation apply to a third person acquiring an interest in the property whether by onerous or gratuitous title.

* * *

Art. 2315.1. Survival action

* * *

E. For purposes of this Article, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him. Abandonment is presumed when the father or mother has left his child for a period of at least twelve months and the father or mother has failed to provide for the child's care and support, without just cause, thus demonstrating an intention to permanently avoid parental responsibility.

Revision Comments - 2025

This revision does not change the law. It redesignates and reproduces the substance of former Article 3506(3) as a second sentence of Paragraph E of this Article.

Art. 2315.2. Wrongful death action

* * *

E. For purposes of this Article, a father or mother who has abandoned the deceased during his minority is deemed not to have survived him. Abandonment is presumed when the father or mother has left his child for a period of at least twelve months and the father or mother has failed to provide for the child's care and support, without just cause, thus demonstrating an intention to permanently avoid parental responsibility.

1 Revision Comments - 2025

2 This revision does not change the law. It redesignates and reproduces the
3 substance of former Article 3506(3) as a second sentence of Paragraph E of this
4 Article.

5 * * *

6 Art. 2321. Damage caused by animals; livestock

7 * * *

8 C. The owner of livestock is liable for damages for injuries to persons or
9 property caused by the livestock that escape an enclosure and the owner could have
10 prevented by an exercise of reasonable care. The owner of livestock is not liable for
11 damages for injuries to person or property for livestock that escape an enclosure due
12 to any of the following:

13 * * *

14 (3) ~~Third-party~~ Third person provocation of the livestock.

15 * * *

16 Art. 2442. Recordation of sale of immovable to affect third ~~parties~~ persons

17 The parties to an act of sale or promise of sale of immovable property are
18 bound from the time that the act is made, but such an act is not effective against third
19 ~~parties~~ persons until it is filed for registry according to the laws of registry.

20 * * *

21 Art. 2701. Call in warranty

22 The lessor is bound to take all steps necessary to protect the lessee's
23 possession against any disturbance covered by ~~the preceding~~ Article, 2700 as soon
24 as the lessor is informed of such a disturbance. If the lessor fails to do so, the lessee
25 may, without prejudice to his rights against the lessor, file any appropriate action
26 against the person who caused the disturbance.

27 If a third ~~party~~ person brings against the lessee an action asserting a right in
28 the thing or contesting the lessee's right to possess it, the lessee may join the lessor
29 as a party to the action and shall be dismissed from the action, if the lessee so
30 demands.

31 * * *

1 Art. 2806. Ownership of immovable property; retroactivity of partnership's
2 existence; acquisition of immovable property prior to partnership's existence

3 * * *

4 B. As to third ~~parties~~ persons, the individual partners shall be deemed to own
5 immovable property acquired in the name of the partnership until the contract of
6 partnership is filed for registry with the secretary of state as provided by law.

7 C. Whenever any immovable property is acquired by one or more persons
8 acting in any capacity for and in the name of any partnership ~~which~~ that has not been
9 created by contract as required by law, and the partnership is subsequently created
10 by contract in accordance with this Title ~~XI of Book III of the Civil Code~~, the
11 partnership's existence shall be retroactive to the date of acquisition of an interest in
12 ~~such~~ the immovable property, but ~~such~~ the retroactive effect shall be without
13 prejudice to rights validly acquired by third persons in the interim between the date
14 of acquisition and the date that the partnership was created by contract.

15 * * *

16 Art. 2838. Name; designation as partnership in commendam:

17 For the liability of a partner in commendam to be limited as to third ~~parties~~
18 persons, the partnership ~~must~~ shall have a name that appears in the contract of
19 partnership; the name ~~must~~ shall include language that clearly identifies it as a
20 partnership in commendam, such as language consisting of the words "limited
21 partnership" or "partnership in commendam"; and the name ~~must~~ shall not imply that
22 the partner in commendam is a general partner.

23 * * *

24 Art. 2841. Contract form; registry:

25 A contract of partnership in commendam ~~must~~ shall be in writing and filed
26 for registry with the secretary of state as provided by law. Until the contract is filed
27 for registry, partners in commendam are liable to third ~~parties~~ persons in the same
28 manner as general partners.

29 * * *

30 Art. 2843. Restrictions on the partner in commendam with regard to management
31 or administration of the partnership:

A partner in commendam does not have the authority of a general partner to bind the partnership, to participate in the management or administration of the partnership, or to conduct any business with third ~~parties~~ persons on behalf of the partnership.

Art. 2844. Liability of the partner in commendam to third parties persons

A. A partner in commendam is not liable for the obligations of the partnership unless ~~such~~ the partner is also a general partner or, in addition to the exercise of ~~such~~ the partner's rights and powers as a partner, ~~such~~ the partner participates in the control of the business. ~~However, if~~ If, however, the partner in commendam participates in the control of the business, ~~such~~ the partner is liable only to persons who transact business with the partnership reasonably believing, based upon the partner in commendam's conduct, that the partner in commendam is a general partner.

* * *

C. The enumeration in Paragraph B of this Article does not mean that the possession or exercise of any other powers by a limited partner constitutes participation by such the partner in the business of the partnership.

* * *

Art. 3025. Termination by principal

The principal may terminate the mandate and the authority of the mandatary at any time. A mandate in the interest of the principal, and also of the mandatary or of a third ~~party~~ person, may be irrevocable, if the parties so agree, for as long as the object of the contract may require.

* * *

Art. 3506. General definitions of terms

Whenever the terms of law, employed in this Code, have not been particularly defined therein otherwise, they shall be understood as follows:

~~1. The masculine gender comprehends the two sexes, whenever the provision is not one, which is evidently made for one of them only:~~

Thus, ~~the word man or men includes women; the word son or sons includes daughters; the words he, his and such like, are applicable to both males and females.~~

~~2. The singular is often employed to designate several persons or things: the heir, for example, means the heirs, where there are more than one.~~

~~3. Abandoned.--In the context of a father or mother abandoning his child, abandonment is presumed when the father or mother has left his child for a period of at least twelve months and the father or mother has failed to provide for the child's care and support, without just cause, thus demonstrating an intention to permanently avoid parental responsibility.~~

~~5. Assigns.--Assigns means those to whom~~ (1) Assignment. An assignment is a transfer of rights have been transmitted by particular title; such as by sale, donation, or particular legacy, transfer or cession.

~~8. Children. Under this name are included those persons born of the marriage, those adopted, and those whose filiation to the parent has been established in the manner provided by law, as well as descendants of them in the direct line.~~

~~A child born of marriage is a child conceived or born during the marriage of his parents or adopted by them.~~

~~A child born outside of marriage is a child conceived and born outside of the marriage of his parents.~~

~~12. Family.--Family in a limited sense, signifies father, mother, and children. In a more extensive sense, it comprehends all the individuals who live under the authority of another, and includes the servants of the family.~~

~~It is also employed to signify all the relations who descend from a common root.~~

(2) Juridical act. A juridical act is a manifestation of will intended to produce legal consequences. Juridical acts may be unilateral, such as donations mortis causa, or bilateral, such as contracts.

~~28. (3) Successor.--Successor is, generally speaking, the~~ A successor is a person who takes the place of another. There are in-law two sorts kinds of successors: the universal successor, such as the heir, the universal legatee, and the

general legatee; and the particular successor by particular title, such as the buyer, donee, or particular legatee of particular things, the transferee. The universal successor represents the person of the deceased; and succeeds to all his rights and charges. The particular successor succeeds only to the rights appertaining to the thing ~~which~~ that is sold, ~~ceded~~ donated, or bequeathed, or otherwise transferred to him.

32: (4) Third Persons:--person. ~~With respect to a contract or judgment, third persons are all who are not parties to it. In case of failure, third persons are, particularly, those creditors of the debtor who contracted with him without knowledge of the rights which he had transferred to another.~~ A third person is a person who is not a party to a ceremony, an instrument, a juridical act, a judgment, or a legal relationship. Examples of third persons include officiants to ceremonies, witnesses to instruments or juridical acts, and all those other than obligor and obligee to the legal relationship between the former and the latter. With respect to an obligation, a third person does not include a person such as a universal successor or a person who assumes the obligation or is bound by contract to recognize it.

Revision Comments - 2025

(a) This revision updates and reorganizes many of the concepts that were contained in prior Article 3506. Provisions regarding interpretation of the Civil Code have been relocated to the Preliminary Title. See, e.g., Articles 14 and 15. Other definitions more appropriate to specific sections of the Civil Code have also been relocated to their appropriate places. See, e.g., Articles 2315.1 and 2315.2.

(b) Given the civil law's tendency to omit definitions in civil codes, this revision has retained only a minimal number of defined concepts. For example, the term "assignment" has been included with only slight modification from its predecessor term "assigns." The inclusion of the term "assignment" in this Article is not intended to disturb the developed jurisprudence concerning the distinction between an assignment and a sublease in the mineral law context. The revision adds a new definition of the term "juridical act," which was not previously included in the prior law. The term "juridical act" has been included for didactic reasons and because of its overarching importance throughout the Civil Code. A juridical act may be in writing, as in the case of a "just title," see, e.g., Article 3483, or it may be oral, as in the context of general contract formation. See, e.g., Article 1927. The definition included in this revision is consistent with general civil law theory. The term "successor" has also been retained given its importance throughout the Civil Code, but its meaning has not been changed. The term "successor by particular title" has been modernized and changed to the term "particular successor" solely for consistency purposes. The distinction between things "donated" by means of an inter vivos donation and things "bequeathed" by a legacy in a testament has been preserved in the definition of "particular successor," and no substantive differentiation is intended by the use of different terms. The word "bequeathed" has

1 been retained solely because of its use in other substantive provisions of the Civil
 2 Code. See, e.g., Articles 935, 1229, 1231, 1234, 1299, 1300, 1307, 1351, 1586, 1613,
 3 and 1725. The term "successor" used in this Article and throughout the Civil Code
 4 has a meaning that is similar, but not identical, to the term "legal successor" used in
 5 the Code of Civil Procedure. See, e.g., Code of Civil Procedure Articles 801 through
 6 805 and 2701 through 2703.

7 (c) The term "third person" has been revised and updated to accord with its
 8 modern and varied usage throughout the Civil Code. The definition of "third person"
 9 in this Article includes the substance of former Article 3343 but expands upon it to
 10 accommodate usage of the term in other parts of the Civil Code. A "third person"
 11 is one who is not a party to the underlying transaction, obligation, or right. In the
 12 context of marriage, a "third person" is anyone, including the officiant, other than the
 13 individuals who are contracting marriage. See, e.g., Article 91. In the context of
 14 instruments or juridical acts, a third person is anyone who is not a maker of the
 15 instrument or a party bound by the juridical act. See, e.g., Articles 3342 and 3353.
 16 In other contexts, the Civil Code uses the term "third person" to refer to persons not
 17 a party to a specified legal relationship. See, e.g., Article 468 (pertaining to
 18 deimmobilization in the absence of rights of third persons (i.e., one other than the
 19 owner and a transferor)); Article 598 (referring to the encroachment on a usufruct by
 20 a third person (i.e., one other than usufructuary or naked owner)); Article 1521
 21 (referring to dispositions by a third person (i.e., one other than a donor and donee)
 22 pursuant to a vulgar substitution); Article 1961 (pertaining to duress by a third
 23 person (i.e., one other than offeror or offeree)); and Article 2465 (pertaining to a
 24 sales price left to the determination of a third person (i.e., one other than a vendor or
 25 a vendee)). Importantly, the articles of the Civil Code pertaining to assignment,
 26 assumption, and subrogation make reference to agreements between parties to the
 27 original relationship and third persons to whom rights are transferred or who assume
 28 obligations. In the context of those articles, it is clear that the term "third person"
 29 similarly refers to a person who is not a party to the original obligation.
 30 Nevertheless, once the assignment, assumption, or subrogation occurs, the relevant
 31 third person enjoys certain rights or undertakes certain obligations pursuant to the
 32 original obligation and is no longer properly considered a third person to those rights
 33 or obligations. For the extent of the rights assigned or obligations assumed, see, e.g.,
 34 Articles 1821 through 1827 and 1900. Universal successors are also excluded from
 35 the definition of "third person" as universal successors "represent[] the person of the
 36 deceased," "acquire ownership of the estate," may be "liable to creditors for the
 37 payment of the estate debts," and "continue[] the possession of the decedent with all
 38 its advantages and defects." See Articles 3506(3), 935, 1416(A), and 936. The
 39 definition of the term "third person" as used in the Civil Code does not implicate the
 40 meaning of the same term used in the Code of Civil Procedure, see, e.g., Code of
 41 Civil Procedure Article 1091, or the meaning of the term "third possessor," which
 42 is used in the Civil Code and defined in Article 3315.

43 (d) Other terms, such as "family," have been deleted because the prior
 44 definition was inaccurate and the current use of the term in the Civil Code can be
 45 ascertained by ordinary meaning. See Article 11. The term "child" has also been
 46 deleted because of the varying meanings ascribed to the term in different articles of
 47 the Civil Code. Compare, e.g., Articles 196 and 197, with Articles 2315.5 and
 48 2315.6.

BOOK IV. CONFLICT OF LAWS

TITLE I. GENERAL PROVISIONS

Art. 3514. Multistate cases

Unless otherwise expressly provided by the law of this state, cases having contacts with other states are governed by the law selected in accordance with the provisions of this Book.

Revision Comments - 2025

(a) This Article does not change the law. Former Article 14 has been redesignated as current Article 3514 solely for purposes of more accurate placement in the Civil Code. Comments (b) and (c) to this Article have also been reproduced from Comments (a) and (b) to prior Article 14 with only minor stylistic amendments.

(b) Role and function of this Article. This Article replaces Articles 14 and 15 (Redesignated 1987), which contained virtually all of the choice-of-law rules of the Code. The choice-of-law rules are now placed in Book IV. This Article delineates the scope of Book IV and establishes its residual nature vis-a-vis other more specific provisions of Louisiana legislation.

(c) Role and function of Book IV. The scope of Book IV encompasses all multistate cases or "cases having contacts with other states," whether these contacts pertain to the domicile of the parties, the transaction or the occurrence giving rise to the dispute, or the location of its object or subject matter. These contacts may implicate the laws of the involved foreign states in a way that raises the potential of a conflict between their laws and the law of this state. Book IV establishes the principles for determining whether such a conflict actually exists in a given case and, if so, how it should be resolved. Through these principles, a court will determine whether the provisions of the first three books of the Civil Code as well as other Louisiana laws should apply to a particular case "having contacts with other states" and, if so, to what extent.

The residual nature of the provisions of Book IV is established by the introductory phrase of this Article "[u]nless otherwise expressly provided by the law of this state." This phrase means that the provisions of Book IV are not intended to supersede more specific choice-of-law rules contained in other Louisiana statutes, such as the Insurance Code, the Uniform Commercial Code, the Consumer Credit and Consumer Protection statutes, and the Lease of Movables Act. When applicable, those rules, being more specific, prevail over the provisions of Book IV.

* * *

Art. 3536. Real rights in corporeal movables

Real rights in corporeal movables are governed by the law of the state in which the movable was situated at the time that the right was acquired.

Nevertheless, after the removal of a movable to this state, a real right acquired while the movable was situated in another state is subject to the law of this state if: (1) the right is incompatible with the law of this state; ~~or~~ (2) the holder of

1 the right knew or should have known of the removal to this state; or (3) justice and
2 equity so dictate in order to protect third ~~parties~~ persons who, in good faith, have
3 dealt with the thing after its removal to this state.

4 Section 2. Civil Code Article 3343 is hereby repealed in its entirety.

5 Section 3. The Louisiana State Law Institute is hereby directed to print the following
6 Comment to Civil Code Article 3338:

7 Art. 3338. Instruments creating real rights in immovables; recordation required to
8 affect third persons

9 * * *

10 Revision Comments - 2025

11 Although Article 3343, which previously defined the term "third person," has
12 been repealed, no change in the law is intended. Article 3506 now defines the term
13 "third person" as that term is used throughout the Civil Code. The substance of
14 former Article 3343 is now contained in Article 3506.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 9

BY REPRESENTATIVE HEBERT

A CONCURRENT RESOLUTION

To authorize and direct the Louisiana State Law Institute to study and recommend legislation for implementation of procedures for recusal of judges and justices of the peace in criminal proceedings and to submit a report of its findings and recommendations to the legislature no later than February 1, 2026.

WHEREAS, Code of Civil Procedure Article 151 et seq., provides the grounds and procedure for recusal of a judge in civil case; and

WHEREAS, Code of Criminal Procedure Article 671 et seq., provides the grounds and procedure for recusal of a judge in a criminal case; and

WHEREAS, Code of Civil Procedure Article 155 requires the supreme court to appoint an ad hoc judge to hear a motion for a recusal in a civil case; and

WHEREAS, Code of Criminal Procedure Article 675 provides that a judge in the same court hears a recusal in a criminal case unless the court only has one judge in which case the supreme court will appoint an ad hoc judge to hear the recusal; and

WHEREAS, Louisiana Code of Judicial Conduct Canon 2 provides that a judge shall respect and comply with the law and shall act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary; and

WHEREAS, impartiality of a judge is crucial to the administration of justice; and

WHEREAS, consistent procedures, especially in a motion for recusal, ensures equal justice across all courts.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to study and recommend legislation for implementation of procedures for recusal of judges and justices of the peace in criminal proceedings and to submit a report of its findings and recommendations to the legislature no later than February 1, 2026.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one printed copy and one electronic copy of any report produced pursuant to this Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

2025 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 32

BY REPRESENTATIVES BOYD, BAYHAM, BRASS, BRYANT, CARPENTER, CHASSION, FISHER, HUGHES, JACKSON, KNOX, LAFLEUR, TERRY LANDRY, LARVADAIN, LYONS, MARCELLE, MENA, MILLER, NEWELL, PHELPS, TAYLOR, WALTERS, AND YOUNG

A CONCURRENT RESOLUTION

To continue and reestablish the work of the Judicial Security Task Force, to extend the deadline for reporting its findings and recommendations to the House Committee on Judiciary and the Senate Committee on Judiciary B no later than January 1, 2027.

WHEREAS, House Concurrent Resolution No. 40 of the 2024 Regular Session of the Louisiana legislature created and established the Judicial Security Task Force; and

WHEREAS, the Judicial Security Task Force is continuing its invaluable research and requires additional time to complete the report of its findings and recommendations.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby continue and reestablish the Judicial Security Task Force to identify the minimum requirements necessary for courthouse safety to ensure the protection, safety, and security of judicial officers and their families.

BE IT FURTHER RESOLVED that the Judicial Security Task Force shall submit a written report of its findings and recommendations to the House Committee on Judiciary and the Senate Committee on Judiciary B no later than January 1, 2027.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the governor, the chief justice of the supreme court, the chair of the Louisiana Conference of Court of Appeals Judges, the president of the Louisiana District Judges Association, the president of the Louisiana Council of Juvenile and Family Court Judges, the president of the Louisiana City Court Judges Association, the superintendent of the Louisiana State Police, the chairman of the House Committee on Judiciary, the president of the Senate, and the speaker of the House of Representatives.

BE IT FURTHER RESOLVED that one print copy and one electronic copy of any report produced pursuant to this Resolution shall be submitted to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

2025 Regular Session

HOUSE RESOLUTION NO. 149

BY REPRESENTATIVE MCMAKIN

A RESOLUTION

To authorize and direct the Louisiana State Law Institute to conduct data collection of the justice of the peace and city courts in the state, including their jurisdiction, the costs and savings for their operations, and the method of funding and their expenditures.

WHEREAS, justice of the peace courts are statutorily authorized by R.S. 13:2586 and have concurrent jurisdiction with the district courts in all civil matters; and

WHEREAS, there are three-hundred ninety justices of the peace in Louisiana; and

WHEREAS, city courts are established by special legislative Act and also have concurrent jurisdiction with the district courts in all civil matters; and

WHEREAS, city courts are located in forty-eight cities in the state; and

WHEREAS, information regarding the costs and savings associated with the operation of both courts is essential for a discussion regarding the operations of these courts, the method of funding, and their expenditures; and

WHEREAS, a study by the Louisiana State Law Institute would be necessary to advise the legislature on potential legislation.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby authorize and direct the Louisiana State Law Institute to conduct data collection of the justice of the peace and city courts in the state of Louisiana, including their jurisdiction, the costs and savings for their operations, the method of funding and their expenditures, and to provide a report to the legislature no later than February 1, 2026.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit one print copy and one electronic copy of any report produced pursuant to the Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

2025 Regular Session

HOUSE RESOLUTION NO. 272

BY REPRESENTATIVE MUSCARELLO

A RESOLUTION

To direct the Louisiana Judicial Council to conduct a study of court reporter per-page transcription rates in Louisiana and to study digital court reporting as an alternative to traditional reporting.

WHEREAS, Louisiana is facing a growing shortage of court reporters, driven by factors like retirement, uncompetitive salary rates, and a lack of new applicants for certification; and

WHEREAS, annual renewals of certifications for court reporters has decreased from one thousand two renewals in 2019 to nine hundred eighty-eight in 2025; and

WHEREAS, the average age of certified court reporters in Louisiana is fifty-five; and

WHEREAS, the current shortage of court reporters has led to delays in transcription services and backlogs of criminal and civil dockets; and

WHEREAS, some jurisdictions have been forced to pause all court operations or postpone matters due to court reporter unavailability, increasing docket backlogs; and

WHEREAS, salary rates for court reporters is within the discretion of the governing authority of the jurisdiction; and

WHEREAS, per-page rates charged by court reporters throughout the state varies from district to district; and

WHEREAS, Louisiana law allows digital recording but requires a certified digital reporter to operate the digital equipment and to be present during all transcribable proceedings; and

WHEREAS, technologies in digital audio and video recording has advanced significantly in the last decade with an abundance of digital recording platforms available from various vendors; and

WHEREAS, technologies that are available as an enhancement to digital recording include artificial intelligence assisted transcription or "voice copy"; and

WHEREAS, some states have already transitioned to the use of digital recording in certain proceedings where a certified court reporter transcribes the proceedings from a digitally recorded and artificial intelligence assisted preliminary transcript draft; and

WHEREAS, several states, including Kentucky, Georgia, Colorado, North Dakota, and Indiana, have adopted digital recording procedures and no longer require a certified court reporter to be present during the court proceedings; and

WHEREAS, exploring the expansion of digital recordings in certain proceedings may help streamline proceedings, reduce delays, and ease the workload for existing court reporters, ultimately improving the efficiency of the legal system in Louisiana; and

WHEREAS, a recent legislative effort to standardize court reporter per-page rates revealed that more research is necessary to study the issue of current technology and the needs of the industry; and

WHEREAS, the Louisiana Judicial Council is uniquely positioned to study per-page transcription rates statewide, the effectiveness and accuracy of the use of digital recording, including current usage in Louisiana and other states, and any added costs or cost savings associated with digital recording.

THEREFORE BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby direct the Louisiana Judicial Council to conduct a study on court reporting including all of the following:

(1) An evaluation of per page transcription rates in criminal and civil cases, including family court and juvenile proceedings, and to make an informed recommendation for a statewide standardized rate.

(2) An evaluation of the current use of digital court reporting in the courts of this state, particularly the courts serving as pilot programs for digital recording, including the cost, access, accuracy, and effectiveness of digital court reporting.

(3) An analysis of the use of digital court reporting in other states and the extent to which the digital process and artificial intelligence assisted transcription is utilized for the production of preliminary transcript drafts of proceedings.

(4) Recommendations on changes to statutes, rules, regulations, or standards regarding the use of digital court reporting as an alternative to traditional court reporting without the requirement for a certified court reporter to be present in the courtroom during the recording process.

BE IT FURTHER RESOLVED that the Louisiana Judicial Council shall submit a report on the study, no later than March 1, 2026, together with any recommendations for legislation, to the governor, the Speaker of the House of Representatives, and to all members of the House Judiciary Committee.

BE IT FURTHER RESOLVED that the Louisiana Judicial Council shall submit one print copy and one electronic copy of any report produced pursuant to the Resolution to the David R. Poynter Legislative Research Library as required by R.S. 24:772.

SPEAKER OF THE HOUSE OF REPRESENTATIVES