

LOUISIANA STATE LAW INSTITUTE
CIVIL CODE AND CODE OF CIVIL PROCEDURE COMMENT UPDATES

CIVIL CODE

1 **Civil Code Article 3462. Interruption by filing of action or by service of process**

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5 **Revision Comments – 2025**

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7 This amendment changes the law **and suspends prescription for seven days for actions**
8 **filed in a court of competent jurisdiction but improper venue. This allows a plaintiff within**
9 **the suspension period to effect service on a defendant or refile the action in a court of proper**
10 **venue. The filing of an action in a court of competent jurisdiction will interrupt the**
11 **prescriptive period even if venue is improper. There are, however, It is important to recognize**
12 **that** numerous more specific statutes ~~that~~ still require an action to be filed in a court of both
13 competent jurisdiction and proper venue in order to interrupt prescription, including R.S. 9:5604
14 (professional accounting liability), 5605 (legal malpractice), 5606 (professional insurance agent
15 liability), 5607 (professional engineer, surveyor, interior designer, architect, and real estate
16 developer liability), and 5608 (action against home inspectors).

1 **Code of Civil Procedure Article 1551. Pretrial and scheduling conference; order**

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5 **Comments – 2025**

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7 (a) Subparagraph (A)(5) of this Article requires that the parties address at a pretrial
8 conference or hearing the authenticity and admissibility of exhibits that are suspected to have been
9 created, altered, or manipulated. The Article’s use of “artificial intelligence” is broad and
10 encompasses the suspected use of “deepfakes”. R.S. 14:73:13 defines “deepfake” to mean “any
11 audio or visual media in an electronic format . . . that is created, altered, or digitally manipulated
12 in a manner that would falsely appear to a reasonable observer to be an authentic record of the
13 actual speech or conduct of the individual or replace an individual's likeness with another
14 individual and depicted in the recording.” Black's Law Dictionary (12th ed. 2024) defines
15 “deepfake” to mean “a false video, audio recording, or other medium that is generated or
16 manipulated by computer, often using artificial intelligence, with the intent to deceive viewers or
17 listeners.” **The provisions of Subsubparagraphs (A)(5)(a) and (b) of this Article do not apply**
18 **to demonstrative exhibits.**

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

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28 (e) The requirements of this Article are not meant to supersede the requirements of Article
29 1571.