

LOUISIANA STATE LAW INSTITUTE

THE THIRTY-NINTH BIENNIAL REPORT OF THE LOUISIANA STATE LAW INSTITUTE

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Louisiana Legislature on

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Baton Rouge, Louisiana

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To the Legislature of Louisiana:

In accordance with Paragraph 6 of Act 166 of the 1938 Regular Session of the Legislature, the Louisiana State Law Institute Submits its thirty-ninth biennial report to the Legislature of Louisiana.

I. PURPOSES

The Louisiana State Law Institute was chartered, created, and organized as an official law revision commission, law reform agency, and legal research agency of the State of Louisiana by Acts 1938, No. 166. The general purposes for which it was founded are "to promote and encourage the clarification and simplification of the law of Louisiana and its better adaptation to present social needs; to secure the better administration of justice and to carry on scholarly legal research and scientific legal work." Its legislative charter (Acts 1938, No. 166) and R.S. 24:204(A) prescribe its duties as follows:

R.S. 24:204. General purpose; duties

A. The general purposes for which the Louisiana State Law Institute is formed are to promote and encourage the clarification and simplification of the law of Louisiana and its better adaptation to present social needs, to secure the better administration of justice, and to carry on scholarly legal research and scientific legal work. To that end it shall be the duty of the Louisiana State Law Institute:

(1) To consider needed improvements in both substantive and adjective law and to make recommendations concerning the same to the legislature.

(2) To examine and study the civil law of Louisiana and the Louisiana jurisprudence and statutes of the state with a view of discovering defects and inequities and of recommending needed reforms.

(3) To cooperate with the American Law Institute, the Uniform Law Commission, bar associations, and other learned societies and bodies by receiving, considering, and making reports on proposed changes in the law recommended by any such body.

(4) To receive and consider suggestions from judges, justices, public officials, lawyers, and the public generally as to defects and anachronisms in the law.

(5) To recommend from time to time such changes in the law as it deems necessary to modify or eliminate antiquated and inequitable rules of law, and to bring the law of the state, both civil and criminal, into harmony with modern conditions.

(6) To render biennial reports to the legislature, and if it deems advisable to accompany its reports with proposed bills to carry out any of its recommendations.

(7) To make available translations of civil law materials and commentaries and to provide by studies and other doctrinal writings, materials for the better understanding of the civil law of Louisiana and the philosophy upon which it is based.

(8) To recommend the repeal of obsolete articles in the Civil Code and Code of Civil Procedure and to suggest needed amendments, additions, and repeals.

(9) To organize and conduct an annual meeting within the state for scholarly discussions of current problems in Louisiana law, bringing together representatives of the legislature, practicing attorneys, members of the bench and bar, and representatives of the law teaching profession.

(10) To make recommendations to the legislature on a biennial basis for the repeal, removal or revision of provisions of law that have been declared unconstitutional by final and definitive court judgment.

* * *

II. BY-LAWS OF THE LOUISIANA STATE LAW INSTITUTE

I. Purposes, Duties, and Organization of the Institute

- A. The purposes and duties of the Institute are those enumerated in R.S. 24:204A.
- B. In order to fulfill efficiently these purposes and perform these duties, the Law Institute is organized into:
 - 1. The General Membership;
 - 2. The Council;
 - 3. The Executive Committee of the Council;
 - 4. Standing Committees;
 - 5. Continuous Revision Advisory Committees; and
 - 6. Special Committees.

II. General Membership of the Institute

- A. There are four classes of members of the Institute: elected, ex-officio, junior and honorary members.
 - 1. The elected members are attorneys, not exceeding 150, who are licensed in the State of Louisiana and have practiced for five years prior to election, elected by the Council for 4 year terms, commencing January 1, 1999.
 - 2. The ex-officio members are:
 - a. All justices of the Supreme Court, all judges of the Courts of Appeal and District Courts of Louisiana, during their terms of office;
 - b. All Article III judges of federal courts located in Louisiana who are Louisiana domiciliaries, during their terms of office;
 - c. All members of the law faculties of Paul M. Hebert Law Center, Loyola University, Tulane University, and Southern University, during their tenures as faculty members;
 - d. All members of the legislature who are attorneys licensed to practice law in Louisiana, during their terms of office;

- e. The Administrative and Non-Administrative officers of the Institute during their terms of office;
 - f. Members of the Council during their terms of membership; and
 - g. The Chairpersons, Reporters and Members of all Standing Committees, Continuous Revision Advisory Committees, and Special Committees during their tenures on these Committees.
- 3. The junior members are three honor graduates from each of the four law schools listed above who are licensed to practice in Louisiana and who are designated by the dean or chancellor of their respective law schools. They shall be elected by the Council for a term of one year.
- 4. The honorary members are those persons who are elected by the Council as honorary members because they have distinguished themselves as eminent legal scholars or attorneys and have made significant contributions to the advancement of the law.
- B. The Council, upon recommendation of its Membership and Nominating Committee, shall fill vacancies in the elected membership of the Institute by election for the unexpired term of the elected member.
- C. The elected, ex-officio, junior and honorary members of the Institute shall have such privileges and perform such duties as may be assigned to them by the Council of the Institute.

III. Annual Meeting of the Institute

- A. The President shall determine the time and place of the annual meeting of the Institute.
- B. Thirty days written notice of the time and place of the annual meeting shall be given to all members of the Institute.

IV. Council of the Institute

- A. Function and Duties
 - 1. The Council is the governing body of the Institute and is charged with the responsibility of fulfilling the purposes and duties of the Institute.
- B. Membership
 - 1. The membership of the Council consists of those persons enumerated in La. R.S. 24:202A and B.

2. The Council shall invite to its meetings as Observers for a one year term two members of the Young Lawyers Section of the Louisiana State Bar Association, designated annually by the Chairperson of the Young Lawyers Section. Observers are not members of the Council. The Observers shall have the privilege of the floor, but shall not have the right to vote.
3. The terms of office of members of the Council are:
 - a. For members of the judiciary who are ex-officio members, four years commencing from the effective date of their respective appointments as members of the Council;
 - b. For other ex-officio members, during their respective terms of office; and
 - c. For elected members, four years. Elected members shall be eligible for re-election.
4. All members of the Council and all Administrative and Non-Administrative Officers of the Institute shall have the privileges of the floor and the right to vote at all Council meetings.
5. All ex-officio members listed in La. R.S. 24:202A shall have the right to designate a proxy for Council meetings. The proxy shall have all the rights and privileges of the ex-officio member, including the right to vote.
6. The Council, upon recommendation of its Membership and Nominating Committee, shall fill vacancies in the elected membership of the Council by election for the unexpired term of the elected member.
7. The Council, upon recommendation of its Membership and Nominating Committee, shall fill vacancies in the ex-officio membership of the Council caused by the failure of persons or agencies to select, designate, submit, or recommend members of the Council.

C. Meetings

1. Regular and Special meetings of the Council shall be called by the President. A special meeting of the Council must be called by the President upon written request of any ten Council members addressed to the President or to any Vice-President.

2. Ten days written notice of the time and place of all regular and special meetings of the Council and the agenda for the meeting shall be given to all Council members.
3. The Council shall conduct Council business, hear and act upon reports from the Executive Committee, Standing Committees, Continuous Revision Advisory Committees, and Special Committees, make recommendations to the Louisiana Legislature concerning proposed changes in the law, and otherwise make recommendations on all matters submitted to it by the Legislature.
4. The Council shall also conduct elections and otherwise conduct such business that shall be presented to it.
5. The Council may not conduct an election, consider a committee report, make a recommendation to the Legislature, or consider any other item of business, unless it is listed in the written agenda of that Council meeting mailed to members as provided in these By-Laws. Except for elections, the Council may waive this requirement by a two-thirds vote of members present and voting.
6. No business shall be conducted, reports heard, recommendations made, elections conducted, or any other matter acted upon at a Regular or Special meeting of the Council without a quorum of the voting members being present. Fifteen members shall constitute a quorum.
7. The Orders of the Day at each Regular and Special meeting of the Council shall be the items of Council business listed in the written agenda for that Council meeting in the sequence in which they are listed.
8. The current edition of “Robert’s Rules of Order, Newly Revised”, shall regulate the conduct of Council meetings. The President shall appoint a Parliamentarian, whose rulings on points of order shall be binding, except that a vote of at least two-thirds of the members present and voting shall be sufficient to override his ruling, except as otherwise provided in these By-Laws.
9. The annual meeting of the Council for the election of the elected members and Administrative and Non-Administrative Officers of the Institute, the election of the elected members of the Council, and the election of the elected members of the Executive Committee shall be held between November 1 and December 31 of each year at a time, on a date, and at a place selected by the Executive Committee.

D. Compensation

1. Members of the Council, the director, staff personnel, reporters, and other persons rendering services to the Institute may be reimbursed by the Institute for their expenses incurred in attending meetings of the Council or committees of the Institute. Reimbursements for expenses shall be in accordance with applicable statutes, appropriations, budgetary limitations, and policies pertaining to the legislative branch of government.
2. The Council shall fix and pay reasonable compensation to the Director and staff of the Institute and honoraria to Reporters and other persons who perform services for the Institute, upon recommendation of the Executive Committee of the Council.

V. **Executive Committee of the Council**

A. Function and Duties

1. There shall be an Executive Committee of the Council, which shall have the power to transact all business of the Institute, except those matters which must be acted upon by the Council, pursuant to these By-Laws or the statute creating the Institute.
2. The Executive Committee may create Standing Committees, Continuous Revision Advisory Committees, and Special Committees, subject to the approval of the Council. Notice of the proposed creation of such a committee must be included in the written agenda of a Council meeting mailed to members.

B. Membership

1. The members of the Executive Committee are the following officers of the Institute and members of the Council:
 - a. The Chairperson;
 - b. The Chairpersons Emeriti;
 - c. The President;
 - d. The Vice-Presidents;
 - e. The Secretary;
 - f. The Treasurer;

- g. The Director;
- h. The Chairpersons of the Standing Committees; and
- i. Three Members of the Council elected annually by the Council. These members shall serve a one year term.

C. Meetings

- 1. All members of the Executive Committee are voting members of the Committee.
- 2. No business shall be conducted without a quorum of the members being present. Five members shall constitute a quorum.

VI. Officers of the Institute

- A. The administrative officers of the Institute are a Chairperson, a President, four (4) Vice-Presidents, a Secretary, an Assistant Secretary, a Treasurer, an Assistant Treasurer, and the Director of the Institute.
- B. The non-administrative officers of the Institute are the Chairpersons Emeriti, the Senior Officers, and the Liaison Officers, and the two elected members of the Young Lawyers Section of the Louisiana State Bar Association.
- C. The administrative officers shall be elected by the Council for a one year term commencing on January 1 of each year and shall serve until their successors are elected.
- D. The Chairperson shall participate in the planning and in the supervisory and administrative work of the Institute, and is an ex-officio member of all Committees.
- E. The President is the chief executive officer of the Institute, shall preside at all Council and Institute meetings, shall perform all of the usual and customary duties of that office and all duties assigned to him by these By-Laws or by the Council, and he is an ex-officio member of all Committees. The President may authorize another Council member to act as President Pro Temp in case of his absence or incapacity.
- F. Within thirty days after the annual meeting of the Institute, the President shall appoint the Chairpersons and members of the Standing Committees. The appointments are subject to the approval of the Council. They shall be appointed for a one year term and shall serve until their successors are appointed. The

Chairpersons and members of the Standing Committees shall be selected from the membership of the Council.

- G. The President shall appoint, for such terms as he may determine, the Reporters and Chairpersons of all Continuous Revision Advisory Committees and Special Committees, subject to the approval of the Executive Committee, after prior notice to the Council of a vacancy in this position. Notice of appointment of Reporters and Chairpersons of these Committees shall be given to the Council. Reporters and Chairpersons of these Committees serve at the pleasure of the Executive Committee.
- H. The President shall appoint, for such terms as he may determine, the members of all Continuous Revision Advisory Committees and Special Committees, subject to the approval of the Executive Committee and the Reporters and Chairpersons of the respective Committees. Written notice of appointment of committee members shall be given to the Council. Members of these Committees serve at the pleasure of the President.
- I. The Vice-Presidents, in order of seniority, ranking from the dates of their election, shall act in the absence or incapacity of the President if a President Pro Temp has not been authorized by the President.
- J. The Secretary is the custodian of all records of the Institute except the financial records maintained by the Treasurer.
- K. The Assistant Secretary shall act in the absence or incapacity of the Secretary.
- L. The Treasurer is the custodian of all funds and shall maintain all financial records of the Institute. All Institute checks shall be signed by the Treasurer or the Assistant Treasurer and shall be countersigned by the President, Vice-President, the Secretary, Assistant Secretary, or Director. Checks for budgeted expenditures may be drawn only upon the request of the Director. Checks for nonbudgeted expenditures may be drawn only upon presentation of a copy of a resolution of the Executive Committee, certified by the Secretary, authorizing the expenditure.
- M. The Assistant Treasurer shall act in the absence or incapacity of the Treasurer.
- N. The Council may elect as Chairpersons Emeriti those persons who have served as Chairpersons of the Institute.
- O. The Council may elect as Senior Officers attorneys who have served not less than sixteen years in the Louisiana Legislature and not less than four years as members of the Council, members who have served not less than twelve years as members of the Council, members of the Council who are elected to the judiciary after

having served not less than eight years as members of the Council, and members of the judiciary who have served not less than eight years as ex-officio members of the Council. The Coordinator of Program and Research, Civil Law Section, and the Secretary, Civil Law Section, are Senior Officers during their terms of office as officers of the Civil Law Section.

- P. The Liaison Officers are the Chairperson of the Law Reform Committee of the Louisiana State Bar Association during his term of office and one additional member of the Louisiana State Bar Association nominated by its President, who shall serve a one year term.
- Q. Chairpersons Emeriti and Senior Officers, as non-administrative officers, shall have the status, rights, and privileges of officers, shall have tenure for life, and shall perform such duties as may be assigned to them by the Council.
- R. The Council may elect as Non-Administrative Officers of the Institute two members of the Young Lawyers Section of the Louisiana State Bar Association from a panel of four submitted by the Young Lawyers Section, each of whom shall have been licensed to practice in Louisiana at least for five years. These members shall serve a term of two years.

VII. Director of the Institute

- A. The Director is charged with the active management of the Institute and shall work under the direction of the President and the Executive Committee, except where Council approval is required.

VIII. Standing Committees

- A. There are several Standing Committees of the Council at the time of the adoption of these By-Laws. Additional Standing Committees may be created by the Executive Committee, subject to the approval of the Council.
- B. The Program and Work Committee shall review the work undertaken by the Institute, propose work to be undertaken by the Institute, and make other recommendations to the Institute concerning its work as circumstances require.
- C. The Membership and Nominating Committee shall nominate and recommend for election by the Council those persons proposed as elected members of the Institute, elected members of the Council, the Administrative Officers and Non-Administrative Officers of the Institute, and other elective officers.
- D. The Coordinating, Semantics, Style and Publications Committee shall review, for coordination of the proposed legislation with other statutory provisions and for

semantics and style, all Council recommendations prior to their submission to the Legislature.

IX. Continuous Revision Advisory Committees

- A. Continuous Revision Advisory Committees are charged with the continuous revision of the Louisiana codes and statutes.
- B. Additional Continuous Revision Committees may be created by the Executive Committee, subject to the approval of the Council.
- C. Members of Continuous Revision Advisory Committees need not be members of the Institute or Council members at the time of their appointment.

X. Special Committees

- A. Special Committees may be created by the Executive Committee, subject to the approval of the Council, to study and recommend the enactment, amendment, or repeal of particular legislation or statutes, to respond to Legislative requests for special studies and recommendations, and for other purposes.
- B. Members of Special Committees need not be members of the Institute or Council members at the time of their appointment.

XI. Civil Law Section

A. Function and Duties

- 1. The function of the Civil Law Section is to accomplish the general purposes of the Institute in the field of the civil law in Louisiana. For that purpose, it is charged with the following duties:
 - a. To examine and study the civil law and jurisprudence of Louisiana relating to the civil law and to make recommendations to the Council concerning the needed reforms, including the amendment, revision, enactment or repeal of Civil Code articles and statutes.
 - b. To publish scholarly commentaries on the civil law of Louisiana for the purpose of establishing authoritative civil law doctrine for Louisiana.

B. Membership

- 1. The membership of the Civil Law Section shall consist of those persons appointed by the President, subject to the approval of the Executive Committee.

C. Officers

1. The officers of the Civil Law Section are the Coordinator of Program and Research, Civil Law Section, and the Secretary, Civil Law Section. The President shall appoint those officers subject to the approval of the Executive Committee.

XII. Amendment of By-Laws

- A. Amendments to these By-Laws may be made at any regular or special meeting of the Council by a vote of two-thirds of the members present and voting, upon thirty days written notice given to all Council members, setting forth the subject matter and text of the proposed amendments.

III. OFFICERS

The officers of the Institute are elected annually by the Council. The present officers are:

John David Ziober	President
James C. Crigler, Jr.	Chair
J. David Garrett	Chair Emeritus
James A. Gray, II	Chair Emeritus
Charles S. Weems, III	Chair Emeritus
Cordell H. Haymon	Chair Emeritus
Marilyn C. Maloney	Chair Emeritus
Thomas M. Bergstedt	Chair Emeritus
Emmett C. Sole	Chair Emeritus
Max Nathan, Jr.	Chair Emeritus
Robert L. Curry, III	Chair Emeritus
Susan G. Talley	Vice President
Rick J. Norman	Vice President
L. David Cromwell	Vice President
Thomas M. Hayes, III	Vice President
William E. Crawford	Director
William R. Corbett	Secretary
Robert "Bob" Kostelka	Assistant Secretary
Joseph W. Mengis	Treasurer
Glenn Morris	Assistant Treasurer

IV. COUNCIL

As provided by R.S. 24:202: “The governing body of the Louisiana State Law Institute shall be a council composed of ex officio members and elected members.” The elected members serve for four years; their terms are staggered so that seven are elected every year. They serve without pay as a service to the State. The present members of the Council are:

MARGUERITE (PEGGY) L. ADAMS
New Orleans, LA

DAN CLAITOR
Baton Rouge, LA

GLENN B. ANSARDI
Gretna, LA

STANLEY J. COHN
New Orleans, LA

THOMAS M. BERGSTEDT
Sulphur, LA

WILLIAM R. CORBETT
Baton Rouge, LA

MATTHEW F. BLOCK
Thibodaux, LA

WILLIAM E. CRAWFORD
Baton Rouge, LA

BERNARD E. BOUDREAUX, JR.
Baton Rouge, LA

JAMES C. CRIGLER, JR.
Monroe, LA

L. KENT BREARD
Monroe, LA

L. DAVID CROMWELL
Shreveport, LA

DORRELL J. BRISTER
Alexandria, LA

MARK A. CUNNINGHAM
New Orleans, LA

WILLIAM J. BURRIS
Franklinton, LA

KEVIN C. CURRY
Baton Rouge, LA

JEANNE LOUISE CARRIERE
New Orleans, LA

ROBERT L. CURRY, III
Monroe, LA

ANDREA B. CARROLL
Baton Rouge, LA

JAMES J. DAVIDSON, III
Lafayette, LA

PRESTON J. CASTILLE, JR.
Baton Rouge, LA

ROBERT G. DAWKINS
Ruston, LA

JOHN E. DI GIULIO
Baton Rouge, LA

JIMMY N. DIMOS
Monroe, LA

ANDRE DOUGET
Lafayette, LA

BILLY J. DOMINGUE
Lafayette, LA

LAWRENCE E. DONOHOE
Lafayette, LA

DAVID M. ELLISON, JR.
Baton Rouge, LA

FRANK FOIL
Baton Rouge, LA

ELIZABETH E. FOOTE
Shreveport, LA

WILLIAM R. FORRESTER, JR.
New Orleans, LA

RAYMOND E. GAROFALO, JR.
Chalmette, LA

J. DAVID GARRETT
Shreveport, LA

GRACE B. GASAWAY
Hammond, LA

JAMES A. GRAY, II
New Orleans, LA

ISSAC M. "MACK" GREGORIE
Baton Rouge, LA

DAVID W. GRUNING
Abita Springs, LA

LEO C. HAMILTON
Baton Rouge, LA

JOSEPH L. HARGROVE, JR.
Shreveport, LA

THOMAS M. HAYES, III
Monroe, LA

CORDELL H. HAYMON
Baton Rouge, LA

CHRISTOPHER B. HEBERT
Baton Rouge, LA

MARY C. HESTER
Baton Rouge, LA

LILA T. HOGAN
Hammond, LA

GUY HOLDRIDGE
Gonzales, LA

JEFFERSON D. HUGHES, III
New Orleans, LA

KATRINA R. JACKSON
Bastrop, LA

JOHN WAYNE JEWELL
New Roads, LA

RICHARD F. KNIGHT
Mandeville, LA

ARLENE D. KNIGHTEN
Baton Rouge, LA

ROBERT W. "BOB" KOSTELKA
Monroe, LA

RON J. LANDRY
River Ridge, LA

WALTER I. LANIER, JR.
Thibodaux, LA

LUKE A. LAVERGNE
Baton Rouge, LA

RICHARD K. LEEFE
Metairie, LA

THOMAS B. LEMANN
New Orleans, LA

F.A. LITTLE, JR.
Alexandria, LA

MELISSA T. LONEGRASS
Baton Rouge, LA

JOHN A. LOVETT
New Orleans, LA

W. JAY LUNEAU
Alexandria, LA

SHERMAN Q. MACK
Albany, LA

MARILYN C. MALONEY
Houston, TX

EDWARD F. MARTIN
New Orleans, LA

JUDY PERRY MARTINEZ
New Orleans, LA

RYAN M. MCCABE
New Orleans, LA

EDWIN R. MCINTYRE, JR.
Winnsboro, LA

MICHAEL W. MCKAY
Baton Rouge, LA

JOHN G. MCLURE
Alexandria, LA

KAY C. MEDLIN
Shreveport, LA

JOSEPH W. MENGIS
Baton Rouge, LA

DAVID D. MEYER
New Orleans, LA

GREGORY A. MILLER
Norco, LA

GLENN G. MORRIS
Baton Rouge, LA

ELIZABETH MURRILL
Baton Rouge, LA

JOHN H. MUSSER, JR.
Covington, LA

MAX NATHAN, JR.
New Orleans, LA

FRANK X. NEUNER, JR.
Lafayette, LA

RICK J. NORMAN
Lake Charles, LA

CHRISTOPHER K. ODINET
Baton Rouge, LA

DARREL J. PAPHILLION
Baton Rouge, LA

HARRY J. "SKIP" PHILIPS, JR.
Baton Rouge, LA

GEORGE W. PUGH
Baton Rouge, LA

WILLIAM W. PUGH
Houston, TX

ANGELIQUE REED
New Orleans, LA

HERSCHEL E. RICHARD, JR.
Shreveport, LA

SALLY RICHARDSON
New Orleans, LA

CHRISTOPHER H. RIVIERE
Thibodaux, LA

DEIDRE D. ROBERT
Glynn, LA

CYNTHIA A. SAMUEL
New Orleans, LA

RONALD J. SCALISE, JR.
New Orleans, LA

CARL VAN SHARP
Monroe, LA

EULIS SIMIEN, JR.
Baton Rouge, LA

GARY L. SMITH, JR.
Norco, LA

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Lake Charles, LA

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Shreveport, LA

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New Orleans, LA

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New Orleans, LA

SUSAN G. TALLEY
New Orleans, LA

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Abbeville, LA

ROBERT P. THIBEAUX
New Orleans, LA

ULYSSES GENE THIBODEAUX
Lake Charles, LA

PETER S. TITLE
New Orleans, LA

DIAN TOOLEY-KNOBLETT
New Orleans, LA

J. RANDALL TRAHAN
Baton Rouge, LA

ZELDA W. TUCKER
Shreveport, LA

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Baton Rouge, LA

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New Orleans, LA

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New Orleans, LA

EVELYN L. WILSON
Baton Rouge, LA

LISA WOODRUFF-WHITE
Baton Rouge, LA

A.N. YIANNOPOULOS
New Orleans, LA

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Baton Rouge, LA

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V. GENERAL MEMBERSHIP

The By-Laws of the Law Institute provide for a general membership consisting of ex officio and elected members. The ex officio membership consists of judges of the Supreme Court, the Courts of Appeal and District Courts, and all judges of Federal Courts sitting in Louisiana. Included also are all members of the law faculties of Loyola University, Paul M. Hebert Law Center, Southern University, and Tulane University. The elected membership consists of not over one-hundred and seventy-five active members of the Bar, who have practiced for at least ten years, and not over fifty junior members of the Bar who have practiced law not less than three and not more than ten years. In addition, each of the listed schools is authorized to designate annually three outstanding honor graduates who are elected as junior members of the Law Institute. The terms of the general members are indefinite.

VI. MAJOR ACCOMPLISHMENTS OF THE LAW INSTITUTE

Compiled Edition of the Louisiana Civil Codes (1940).

Louisiana Statutes Related to the Civil Code (1942).

The Louisiana Criminal Code (Acts 1942, No. 43).

The Louisiana Revised Statutes of 1950.

The Translation of French Commentators (1959-1972).

The Louisiana Code of Civil Procedure (Acts 1960, No. 15).

The Louisiana Trust Code (Acts 1964, No. 338).

The Louisiana Code of Criminal Procedure (Acts 1966, No. 310).

The Louisiana Mineral Code (Acts 1974, No. 50).

The Louisiana Civil Code (Continuing).

The Louisiana Code of Evidence (Acts 1988, No. 515).

The Uniform Commercial Code (Continuing).

VII. LEGISLATIVE ACTION ON LAW INSTITUTE RECOMMENDATIONS FROM 2000 TO 2016

Note: Information relative to years prior to 2000 is available at the offices of the Louisiana State Law Institute

A. Law Institute Recommendations for the 2000 First Extraordinary Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 94	Interdiction and curatorship	Adopted as Act 25

B. Law Institute Recommendations for the 2001 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
<u>Children's Code</u>		
HB 318	Open adoptions	Adopted as Act 568
HB 316	Miscellaneous revisions	Adopted as Act 567
HB 317	Department of Public Safety and Corrections	Deferred
<u>Code of Civil Procedure</u>		
HB 722	Sale of mortgaged property without appraisal	Adopted as Act 588
HB 721	Application for writ of certiorari	Adopted as Act 587
HB 720	Continuous revision	Adopted as Act 512
<u>Criminal Procedure</u>		
HB 887	<i>Boykin</i> procedure not required in misdemeanors	Adopted as Act 243
<u>Successions</u>		
HB 360	Benefit of inventory	Adopted as Act 572
HB 361	Disinherison of forced heirs	Adopted as Act 573
HB 632	Independent administration	Adopted as Act 974

HB 634	Substitutions	Adopted as Act 825
HB 66*	Sale of property by heirs	Adopted as Act 556
*Note: Duplicate of Institute bill passed after Institute bill was deferred		
HB 595	Capacity of interdict	Adopted as Act 509*
*Note: Institute recommendation removed after substantial amendment		
HB 633	Miscellaneous amendments	Adopted as Act 824
<u>Trust Code</u>		
HB 1083	Prudent investor rule	Adopted as Act 520
HB 846	Miscellaneous revisions	Adopted as Act 594
<u>Uniform Commercial Code</u>		
HB 679	UCC Chapter 9 revision	Adopted as Act 128

C. Law Institute Recommendations for the 2003 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
<u>Civil Code</u>		
HB 87	Interdiction and curatorship	Adopted as Act 1008
SB 410	Deposit and sequestration	Adopted as Act 491
HB 724	Security for usufructuary	Held for further study
<u>Code of Civil Procedure</u>		
SB 818	Continuous revision	Adopted as Act 545
<u>Criminal Law</u>		
HB 604	Pornography; contraband	Adopted as Act 1304
HB 1021	Disposition of pornographic evidence	Adopted as Act 1245
HB 1022	Attempted arson	Adopted as Act 166

HB 1023	Drug court; probation	Adopted as Act 1053
HB 1024	Reconsideration of sentences	Adopted as Act 167
HB 1025	Child desertion penalty	Adopted as Act 168
HB 492	Corporate criminal liability	Held for further study

Children's Code

HB 140	Intent to surrender for adoption	Adopted as Act 564
HB 171	Continuous revision	Adopted as Act 567
HB 243	Safe Haven Act	Adopted as Act 609

Trust Code

SB 251	Continuous revision	Adopted as Act 480
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Limitation of State Liability

HB 424	Constitutional amendment	Adopted as Act 1295
HB 428	Coastal restoration; venue	Defeated – House vote: 42 yeas, 54 nays
HB 983	Coastal restoration; leases	Not moved
HB 1094	Highways	Not moved

D. Law Institute Recommendations for the 2004 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
<u>Civil Code</u>		
HB 38	Lease	Adopted as Act 821
HB 150	Loan	Adopted as Act 743
SB 182	Successions	Did not reach House floor

Code of Civil Procedure

HB 148	Depositions	Adopted as Act 365
HB 149	Temporary restraining order	Referred to Senate Judiciary A Committee

Children's Code

HB 69	Representation for child	Adopted as Act 321
HB 184	Confinement of children adjudicated delinquent	Adopted as Act 484
HB 185	Juvenile delinquency proceedings	Adopted as Act 485
HB 372	Adoption	Referred to Senate Judiciary A Committee

Filiation

HB 368	Proof of filiation	Defeated – House vote: 45 yeas, 52 nays
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Illegitimate Children

SB 65	Change in terminology	Adopted as Act 26
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**Uniform Commercial
Code**

SB 227	Security on movable property	Adopted as Act 303
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E. Law Institute Recommendations for the 2005 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 91	Civil Code: Filiation of parents and children	Adopted as Act 192
HB 214	Registry and recordation	Adopted as Act 169
HB 226	Code of Civil Procedure	Adopted as Act 205

HB 138	Community property and attorney fees	Adopted as Act 415
HB 181	Juridical persons and corporations	Heard by House Civil Law and Procedure Committee

F. Law Institute Recommendations for the 2006 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 594	Component parts	Adopted as Act 765
HB 90	Children's Code: Search for parents	Adopted as Act 248
HB 322	Filiation	Adopted as Act 344
HB 654	Incarcerated parents	Adopted as Act 272
HB 215	Children's Code: Prenatal neglect	Adopted as Act 157
HB 127	Children: Visitation	Failed in House
HB 503	Children's Code: Mental capacity	Adopted as Act 266
HB 777	Children's Code: Placement	Adopted as Act 278
HB 904	Adoption	Adopted as Act 288
HB 1372	Children; sanity hearing	Adopted as Act 308
SB 383	Uniform Commercial Code	Adopted as Act 533

G. Law Institute Recommendations for the 2007 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 73	Compromise	Adopted as Act 138
HB 178	Prenatal neglect	Adopted as Act 396
HB 203	Civil discovery	Adopted as Act 140
HB 669	Placement of children	Adopted as Act 334

HB 681	Parole of children	Failed in House
SB 208	Parenting coordinators	Adopted as Act 265

H. Law Institute Recommendations for the 2008 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 158	Domicile	Adopted as Act 801
HB 322	Adult adoption	Adopted as Act 351
HB 337	Tax sales and adjudicated property	Adopted as Act 819
HB 388	Component parts	Adopted as Act 632
HB 444	Adoption	Adopted as Act 583
HB 513	Children's Code: Supervisory writ procedure	Deferred by Senate Committee
HB 527	Donations	Adopted as Act 204
HB 548	Civil Procedure	Adopted as Act 824
HB 605	Charitable trusts	Adopted as Act 637
HB 1232	Postponement of taxes	Adopted as Act 506
SB 38	Juvenile procedure	Adopted as Act 222
SB 73	Parental contribution to foster care	Adopted as Act 392
SB 76	Restoration of parental rights	Adopted as Act 436
SB 265	Emancipation of minors	Adopted as Act 786
SB 382	Criminal probation	Adopted as Act 451
SB 605	Child support	Defeated in Committee

I. Law Institute Recommendations for the 2009 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 140	Filiation	Adopted as Act 3
HB 363	Community property	Adopted as Act 204
HB 403	Uniform Commercial Code	Adopted as Act 207

J. Law Institute Recommendations for the 2010 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 95	Criminal Procedure: Grand jury	Adopted as Act 347
HB 130	Criminal Procedure: Probation	Adopted as Act 352
HB 131	Criminal Procedure: Grand jury lists	Failed House Floor
HB 137	Civil Procedure	Adopted as Act 185
HB 142	Civil Code: Exchange	Adopted as Act 186
HB 286	Criminal Procedure: Bail	Adopted as Act 914
HB 484	Security Devices	Adopted as Act 378
HB 608	Criminal Procedure: Probable cause	Adopted as Act 260
HB 651	Children's Code	Adopted as Act 266
HB 663	Juvenile delinquency	Adopted as Act 593
HB 702	Juvenile delinquency	Adopted as Act 594
HB 856	Trust Code	Adopted as Act 390
HB 857	Mortgage records	Adopted as Act 284
SB 217	Uniform Prudent Management of Institution Funds Act	Adopted as Act 168

SB 320	Child custody residence relocation	Failed House Floor
SB 343	Inheritance taxes	Adopted as Act 175
SB 361	Civil Code: Usufruct	Adopted as Act 881

K. Law Institute Recommendations for the 2011 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 98	Title 33	Adopted as Act 248
HB 123	Estate tax	Adopted as Act 346
SB 32	Guardianship	Adopted as Act 128
SB 161	Family courts	Adopted as Act 340

L. Law Institute Recommendations for the 2012 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 274	Expropriation	Adopted as Act 702
HB 369	Uniform Commercial Code	Adopted as Act 450
HB 439	Testaments	Adopted as Act 125
HB 456	Title 33	Adopted as Act 86
HB 466	Rent of land and annuities	Adopted as Act 258
HB 474	Code of Civil Procedure	Adopted as Act 741
HB 476	Charitable trusts	Adopted as Act 742
HB 764	Counterletters	Adopted as Act 277
SB 152	Children's Code	Adopted as Act 730
SB 153	Child residence relocation	Adopted as Act 742
SB 154	Expungement	Deferred
SB 317	Juvenile parole	Adopted as Act 466

SB 659	Criminal discovery	Adopted as Act 842
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M. Law Institute Recommendations for the 2013 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 192	Code of Civil Procedure	Adopted as Act 78
HB 321	Expedited jury trials	Deferred
HB 408	Corporations	Deferred
HB 578	Adoptions	Adopted as Act 86
HB 588	Prescription	Adopted as Act 88
SB 40	Criminal Procedure	Adopted as Act 343
SB 162	Surrogacy	Vetoed

N. Law Institute Recommendations for the 2014 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 285	Title 33	Adopted as Act 158
HB 319	Corporations	Adopted as Act 328
HB 391	Title 33	Heard by House Committee on House and Governmental Affairs
HB 445	Children's Code	Adopted as Act 169
HB 607	Code of Civil Procedure	Adopted as Act 655
HB 611	Uniform Commercial Code	Adopted as Act 520
HB 615	Utility Servitudes	Heard by House Civil Law and Procedure Committee
HB 619	Uniform Interstate Depositions and Discovery	Adopted as Act 793
HB 1114	Successions	Referred to Senate Judiciary A Committee

HB 1133	Power of attorney for the elderly	Adopted as Act 356
SB 55	Code of Criminal Procedure	Adopted as Act 280
SB 85	Child Support	Adopted as Act 134
SB 89	Security Devices	Adopted as Act 281

O. Law Institute Recommendations for the 2015 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 196*	Utility Servitudes	Senate Amendments Failed House Floor
*Note: Institute recommendation removed after substantial amendment		
HB 204	Disabled Adult Children	Adopted as Act 379
HB 273	Respite	Adopted as Act 64
HB 385	Children’s Code: Mandatory reporters	Adopted as Act 217
HB 439	Trust Code	Adopted as Act 219
HB 696	Summary Judgment	Adopted as Act 422
SB 79	Mineral Law – Legacy Disputes	Adopted as Act 448
SB 134	Parental Authority	Adopted as Act 260

P. Law Institute Recommendations for the 2016 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 259	Child Support: Visitation	
HB 269	Successions	
HB 285	Code of Civil Procedure	
HB 286	Trust Code	
HB 313	Expropriation	

HB 388	Filiation
HB 391	Adoption
HB 449	Birth Certificates
HB 714	Corporations
SB 94	Adult Guardianship
SB 123	Bail Bonds

Mineral Law – Unsolicited
Offers

Q. Reports Submitted to the Louisiana Legislature in 2014 and 2015

- (1) Repossession of Collateral by Sureties, relative to HCR No. 93 of 2012
- (2) Implementing Visitation Orders in Conjunction with Support Orders, relative to HCR No. 156 of 2012
- (3) Gun Ownership, relative to HCR No. 26 of 2014
- (4) Disclosure Notices in Expropriations, relative to HCR No. 162 of 2014
- (5) Stand Your Ground Provisions, relative to HR No. 149 of 2014
- (6) Posting Security by Court Appointed Attorneys, relative to SCR No. 105 of 2014
- (7) Water Code Annual Report, relative to SR No. 171 of 2014
- (8) Will Registry, relative to HCR No. 107 of 2013
- (9) Tax Sales, relative to SR No. 109 of 2012 and SR No. 40 of 2013
- (10) Powers of Attorney for the Elderly, relative to HR No. 112 of 2009
- (11) Purchase Money Mortgages, relative to HCR No. 15 of 2011
- (12) Dual Paternity and Child Support, relative to HCR No. 140 of 2012
- (13) Heirship Property, relative to SCR No. 26 of 2012
- (14) Surface Water and Groundwater Law, relative to SCR No. 53 of 2012
- (15) Trusts Survey, relative to HCR No. 168 of 2013

- (16) Louisiana Bail Laws and Procedures, relative to SR No. 111 of 2013
- (17) Utilizing Alternative Dispute Resolution to Resolve Legacy Disputes, relative to SR No. 84 of 2013

VIII. CIVIL CODE REVISION AND OTHER CURRENT PROJECTS

Since 1975, the primary work of the Law Institute has been the revision of the Louisiana Civil Code. The Coordinating Committee, discussed in detail later in this report, has charted the Titles of the Civil Code and has decided which Titles will be revised. Separate revision committees, each under the leadership of a Reporter, have Titles of the Civil Code under their jurisdiction.

The 2014 and 2015 Council years were consumed with a variety of projects, with a large proportion of Council time being devoted to the consideration of proposals relative to Birth Certificates, Dual Paternity, Respite, Tax Sales, Pet Trusts, the Code of Criminal Procedure, Tutorship Procedure, Purchase Money Mortgages, Adult Disability, Adult Guardianship, the Trust Code, Mineral Law – Legacy Disputes, Utility Servitudes, Security Devices, the Children’s Code, Summary Judgment, Mineral Law – Unsolicited Offers, Bail Bonds, Unpaid Wages, Successions, Child Support, Expropriations, Marriage and Filiation, Alternative Dispute Resolution, Corporations, Unconstitutional Statutes, Title 33, and Postconviction Relief.

A brief description of the status of our significant projects is set out below.

A. CIVIL CODE REVISION

1. Preliminary Title

Chapters 1 and 2 of the Preliminary Title have been revised by Professor A.N. Yiannopoulos and the Preliminary Title Committee. Chapter 1 provides for the sources of law and the general principles of law. Chapter 2 provides for the interpretation of laws. These chapters were enacted by Acts 1987, No. 124.

Chapter 3 of the Preliminary Title was revised by Professor Symeon Symeonides and the Conflict of Laws Committee. This Chapter provides briefly for the Conflict of Laws. Book IV of the Civil Code provides most of the revised legislation on Conflict of Laws. Chapter 3 of the Preliminary Title and Book IV of the Civil Code were enacted by Acts 1991, No. 923. The Articles enacted by this Act have helped practitioners and the courts decide which laws should be applied when there has been a conflict between the laws of Louisiana and the laws of another state.

2. Book I, Title I, Natural and Juridical Persons

Professor A.N. Yiannopoulos and his committee have completed their work on the revision of Title I of Book I of the Civil Code. This Title provides general principles relative to the two different kinds of persons: human beings, and entities to which the law attributes personality. This revision was enacted by Acts 1987, No. 125.

3. Book I, Title II, Of Domicile and the Manner of Changing the Same

Professor A.N. Yiannopoulos, the Domicile Committee, and the Council have finished the revision of the Civil Code Articles relative to the domicile of natural persons. This revision was enacted by Acts 2008, No. 801.

4. Book I, Title III, Absent Persons; Title VI, Of Master and Servant; Title X, Of Corporations

Professor A.N. Yiannopoulos and the Absent Persons Committee have completed the revision of Title III of Book I of the Civil Code. This Title provides general principles relative to absent persons, the curatorship of their property, and when an absent person can be declared dead. This revision was enacted by Acts 1990, No. 989.

During the revision process, Professor A.N. Yiannopoulos and his committee also decided to recommend the repeal of unnecessary Civil Code Articles in Titles VI and X of Book I of the Civil Code, relative to Master and Servant and Corporations. The Louisiana Legislature accepted the recommended repeals in Acts 1990, No. 705 and Acts 1987, No. 126.

5. Book I, Title IV, Husband and Wife; Title V, Divorce; Title VII, Parent and Child

Professor Katherine S. Spaht and the Marriage-Persons Committee brought before the Council the revision of our law relative to marriage and divorce, and the Committee proposals on Marriage, Divorce, Spousal Support, Child Custody and Support, and other actions incidental to divorce were all considered and approved by the Council. The part of the revision relating to Marriage was enacted by Acts 1987, No. 886. The provisions on Divorce, Incidental Demands, and Nullity were presented to the Louisiana Legislature in House Bill 847 during the 1988 Regular Session, but the bill was deferred by the House Committee on Civil Law and Procedure in May of 1988. Reintroduced in 1989 as House Bill No. 336, the revision passed the Committee but was defeated on the floor of the House. In 1990, this lengthy bill was divided into four smaller bills addressing Divorce, Spousal Support, Child Custody and Support, and Nullity of Marriage, respectively. The Committee's original recommendations also underwent significant revisions, which were made by the Council and the Reporter acting in consultation with interested legislators. The new cause of action for divorce was enacted by Acts 1990, No. 1009. Related segments were enacted by Acts 1990, Nos. 361, 362, and 1008.

HCR 139 of the 1991 Regular Session directed the Committee to study the law of separation of property. During the 1993 legislative session, two Law Institute bills were enacted into law. Act 261 revised the laws on child custody, visitation, and support. Act 108 revised the Civil Code provisions on nullity of marriage. A proposal revising the law of spousal support was introduced in 1993 but did not pass. The proposal was revised after consultation with a number of legislators and was approved by the Council for submission to the Louisiana Legislature in 1995. During the 1995 Regular Session of the Louisiana Legislature, Act 1008 enacted provisions prepared by the Marriage-Persons Committee and approved by the Council governing the partition of former community property.

In 1997, the Louisiana Legislature approved the Law Institute Bill on Spousal Support. This subject had been introduced at several prior legislative sessions and was very controversial. However, after several House amendments, the bill was enacted by Acts 1997, No. 1078.

A special committee, under the leadership of Mr. Kenneth Rigby, was appointed pursuant to HR 1 of the 1998 Regular Session. The Committee prepared a report on the role of fault in divorces. The report was submitted to the Louisiana Legislature and received a hearing in the House Civil Law and Procedure Committee.

In 2005, the Louisiana Legislature accepted the Law Institute's recommendations relative to proof of maternity and proof of paternity by enacting Acts 2005, No. 192. This Act revised Chapters 1, 2, and 3 of Title VII of Book I of the Civil Code.

In 2006, the Law Institute presented a wide range of amendments relative to the filiation of parents and children. The Louisiana Legislature reviewed HB 322 on recommendation of the Law Institute and enacted the Law Institute's recommendations with amendments in Acts 2006, No. 344.

From 2008 through 2015, the Marriage-Persons Committee worked on revisions of parent and child, adult adoption, filiation, parental authority, parental usufruct, provisional custody by mandate, and birth certificates. Revisions relative to adult adoption and filiation were enacted by Acts 2008, No. 351 and Acts 2009, No. 3. The revisions regarding parental authority, parental usufruct, and provisional custody by mandate were presented to the Louisiana Legislature in 2015. SB 134 was enacted by Acts 2015, No. 260.

HCR 179 of the 2014 Regular Session requested the Law Institute to study the prescriptive periods established for disavowal of paternity actions and revocations of authentic acts of acknowledgment and to make specific recommendations for revisions to Louisiana laws. The Law Institute assigned this project to the Marriage-Persons Committee and its Reporter, Professor Andrea B. Carroll. The Committee gathered background information relative to key issues and sought advice from family law judges and other groups. An interim report was filed on March 6, 2015, and HB 388 has been introduced for the 2016 Session.

In June of 2015, the United States Supreme Court’s decision in *Obergefell v. Hodges* found state law bans on same-sex marriage unconstitutional on both Due Process and Equal Protection grounds. Following *Obergefell*, the United States District Court for the Eastern District held that Louisiana Constitution article XII, § 15, Louisiana Civil Code article 89, and Louisiana Civil Code article 3520(B) were in violation of the Fourteenth Amendment of the United States Constitution. *Robicheaux v. Caldwell*, 2015 WL 4090353 (E.D. 2015). The Louisiana Supreme Court followed suit in July of 2015, finding that “*Obergefell* compels the conclusion that the State of Louisiana may not bar same-sex couples from the civil effects of marriage on the same terms accorded to opposite-sex couples.” *Costanza v. Caldwell*, 167 So. 3d 619, 621 (La. 2015). The decisions of *Obergefell*, *Robicheaux*, and *Costanza* render many Louisiana statutes relating to marriage unconstitutional and create many uncertainties in Louisiana law.

The Law Institute’s Marriage-Persons Committee has begun cataloging and examining in detail the areas of Louisiana law and provisions that need amendment following the legalization of same-sex marriage. Though this task is far from complete, the Law Institute has filed a report with the Legislature, which addresses some fundamental changes that, if the legislature desires, could be made to bring Louisiana law into line with *Obergefell*.

The Committee plans to begin reviewing other areas of concern including the divorce and spousal support articles, grandparent visitation, the ordering of an injunction against abuse, joint custody, parenting coordinators, and community property.

6. Book I, Title VIII, Of Minors, Of Their Tutorship and Emancipation

Professor Katherine S. Spaht and the Marriage-Persons Committee have begun the revision of Chapter 1, of Title VIII, of Book I of the Civil Code relative to Tutorship. The Committee presented recommendations to the Council in 2010 and 2011. The Law Institute plans to file a comprehensive bill during the 2017 legislative session.

Professor Monica Wallace and the Tutorship Procedure Committee have finished the revision of the provisions of law relative to Tutorship Procedure. The Committee plans to present a bill to the legislature in 2017.

Professor Dane Ciolino and the Emancipation Committee have finished the task of revising Chapter 2 of Title VIII of Book I of the Civil Code relative to the emancipation of minors. This revision was enacted by Acts 2008, No. 786.

7. Book I, Title IX, Persons Unable to Care for Their Persons or Property

Under the leadership of Mr. Joel Mendler and Professor Dane Ciolino, the Curatorship Committee has finished the revision of Title IX of Book I of the Civil Code and related provisions in the Code of Civil Procedure and the Revised Statutes. This revision provides

detailed provisions relative to the interdiction of a natural person and the curatorship of an interdict. This revision was enacted by Acts 2000, 1st Ex. Sess., No. 25.

8. Book II, Things and Different Modifications of Ownership

Book II of the Civil Code has been revised, and Professor A.N. Yiannopoulos remains active to fix any problem that may arise. Minor amendments have been made as their necessity became apparent.

In 1990, Professor A.N. Yiannopoulos and the Ownership in Indivision Committee recommended the addition of Title VII of Book II of the Civil Code relative to Ownership in Indivision. This Title was enacted by Acts 1990, No. 990, and the revision was supplemented by Acts 1991, No. 689.

From 2005 through 2008, Reporter L. David Cromwell and his Component Parts Committee reviewed Civil Code Article 466 and its conflicting jurisprudence. The Law Institute presented HB 594 to the Louisiana Legislature during its 2006 Regular Session. After debate, the legislature enacted Acts 2006, No. 765. After reconsidering the issues and principles of this subject, the Law Institute submitted HB 388 during the 2008 Regular Session. The Louisiana Legislature enacted the Law Institute's recommendation with Acts 2008, No. 362.

9. Book III, Title I, Of Successions; Title II, Donations

Under the leadership of Max Nathan, Jr., a practicing attorney from New Orleans and Adjunct Professor of Law at the Tulane Law School, the project on Successions and Donations continues.

The Successions and Donations Committee prepared the companion legislation to implement the change in forced heirship law enacted by the 1989 Louisiana Legislature. The work of the Committee was introduced during the 1990 Regular Session, and was enacted by Acts 1990, No. 147. The Committee's work on undue influence was enacted by Acts 1991, No. 363. Following the Supreme Court's declaration in *Succession of Lauga* that the new articles on forced heirship were unconstitutional, the Committee prepared new articles on that subject.

The Committee then completed, and the Council approved, legislation to implement the 1995 amendment to the Louisiana Constitution on the subject of forced heirship. That legislation was enacted into law by Act 77 of the 1996 First Extraordinary Session of the Louisiana Legislature. The Committee has also completed a comprehensive revision of the entire law of Successions. The revision was enacted into law by Act 1421 of the 1997 Regular Session of the Louisiana Legislature.

In 2001, the Committee completed a projet on independent administration of estates, designed to simplify and expedite probate proceedings. This projet was enacted into law by Acts 2001, No. 974. The Committee also completed the revision of the law of donations inter vivos.

This revision was enacted into law by Acts 2008, No. 204. In 2010, the Committee completed a comprehensive revision of the law of usufruct. This revision was enacted into law by Acts 2010, No. 881.

Since then, the Committee has studied the subjects of forced heirship rights of grandchildren and the duties of attorneys representing fiduciaries among other projects. The Committee also undertook considerable work on the subject of the use of translators in the preparation of wills, pursuant to HCR 126 of the 2011 Regular Session, and the right of a testator to designate an attorney for the executor, in accordance with HCR 127 of the 2011 Regular Session. Reports on these subjects were submitted to the Louisiana Legislature in 2012.

SCR 26 of 2012 requested the Law Institute to study the issue of heirship property, to develop recommendations for facilitating the ability of family members to receive title to immovable property when successive generations of their family have failed to file succession proceedings, and to develop recommendations to facilitate more equitable and economically efficient distribution of immovable property. In response to this resolution, the Law Institute assigned this project to the Successions and Donations Committee. Based on the Committee's work, the Law Institute submitted a report to the Louisiana Legislature in May of 2014 concluding that the implementation and use of the "Affidavit of Small Succession Procedure" had been largely successful in addressing the unopened succession issue that affects many heirship property situations and that no significant issues had arisen from current practice.

HCR 107 of the 2013 Regular Session requested the Law Institute to study and make recommendations relative to the feasibility of creating a central database for testaments. In response to this resolution, the Law Institute assigned this project to the Successions and Donations Committee. Based on the Committee's work, the Law Institute submitted a report to the Louisiana Legislature in May of 2014 concluding that will registry under current law as provided by R.S. 9:2446 and 2447 sufficiently met the intent of the resolution.

Recently, the Committee has done considerable work on the law that requires a sworn descriptive list of assets and liabilities or an inventory to be filed before a successor may be placed in possession of property. The Committee believes that this requirement is inappropriate, and although it is extraordinarily important that heirs and legatees, and in many instances creditors, know the value of property of an estate, there is no necessity for such information to be made available to the general public. Indeed, in recent years the desire for confidentiality and privacy where important family assets are concerned has begun to clash with the requirement to disclose these values publicly. A trend has developed by which successors or succession representatives ask that a succession record be sealed in order to keep such information confidential, especially, for example, where a family business is concerned. Under the circumstances, since there is no real necessity to have a descriptive list for the public at large, but an extremely important need to have it for the heirs or legatees for income tax or estate tax purposes, or for creditors, the Successions and Donations Committee is revising Code of Civil

Procedure Article 3396.18. The committee has presented the issue to the Council several times and hopes to propose legislation in 2017.

HCR 131 of 2012 requested the Law Institute to study the testamentary disposition of the right to bring a survival action pursuant to Civil Code Article 2315.1 and to report its findings and recommendations in the form of specific proposed legislation. The Law Institute has assigned this project to the Successions and Donations Committee, which has created a subcommittee to provide research to the Committee.

SCR 105 of the 2014 Regular Session requested that the Louisiana State Law Institute study and make recommendations regarding Code of Civil Procedure Article 3121 and the requirement that security be posted by an attorney appointed by the court to administer a vacant succession. In view of the subject matter of the resolution, the Law Institute assigned this project to the Successions and Donations Committee. The Committee devoted considerable thought to the issue, and in conducting its research, also communicated with practitioners, all of whom reported that no significant issues arise from current practice. More importantly, the Law Institute has noted that Code of Civil Procedure Article 3151 authorizes the court to reduce the amount of security whenever it is proved that the security is in excess of what is necessary to protect the heirs and creditors and has been largely successful in addressing this issue. A final report reflecting these findings was filed with the Legislature on September 1, 2015.

The Successions and Donations Committee also introduced HB 1114 in 2014, the intent of which was to clarify the law by providing that the ascendant of a grandchild who is a forced heir should be treated as a single forced heir, and his share should be divided by his descendants who qualify as forced heirs by representation. On the other hand, if the predeceased parent would have attained the age of twenty four at that time, then only those children of the predeceased parent who qualify as forced heirs by virtue of their permanent incapability would divide the root of the predeceased parent. The bill also sought to repeal Paragraph E of Civil Code Article 1493 to remove any concerns as to the constitutionality of the Article wherein “permanently incapable of taking care of their persons or administering their estates at the time of the death of the decedent” includes descendants who may be rendered incapable of caring for their persons or administering their estates in the future. However, the bill was defeated in Senate Committee.

HB 269 of the 2016 Regular Session reintroduces two of the noncontroversial provisions from the 2014 proposed legislation. This bill concerns the separate donations of usufruct and naked ownership and the concurrence of interdicts or unemancipated minors in a succession.

In addition, the Committee has also undertaken considerable work on the subject of collation, the practice of returning original wills to attorneys, and alternative dispute resolution clauses in testaments.

10. Book III, Title III, Obligations in General; Title IV, Conventional Obligations or Contracts

Professor Saul Litvinoff's monumental work on the revision of Obligations is now a part of Louisiana law. This revision was enacted by Acts 1984, No. 331. The lawyers and judges of Louisiana have worked with this new law for a considerable length of time and no substantial objections or difficulties have come to light. The revision has received acclaim worldwide in all civil code jurisdictions, and, most importantly, has proved appropriate for the citizens of Louisiana.

11. Book III, Title V, Obligations Arising Without Agreement

Professor A.N. Yiannopoulos and the Quasi-Contracts Committee have completed their work on the revision of Chapters 1 and 2 of Title V, of Book III, Obligations Arising Without Agreement. This revision provides general principles relative to *negotiorum gestio* and unjust enrichment. This revision was enacted by Acts 1995, No. 1041.

12. Book III, Title VI, Matrimonial Regimes

The revision of the law of Matrimonial Regimes was enacted by Acts 1979, Nos. 709 and 710. Professor A.N. Yiannopoulos and his committee were called upon to prepare a refinement for accounting in community property matters. The revision was enacted by Acts 1990, No. 991, and Professor A.N. Yiannopoulos and his committee now remain in a continuing revision role to take care of any questions that may arise.

13. Book III, Title VII, Sale

Immediately after completing the monumental subject of Obligations, Professor Saul Litvinoff undertook the work on Sales. His advisory committee began meeting in May of 1986 and submitted its completed work to the Council, which approved the entire project and sent it on for consideration by the 1992 Louisiana Legislature. The bill was deferred for further study because of the sheer volume of the revision, but it was eventually enacted by Acts 1993, No. 841 and became effective in 1995.

14. Book III, Title VIII, Exchange

Professor Saul Litvinoff completed the work relative to the revision of the law of Exchange. He was assisted by a committee of members who served him during the revision of the law of Sales. The Law Institute recommended HB 142 to the Louisiana Legislature during the 2010 Regular Session, and the recommendation was enacted by Acts 2010, No. 186.

15. Book III, Title IX, Lease, Chapters 1-4

Professor Symeon Symeonides and the Leases Committee completed the revision of Chapters 1-4 of Title IX of Book III. This revision provides general provisions relative to the lease of a thing and was enacted by Acts 2004, No. 821.

16. Book III, Title X, Of Rents and Annuities

Professor A.N. Yiannopoulos and his committee have finished the revision of Title X of Book III of the Civil Code, Of Rents and Annuities. The revision provided for the elimination of the archaic articles relative to the rent of lands and for modern articles relative to an annuity contract. The Law Institute presented HB 466 to the Louisiana Legislature during the 2012 Regular Session. The legislature enacted the Law Institute's recommendations with Acts 2012, No. 258.

17. Book III, Title XI, Partnership

Under the leadership of Max Nathan, Jr., a practicing attorney from New Orleans and Adjunct Professor of Law at the Tulane Law School, the Partnership revision was enacted by Acts 1980, No. 150. Mr. Nathan remains ready to serve for any continuing revision functions if needed, but so far the work has been extremely well received and no substantial objection or problems have been raised.

18. Book III, Title XII, Loan

Professor A.N. Yiannopoulos and the Loan Committee have completed the revision of Loan. This revision provides general provisions relative to a gratuitous loan and was enacted by Acts 2004, No. 743.

19. Book III, Title XIII, Deposit and Sequestration

Under the leadership of Professor A.N. Yiannopoulos, the revision of the law of Deposit and Sequestration was completed and approved by the Council. The revision of Title XIII of Book III of the Civil Code was enacted by Acts 2003, No. 491.

20. Book III, Title XIV, Of Aleatory Contracts

After announcing his intention to undertake the revision of Title XIV of Book III of the Civil Code, Of Aleatory Contracts, Professor A.N. Yiannopoulos was named Reporter of the Aleatory Contracts Committee, which was formed in 2014. The Aleatory Contracts Committee has reached agreement with respect to the revision of Articles 2282 through 2284 of the Civil Code and plans to present their work to the Council in time to propose legislation for the 2017 Regular Session.

21. Book III, Title XV, Representation and Mandate

Professor A.N. Yiannopoulos and the Mandate Committee have finished the revision of Title XV of Book III, Representation and Mandate, which provides general principles relative to representation and the contract of mandate. The Law Institute presented HB 716 to the Louisiana Legislature during its 1997 Regular Session, and the legislature enacted the Law Institute's recommendation with Acts 1997, No. 261.

22. Book III, Title XVI, Suretyship

Under the leadership of Professor Thomas A. Harrell and his committee, the work on Suretyship was completed and enacted by the Louisiana Legislature by Acts 1987, No. 409. It has had excellent reception by the bench and bar.

23. Book III, Title XVII, Of Transaction or Compromise

Under the leadership of Professor Saul Litvinoff, the revision of the law of transaction or compromise has been completed. For several years, the Committee made policy recommendations to the Council, and ultimately Civil Code Articles and Comments were drafted and approved by the Council. In 2007, the Law Institute presented its recommendations to the Louisiana Legislature in HB 73. The legislature enacted the Law Institute's recommendations in Acts 2007, No. 138.

24. Book III, Title XVIII, Of Respite

Professor A.N. Yiannopoulos and his committee have completed their work with respect to Title XVIII of Book III of the Civil Code, Of Respite. Because the Articles of this Title had not been used for about 100 years, the Committee recommended repeal of this Title, and the Council agreed. The Law Institute submitted its recommendation to the Louisiana Legislature in HB 273 of the 2014 Regular Session, and the legislature implemented the repeal of the articles in the Civil Code on Respite with Acts 2014, No. 64.

25. Book III, Title XX, Security; Title XX-A, Pledge; Title XXI, Of Privileges; Title XXII, Mortgages; Title XXII-A, Of Registry

Professor Thomas A. Harrell and his committee completed their work on the revision of mortgages, which was enacted by Acts 1991, No. 652. The revision of legal and judicial mortgages was also completed and enacted by Acts 1992, No. 1132. Professor Harrell and his committee also completed their work on Registry, which was enacted by Acts 2005, No. 169.

Reporter L. David Cromwell and the Security Devices Committee are continuing the work brilliantly prepared by Professor Thomas A. Harrell for many years.

26. Book III, Title XXIII, Occupancy and Possession; Title XXIV, Prescription

Professor A.N. Yiannopoulos and his committees did excellent work in the completion of these revisions. Title XXIII was enacted by Acts 1982, No. 187. Title XXIV was enacted by Acts 1982, No. 187 and Acts 1983, No. 173. These revisions have been well received, but the Reporter remains active to amend the law if necessary.

27. Book III, Title XXV, Of the Signification of the Sundry Terms of Law Employed in This Code

Professor A.N. Yiannopoulos and his Definitions Committee have finished their project of repealing unnecessary definitions in Civil Code Article 3506. This project was enacted by Acts 1999, No. 503.

Since that time, several new and arguably unnecessary definitions have been added to Civil Code Article 3506. As a result, the Signification of Terms Committee was created in 2014 and placed under the direction of Professor A.N. Yiannopoulos. The revision of Civil Code Article 3506 is still ongoing.

28. Book IV, Conflict of Laws

Book IV of the Civil Code, Conflict of Laws, was carefully crafted by Professor Symeon Symeonides and the Conflict of Laws Committee. This revision was enacted by Acts 1991, No. 923.

B. THE COORDINATING, SEMANTICS, STYLE AND PUBLICATIONS COMMITTEE

The Coordinating, Semantics, Style and Publications Committee, under the direction of Mr. L. David Cromwell as Reporter and Chairman, reviews all legislation recommended by the Law Institute and revisions of the Civil Code to ensure that each separate revision project is consistent with the remainder of the Civil Code.

C. CONTINUOUS REVISION OF THE CODE OF CIVIL PROCEDURE

Under the leadership of Mr. Richard Knight, as Chairman, and Mr. William R. Forrester, Jr., as Reporter, constant attention is given to keep the provisions of the Louisiana Code of Civil Procedure and related statutes current with changing times and the needs of the law.

HCR 174 of 2013 requested that the Law Institute study and make recommendations relative to Code of Evidence Article 902 to provide for certain self-authenticated records and to report its findings and recommendations to the Louisiana Legislature. In response to this resolution, the Law Institute assigned this project to the Code of Civil Procedure Committee. In January of 2014, the Law Institute submitted an interim report to the Louisiana Legislature to provide information relative to the progress of this study.

SCR 199 of 2015 requested that the Law Institute study whether the granting of attorney fees should be allowed in civil contempt of court proceedings. In response to this resolution, the Law Institute assigned this project to the Code of Civil Procedure Committee. After studying the issue, the Committee recommended the permissive award of attorney fees to the prevailing party in civil contempt of court proceedings, and the Council agreed. The Law Institute submitted its recommendation to the Louisiana Legislature as HB 285 of the 2016 Regular Session.

In addition to the granting of attorney fees in civil contempt of court proceedings, HB 285 of the 2016 Regular Session also proposes to extend the time delays for responding to discovery requests, to clarify the enforcement of foreign and domestic judgments, to provide for the commencement of the suspensive appeal delay from the service of the notice of seizure in an executory process, and to clarify the required contents of the notice of seizure of property.

D. CONTINUOUS REVISION OF THE CRIMINAL CODE AND CODE OF CRIMINAL PROCEDURE

In response to changes in society and from the legislature and the courts, the Criminal Code and Code of Criminal Procedure Committee exercises continuing oversight of these Codes to keep our laws current. Judge Frank Foil and Judge Robert Morrison, III serve as Co-Chairmen of the Committee, which was under the guidance of Reporter Cheney C. Joseph, Jr. until his resignation in the fall of 2015.

HCR 3 of the 2012 Regular Session requested that the Law Institute study and make recommendations for the revision of laws regarding expungement. The Law Institute assigned this project to the Criminal Code and Code of Criminal Procedure Committee. After years of study in conjunction with the Law Institute, HB 55 of the 2014 Regular Session was introduced by Representative Lopinto, the author of the Resolution to the Law Institute, as a comprehensive revision of the law on expungement. The bill, though not a Law Institute submission, was ultimately enacted by Acts 2014, No. 145.

SCR 97 of the 2013 Regular Session requested that the Law Institute study and make recommendations relative to the issue of whether the Code of Criminal Procedure should contain responsive verdicts for the crime of aggravated incest. The Law Institute assigned this project to the Criminal Code and Code of Criminal Procedure Committee. In December of 2013, the Law Institute submitted an interim report to the Louisiana Legislature to provide information relative to the progress of this study.

HCR 90 of the 2012 Regular Session directed the Law Institute to study the feasibility of assessing filing fees for applications of postconviction relief. In response to this resolution, the Law Institute assigned the project to the Criminal Code and Code of Criminal Procedure Committee. In February of 2013, the Law Institute submitted an interim report to the Louisiana Legislature to provide information relative to the progress of this study.

HCR 26 of the 2014 Regular Session urged and requested the Law Institute to study and make recommendations concerning gun ownership rights of persons who have attempted suicide. The Law Institute assigned this project to the Criminal Code and Code of Criminal Procedure Committee. After study by the Committee and presentation to the Council, the Law Institute submitted a report to the Louisiana Legislature in January of 2015 detailing why no additional proposed legislation was recommended.

HR 149 of the 2014 Regular Session requested the Law Institute to evaluate Louisiana's "stand your ground" laws. The Law Institute assigned this project to the Criminal Code and Code of Criminal Procedure Committee. After study by the Committee and presentation to the Council, the Law Institute submitted a report to the Louisiana Legislature in January of 2015 recommending retention of the state's current "stand your ground" provisions.

HR 148 of the 2015 Regular Session directed the Law Institute to study the issue of adding assault on a school teacher and battery of a school teacher to the list of crimes of violence. SCR 16 of the 2015 Regular Session directed the Law Institute to establish a working group to study laws relative to marijuana and make recommendations to protect public safety, hold offenders accountable, and control costs to the criminal justice system. The Law Institute assigned both of these projects to the Criminal Code and Code of Criminal Procedure Committee. In February of 2016, the Law Institute submitted interim reports to the Louisiana Legislature to provide information relative to the progress of these studies.

SCR 100 of the 2015 Regular Session requested the Law Institute to study the impact on reducing the delays in carrying out a capital punishment sentence. The Law Institute assigned this project to the Criminal Code and Code of Criminal Procedure Committee. In January of 2016, the Law Institute submitted an interim report to the Louisiana Legislature to provide information relative to the progress of this study. The Committee has formed a Postconviction Relief Subcommittee that is currently in the process of drafting legislation to comprehensively revise the Code of Criminal Procedure articles on both capital and noncapital postconviction. The Committee plans to propose this comprehensive revision, which would satisfy both 2015 SCR 100 and 2012 HCR 90, in time for the 2017 Regular Session.

E. MINERAL CODE

The initial work of the Law Institute in preparing the Mineral Code, which was enacted by Acts 1974, No. 50, has been completed, and little change has been required over the years since its enactment. Nevertheless, the Law Institute has been assigned two issues relative to mineral rights in recent years, one dealing with legacy disputes, and the other dealing with unsolicited offers. A detailed summary of the Law Institute's work on both of these projects can be found below.

F. THE CHILDREN'S CODE

The Louisiana Children's Code was enacted into law by Acts 1991, No. 235. Act 235 of the 1991 Session further provided that the Louisiana State Law Institute shall direct and supervise the continuous revision, clarification, and coordination of the Children's Code. The Law Institute was also directed to prepare comments and explanatory notes to the provisions of the Code. Extensive comments were prepared under the direction of Professor Lucy McGough, Reporter for the Children's Code Committee of the Law Institute, and now appear in West Publishing's two-volume Children's Code. Since Professor McGough's retirement, Karen Hallstrom and Isabel Wingerter have served as Co-Reporters of the continuous revision Children's Code Committee.

In November of 2011, the Council adopted the Committee's report proposing legislation dealing with expungement of juvenile records. However, SB 154 of the 2012 Regular Session, which contained those proposals, did not attract sufficient support to pass out of committee. The Children's Code Committee has since been revising the proposal and plans to submit legislation in 2017.

In 2014, the Law Institute filed HB 445 relative to adoptions. In intrafamily adoptions, only certain relatives may petition for adoption. This bill provided that proof of a father's filiation in accordance with the Civil Code permits the filiated father's relative to petition for intrafamily adoption but does not necessitate the father's consent to the adoption unless it is specifically required by law. The bill was ultimately enacted as Acts 2014, No. 169.

In 2015, the Law Institute filed HB 385 regarding mandatory reporters of child abuse. At the time, present law defined "mandatory reporter" to include a mental health/social service practitioner who provides mental health care or social service diagnosis, assessment, counseling, or treatment, including a psychiatrist, psychologist, marriage or family counselor, social worker, member of the clergy, aide, or other individual who provides counseling services to a child or his family. HB 385 added an exception to the definition for mental health/social service practitioners serving as part of the legal team rendering legal services to a child in an action arising out of the Children's Code if the practitioner meets certain criteria. The bill also requires mental health/social service practitioners who are not considered mandatory reporters to retain the documentation of alleged abuse until one year after the child has reached the age of majority. The bill was ultimately enacted as Acts 2015, No. 217.

HCR 85 of the 2011 Legislative Session asked the Law Institute to study the procedures regarding the obtaining of information by an adopted person relative to their biological parents. The project was assigned to the Children's Code Committee, which issued a partial response to the resolution during the 2013 Regular Session, which was ultimately enacted as Acts 2013, No. 86. In further response to the resolution, the Committee has reintroduced the confidential

intermediary proposal as HB 3916 of the 2016 Regular Session, which was first brought to the legislature in 2004 as HB 372.

HCR 117 of the 2015 Regular Session directed the Children's Code Committee to study the issue of restitution in delinquency cases and to report its findings to the Legislature. The Committee concluded that existing law is sufficient to allow courts to order reasonable restitution in delinquency proceedings and to hold parents civilly liable for damage occasioned by their minor children. As a result, a final report to that effect was submitted to the Louisiana Legislature in January of 2016. However, the Committee acknowledged that the existing restitution articles could be amended to provide that the quantum of any economic restitution must be limited to the child's ability to pay, to provide for a hearing regarding the amount of damages, and to provide an offset against restitution when a civil action leads to the recovery of economic loss. Therefore, the Committee will continue to study this issue and will report if it devises a constitutional process for a juvenile court to order a parent to pay restitution in a delinquency proceeding.

HCR 125 of the 2015 Regular Session requests the Law Institute to study and make recommendations regarding Louisiana's laws and policies relative to continuing contact by parents and other relatives with children who are subjects of child in need of care proceedings. The Law Institute assigned this project to the Children's Code Committee, which formed a special subcommittee that has conducted research and identified issues and deficiencies under the current policies of the Department of Children and Family Services and in existing law. An interim report was filed with the Louisiana Legislature in February of 2016, and the Committee will continue meeting to complete its ongoing work.

G. TRUST CODE

After years of work by the Law Institute Trust Code Committee and the Council, the Louisiana Trust Code was enacted by Acts 1964, No. 338. Today, Professor Ronald J. Scalise, Jr. serves as Reporter for the Trust Code Committee.

SR 8 of 2011 requested that the Law Institute study revising state law to authorize the creation of testamentary and inter vivos trusts to provide for the care of an animal. The Law Institute assigned this project to the Trust Code Committee, which submitted HB 439 of the 2015 Regular Session to provide for revisions to the Trust Code as well as for trusts for the care of an animal. The bill was ultimately enacted by the Louisiana Legislature as Acts 2015, No. 219.

HCR 168 of 2013 directed the Law Institute to study and review the Louisiana Trust Code and to make a determination as to whether it should be amended to provide for asset protection trusts, silent trusts, directed trusts, and any other types of trusts that have been adopted in other states that could be helpful to Louisiana citizens. Based on the nature of the resolution the Law Institute assigned this project to the Trust Code Committee, which submitted a report to the Louisiana Legislature in December of 2014. In that report, the Committee recommended

against amending Louisiana law to accommodate either asset protection trusts or silent trusts, but concluded that several features of directed trusts could benefit Louisiana residents. As a result, the Committee made a series of recommendations not only to accommodate some of the beneficial features of directed trusts through the concept of independent trustees, but also to expand the concept of class trusts, broaden the settlor's ability to delegate the right to modify, facilitate the trustee's ability to terminate certain uneconomic trusts, and clarify the trustees ability to delegate certain duties, among others. These recommendations, together with pet trusts, were included in HB 439 as proposed revisions to the Trust Code and were ultimately enacted in Acts 2015, No. 219.

At the end of its December 2014 report to the legislature, the Trust Code Committee expressed its intent to continue its ongoing work to propose revisions for the improvement of Louisiana trust law. To that end, the Committee received approval of its proposed revisions from the Law Institute's Council and submitted HB 286 of the 2016 Regular Session.

H. THE LOUISIANA CODE OF EVIDENCE

The Evidence Committee and Council completed a draft article on the "Identity of Informant" testimonial privilege. A special subcommittee consisting of interested district attorneys and criminal defense lawyers, as well as law professors, met many times to come to a compromise. The proposal was approved by the advisory committee and after review by the Council, a bill was introduced during the 1995 legislative session. The bill was enacted by the Louisiana Legislature as Acts 1995, No. 1040 to complete Chapter 5 on Privileges.

The Evidence Code Reporters codified the law of evidentiary presumptions and its effect on the burden of proof. This elusive area proved to be very difficult to draft due to the jurisprudential confusion and uncertainty surrounding the subject. However, the Council ultimately approved the articles on Presumptions, which were enacted by Acts 1997, No. 577. The Presumptions bill marked the completion of the Code of Evidence Project, and the Code has been well received by the bench and bar and since its adoption.

I. MAINTENANCE AND ORGANIZATION OF THE LAWS OF LOUISIANA

The Law Institute maintains the Revised Statutes and other laws of Louisiana pursuant to the continuous revision authority of R.S. 24:251 et seq. After each legislative session, the staff, under the direction of the Revisor of Statutes, reviews each Act and adopted Resolution, sorts them by Title and Code, corrects errors, identifies conflicting provisions, and designates and redesignates sections of the Revised Statutes and articles of the Codes as necessary for an orderly disposition of the laws. All of this work is conducted in preparation for the printing of the Revised Statutes and Codes. Between legislative sessions, the Law Institute works closely with the Capitol staff and the publishers to keep the printed statutes as up-to-date as possible and to ensure the accuracy of interim publications of the laws of Louisiana.

J. SPECIAL PROJECTS

1. Adult Guardianship Committee

SCR 36 of 2012 requested that the Law Institute study and make recommendations regarding the inclusion of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act into Louisiana law. In response to this resolution, the Law Institute created the Adult Guardianship Committee and placed it under the direction of Professor J. Randall Trahan. The Committee submitted a report to the legislature in March of 2016 that included proposed recommendations for incorporating the UAGPPJA into Louisiana law, which the Law Institute submitted as SB 94 of the 2016 Regular Session.

2. Alternative Dispute Resolution Committee

SR 157 of 2012 requested that the Law Institute study the Louisiana Binding Arbitration Act to determine what recommendations may improve arbitration contracts in Louisiana so that arbitration proceedings take less time and are not prohibitively expensive, including whether "loser-pay" provisions may assist in decreasing time and expense of the arbitration process, whether reasonable limits may be imposed on what constitutes "pertinent evidence" under R.S. 9:4210 for an arbitrator to consider, and whether other recommended changes to Louisiana's arbitration laws may help to make arbitration a more efficient and cost-effective process for participants in Louisiana.

In response to this resolution, the Law Institute created the Alternative Dispute Resolution Committee and placed it under the direction of Emmett C. Sole as Chair and Professor Edward Sherman as Reporter. The Law Institute submitted an interim report to the Louisiana Legislature in February of 2013 to provide information relative to the progress of this study. Since that time, the Committee made a presentation to the Law Institute's Council, but the work is still ongoing.

3. Bail Bond Procedure Revision Committee

SR 111 of the 2013 Regular Session requested that the Law Institute perform a comprehensive study of Louisiana bail laws and procedures and make recommendations as necessary for the modernization of bail practices. In response to this resolution, the Law Institute created the Bail Bond Procedure Revision Committee and placed it under the direction of Judge Guy Holdridge. The Committee began by making extensive substantive revisions to the Code of Criminal Procedure Articles on forfeiture as well as related provisions in the Revised Statutes. During the course of its work, the Committee also considered several different reorganization proposals for the articles in Title VIII of the Code of Criminal Procedure on bail. As these articles were reorganized, the Committee also made substantive amendments in order to modernize Louisiana bail laws and procedures. Based on Council approval of the Committee's

work, the Law Institute submitted the proposed revisions as SB 123 of the 2016 Regular Session and also submitted a report to the Louisiana Legislature in March of 2016.

4. Birth Certificates Committee

HCR 189 of 2010 requested the Law Institute to study all laws relative to birth certificates and filiation and to make recommendations to resolve any conflict between the laws relative to birth certificates and the laws relative to filiation. In response to this resolution, the Law Institute created the Birth Certificates Committee and named Professor J. Randall Trahan as its Reporter. Based on the Committee's work, the Law Institute submitted HB 449 of the 2016 Regular Session.

5. Child Support Committee

Pursuant to HCR 42 of the 2004 Regular Session, a committee was organized under the leadership of Judge Lisa Woodruff-White to study issues relating to child support in multiple families and to recommend improvements of the law. In response to this resolution and others, the Child Support Committee has continued its work for over a decade.

SCR 98 of 2012 requested that the Law Institute study and make recommendations regarding certain aspects of child support calculations involving net child care costs. The Law Institute assigned this project to the Child Support Committee, which studied the issue and presented its recommendations to the Council. Based on Council approval of the Committee's work, the Law Institute submitted SB 85 of the 2014 Regular Session to provide for consideration of certain child care expenses for purposes of child support when the expenses are incurred by a parent receiving job training or education. The Louisiana Legislature enacted the proposals as Acts 2014, No. 134.

HCR 156 of 2012 requested that the Law Institute study certain procedures for implementing visitation orders in conjunction with support orders and to report its findings and recommendations in the form of specific proposed legislation to the legislature. In response to this resolution, the Law Institute assigned this project to the Child Support Committee, which submitted a report to the Louisiana Legislature in November of 2015. In that report, the Committee recommended two solutions: first, that the Legislature encourage family court judges to alert parties to a child support action of the existence of R.S. 9:315.25, which provides that in any proceeding for child support a court can hear and determine any issue relating to the custody or visitation with the child; and second, that the citation or notice currently issued by the clerk of court in child support proceedings be modified to include specific language substantially similar to that provided in the proposed legislation submitted with the report. In accordance with these recommendations, the Law Institute also submitted the proposed legislation as HB 259 of the 2016 Regular Session.

6. Common Interest Ownership Regimes Committee

SCR 104 of the 2014 Regular Session requested the Louisiana State Law Institute to study and make recommendations regarding Louisiana's three common interest community statutes—the Condominium Act, the Timesharing Act, and the Homeowners Association Act. In response to this resolution, the Law Institute created the Common Interest Ownership Regimes Committee and named Professor Christopher K. Odinet as its Reporter. The Committee decided to first take up the Homeowners Association Act, since it is the most recently enacted and also the most lacking in substance.

The Law Institute submitted an interim report to the Louisiana Legislature in November of 2015 to provide an update with respect to the status of this project. Although the Committee has made significant progress in formulating revisions to this statute, its work is still ongoing. The Committee plans to present its work to the Law Institute Council in the fall of 2016.

7. Corporations Committee

HCR 146 of 2008 requested the Law Institute to study and make recommendations on the revision, reorganization, and consolidation of the Louisiana laws on corporations and to include consideration of the adoption of the Model Business Corporation Act. Pursuant to this resolution, the Law Institute formed the Corporations Committee and placed it under the direction of Professor Glenn Morris.

After years of work by the Corporations Committee, the Law Institute introduced HB 408 of the 2013 Regular Session, relative to the Model Business Corporations Act. However, the bill died near the end of the session. Over the course of the next year, the Corporations Committee continued to review the Model Business Corporation Act and reintroduced proposed legislation to enact the Louisiana Business Corporation Act, this time as HB 319 of the 2014 Regular Session. The Louisiana Legislature ultimately adopted the Law Institute's recommendations in Acts 2014, No. 328.

Since the enactment of the Louisiana Business Corporation Act, the Corporations Committee has continued meeting to make both technical corrections and substantive improvements to the legislation, including eliminating the requirement of providing for acceptance of the protection against officer and director liability in the articles of incorporation, allowing for prospective limitations or eliminations of the duty to offer business opportunities to the corporation, providing for remote participation in shareholders' meetings, clarifying the rules with respect to modification of voting and quorum requirements for shareholders, and creating a transitional rule for corporations whose articles of incorporation contain "opt in" exculpation provisions under former law, among others. Based on the Committee's work, the Law Institute submitted HB 714 of the 2016 Regular Session.

HR 136 of the 2015 Regular Session requested the Law Institute to study and make recommendations with respect to the implementation of laws relative to minority shareholders in closely held corporations. HCR 141 of the 2015 Session requested the Law Institute to study and make recommendations regarding revision of the laws of limited liability companies, nonprofit corporations, and other business entities in the state of Louisiana. The Law Institute assigned both of these projects to the Corporations Committee, and the Committee's work with respect to each of these issues is ongoing.

8. Disabled Adult Children Committee

HCR 32 of 2013 requested that the Law Institute review the child support guidelines, the law as applied to children with developmental disabilities, and the laws regarding custody and visitation for developmentally disabled adult children, and consider extending child support beyond age twenty two and providing for custody and visitation between those children and their parents in the event of a divorce, and report its findings and recommendations in the form of specific proposed legislation to the Louisiana Legislature. In response to this resolution, the Law Institute created the Disabled Adult Children Committee and named Professor Andrea Carroll as its Reporter. Based on the Committee's work, revisions consistent with the resolution were enacted by the Louisiana Legislature in Acts 2014, No. 379.

9. Electronic Signatures Study Group

SCR 6 of the 2013 Regular Session requested that the Law Institute study and make recommendations on the feasibility of requiring clerks of court to accept electronic signatures on documents for filing with the court. Similarly, HCR 218 of the 2015 Regular Session requested that the Law Institute study and make recommendations regarding the adoption of an electronic notary law. In response to these resolutions, the Law Institute created the Electronic Signatures Study Group and placed it under the direction of facilitator Michael S. Evanson of the Louisiana Supreme Court. Background technical and legal research is currently being compiled, and the Study Group plans to hold its first meeting in April of 2016.

10. HCR 162 – Expropriation Committee

HCR 162 of the 2014 Regular Session authorized the Law Institute to make recommendations for the disclosure of information to landowners whose property is subject to expropriation. In response to this resolution, the Law Institute created the HCR 162 – Expropriation Committee and placed it under the direction of Reporter Kay Medlin. The Committee submitted a report to the Louisiana Legislature in November of 2015 detailing its recommended proposal to provide for disclosures of information to property owners by expropriating authorities, other than the state or its political corporations or subdivisions, prior to the making of an offer to acquire an interest in property. Based on the Committee's work, the Law Institute submitted the proposed legislation accompanying this report as HB 313 of the 2016 Regular Session.

11. Landlord-Tenant Committee

SCR 131 of the 2014 Regular Session requested the Law Institute to study and make recommendations regarding laws applicable to the rights of landlords and residential tenants. In response to this resolution, the Law Institute created the Landlord Tenant Committee and named Professor Melissa T. Lonegrass as its Reporter. The Committee decided to first take up the issues of security deposits, eviction, and domestic violence protections. Based on the Committee's work, the Law Institute submitted an interim report to the Louisiana Legislature in December of 2015 to provide an update with respect to the status of this project. The Committee plans to present its work to the Law Institute Council in the spring of 2016 and will submit its report to the Louisiana Legislature once the project is complete.

12. Lease of Movable Act Committee

HCR 184 of the 2015 Regular Session requested the Law Institute to study and make recommendations regarding the Louisiana Lease of Movable Act and related laws, including but not limited to changes in the law governing such transactions and the need to update the law to reflect present-day commercial and consumer practices. In response to this resolution, the Law Institute created the Lease of Movable Act Committee and named Robert P. Thibeaux as its Reporter. The Committee held its first meeting in November of 2015, and the work is ongoing.

13. Lesion Beyond Moiety Committee

HCR 63 of the 2014 Regular Session authorized and directed the Law Institute to study and make recommendations regarding the law of lesion beyond moiety. In response to this resolution, the Law Institute created the Lesion Beyond Moiety Committee and named Professor J. Randall Trahan as its Reporter. The Committee first conducted research into the law of lesion in Louisiana and in other civil law and mixed jurisdictions and has since met several times to determine deficiencies in current law and devise possible remedies for those deficiencies. The Committee provided the Law Institute Council with an update of its progress in October of 2015.

The Committee concluded that additional research is required, particularly with respect to the law of lesion in other civil law and mixed jurisdictions and the law of unconscionability in the rest of the United States. The Committee hopes that this research will point to possible solutions to the problems currently plaguing Louisiana's law of lesion. Although the Committee has made progress in formulating revisions to the law of lesion beyond moiety, the work is still ongoing. Based on the Committee's work thus far, the Law Institute submitted an interim report to the Louisiana Legislature in December of 2015 to provide an update with respect to the progress of this study.

14. Mineral Law – Legacy Disputes Committee

SR 84 of the 2013 Regular Session requested that the Law Institute study the feasibility and constitutionality of utilizing alternative dispute resolutions as a means of resolving “legacy” disputes and report its recommendations to the Senate. In response to this resolution, the Law Institute created the Mineral Law – Legacy Disputes Committee and placed it under the direction of Professor Keith Hall as Reporter. Based on the Committee’s work, the Law Institute proposed legislation in the form of SB 134 of the 2015 Regular Session, which the Louisiana Legislature ultimately enacted as Acts 2015, No. 448.

15. Mineral Law – Unsolicited Offers Committee

SR 118 of the 2013 Regular Session requested that the Law Institute study and make recommendations for regulation on unsolicited offers for the transfer, sale, and lease of mineral rights. In response to this resolution, the Law Institute created the Mineral Law – Unsolicited Offers Committee and placed it under the direction of Professor Melissa T. Lonegrass as Reporter. The Law Institute submitted an interim report to the Louisiana Legislature in December of 2013 to provide an update with respect to the status of this project.

After years of work, the Committee ultimately concluded that the Sale of Mineral Rights by Mail Solicitation Act should be enacted to provide for definitions, proper form, and required disclosures for sales of mineral rights by mail solicitation, as well as to provide for rescission of such sales and its mechanics and effects as well as prohibited terms. The Committee received approval of its final proposal from the Law Institute’s Council and will submit proposed legislation as well as its report to the Louisiana Legislature during the 2016 Regular Session.

16. Persons with Disabilities

HCR 88 of the 2011 Regular Session requested a study evaluating the terminology used to refer to persons with disabilities. The resolution requested the Law Institute to propose alternative terminology to be used prospectively, to identify terms currently appearing in the law that convey negative or derogatory perceptions of persons with disabilities and recommend substitute language for these provisions, and to identify provisions of the law where substitutions of the language cannot be made because the substitution would alter or render ambiguous the substantive meaning of the current provision. In accordance with this resolution, the Law Institute submitted its report to the Louisiana Legislature in June of 2013. The Louisiana Legislature then enacted HB 63 of the 2014 Regular Session, which was based in part on the Law Institute's report, as Acts 2014, No. 811.

17. Prescription Committee

HCR 28 of the 2011 Regular Session requested that the Law Institute study agreements to voluntarily extend liberative prescriptive periods. In response to this resolution, the Law Institute created the Prescription Committee and placed it under the leadership of Professor Ronald J. Scalise, Jr. The Committee submitted proposed legislation in response, which was enacted during the 2013 Regular Session.

SCR 105 of the 2015 Regular Session requested the Law Institute to study and make recommendations regarding whether the Constitution of Louisiana should be amended to provide that mineral interests of the state, school boards, or levee districts should be subject to loss by prescription or other means. The Law Institute assigned this project to the Prescription Committee, and the Committee's work is ongoing.

18. Private Use of Levee Roads Committee

SR 180 of the 2015 Regular Session requested the Law Institute to study and make recommendations regarding the feasibility of the use of levee roads by owners of enclosed estates to reach public roads. In response to this resolution, the Law Institute created the Private Use of Levee Roads Committee and named Professor John A. Lovett as its Reporter. At its first meeting in October of 2015, the Committee voted to draft a report to the Legislature that lays out all of the issues and solutions provided by present law. However, the report will not make any recommendations for specific legislation; rather, the Committee hopes that the report will educate and guide judges and practitioners. The Committee plans to submit its report to the Louisiana Legislature in the fall of 2016.

19. Security Devices Committee

In order to continue the work of Professor Thomas A. Harrell and his committee on the revision of the laws on mortgages and registry, the Law Institute created the Security Devices Committee and placed it under the direction of Reporter L. David Cromwell. During the 2014 Regular Session of the Louisiana Legislature, the Law Institute submitted SB 89, a comprehensive revision of the Civil Code Articles and Revised Statutes relative to security, pledge, and registry. This comprehensive revision based on the Security Devices Committee's work was enacted by the Louisiana Legislature as Acts 2014, No. 281.

HCR 15 of 2011 requested that the Law Institute study all laws relative to conventional, legal, and judicial mortgages and liens and make specific recommendations as to the advisability of revising state laws in order to create a purchase money special mortgage. In response to this resolution, the Law Institute assigned this project to the Security Devices Committee. Based on the Committee's extensive research and study, the Law Institute submitted a report to the Louisiana Legislature in November of 2014 recommending against changing Louisiana's mortgage ranking rules to grant special priority to purchase money mortgages.

HCR 93 of 2012 requested that the Law Institute study creating procedures that would enable a surety to take possession of collateral in certain circumstances. In response to this resolution, the Law Institute assigned this project to the Security Devices Committee. Based on the Committee's extensive research and study, the Law Institute submitted a report to the Louisiana Legislature in September of 2015 recommending against the adoption of legislation that would create a special right of repossession in favor of sureties and cautioning against granting sureties any rights of self-help.

SCR 102 of the 2015 Regular Session requested the Law Institute to study and make recommendations regarding whether an assignment or transfer of a mortgage loan on residential real property should be required to be recorded in the appropriate mortgage or conveyance records in order to be effective as to third parties. Based on the subject matter of this resolution, the Law Institute assigned this project to the Security Devices Committee, and work is ongoing.

20. Summary Judgment Subcommittee

At the request of Representative Neil Abramson and as a result of the arising need for improvements with respect to Code of Civil Procedure Article 966 relative to summary judgment, the Law Institute created the Summary Judgment Subcommittee and placed it under the direction of Judge Guy Holdridge. Based on the Subcommittee's work, the Law Institute submitted HB 696 of the 2015 Regular Session, which the Louisiana Legislature ultimately enacted as Acts 2015, No. 422.

21. Tax Sales Committee

SR 109 of 2012 requested that the Law Institute study and make recommendations regarding the laws relative to sheriff's tax sales in Orleans Parish. SR 40 of 2013 requested that the Law Institute study and make recommendations regarding the feasibility of authorizing tax lien sales as a replacement or alternative to tax sale certificates. In response to these resolutions, the Law Institute created the Tax Sales Committee and named Stephen G. Sklamba as its Reporter. The Law Institute submitted an interim report to the Louisiana Legislature in January of 2014 to provide information relative to the progress of this study.

Since that time, the Tax Sales Committee has continued its work on the project and has made multiple presentations to the Law Institute Council. The Committee is finalizing its proposed amendments to Article VII, Section 25 of the Louisiana Constitution as well as related provisions of Title 47 of the Revised Statutes. The Committee plans to present these materials to the Council again in May of 2016 with hopes of proposing legislation for the 2017 Regular Session.

22. Title 33 Revision Committee

HCR 218 of the 2009 Regular Session requested that Louisiana State Law Institute study and make recommendations regarding Title 33 of the Louisiana Revised Statutes relative to municipalities and parishes. In response to this resolution, the Law Institute created the Title 33 Revision Committee, and Retired Judge Walter Lanier was appointed to serve as the Committee's Reporter.

In 2011, Act 248 was enacted to provide for the repeal of statutes that are no longer effective and for the transfer of certain statutes to other Titles of the Revised Statutes. In 2012, the Council approved the Committee's recommendation to repeal certain statutes dealing with the power of local governments to punish vagrancy and laying out public roads by a jury of freeholders, which were obsolete and ineffective. During the 2012 Regular Session, the legislature passed Act 86 which contained the Committee's recommended repeal of those statutes.

Presently, the Committee continues its work under the direction of Jimmy Dimos as Chair and Tina Righteous as Reporter. The Committee hopes to submit additional proposed legislation during the Louisiana Legislature's 2017 Regular Session.

23. Unconstitutional Statutes Committee

Acts 2014, No. 598 enacted La. R.S. 24:204(A)(10), which provides that it shall be the duty of the Law Institute to make recommendations to the legislature on a biennial basis for the repeal, removal, or revision of provisions of law that have been declared unconstitutional by final and definitive court judgment. In fulfillment of this requirement, the Law Institute created the Unconstitutional Statutes Committee and placed it under the direction of Reporter Charles S. Weems. The Committee received final approval of its work from the Law Institute's Council and submitted its first Biennial Unconstitutional Statutes Report to the Louisiana Legislature.

24. Uniform Commercial Code

The adoption of revised Article 9 of the Uniform Commercial Code on Secured Transactions before the national deadline of July 1, 2001 was very important for the state of Louisiana so that the entire nation could operate under one uniform set of laws. The Law Institute devoted a considerable amount of time to study how to mesh this uniform statute with Louisiana's civil law concepts. Conflicting statutes had to be repealed, terminology changed, and important policy decisions made before the Uniform Act could be integrated into Louisiana law. Under the leadership of Reporter James A. Stuckey, the Law Institute was able to complete the statute in a timely fashion and draft Comments to aid the legal, financial, and commercial communities in understanding the changes being made to Louisiana law and the differences in the Act from the national model. The Law Institute proposal was enacted during the 2001 legislative session by Acts 2001, No. 128.

Since enactment of the statute, the UCC Committee undertook the task of implementing the most recent revisions of the UCC into the law of Louisiana. The Law Institute submitted HB 611 of the 2014 Regular Session relative to the electronic transfer of funds, which was ultimately enacted as Acts 2014, No. 520.

25. Unpaid Wages Committee

HCR 76 of 2012 requested the Law Institute to study procedures for the filing of liens for unpaid wages and to make specific recommendations for legislation. In response to this resolution, the Law Institute originally assigned this project to the Security Devices Committee. In December of 2013, that Committee submitted an interim report to the Louisiana Legislature to provide information with respect to the Committee's progress.

Upon consideration and discussion of alternate administrative remedies and amendments to the existing Labor Code in lieu of a general wage lien, the Security Devices Committee determined that it was not the appropriate committee to handle this issue. As a result, the Law Institute created the Unpaid Wages Committee and placed it under the direction of Reporter Luz Molina. The Unpaid Wages Committee has been meeting since August of 2014 and has made two presentations to the Law Institute Council. The Committee plans to introduce legislation for the 2017 Regular Session.

26. Utility Servitudes Committee

In response to Acts 2012, No. 739, the Law Institute created the Utility Servitudes Committee and placed it under the direction of Professor A.N. Yiannopoulos. The Committee recommended proposed legislation during the 2014 Regular Session as HB 615, but the bill was deferred. The Committee again recommended proposed legislation during the 2015 Regular Session as HB 196, but during the legislative process, the bill was amended to remove the recommendation of the Law Institute, and the bill did not pass. Professors Yiannopoulos and Ronald J. Scalise, Jr. hope to reconvene the Committee to consider resubmission of the proposed legislation in light of this legislative action.

27. Water Law and Water Code Committees

SCR 53 of the 2012 Regular Session requested that the Law Institute study and make recommendations regarding legal issues surrounding groundwater and surface water law and any needs for revisions to current law. The Law Institute assigned this project to the Water Law Committee, which was placed under the direction of Professor Dian Tooley-Knoblett. Based on the Committee's extensive research, the Law Institute submitted a 97-page report to the legislature in March of 2014 recommending that a Louisiana State Law Institute Water Code Committee be created with a view towards the development of a comprehensive Water Code that integrates all of Louisiana's water resources.

SR 171 of the 2014 Regular Session requested the Law Institute to create a Water Code Committee in order to develop proposed legislation establishing a comprehensive Water Code that integrates all of Louisiana's water resources. In fulfillment of this request, the Law Institute created a Water Code Committee and placed it under the supervision of Reporter Mark S. Davis. The Resolution also requires the Committee to provide annual reports to the Legislature not later than February first of each year indicating its status in developing a comprehensive Water Code for Louisiana. To that effect, the Law Institute submitted its annual report to the Louisiana Legislature in January of 2016 to provide information relative to the progress of this project.

IX. ANNUAL MEETINGS

One of the purposes of the Louisiana State Law Institute under its Legislative Charter is to conduct an annual meeting for the scholarly discussion of current problems in our law. The annual meetings held in March 2014 and March 2015 were held as working meetings of the Council.

X. GENERAL COMMENTS

The governing authority of the Louisiana State Law Institute is its Council. No recommendation is submitted to the Louisiana Legislature without Council approval. From its creation in 1938 to its meeting in March of 2016, the Council has held hundreds of meetings. We have estimated that 35,000 people have attended these meetings and have donated approximately 175,000 hours of work. The members of the Council and the various committees receive no compensation for the important services they render. Expenses incurred in attending Council meetings are presently reimbursed on a limited basis to cover hotel accommodations, meals, and actual transportation expenses, all of which form a considerable portion of the Law Institute budget.

The central research staff of the Law Institute currently consists of the Coordinator of Research, Mr. H. "Hal" Mark Levy, and three full-time staff attorneys, Mrs. Jessica Braun, Ms. Claire Popovich, and Mrs. Mallory Waller. The experience and expertise of our staff have proved indispensable to the Law Institute's work.

The Louisiana State Law Institute expresses its appreciation to the members of the Louisiana Legislature for their continued support, which has enabled the Law Institute to undertake its mission of research, revision, and reform in a thorough and scientific fashion. As previously mentioned, the members of the Council are all highly qualified members of the legal profession and are contributing their time without compensation.