

2025 Regular Session

LSLI Disposition Sheet for the Code of Civil Procedure

Effective date is August 1, 2025 unless otherwise noted

<u>LSA-R.S.</u>	<u>Effect</u>	<u>Act No.</u>	<u>Section</u>	<u>Sp. Eff. Dt.</u>
√ Art. 74.2(E)-----	Amend-----	250-----	3	✓
√ Art. 74.2(F)-----	Repeal-----	250-----	4	✓
√ Art. 253(B)(2)-----	Amend-----	352-----	1	
√ Art. 253(B)(3)-----	Enact-----	352-----	1	
√ Art. 371-----	Amend-----	250-----	3	✓
√ Art. 684-----	Amend-----	250-----	3	✓
√ Art. 863(F)-----	Amend-----	250-----	2	✓
√ Art. 927(A)(5)-----	Amend-----	250-----	3	✓
√ Art. 966(B)(5)-----	Amend-----	250-----	3	✓
√ Art. 1201(C)-----	Amend-----	250-----	3	✓
√ Art. 1313(A)(4)-----	Amend-----	250-----	3	✓
√ Art. 1351-----	Amend-----	250-----	3	✓
√ Art. 1551-----	Amend-----	250-----	3	✓
√ Art. 1702(A)(5)-----	Amend-----	250-----	3	✓
√ Art. 1811(A)(1)-----	Amend-----	250-----	3	✓
√ Art. 1911(B)-----	Amend-----	250-----	3	✓
√ Art. 1913(A)-----	Amend-----	250-----	3	✓
√ Art. 1913(C)-----	Amend-----	250-----	3	✓
√ Art. 1913(D)-----	Amend-----	250-----	3	✓
√ Art. 1914(B)-----	Amend-----	250-----	3	✓
√ Art. 1914(D)-----	Amend-----	250-----	3	✓
√ Art. 1915(A)(Intro.Par.)-----	Amend-----	250-----	3	✓
√ Art. 1915(A)(1)-----	Amend-----	250-----	3	✓
√ Art. 1915(A)(4)-----	Amend-----	250-----	3	✓
√ Art. 1915(A)(5)-----	Amend-----	250-----	3	✓
√ Art. 1915(B)-----	Amend-----	250-----	3	✓

√Art. 1915(C)	-----Amend-----	250	-----3	✓
√Art. 1915(D)	-----Enact-----	250	-----3	✓
√Art. 1974	-----Amend-----	250	-----3	✓
√Art. 2088(A)(Intro.Par.)	-----Amend-----	250	-----3	✓
√Art. 2088(A)(11)	-----Amend-----	250	-----3	✓
√Art. 2088(A)(12)	-----Repeal-----	250	-----4	✓
√Art. 2595	-----Amend-----	250	-----3	✓
√Art. 2881	-----Amend-----	34	-----1	
√Art. 2882	-----Amend-----	34	-----1	
√Art. 2887	-----Enact-----	30	-----2	✓
√Art. 2889	-----Amend-----	34	-----1	
√Art. 2890	-----Amend-----	34	-----1	
√Art. 2891	-----Amend-----	30	-----2	✓
√Art. 2901	-----Amend-----	34	-----1	
√Heading, Chpt.5, Title I, Bk.VI	-----Amend-----	34	-----1	
√Art. 3721	-----Amend-----	250	-----3	✓
√Art. 3784	-----Repeal-----	250	-----4	✓
√Art. 4607	-----Amend-----	250	-----3	✓
√Art. 4843(E)	-----Amend-----	21	-----1	
√Art. 4843(G)	-----Amend-----	21	-----1	
√Art. 4873	-----Amend-----	250	-----3	✓
√Art. 5059	-----Amend-----	250	-----3	✓
√Art. 5181(A)	-----Amend-----	34	-----1	
√Art. 5186	-----Amend-----	34	-----1	

Approved by WR on 7/17/25
(Attorney)

MW on 7/24/2025
(Revisor)

ACT 250

ENROLLED

2025 Regular Session

HOUSE BILL NO. 178

BY REPRESENTATIVE MIKE JOHNSON

(On Recommendation of the Louisiana State Law Institute)

**La. State Law Institute
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Edits To: CC Pgs. 2

Note: - NOTE § 5
- COPY PGS. 1-2, 18

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Edits To: CCP Pgs. 9, 15

Note: - NOTE § 6

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).

REVISED COMMENT FORTHCOMING

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

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

3 * * *

4 Section 3. Code of Civil Procedure Articles 74.2(E), 371, 684, 927(A)(5), 966(B)(5),
5 1201(C), 1313(A)(4), 1351, 1551, 1702(A)(5), 1811(A)(1), 1911(B), 1913(A), (C), and (D),
6 1914(B) and (D), 1915(A)(1), (4), and (5), (B), and (C), 1974, 2088(A)(11), 2595, 3721,
7 4607, 4873, and 5059 are hereby amended and reenacted, and Code of Civil Procedure
8 Article 1915(D) is hereby enacted, to read as follows:

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

10 * * *

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

15 * * *

16 Art. 371. Attorney

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

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

28 C. An attorney shall exercise reasonable diligence to verify the authenticity
29 of evidence before offering it to the court. If an attorney knew or should have known
30 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

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

3 * * *

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

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

8 * * *

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

17 * * *

18 Comments - 2025

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

25 * * *

26 Art. 1351. Issuance; form

27 The clerk ~~or judge~~ of the court wherein the action is pending, at the request
28 of the court or a party, shall issue subpoenas for the attendance of witnesses at
29 hearings or trials. A subpoena shall issue under the seal of the court. It shall state
30 the name of the court; and the title of the action; and shall command the attendance
31 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

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

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

12 Comments - 2025

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

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

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

35 * * *

36 Art. 1702. Default judgment

37 A.

38 * * *

REVISED COMMENT FORTHCOMING

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

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

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

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

17 * * *

18 Art. 1811. Motion for judgment notwithstanding the verdict

19 A.(1) Not later than seven days, exclusive of legal holidays, after the clerk
20 has mailed or delivered in open court, or the sheriff has served, the notice of
21 judgment ~~under~~ in accordance with Article 1913, a party may move for a judgment
22 notwithstanding the verdict. If a verdict was not returned, a party may move for a
23 judgment notwithstanding the verdict not later than seven days, exclusive of legal
24 holidays, after the jury was discharged.

25 * * *

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

27 * * *

28 B. For the purpose of an appeal as provided in Article 2083, no appeal may
29 shall be taken from a final judgment until the ~~requirement of this Article has been~~
30 fulfilled judgment has been signed by the judge. ~~No appeal may be taken from a~~
31 ~~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 ~~intervenor~~
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.~~

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

6 * * *

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

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

11 * * *

12 Art. 2595. Trial; decision

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

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

19 * * *

20 Art. 3721. Methods of enforcing mortgage

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

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

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

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

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

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

* * *

Art. 4607. Partition by licitation or by private sale

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

* * *

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.

Comments -2025


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

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

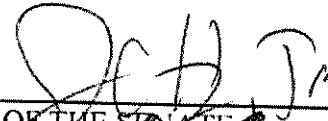
Section 5. The provisions of Civil Code Article 3462 as amended by Section 1 of [Acts 2025, No. 250] this Act shall not apply to actions that have prescribed prior to the effective date of this Act. [Acts 2025, No. 250, eff. 9/1/25]

Section 6. The provisions of Article 1915 as amended by Section 3 of this Act shall have prospective application only and shall not apply to appeals and supervisory writs filed prior to the effective date of this Act. [Acts 2025, No. 250, eff. 9/1/25]

[NOTE: CC ART. 3462]
[NOTE: CC ART. 1915]



SPEAKER OF THE HOUSE OF REPRESENTATIVES



PRESIDENT OF THE SENATE



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: Angélique Freed June 11, 2025

ACT 352

ENROLLED

2025 Regular Session

HOUSE BILL NO. 310

BY REPRESENTATIVE ZERINGUE

La. State Law Institute
PRINTER'S COPY

Edits To: CCP Pgs. 2
Note:

AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

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

* * *

B.

* * *

(2) On and after January 1, 2026, all filings as provided in Paragraph A of this Article and all other provisions of this Chapter 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 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, financial account numbers, full dates of birth, or any information protected from disclosure by state or federal law. The clerk of court shall adopt a system for

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

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

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

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

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

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

19 * * *

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

22 Art. 14.1. Electronic filings

23 * * *


24 B. Beginning January 1, 2026, all filings as provided in this Article and all
25 other provisions of this Code filed by an attorney shall only be filed in person in
26 paper form or transmitted electronically in accordance with a system established by
27 a clerk of court or by the Louisiana Clerks' Remote Access Authority. The filer shall
28 be responsible for ensuring that private information is not included in filings. No
29 filing shall include the first five digits of any social security number, tax
30 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.

* * *



 SPEAKER OF THE HOUSE OF REPRESENTATIVES



 PRESIDENT OF THE SENATE



 GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: 
 June 20, 2025

ACT 34

2025 Regular Session

ENROLLED

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.

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Classification CCP

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AN ACT

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

Be it enacted by the Legislature of Louisiana:

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

Art. 2881. Ex parte probate if no objection

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

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

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

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

9 * * *

10 Art. 2889. Depositions of witnesses

11 A petitioner for the probate of a testament ~~under~~ in accordance with the
 12 provisions of Articles 2882 ~~2883~~ through 2888 may obtain leave of court ex parte for
 13 the taking of the deposition of any witness whose testimony otherwise would not be
 14 available. The provisions of Articles 1426, 1434 through 1436, 1443 through 1446,
 15 1449, 1452, and 1469 through 1471, so far as applicable, shall govern the taking of
 16 such the deposition.

17 Art. 2890. Proces verbal of probate

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

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

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

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

29 ~~(4)~~(3) An order that the testament be recorded, filed, and executed, if the
 30 court finds that it has been proved in accordance with law; or an order refusing to

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

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

7 * * *

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

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

13 * * *

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

15 DETAILED DESCRIPTIVE LIST IN LIEU OF INVENTORY

16 * * *

17 Art. 5181. Privilege of litigating proceeding without prior payment of costs

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

23 * * *

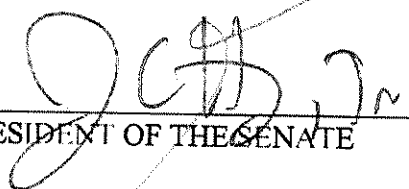
24 Art. 5186. Account and payment of costs

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

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

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C. If judgment is rendered in favor of the indigent party, the party against whom the judgment is rendered shall be condemned to pay all costs due ~~such officers~~ **to a public officer**, who **shall** have a privilege on the judgment superior to the rights of the indigent party or his attorney. If judgment is rendered ~~against~~ **condemning** the indigent ~~plaintiff and he is condemned~~ **party** to pay court costs, an affidavit of the account by an officer to whom costs are due; **shall be** recorded in the mortgage 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:  June 4, 2025

ACT 30
2025 Regular Session
Edit Sheet

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Edits To: CC Pgs. 2-4, 6-8
Note: -NOTE §4

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Edits To: CCP Pgs. 10
Note: -NOTE §4
- COPY PGS. 1, 8-11

ACT 30

2025 Regular Session

SENATE BILL NO. 49

La. State Law Institute
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Edits To: ALL

Pgs. _____

ENROLLED

Note: SEE ATTACHED EDIT SHEET

BY SENATOR MILLER (On Recommendation of the Louisiana State Law Institute)
Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

AN ACT

To amend and reenact Civil Code Art. 1575, 1576, and 1581 and Code of Civil Procedure Art. 2891, to enact Code of Civil Procedure Art. 2887, and to repeal Civil Code Art. 1577 through 1580.1, relative to testaments; to provide for the requirements of form for olographic testaments; to provide for the requirements of form for notarial testaments; to eliminate special requirements for notarial testaments for persons who are unable to sign or read; to eliminate special law for the execution of a testament in braille; to eliminate special requirements for notarial testaments for persons who are deaf or deaf and blind; to provide for the competency of witnesses to testaments; to provide for proof of testaments for probate; to provide for retroactive application; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Civil Code Arts. 1575, 1576, and 1581 are hereby amended and reenacted to read as follows:

Art. 1575. Olographic testament; requirements of form

A. An olographic testament is one entirely written, dated, and signed in the handwriting of the testator. ~~Although the date may appear anywhere in the testament, the testator must sign the testament at the end of the testament. If anything is written by the testator after his signature, the testament shall not be invalid and such writing may be considered by the court, in its discretion, as part of the testament. The~~ olographic testament is subject to no other requirement as to form. ~~The date is~~ sufficiently indicated if the day, month, and year are reasonably ascertainable from ~~information in the testament, as clarified by extrinsic evidence, if necessary.~~

B. **The signature may appear anywhere in the testament and is sufficient if it identifies the testator and evidences an intent by the testator to adopt the document as the testator's testament.**

1 sisters." In re Hendricks, 28 So. 3d 1057 (La. App. 1 Cir. 2009). But see Succession
 2 of Simonson, 982 So. 2d 143 (La. App. 5 Cir. 2008) (a will was not rendered invalid
 3 under prior law if the testator fails to sign a page relating solely to the powers of a
 4 trustee and other administrative matters); Succession of Guezuraga, 512 So. 2d 366
 5 (La. 1987) (same regarding end of attestation clause). Experience has shown that,
 6 although good practice would encourage the signing of every page, the absence of
 7 a signature on every page should not be an absolute bar to a will's validity, especially
 8 when no fraud or similar allegation is made, or when the testator made some
 9 identifying mark, such as initialing, to indicate assent to the will's provisions. But see
 10 Succession of Frabbiele, 397 So. 3d 391 (La. 2024) (invalidating a will under prior
 11 law that was initialed on every page). No other document must be signed on every
 12 page as a condition of validity. Similarly, experience from other jurisdictions and
 13 conventions is likewise illuminating. Many civil and common law jurisdictions do
 14 not require the signing of every page of a will. See, e.g., Fr. Civ. Code Arts. 971-974;
 15 BGB §2231-2233; Unif. Prob. Code §2-502. Some civil law jurisdictions still require
 16 that "secret" wills be signed on every page. See, e.g., Ital. Civ. Code Art. 604; Sp.
 17 Civ. Code Art. 706. Although the Uniform Law on International Wills also requires
 18 a signature on every page, it does not consider it a core formality, such that its
 19 absence does not affect the validity of the will. Unif. Int'l Wills Act Arts. 1 and 6.

20 (h) This revision repeals former Articles 1578 and 1579, which provided
 21 special procedures for testators who were unable to sign or unable to read. Although
 22 well intentioned, those articles proved unnecessarily cumbersome in the modern day.
 23 A testator who is unable to sign can direct another person to sign in his place under
 24 this Article. Similarly, a testator who is unable to read can still sign a legal
 25 document, including a will. Before doing so, however, it is important that the
 26 document be explained to the signatory to ensure that it represents his intent. Former
 27 Article 1580.1, which provided special procedures for testators who were deaf or
 28 deaf and blind, was again well intentioned but either unnecessary or impractical in
 29 its application. For an explanation of the difficulties of utilizing Article 1580.1, see
 30 Ronald J. Scalise, Jr., Will Formalities in Louisiana: Yesterday, Today, and
 31 Tomorrow, 80 La. L. Rev. 1333 (2020).

1331, 1420-1424
 * * *

32
 33 Art. 1581. Persons incompetent to be witnesses

34 A person cannot be a witness to any testament if ~~he~~ **the person** is insane,
 35 blind, under the age of sixteen, or unable to sign his name. ~~A person who is~~
 36 ~~competent but deaf or unable to read cannot be a witness to a notarial testament~~
 37 ~~under Article 1579.~~

38 Section 2. Code of Civil Procedure Art. 2891 is hereby amended and reenacted and
 39 Code of Civil Procedure Art. 2887 is hereby enacted to read as follows:

40 **Art. 2887. Notarial testament**

41 **A.(1) A notarial testament executed pursuant to Civil Code Article 1576**
 42 **does not need to be proved if it is signed on each separate page at the time of**
 43 **execution and is accompanied by either of the following declarations:**

44 **(a) In the testament, the following declaration, or one that is**
 45 **substantially similar, signed by the notary and the subscribing witnesses: "In**

1 our presence the testator has declared or signified that this instrument is his
2 testament and has signed each separate page."

3 (b) In an affidavit attached to the testament but executed after the
4 execution of the testament, the following declaration, or one that is substantially
5 similar, signed by the notary and the witnesses who subscribed to the will: "In
6 our presence the testator has declared or signified that the attached instrument
7 is his testament and has signed each separate page."

8 (2) If the testator is unable to sign and has directed another person to
9 sign on his behalf, the testament shall be signed on each separate page by the
10 person directed to sign by the testator, and the declarations provided in
11 Subparagraph (1) of this Paragraph shall be modified to indicate that a person
12 other than the testator signed at the direction of the testator.

13 B.(1) A notarial testament that does not comply with Paragraph A of this
14 Article shall be proved to have been signed by the testator or by another person
15 at the testator's direction either by the testimony of the notary and at least one
16 of the subscribing witnesses or by the testimony of the two subscribing
17 witnesses.

18 (2) If only the notary or only one of the subscribing witnesses is living in
19 the state, not incapacitated, or can be located, the testimony of the notary or one
20 of the witnesses that the testament was signed by the testator or by another
21 person at the testator's direction shall be sufficient.

22 (3) If the notary and all of the subscribing witnesses are dead, absent
23 from the state, incapacitated, or cannot be located, the testament may be proved
24 by the testimony of two credible witnesses who recognize the signature of the
25 testator on the testament.

26 (4) A person's testimony for the purpose of this Paragraph may be given
27 in the form of an affidavit executed after the death of the testator, unless the
28 court in its discretion requires the person to appear and testify orally. All
29 affidavits accepted by the court in lieu of oral testimony shall be filed in the
30 probate proceedings. This Subparagraph does not apply to testimony with

respect to the genuineness of a will that is judicially attacked.

Comments – 2025

(a) This Article is new. It changes the law by providing that an attestation clause for testaments executed pursuant to Civil Code Article 1576 is no longer a condition of validity for the execution of a notarial will, nor is signing the will on every page or the publication of the will. This Article provides that notarial wills may be self-proving if the will or a subsequently executed affidavit contains an appropriate attestation clause and the will is signed on every page and declared by the testator to be his will. Notarial wills executed pursuant to Civil Code Article 1576 that do not contain attestation clauses, are not signed on every page, or are not declared by the testator to be his will may still be probated in accordance with Paragraph B of this Article if sufficient proof can be adduced that the testament was properly executed.

(b) Paragraph A of this Article provides examples of attestation clauses that may be used to make a will under Civil Code Article 1576 self-proving. The exact wording of this Paragraph need not be used. Language substantially similar is sufficient. Also, to be signed on every page, a full legal name of the testator is not required. Nicknames or initials may constitute a signature under this Article. For further discussion of what constitutes a signature, see Comment (d) to Civil Code Article 1576. Similarly, a testator may declare or signify that a document is his will in any number of ways. See, e.g., Comment (f) to Civil Code Article 1576.

(c) Subparagraph (B)(1) of this Article provides that if a testament or subsequently executed affidavit does not contain an attestation clause substantially similar to the example in Paragraph A, then the testament is not self-proving and must be proved by the testimony of the notary and one of the subscribing witnesses or by the testimony of both subscribing witnesses. Subparagraph (B)(2) adopts a procedure for probating a notarial will with respect to which only the notary or only one of the witnesses can testify. It is similar to the prior procedure for probating a statutory will. See Article 2887 (repealed). Subparagraph (B)(3) adopts a procedure for probating a notarial will with respect to which neither the notary nor the witnesses can testify. It is similar to the prior procedure for probating a statutory will and to the procedure that already exists in the law for similar situations involving nuncupative wills by private act and mystic wills. See Articles 2886(B) and 2887 (repealed). Notarial wills signed by another person at the testator's direction cannot be probated pursuant to Subparagraph (B)(3). Subparagraph (B)(4) allows for a person's testimony to be given by affidavit. See Articles 2883(B), 2884(B), 2885(B), and 2886(C). (C)

* * *

Art. 2891. Notarial testament; nuncupative testament by public act, and; statutory testament executed without probate

A notarial testament that complies with the provisions of Article 2887(A), a nuncupative testament by public act, and a statutory testament do not need to be proved. Upon production of the testament, the court shall order it filed and executed and this order shall have the effect of probate.

Comments – 2025

This revision changes the law to recognize that notarial wills are not always self-proving, but only when they comply with the requirements of Article 2887(A).

Section 3. Civil Code Arts. 1577 through 1580.1 are hereby repealed in their entirety.

SB NO. 49

ENROLLED

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Section 4. The provisions of this Act shall apply both prospectively and retroactively and shall be applied to all claims existing and pending on the effective date of this Act and all claims arising or actions filed on and after the effective date of this Act. The provisions of this Act shall not be applied to revive claims prescribed as of the effective date of this Act or to affect claims adjudicated on the merits by a final and definitive judgment prior to the effective date of this Act.

[Acts 2025, No. 30]
[Acts 2025, No. 30, eff. 8/1/2025]

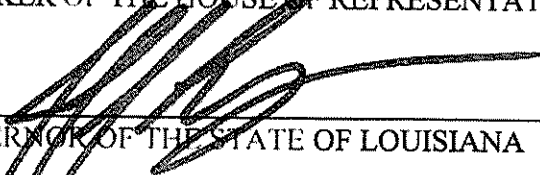
NOTE ALL PROVISIONS
IN THIS ACT



PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 4, 2025

ACT 21

2025 Regular Session

ENROLLED

SENATE BILL NO. 5

BY SENATOR WHEAT

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

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AN ACT

To amend and reenact ~~Code of Civil Procedure~~ Arts. 4843(E) and (G), relative to jurisdictional limits of city courts; to provide relative to the amount in dispute when the civil jurisdiction is concurrent with the district court; to provide with respect to the jurisdictional amount in dispute in the City Court of Hammond; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 4843(E) and (G) are hereby amended and reenacted to read as follows:

Art. 4843. City court jurisdiction; amount in dispute; injunctive actions by state or political subdivision

* * *


E. In the City Court of Breaux Bridge, ~~the City Court of Hammond~~, the City Court of Houma, the City Court of Jeanerette, the City Court of Jennings, the City Court of Monroe, the City Court of New Iberia, the City Court of Oakdale, and the City Court of Winnfield, the civil jurisdiction is concurrent with the district court in cases where the amount in dispute, or the value of the property involved, does not exceed thirty thousand dollars.

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G. In the City Court of Alexandria, the City Court of East St. Tammany, the
City Court of Hammond, the City Court of Lake Charles, the City Court of
Pineville, the City Court of Ruston, the City Court of Sulphur, and the Third Ward
City Court of Franklin, the civil jurisdiction is concurrent with the district court in
cases where the amount in dispute, or the value of the property involved, does not
exceed fifty thousand dollars.

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PRESIDENT OF THE SENATE



SPEAKER OF THE HOUSE OF REPRESENTATIVES



GOVERNOR OF THE STATE OF LOUISIANA

APPROVED:  June 4, 2025