

LOUISIANA STATE LAW INSTITUTE

THE FORTY-FOURTH BIENNIAL REPORT OF THE LOUISIANA STATE LAW INSTITUTE

Prepared for the
Louisiana Legislature on

April 20, 2026

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 Louisiana Legislature, the Louisiana State Law Institute (“Law Institute”) submits its forty-third biennial report to the Louisiana Legislature.

I. PURPOSES

The 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.

- D. Any member of the Institute who is serving an active period of suspension from the practice of law for one year or less shall not, without further action by the Council, be a member of the Institute until reinstated.
- E. Any member of the Institute who is disbarred or is serving an active period of suspension from the practice of law for more than one year shall, without further action by the Council, no longer be a member 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, the Director of the Institute, and an Assistant 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. Senior Officers
 - 1. 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.
 - 2. A Senior Officer who has not attended a Council meeting for any period of three (3) consecutive years commencing January 1, 2020, shall, without further action by the Council, be reclassified as having emeritus honorary status. An emeritus honorary status person shall remain a member of the Council but shall have no voting privileges and shall not be counted for quorum purposes unless the member's voting privileges are later reinstated by a majority vote of the Executive Committee.
- 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 (except as provided in O. above), 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.
- B. The Assistant Director shall serve as the Director of the Institute in the event of the Director's unavailability, resignation, illness, incapacity, or death, and shall exercise all responsibilities of the Director in such event.

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:

Leo C. Hamilton	President
L. David Cromwell	Chair
Thomas M. Hayes, III	Chair Emeritus
Rick J. Norman	Chair Emeritus
Susan G. Talley	Chair Emeritus
John David Ziober	Chair Emeritus
	Assistant Treasurer
James C. Crigler, Jr.	Chair Emeritus
J. David Garrett	Chair Emeritus
Charles S. Weems III	Chair Emeritus
	Assistant Director
Cordell H. Haymon	Chair Emeritus
Marilyn C. Maloney	Chair Emeritus
Thomas M. Bergstedt	Chair Emeritus
Emmett C. Sole	Chair Emeritus
Kay C. Medlin	Vice President
Marguerite "Peggy" L. Adams	Vice President
James A. Stuckey	Vice President
L. Kent Breard	Vice President
Guy Holdridge	Director
Andrea B. Carroll	Assistant Secretary
Melissa T. Lonegrass	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 several 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

ANDREA B. CARROLL
Baton Rouge

DAWN B. AMACKER
Covington

JAMES J. CARTER
New Orleans

TAYLOR B. ASHWORTH
Baton Rouge

ROBBY CARTER
Amite

KATHRYN (KATIE) E. BELANGER
Metairie

JAMES C. CRIGLER, JR.
Baton Rouge

THOMAS M. BERGSTEDT
Sulphur

ANNE J. CROCHET
Baton Rouge

DAVID F. BIENVENU
New Orleans

L. DAVID CROMWELL
Shreveport

SHELTON D. BLUNT
Baton Rouge

KEVIN C. CURRY
Baton Rouge

DANIELLE L. BOREL
Baton Rouge

ZACHARY T. DANIELS
Baton Rouge

L. KENT BREARD
Monroe

JOSHUA J. DARA, JR.
Alexandria

DORRELL J. BRISTER
Alexandria

JUNE BERRY DARENSBURG
Gretna

BRANDON B. BROWN
Shreveport

BLAKE R. DAVID
Lafayette

JAMES J. DAVIDSON, III
Lafayette

GEORGE "TRIPPE" HAWTHORNE
Baton Rouge

NIKOLAOS A. DAVRADOS
Baton Rouge

THOMAS M. HAYES, III
Monroe

ANDRE' DOGUET
Lafayette

CORDELL H. HAYMON
Baton Rouge

TRACEY E. FLEMINGS-DAVILLIER
New Orleans

CHRISTOPHER B. HEBERT
Baton Rouge

WILLIAM R. FORRESTER, JR.
New Orleans

LILA T. HOGAN
Hammond

ANGELIQUE D. FREEL
Baton Rouge

GUY HOLDRIDGE
Baton Rouge

J. DAVID GARRETT
Shreveport

C. FRANK HOLTHAUS
Baton Rouge

ISAAC M. "MACK" GREGORIE
Baton Rouge

BENJAMIN W. JANKE
New Orleans

MATEUSZ F. GROCHOWSKI
New Orleans

COLLEEN C. JARROTT
New Orleans

GAIL GROVER
Baton Rouge

JOHN WAYNE JEWELL
New Roads

JON K. GUICE
Monroe

RACHAEL D. JOHNSON
New Orleans

LEO C. HAMILTON
Baton Rouge

ARLENE D. KNIGHTEN
Baton Rouge

BRUCE M. HAMPTON
Farmerville

ROBERT A. KUTCHER
Metairie

HARRY LANDRY, III
Baton Rouge

ELIZABETH B. MURRILL
Baton Rouge

LUKE A. LAVERGNE
Baton Rouge

NICHOLAS MUSCARELLO, JR.
Hammond

AMY ALLUMS LEE
Lafayette

FRANK X. NEUNER, JR.
Lafayette

MELISSA T. LONEGRASS
Baton Rouge

PERRY M. NICOSIA
Chalmette

JOHN A. LOVETT
Baton Rouge

RICK J. NORMAN
Lake Charles

MARILYN C. MALONEY
Houston, TX

DONALD W. NORTH
Zachary

C. WENDELL MANNING
Monroe

PATRICK S. OTTINGER
Lafayette

JAY B. MCCALLUM
Farmerville

DARREL JAMES PAPILLION
Baton Rouge

KAY C. MEDLIN
Shreveport

ALLISON H. PENZATO
Madisonville

MICHAEL MELERINE
Shreveport

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

JOSEPH W. MENGIS
Baton Rouge

H. MINOR PIPES, III
New Orleans

GREGORY A. MILLER
Norco

THOMAS A. PRESSLY
Shreveport

JOHN C. "JAY" MORRIS
West Monroe

DONALD W. PRICE
Baton Rouge

REGINA RAMSEY
Baton Rouge

MEERA U. SOSSAMON
New Orleans

MIKE REESE
Leesville

FREDERIC G. SOURGENS
New Orleans

HERSCHEL E. RICHARD, JR.
Shreveport

JAMES A. STUCKEY
New Orleans

SALLY BROWN RICHARDSON
New Orleans

MONICA T. SURPRENANT
New Orleans

CHRISTOPHER H. RIVIERE
Thibodaux

ADAM J. SWENSEK
New Orleans

CAPRICE L. ROBERTS
Baton Rouge

SUSAN G. TALLEY
New Orleans

KYLA M. ROMANACH
Baton Rouge

GEORGE J. TATE
Abbeville

AARON M. RUFFIN
Baton Rouge

MARTHA A. THIBAUT
New Orleans

GRAHAM H. RYAN
New Orleans

ROBERT P. THIBEAUX
New Orleans

DOUGLAS J. SALOOM
Lafayette

DAVID ABBOD THOMAS
Baton Rouge

RONALD J. SCALISE, JR.
New Orleans

JASON B. THROWER
Baton Rouge

KENYA J.H. SMITH
Baton Rouge

PETER S. TITLE
New Orleans

EMMETT C. SOLE
Lake Charles

ZELDA W. TUCKER
Shreveport

COURTNEY H. TURKINGTON
Metairie

EDWARD J. WALTERS, JR.
Baton Rouge

SARAH S. VANCE
New Orleans

CHARLES S. WEEMS, III
Alexandria

SHAWN D. VANCE
Baton Rouge

H. AUBREY WHITE, III
Lake Charles

J. MICHAEL VERON
Lake Charles

LISA WOODRUFF-WHITE
Baton Rouge

JAMES E. VIATOR
New Orleans

MICAH C. ZENO
New Orleans

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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, the LSU Paul M. Hebert Law Center, Southern University, and Tulane University, as well as all members of the Legislature who are licensed to practice in Louisiana. 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 elected membership consists of no more than one hundred fifty active members of the bar who have practiced for at least five years.

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 2021 TO 2026

Note: Information relative to years prior to 2021 is available at the offices of the Law Institute

A. Law Institute Recommendations for the 2021 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 39	Recusal	Adopted as Act 143
HB 81	Prescription	Adopted as Act 414
HB 108	In Forma Pauperis	Adopted as Act 416
HB 140	Civil Procedure Technology	Adopted as Act 68

HB 152	Civil Procedure Continuous Revision	Adopted as Act 259
HB 159	Domestic Abuse	Conference Committee Report not adopted
HB 164	Preliminary Default	Adopted as Act 174
HB 523	Bad Faith Insurance	Not heard by House Committee
SB 9	Children's Code Continuous Revision	Adopted as Act 158
SB 59	Risk Fee Act	Not heard by Senate Committee
SB 109	Postconviction Relief	Not heard by Senate Committee

B. Law Institute Recommendations for the 2022 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 172	Trust Code Revocable Trusts	Adopted as Act 37
HB 184	Civil Procedure Recusal	Adopted as Act 38
HB 213	Successions Automatic Revocation	Heard on House floor
HB 225	Successions Repeals	Adopted as Act 40
HB 247	Criminal Procedure Recusal	Adopted as Act 42
HB 272	Marriage-Persons Mental Health Evaluations	Adopted as Act 614
HB 360	Children's Code Continuous Revision	Adopted as Act 272
HB 403	Marriage-Persons Use and Occupancy	Adopted as Act 620

HB 560	Children’s Code Domestic Abuse Assistance	Heard by House Committee
SB 109	Planned Community Act	Not heard by Senate Committee

C. Law Institute Recommendations for the 2023 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 176	Lease of Movables	Adopted as Act 401
HB 196	Civil Procedure Summary Judgment	Adopted as Act 317
HB 220	Possessory Actions	Adopted as Act 421
HB 230	Civil Procedure Continuous Revision	Adopted as Act 5
HB 239	UCC Amendments	Withdrawn from House files
HB 455	Mineral Law	Adopted as Act 88
SB 140	Online Judicial Sales	Adopted as Act 390; LSLI recommendation removed

D. Law Institute Recommendations for the 2024 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 159	Postconviction Relief	Not heard by House Committee
HB 227	Civil Procedure Continuous Revision	Adopted as Act 371
HB 236	Mental Health Evaluations	Adopted as Act 552
HB 722	Bergeron Standard	Heard by House Committee
HB 803	Interruption of Prescription	Adopted as Act 789; no longer LSLI bill

SB 16	Civil Procedure Expert Testimony	Adopted as Act 88
SB 23	Planned Community Act	Adopted as Act 158
SB 29	Allocation of Community Property	Adopted as Act 89
SB 32	Small Successions	Adopted as Act 90
SB 39	Children’s Code Continuous Revision	Adopted as Act 92
SB 61	Limited Continuing Tutorship	Adopted as Act 123
SB 63	Factory-Built Homes	Adopted as Act 287
SB 75	Electronic Filing and Record Retention	Adopted as Act 501
SB 80	Pooled Trusts	Adopted as Act 163
SB 103	Appointment of Interpreters	Adopted as Act 32
SB 110	UCC Amendments	Adopted as Act 773
SB 188	Collaborative Family Law Act	Adopted as Act 98

E. Law Institute Recommendations for the 2025 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 140	Residential Truth in Construction Act	Heard in House Committee
HB 175	Partition of Heirs Property	Heard in House Committee
HB 178	Civil Procedure Continuous Revision	Adopted as Act 250
HB 181	Signification of Terms	Adopted as Act 488
SB 35	Enclosed Estates and Utility Servitudes	Adopted as Act 27

SB 49	Will Formalities	Adopted as Act 30
SB 67	Successions Continuous Revision	Adopted as Act 34
SB 93	Successions No-Contest Clause	Adopted as Act 39

F. Law Institute Recommendations for the 2026 Regular Session

<u>Bill No.</u>	<u>Subject</u>	<u>Final Result</u>
HB 142	Civil Procedure Continuous Revision	
HB 154	Child Support and Acknowledgment	
HB 190	Digital Products	
HB 224	Children’s Code Continuous Revision	
SB 76	Codification of Bergeron	
SB 77	Lease of Movables	

G. Reports Submitted to the Legislature in 2024 and 2025

- (1) Report on Tax Sales in response to SR No. 109 of the 2012 Regular Session and SR No. 40 of the 2013 Regular Session
- (2) Report on Classification of Modular Homes in response to HCR No. 102 of the 2018 Regular Session
- (3) Report on Vulnerable Road Users in response to HCR Nos. 46 and 47 of the 2019 Regular Session and HCR No. 95 of the 2021 Regular Session
- (4) Report on Interviewing Crime Victims in response to SCR No. 138 of the 2019 Regular Session
- (5) Report on Pooled Trusts in response to SCR No. 10 of the 2020 Second Extraordinary Session

- (6) Report on Partition of Community Property in response to HCR No. 92 of the 2021 Regular Session
- (7) Report on the Collaborative Law Act in response to HCR No. 42 of the 2022 Regular Session
- (8) Report on Appointment of Interpreters in response to HCR No. 71 of the 2022 Regular Session
- (9) Report on Mental Health Evaluations in response to HR No. 228 and SR No. 186 of the 2022 Regular Session
- (10) Report on the Bergeron Standard in response to HR No. 242 of the 2022 Regular Session
- (11) Report on Contracts with Minors in response to Act No. 440 of the 2023 Regular Session
- (12) Report on Mailing of Notice in response to HCR No. 22 of the 2023 Regular Session
- (13) Report on Limited Continuing Tutorship in response to SR No. 31 of the 2023 Regular Session
- (14) Report on Electronic Filing and Record Retention in response to SR No. 43 of the 2023 Regular Session
- (15) 2024 Water Code Annual Report in response to SR No. 171 of the 2014 Regular Session
- (16) 2024 Same-Sex Marriage Annual Report in response to SR No. 143 of the 2016 Regular Session
- (17) 2024 Unconstitutional Statutes Biennial Report pursuant to Acts 2014, No. 598
- (18) Report on Bail in response to HCR No. 100 of the 2018 Regular Session
- (19) Report on Heirs Property in response to HR No. 201 of the 2021 Regular Session
- (20) Report on Succession Procedure in response to SR No. 194 of the 2021 Regular Session
- (21) Report on Low-Income Successions in response to HCR No. 121 of the 2023 Regular Session

- (22) Report on Tax Sales in response to Act No. 774 of the 2024 Regular Session
- (23) Report on Private Works Act Homeowner Protections in response to HCR No. 80 of the 2024 Regular Session
- (24) Report on White Collar Crimes in response to HCR No. 85 of the 2024 Regular Session
- (25) Report on Small and Speedy Claims in response to HR No. 150 of the 2024 Regular Session
- (26) Report on Statewide Bail Schedules in response to HR No. 191 of the 2024 Regular Session
- (27) Report on Mandatory Holds for Abusers in response to HR No. 243 of the 2024 Regular Session
- (28) Report on Tax Session Acts in response to Act No. 13 of the 2024 Third Extraordinary Session
- (29) Report on Recusal in Criminal Cases in response to HCR No. 9 of the 2025 Regular Session
- (30) 2025 Water Code Annual Report in response to SR No. 171 of the 2014 Regular Session
- (31) 2025 Same-Sex Marriage Annual Report in response to SR No. 143 of the 2016 Regular Session

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. Separate Committees, each under the leadership of a Reporter, have Titles of the Civil Code under their jurisdiction.

The 2024 and 2025 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 the Children’s Code, Civil Procedure, Common Interest Ownership Regimes, Constitutional Laws, Corporations, Criminal Procedure, Marriage-Persons, Obligations, Property, Security Devices, Successions and Donations, and Tax Sales.

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 were 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, and 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.

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

Professor A.N. Yiannopoulos and the Committee 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 completed 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 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 absent persons can be declared dead. This revision was enacted by Acts 1990, No. 989.

During the revision process, Professor A.N. Yiannopoulos and the 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 Legislature enacted 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 proposed a complete revision of Louisiana law relative to marriage and divorce, and the proposals on marriage, divorce,

spousal support, child custody and support, and other actions incidental to divorce were ultimately enacted by Acts 1990, Nos. 361, 362, 1008 and 1009. Proposed revisions concerning the laws on child custody, visitation, and support were enacted in Acts 1993, No. 261, and the provisions on nullity of marriage were revised by Acts 1993, No. 108. Acts 1995, No. 1008 enacted provisions governing the partition of former community property.

The Legislature enacted the Law Institute's recommendations with respect to spousal support in Acts 1997, No. 1078 and proposed revisions relative to proof of maternity and paternity in Acts 2005, No. 192. Amendments relative to the filiation of parents and children were enacted in Acts 2006, No. 344. From 2008 to 2015, the Marriage-Persons Committee worked on revisions of 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, Acts 2009, No. 3, and Acts 2016, No. 309. The revisions regarding parental authority, parental usufruct, and provisional custody by mandate were enacted by Acts 2015, No. 260.

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, Civil Code Article 89, and 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). In response to the decisions of *Obergefell*, *Robicheaux*, and *Costanza*, which rendered several Louisiana statutes relating to marriage unconstitutional, the Marriage-Persons Committee, under the direction of Professor Andrea B. Carroll as Reporter, catalogued and examined in detail the areas of Louisiana law that need amendment. The Law Institute submitted a report to the Legislature in March of 2016 that recommended necessary changes.

Additionally, Senate Resolution No. 143 of the 2016 Regular Session urged and requested the Law Institute to study and make annual comprehensive and ongoing recommendations to the Legislature regarding state law post-*Obergefell*. The Law Institute's Council approved proposed legislation in response to this request, which was first appended to a report to the Legislature in 2017 before ultimately being submitted as Senate Bill No. 98 of the 2018 Regular Session. That bill, however, failed to pass, and the Law Institute has continued to file annual reports in response to this resolution since that time.

Continuing from 2016 to 2020, the Marriage-Persons Committee worked on the study of and revisions to shared physical custody, community property, no-fault divorce, spousal support, continuing tutorship, paternity and birth certificates, interference with custody, and parenting coordinators. House Concurrent Resolution No. 79 of the 2017 Regular Session urged and

requested the Law Institute to study state laws governing domestic abuse, domestic violence, and stalking and to address the need for any revisions and recommendations to this area of law. This resolution was assigned to two of the Law Institute’s continuous revision Committees – the Criminal Code and Code of Criminal Procedure Committee and the Marriage-Persons Committee. With respect to the family law issues contained in the resolution, the Marriage-Persons Committee performed extensive research on topics including varying definitions of “domestic violence” and “domestic abuse;” unintended consequences in the contexts of divorce, custody, and visitation; procedural anomalies in the law in the domestic violence arena; and inconsistent rules regarding costs and fees. In light of this research, the Law Institute proposed, and the Legislature ultimately enacted, Acts 2018, Nos. 264 and 265, which created consistency in the assessment of costs and attorney fees against a perpetrator of abuse and addressed concerns regarding the intersection of domestic violence with grounds for divorce and spousal support. The Law Institute drafted an additional proposal in response to House Concurrent Resolution No. 79, House Bill No. 727 of the 2020 Regular Session, to provide a single definition of “domestic abuse” throughout the civil law. The bill was deferred due to the onset of the COVID-19 pandemic and was reintroduced as House Bill No. 159 of the 2021 Regular Session but ultimately failed to pass when the Conference Committee Report was not adopted. The Law Institute’s Council then recommitted these proposals to its Criminal Code and Code of Criminal Procedure Committee for review of implications with respect to incarcerated individuals. Other legislative instruments, however, have incorporated the Committee’s recommended definition – for example, the Legislature included this definition in the Campus Accountability and Safety Act, R.S. 17:3399.11 et seq.

Senate Resolution No. 46 of the 2018 Regular Session, as well as House Resolution No. 228 and Senate Resolution No. 186 of the 2022 Regular Session, requested the Law Institute to review state laws, rules, regulations, policies, and procedures relative to mental health evaluations used in child custody and visitation proceedings. This area of the law has not been modified or updated to provide any additional clarity or guidance on conducting mental health evaluations and, according to reported decisions, mental health evaluations have doubled over the last decade. Although many courts have created local rules to guide this procedure, these rules are complicated and inconsistent among jurisdictions. The Marriage-Persons Committee crafted recommendations to address qualifications and ex parte communications, and this proposed legislation was enacted as Acts 2022, No. 614. The Law Institute recommended further amendments concerning costs, deference given to reports, situations involving domestic abuse, and appropriate use of evaluators for mental health as opposed to child custody evaluations, and these recommendations were enacted by the Legislature as Acts 2024, No. 552.

Following the 2021 Regular Session of the Legislature, the Marriage-Persons Committee was assigned both House Concurrent Resolution No. 92, relative to provisions of law on partition of community property, and House Resolution No. 109, requesting the study of existing law relative to the consent of a curator to an abortion or sterilization of an interdict. In accordance with House Concurrent Resolution No. 92, the Committee worked with Louisiana Appleseed, the

Coalition Against Domestic Violence, the Tulane Domestic Violence Clinic, the New Orleans Family Justice Center, and the United Way of Southeast Louisiana to develop recommendations to prevent extended litigation as a continuation of domestic abuse when one party may have a financial advantage over the other party. The Committee discussed the many problems with partial partition due to reimbursement claims and the gamesmanship that often occurs by lawyers to drain assets. In Acts 2022, No. 620, the Law Institute addressed concerns expressed by stakeholders regarding the authority of judges to allocate community property pending final partition by expressly stating that judges are not limited to a particular portion or percentage of the community. Additional recommendations concerning the factors that courts must consider when allocating community property and the award of attorney fees for unreasonable delays were enacted by the Legislature as Acts 2024, No. 89.

Following the 2022 Regular Session, the Marriage-Persons Committee was assigned both House Concurrent Resolution No. 94 requesting the study of the Uniform Collaborative Law Act and House Resolution No. 242 requesting the study of the judicial standard set forth in *Bergeron v. Bergeron*, 492 So. 2d 1193, 1200 (La. 1986). During meetings relative to House Concurrent Resolution No. 94, the Committee received input from attorneys and other licensed professionals currently practicing or participating in the collaborative law process concerning its benefits and the need to establish a formal framework in Louisiana. The Committee also learned from the Uniform Law Commission that twenty-three states have adopted this tool, which has been shown to reduce conflict and to be a less expensive alternative to litigation. Fifteen of these states have also limited the application of this process to family law matters and reiterated that its use is strictly voluntary and cannot be mandated over the objection of a party. The Law Institute ultimately recommended Acts 2024, No. 98, which codified the Uniform Collaborative Law Act in Louisiana but limited its application to family law matters.

With respect to House Resolution No. 242, the Committee conducted and reviewed fifty-state research and noted that there are numerous jurisprudential decisions each year that highlight the inconsistencies in the application of the *Bergeron* standard. Members of the Committee expressed the importance of adding clarity to the law for the benefit of self-represented litigants and educating lawyers and judges regarding the second segment of the standard that is often overlooked and misunderstood. As a result, the Law Institute proposed House Bill No. 722 of the 2024 Regular Session to codify the standard set forth by the Louisiana Supreme Court for modification of custody orders pursuant to considered decrees in *Bergeron* as well as the existing and lesser standard for modifying consent decrees. The proposed legislation would have also addressed the treatment of judgments that arise from hybrid proceedings, in which the court hears evidence of parental fitness but the parties ultimately agree to an award of custody. Although the bill was heard by the House Committee on Civil Law and Procedure, the author voluntarily deferred its consideration.

Since the 2024 Regular Session, the Marriage-Persons Committee revisited its response to House Resolution No. 242 and, pursuant to the Committee's continuous revision authority,

conducted additional research with respect to the codification of the *Bergeron* standard. In light of progressively inconsistent jurisprudence, the Committee determined that it was necessary to suggest a modified proposal. While the Committee sought to reintroduce much of the substance of its original proposal, its new recommendation deviates by incorporating a temporal limit of five years with respect to the heightened standards for modification of child custody. Experts determined that the imposition of a temporal limit is consistent with protecting children from recurring litigation and alleviates unintended consequences sometimes seen as a result of an enduring heightened evidentiary burden for modification. The new proposal would further provide for clarification as to the applicability of the heightened standard by defining adjudications that may be deemed considered decrees and setting forth that the lesser standard for modification of child custody is applicable to determinations outside of the parameters of the description. These recommendations were submitted to the Legislature and introduced as Senate Bill No. 76 of the 2026 Regular Session.

Senate Resolution No. 31 of the 2023 Regular Session requested the Law Institute to study whether a limited continuing tutorship should be established and specifically noted the unique nature of continuing tutorship and the tutor's authority and ability to make all decisions on behalf of another individual. The Marriage-Persons Committee considered recent movements throughout society and in the law to permit persons with disabilities to take more responsibility for themselves. After consultation with practitioners and experts in this field, the Law Institute recommended the creation of a limited continuing tutorship as a less expensive and quicker alternative to seeking a limited interdiction and the expansion of continuing tutorship criteria to include adaptive functioning considerations in addition to intellectual functioning. Depending upon the order of the court, it would be possible, under this expansion, for a person under continuing tutorship to marry, enter into contracts and obligations, make medical decisions, and participate in the electoral process. These recommendations were submitted to the Legislature and ultimately enacted as Acts 2024, No. 123.

House Concurrent Resolution No. 28 of the 2024 Regular Session requested the Louisiana State Law Institute to study and recommend legislation for implementation of procedures establishing child support and paternity for minor parents. After extensive research and consideration of feedback from various stakeholders, the Marriage-Persons Committee convened several times and considered various avenues through which child support may be collected on behalf of the minor parent's child including the imposition of a form of "vicarious liability" upon the parents of the minor parent and potential revision to Louisiana's child support guidelines. The Committee decided to address this issue through revision of R.S. 9:315.1 setting forth additional grounds for deviation from the child support guidelines. The Committee also studied issues with respect to the establishment of paternity for minor fathers, noting that while minors generally lack contractual capacity, certain exceptions exist with respect to contracts necessary for support, education, and business. The Committee, however, declined to extend to minors an identical statutory exception due to the collateral legal consequences borne from the establishment of paternity – for example, inheritance rights. Rather, the Committee ultimately concluded that

unemancipated minors should be able to execute an acknowledgment of paternity only after obtaining judicial authorization, thus enabling the minor parent to receive guidance with respect to the rights and responsibilities attached to paternity. The Law Institute submitted a report of its findings to the Legislature in January of 2026, and House Bill No. 154 of the 2026 Regular Session was introduced on the Law Institute's recommendation to address these issues.

Over the next few years, the Marriage-Persons Committee plans to continue studying issues pertaining to the interplay between assisted conception and the marital presumption of parentage and the appropriate age at which a minor may express reasonable preference as to custody.

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

The Marriage-Persons Committee, under the direction of its Chair Professor Katherine S. Spaht, has received Council approval of revisions to Chapter 1 of Title VIII of Book I of the Civil Code relative to tutorship. The two main goals of this revision are to reunite custody and tutorship and to move the substantive provisions of tutorship from the Code of Civil Procedure to the Civil Code. The proposal also addresses issues such as making grandparents with custody natural tutors of right, extending tutorship to a single person who adopts a minor, and placing more restrictions on the alienation, encumbrance, or lease of a minor's property.

In conjunction with this substantive revision of the law on tutorship, Professor J. Randall Trahan and the Tutorship Procedure Committee are working to complete a revision of the provisions of law relative to tutorship procedure. Once the Law Institute's Council has approved this proposal, the Marriage-Persons Committee and the Tutorship Procedure Committee will recommend companion bills to comprehensively revise the law of tutorship.

Professor Dane Ciolino and the Emancipation Committee 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 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, which was enacted by Act No. 25 of the 2000 First Extraordinary Session, provided detailed provisions relative to the interdiction of a natural person and the curatorship of an interdict.

8. Book II, Things and Different Modifications of Ownership

Book II of the Civil Code was originally revised by Professor A.N. Yiannopoulos' Committee, with minor amendments being made as their necessity became apparent. In 1990, the Ownership in Indivision Committee recommended the addition of Title VII of Book II of the Civil

Code. This Title was enacted by Acts 1990, No. 990, and the revision was supplemented by Acts 1991, No. 689.

From 2005 through 2008, Mr. L. David Cromwell and the Component Parts Committee reviewed Civil Code Article 466 and its conflicting jurisprudence. The Law Institute presented House Bill No. 594 of the 2006 Regular Session, which was ultimately enacted as Acts 2006, No. 765. After reconsidering the issues and principles of this subject, the Law Institute submitted further recommendations that were ultimately enacted as Acts 2008, No. 362.

During the 2018 Regular Session, House Concurrent Resolution No. 102 requested the Law Institute to make recommendations regarding the classification of modular homes as movable or immovable property and to develop the legal procedure for their attachment to land and securing them as loan collateral. In fulfillment of this request, the Law Institute reconstituted its Property Committee, placing it under the direction of Professor Sally Brown Richardson as Reporter, and the Committee finalized recommendations to add a definition of modular homes to the Manufactured Home Property Act and to rework the immobilization and deimmobilization processes. These recommendations were submitted to the Legislature and enacted as Acts 2024, No. 287.

Pursuant to its continuous revision authority, the Property Committee spent the next year reviewing the articles of the Civil Code on enclosed estates and utility servitudes. The Committee's recommendation divided these concepts for clarity and noted that although both types of servitudes are important, a right of passage to an enclosed estate is different from desiring access over an estate for a utility. The substance of the law remained largely the same, but the provisions on utility servitudes were moved to the Revised Statutes in Acts 2025, No. 27.

In the coming years, the Property Committee plans to study the good faith purchaser doctrine, the classification of "other constructions," and accession.

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

The Law Institute's Successions and Donations Committee operated under the leadership of Max Nathan, Jr. for many years, and during that time the Committee prepared a revision to the law of forced heirship, enacted as Act 77 of the 1996 First Extraordinary Session; completed work on undue influence, enacted as Acts 1991, No. 363; and comprehensively revised the entire law of successions, enacted as Acts 1997, No. 1421. The Committee then completed a project on the independent administration of estates, enacted as Acts 2001, No. 974, as well as revisions of the law of donations inter vivos and usufruct, enacted as Acts 2008, No. 204 and Acts 2010, No. 881, respectively. The Committee also submitted several reports to the Legislature on topics including the use of translators in the preparation of wills, the right of a testator to designate an attorney for the executor, heirship property and the unopened succession, the testamentary disposition of the right to bring a survival action, the feasibility of creating a central database for testaments, and mandatory mediation or arbitration provisions in wills and trusts. Additionally, as requested by

Senate Concurrent Resolution No. 63 of the 2016 Regular Session, the Committee recommended against introducing the common law notion of expressly authorizing a testator to refer in his testament to a written statement or list to dispose of certain items of corporeal movable property. The Committee also did considerable work on the law requiring the filing of a sworn descriptive list of assets and liabilities or an inventory before a successor may be placed in possession of property.

The Successions and Donations Committee now operates under the direction of Professor Ronald J. Scalise, Jr. as Reporter. Pursuant to Acts 2021, No. 167, the Successions and Donations Committee was tasked with drafting Comments relative to the Louisiana Uniform Transfer of Death Security Registration Act. These Comments were approved by the Law Institute's Council and have been published. The Committee also began studying the Uniform Partition of Heirs' Property Act as directed by House Resolution No. 201 of the 2021 Regular Session, which further directs the Law Institute to work with the Louisiana Realtors Association, the Louisiana Appleeed Center, the Louisiana Land Title Association, the Louisiana Association of Independent Land Title Agents, the Uniform Law Commission, and the Bankers Association, and a special advisor was also appointed to provide property law expertise. Although twenty-six other states have adopted the Uniform Partition of Heirs' Property Act, the Committee was wary that a wholesale adoption could have unintended consequences in Louisiana. Therefore, the Committee drafted a Louisiana Uniform Partition of Heirs' Property Act that encompasses existing R.S. 9:1113 and contains the required core concepts in order to be considered a state that has adopted the UHPA. The proposal was submitted to the Legislature and introduced as House Bill No. 175 of the 2025 Regular Session but ultimately failed to pass; thereafter, the Law Institute submitted its final report to the Legislature in December of 2025.

Senate Resolution No. 194 of the 2021 Regular Session requests the study of all Code of Civil Procedure provisions regarding succession proceedings for purposes of updating and clarifying the law. Although Committee members have noted that they have rarely encountered these issues in practice, minor changes to clarify and modernize the law were recommended and ultimately enacted as Acts 2025, No. 34. In the same Act, the Law Institute also recommended changes to address House Concurrent Resolution No. 121 of the 2023 Regular Session with respect to alternatives for low-income families and low-value properties relative to succession proceedings. The law now specifically provides that an individual who is unable to pay costs due to poverty and lack of means may prosecute or defend a judicial proceeding, including a succession proceeding, in any trial or appellate court without paying the costs in advance or as they accrue or furnishing security therefor.

Acts 2024, No. 90, which was introduced on the Law Institute's recommendation, clarified provisions concerning small successions within the parameters of the existing framework to eliminate unnecessary complications and to include not only movable property and intestate successions, but also immovable property and testate successions under certain circumstances.

During the 2025 Regular Session, the Law Institute recommended legislation concerning will formalities, which was ultimately enacted by the Legislature as Acts 2025, No. 30. The Act largely retained existing law for olographic wills by maintaining that these be entirely written, dated, and signed in the hand of the testator. The revisions realign Louisiana with other civil law jurisdictions and prior Louisiana law that was in effect from 1808 to 1999. The changes to the law of notarial wills are designed to simplify the requirements for executing a valid will but to retain the important formalities designed to protect against fraud and undue influence. Less significant formalities, such as a precisely worded attestation clause, are no longer required for a will to be valid but are still required for the will to be self-proving.

Additionally, Acts 2025, No. 39 balances the donor's interest in preventing vexatious and frivolous lawsuits with a donee or other person's interest in ensuring that a provision in a donation is fully free. Penalty, no-contest, or in-terrorem clauses have traditionally been dealt with by Louisiana courts under Civil Code Article 1519. In the absence of more specific and clearer legislation, however, the courts had not developed a consistent approach to determine when penalty clauses are or are not enforceable, and the Louisiana Supreme Court invited legislative clarity on the issue in recent jurisprudence.

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

Professor Saul Litvinoff's work on the revision of Obligations was enacted by Acts 1984, No. 331, has received acclaim worldwide in all Civil Code jurisdictions, and, most importantly, has proved appropriate for the citizens of Louisiana.

The Law Institute's Obligations Committee was recently reconstituted under the direction of Professor Melissa T. Lonegrass as Reporter, and its first project was the study of provisions relative to contracts between online service providers and minors pursuant to Act 440 of the 2023 Regular Session. Specifically, this Act requested the Law Institute to study the impact this legislation is expected to have on the relevant Civil Code articles concerning contracts and consent as they relate to minors, make recommendations to address any discrepancies or ambiguities associated with the matters contained in the Act, and review similar legislation enacted in other states regarding best practices and compatibility with Louisiana's Civil Code. The Committee met several times to consider relevant information from stakeholders and the bill's author and submitted a report to the Legislature containing several recommendations for revisions. The Law Institute's recommendations were incorporated by the author into proposed legislation that was ultimately enacted as Acts 2024, No. 16.

The Obligations Committee has been granted continuous revision authority and will remain a standing Committee of the Law Institute to receive projects and propose revisions to Louisiana's provisions on obligations as needed in the future. The Committee also continues to monitor relevant legislative developments.

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

Professor A.N. Yiannopoulos and the Quasi-Contracts Committee completed work on the revision of Chapters 1 and 2 of Title V of Book III concerning Obligations Arising Without Agreement. This revision provides general principles relative to *negotiorum gestio* and unjust enrichment and 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 the Committee later prepared a refinement for accounting in community property that was enacted by Acts 1990, No. 991.

13. Book III, Title VII, Sale

Professor Saul Litvinoff and the Sales Committee began meeting in 1986 and submitted its complete revision to the Legislature in 1992. The bill was deferred 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

With the assistance of the members who worked on the revision of the law of Sales, Professor Saul Litvinoff revised the law of Exchange which was enacted as Acts 2010, No. 186.

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

Professor Symeon Symeonides and the Leases Committee revised Chapters 1 through 4 of Title IX of Book III to provide general provisions on lease that became Acts 2004, No. 821.

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

Professor A.N. Yiannopoulos and the Rents and Annuities Committee finished the revision of Title X of Book III of the Civil Code to eliminate the archaic articles relative to the rent of land and to modernize the annuity contract articles. The recommendations were enacted as Acts 2012, No. 258.

17. Book III, Title XI, Partnership

Under the leadership of Max Nathan, Jr., the Partnership revision was enacted by Acts 1980, No. 150.

18. Book III, Title XII, Loan

Professor A.N. Yiannopoulos and the Loan Committee revised general provisions relative to a gratuitous loan in 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 enacted by Acts 2003, No. 491.

20. Book III, Title XIV, Of Aleatory Contracts

The Aleatory Contracts Committee, originally placed under the direction of Professor A.N. Yiannopoulos in 2014, now operates under Professor Ronald J. Scalise, Jr. as Reporter. The Committee's recommendation to repeal Articles 2982 through 2984 and restate those principles in the provisions on the unlawful cause of obligations was enacted as Acts 2019, No. 106.

21. Book III, Title XV, Representation and Mandate

Professor A.N. Yiannopoulos and the Mandate Committee's revision to provide general principles relative to representation and the contract of mandate was enacted as Acts 1997, No. 261.

22. Book III, Title XVI, Suretyship

Under the leadership of Professor Thomas A. Harrell, the work on Suretyship was enacted by the Legislature in Acts 1987, No. 409.

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

Professor Saul Litvinoff revised the law of transaction or compromise after several years of policy recommendations by the Council. The Legislature enacted them as Acts 2007, No. 138.

24. Book III, Title XVIII, Of Respite

Professor A.N. Yiannopoulos and the Committee recommended the repeal of Title XVIII of Book III of the Civil Code because the articles had not been used in nearly a century and Acts 2014, No. 64, accomplished the goal.

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 the Committee revised mortgages in Acts 1991, No. 652 and Acts 1992, No. 1132. The work on registry was enacted by Acts 2005, No. 169. Today, the Security Devices Committee continues this work under the direction of Mr. L. David Cromwell as Reporter.

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

Professor A.N. Yiannopoulos and a Committee revised Title XXIII in Acts 1982, No. 187. Title XXIV was revised in Acts 1982, No. 187 and Acts 1983, No. 173.

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

Professor A.N. Yiannopoulos and the Definitions Committee completed a project of repealing unnecessary definitions in Civil Code Article 3506 in Acts 1999, No. 503. Since that time, several new and arguably unnecessary definitions have been added, and as a result, the Signification of Terms Committee was created in 2014 and placed first under the direction of Professor A.N. Yiannopoulos and now under the direction of Professor Ronald J. Scalise, Jr. as Reporter. The Committee completed its work to simplify the definitions contained in the Civil Code and use consistent terminology throughout, and the Law Institute’s proposals were enacted by the Legislature as Acts 2025, No. 488.

28. Book IV, Conflict of Laws

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

B. 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 as well as proposed 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. William R. Forrester, Jr. and, as of 2022, Judge Guy Holdridge as Reporter, constant attention is given to keep the provisions of the Code of Civil Procedure and related statutes current with changing times and the needs of the law.

Pursuant to its continuous revision authority and in response to a request from the Louisiana Supreme Court, the Code of Civil Procedure Committee formed a Recusal Subcommittee to study existing provisions with a view toward recommending amendments that would eliminate the confusion surrounding the applicability of the “appearance of impropriety” standard in Canon 3C of the Code of Judicial Conduct. The crafted revisions to the Code of Civil Procedure articles on recusal, which included clarifying the grounds for recusal and updating the procedures that apply when a judge is recused, were ultimately enacted by the Legislature as Acts 2021, No. 143 and Acts 2022, No. 38.

In 2022, House Concurrent Resolution No. 71 urged and requested the Law Institute to study the Louisiana Supreme Court’s Office of Language Access Stakeholder Committee’s proposed changes and provide recommendations, if any, to the laws on the use of interpreters in court proceedings to enhance judicial efficiency and clarity within the rules of evidence and procedure. Pursuant to this request, the Code of Civil Procedure Committee collaborated with

representatives of the Office of Language Access and the Law Institute's Code of Criminal Procedure Committee to propose several changes to the Code of Evidence and the Codes of Civil and Criminal Procedure. These proposals were submitted to the Legislature along with an accompanying report and were enacted as Acts 2024, No. 32.

The Committee was also assigned Senate Concurrent Resolution No. 18 of the 2022 Regular Session, which urged and requested the Law Institute to study and make recommendations for the revision of Code of Civil Procedure Article 966(B)(3) to authorize the filing of additional documents in the form of rebuttable evidence with a reply memorandum in response to a motion for summary judgment. Pursuant to this request, the Committee formed a Summary Judgment Subcommittee, the membership of which included academicians, judges, and practicing attorneys. The Subcommittee met several times and ultimately determined that the removal of the statutory proscription relative to additional documents with reply memoranda was inappropriate. The Law Institute submitted a report to this effect in January of 2023, but the Code of Civil Procedure Committee utilized the Subcommittee's study to propose several suggestions to enhance summary judgment procedure. These suggestions were submitted to the Legislature during the 2023 Regular Session and were ultimately enacted as Acts 2023, No. 317.

House Concurrent Resolution No. 22 of the 2023 Regular Session authorized and directed the Law Institute to study procedures in civil actions that require the mailing of notice with respect to the commencement of certain deadlines for answers or responses or for appearance before the court for certain motions and other hearings. The Committee worked with stakeholders to consider practical solutions but ultimately identified several issues preventing the promulgation of revision, including the lack of uniformity with respect to usage of electronic mailing and inconsistency with respect to the various forms of physical mail. A report detailing the Committee's findings was submitted to the Legislature in February of 2024.

Senate Resolution No. 43 of the 2023 Regular Session urged and requested that the Law Institute propose legislation to enact, amend, and repeal laws in order to implement and revise procedures for the electronic filing of legal documents; the electronic filing of documents in the conveyance and mortgage records; the retention, maintenance, preservation, and disposition of original paper documents once converted to electronic record; public access to all public records, including ease of functionality and viewing; and maintaining the integrity of public records, including original documents. In fulfillment of this request, the Committee reviewed the report of the legislative task force studying electronic filing, recording, and retention before meeting with representatives of the Clerks of Court Association to discuss the project's goals. The Code of Civil Procedure Committee also found it necessary to refer certain aspects of this study to the Law Institute's Code of Criminal Procedure and Security Devices Committees. Amendments to address the resolution's concerns regarding electronic filing of documents and retention were proposed by all three Committees and enacted by the Legislature Acts 2024, No. 501.

Pursuant to its continuous revision authority, the Code of Civil Procedure Committee studied existing provisions of law and proposed several amendments to provide for interruption of prescription, electronic signature of pleadings, procedure for challenging experts, depositions by telephone, peremptory exceptions filed in an appellate court, injunctions prohibiting sales, descriptive lists of property in lieu of inventory, and notice to heirs and residuary legatees. The Committee's proposed changes were submitted to the Legislature and enacted as Acts 2024, Nos. 371. Additional revisions aiming to reconcile the language of federal and state law with respect to the Code of Evidence were enacted by the Legislature as Acts 2024, No. 88.

House Resolution No. 150 of the 2024 Regular Session urged and requested the Law Institute to study and make recommendations for the creation of small or speedy claims procedures for actions under \$50,000. Pursuant to this request, the Code of Civil Procedure Committee, in addition to researching comparable procedural frameworks within other jurisdictions, met and conducted a review of its previous study in response to Senate Concurrent Resolution No. 108 of the 2012 Regular Session, which contained a similar task. Though the Committee initially determined that the resolution could be addressed through modification of its previous proposal, subject matter experts concluded that the promulgation of new rules would create multiple trial frameworks and cause confusion to practitioners and courts, thus exacerbating the issues sought to be addressed, particularly in more rural jurisdictions. The Committee thus submitted a report to the Legislature in December of 2025 recommending that the Law Institute's previous recommendations set forth in House Bill No. 321 of the 2013 Regular Session be reviewed as a framework for potential new legislation.

Additionally, pursuant to its continuous revision authority, the Committee proposed revisions during the 2025 Regular Session to provide for the interruption of prescription; the imposition of sanctions; child custody proceedings; attorney conduct; interdicts; objections raised by peremptory exception; summary judgment procedure; service of citation; electronic service; the issuance of subpoenas; pretrial and scheduling conference orders; default judgments; motions for judgment notwithstanding the verdict; the signing of final judgments; notice of judgments; final, interlocutory, and partial judgments; delays for applying for new trial; divesting the trial court of jurisdiction; trial of summary proceedings; enforcement of mortgages; civil actions; provisions of judgment; specific costs, expenses, and fees; terms, conditions, procedures, and requirements; judicial process; collection proceeds; sales under fieri facias; partitions by licitation or by private sale; procedure to transfer to district court; and computation of time. These revisions were enacted by the Legislature as Acts 2025, No. 250.

Following the 2025 Regular Session, the Code of Civil Procedure Committee was assigned House Resolution No. 149, which directed the Law Institute to conduct data collection concerning justice of the peace and city courts in Louisiana. The Law Institute met with the resolution author and stakeholders and prepared a comprehensive report detailing the jurisdiction and statutory authorities afforded to justices of the peace. The Committee found that while justices of the peace provide cost-effective avenues of litigation, its powers are duplicative of district, parish, and city

courts. Moreover, because justice of the peace courts are permitted to deviate from traditional procedural and evidentiary rules, the Committee determined that the establishment of procedures setting forth that certain contested matters be tried only by city, parish, or city courts – consistent with the Code of Evidence and Code of Civil Procedure – warranted further study. The Law Institute submitted a report to this effect in January of 2026.

Pursuant to its continuous revision authority, the Committee has proposed revisions concerning motions to quash; notice of trial; interlocutory, final, and partial final judgments; notice of trial; the assignment and allotment of writs and appeals; the jurisdiction of small claims; default judgment; payment of costs of the record on appeal; transmission of notice; and abandonment. These proposals were submitted to the Legislature and have been introduced as House Bill No. 142 of the 2026 Regular Session.

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. Judge Frank Foil and Judge Robert Morrison, III served as Co-Chairmen of the Committee, which was under the guidance of Professor Cheney C. Joseph, Jr. until his resignation in the fall of 2015. The Committee is now led by retired Judge Marilyn Castle as Reporter.

House Concurrent Resolution No. 90 of the 2012 Regular Session directed the Law Institute to study the feasibility of assessing filing fees for applications of postconviction relief. Senate Concurrent Resolution No. 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 both of these projects to the Criminal Code and Code of Criminal Procedure Committee, which formed a Postconviction Relief Subcommittee that drafted legislation to comprehensively revise the articles on both capital and noncapital postconviction. This revision, which satisfied both resolutions, was submitted to the Legislature as House Bill No. 223 of the 2020 Regular Session and, after being deferred for a year, as Senate Bill No. 109 of the 2021 Regular Session. Although these bills ultimately failed to pass, a compromise concerning the enactment of actual innocence as a ground for postconviction relief was reached by the stakeholders during the 2021 Regular Session, and the Law Institute has continued to monitor issues concerning postconviction relief, including the Louisiana Supreme Court's decision in *State v. Lee*, since that time. As a result, the Committee submitted a few clean-up proposals that were introduced by the Legislature as House Bill No. 159 of the 2024 Regular Session but were never heard.

House Concurrent Resolution No. 79 of the 2017 Regular Session urged and requested the Law Institute to study state laws governing domestic abuse, domestic violence, and stalking and to address the need for any revisions and recommendations to this area of law. This resolution was

assigned to two of the Law Institute's continuous revision Committees – the Criminal Code and Code of Criminal Procedure Committee and the Marriage-Persons Committee. With respect to the criminal law issues contained in the resolution, the Criminal Code and Code of Criminal Procedure Committee agreed to form a Domestic Violence Subcommittee comprised of members with expertise in this specialized area of law. The Subcommittee conducted background research on existing law, including the domestic abuse battery statute, R.S. 14:35.3, and the criminal stalking statute, R.S. 14:40.2, and plans to act in consultation with the Marriage-Persons Committee and the appropriate agencies and associations to consider this research and submit a report to the Legislature.

House Concurrent Resolution No. 100 of the 2018 Regular Session urged and requested the Law Institute to study and review Louisiana laws regarding bail, specifically the presumed release of a person on unsecured personal surety or bail without surety. The Committee reviewed and considered a report prepared by the Criminal Justice Committee of the Louisiana State Bar Association, as well as the work done by the Law Institute's Bail Bond Procedure Revision Committee to comprehensively revise the provisions on bail. The Committee formed a Subcommittee on bail to consider these issues and, after encountering obstacles in researching statistics and obtaining hard data, a report was submitted to the Legislature in 2026. The report notes that because the primary purpose of bail is to ensure the presence of a defendant at all court appearances, implementation of a statewide court date text and email reminder system should be considered. In addition, to lessen the financial burden on defendants posting bond and to incentivize court appearance, consideration may be given to returning or applying deposits toward any fine or costs imposed. Finally, the report suggests an amendment to Code of Criminal Procedure Article 326 to allow all parishes to accept reduced cash deposits in lieu of posting the full bond.

During the 2019 Regular Session, several resolutions were sent to the Law Institute and referred to the Criminal Code and Code of Criminal Procedure Committee. House Concurrent Resolution Nos. 46 and 47 urged and requested the Law Institute to study the Model Vulnerable Road User Law and its applicability in Louisiana and to recommend proposed legislation providing penalties for causing injury or death to pedestrians and bicyclists while operating a motor vehicle. In fulfillment of these requests, the Committee formed a Vulnerable Road Users Subcommittee, which considered existing criminal penalties and civil remedies, as well as legislation that was proposed during the 2016 Regular Session but failed to pass. The Subcommittee crafted recommendations that were presented to and ultimately rejected by the Committee, and in the meantime, House Concurrent Resolution No. 95 of the 2021 Regular Session was passed asking the Law Institute to consider whether the creation of the crime of infliction of serious injury or death on a road user is necessary. The Committee continued its work over the next few years, exploring alternative solutions to addressing this problem, such as the possibility of enacting a handsfree law, and ultimately adopted a final report that was submitted to the Legislature in 2024.

Also during the 2019 Regular Session, Senate Concurrent Resolution No. 138 urged and requested the Law Institute to study and make recommendations relative to victims and witnesses of a crime. The Committee was assigned this project, which resulted from legislation that was proposed during the 2019 Regular Session but ultimately failed to pass, and agreed to form a study group comprised of the various stakeholders involved in legislative negotiations. After receiving additional information concerning the fact that the issues raised in the resolution are no longer an issue in practice, the Law Institute submitted a final report to the Legislature in 2024 concluding that no changes are necessary at this time.

In 2022, House Concurrent Resolution No. 71 urged and requested the Law Institute to study the Louisiana Supreme Court's Office of Language Access Stakeholder Committee's proposed changes and provide recommendations, if any, to the laws on the use of interpreters in court proceedings to enhance judicial efficiency and clarity within the rules of evidence and procedure. Pursuant to this request, the Code of Civil Procedure Committee referred its proposals to amend the Code of Evidence to the Code of Criminal Procedure Committee for review and approval. These proposals were submitted to the Legislature along with an accompanying report and were ultimately enacted as Acts 2024, No. 32.

Senate Resolution No. 43 of the 2023 Regular Session urged and requested that the Law Institute propose legislation to enact, amend, and repeal laws in order to implement and revise procedures for the electronic filing of legal documents; the electronic filing of documents in the conveyance and mortgage records; the retention, maintenance, preservation, and disposition of original paper documents once converted to electronic record; public access to all public records, including ease of functionality and viewing; and maintaining the integrity of public records, including original documents. In fulfillment of this request, portions of this project were referred to the Code of Criminal Procedure Committee by the Law Institute's Code of Civil Procedure Committee, particularly with respect to the retention of documents and evidence in criminal cases. Amendments to address the resolution's concerns regarding electronic filing of documents and retention were submitted to the Legislature and enacted as Acts 2024, No. 501.

Additionally, Senate Resolution No. 150 of the 2023 Regular Session requests the Law Institute to make recommendations on provisions of justification and use of force or violence in defense as applied to survivors of domestic violence. The Committee considered background information and the proposed legislation upon which the resolution was based – Senate Bill No. 215 of the 2023 Regular Session – along with the Louisiana Supreme Court's decision in *State v. Curley* and research concerning the manner in which other states address these issues. The Committee has begun considering the first of two avenues of providing relief to criminalized survivors – reduced sentencing when certain criteria are satisfied – but expressed concerns over the extent to which these revisions should be applied retroactively, as the most egregious of these cases based on outdated notions of intimate partner violence occurred decades ago. Additional narrowing language may be necessary with respect to issues such as burdens of proof, definitions of fraud, and others, such that work concerning this topic remains ongoing.

During the 2024 Regular Session, several additional resolutions were sent to the Law Institute and referred to the Criminal Code and Code of Criminal Procedure Committee. House Concurrent Resolution No. 85 directed a study of the criminal statutes concerning white-collar crimes, financial crimes, and crimes involving elected officials. The Committee reviewed the statutes specifically mentioned in the resolution as well as Louisiana's RICO provisions in R.S. 15:1351 et seq. The Committee coordinated with legislative staff to produce and review a chart comparing Louisiana's various white-collar crimes with their federal counterparts, specifically with respect to the applicable penalties being imposed. The Committee could identify no significant disparities between state and federal law with respect to substantive crimes but noted that some of the state and federal penalties do differ, although perhaps these distinctions are intentional. Therefore, the Law Institute submitted a final report to the Legislature in 2025 noting that any adjustments in this area of the law may result in unintended consequences while also acknowledging that advancements in technology such as computer crimes and artificial intelligence require vigilance in terms of the need to address new threats to society.

House Resolution No. 191 of the 2024 Regular Session requested the study of the feasibility of implementing a statewide bail schedule. The Committee noted at the outset that there are constitutional implications with respect to imposing any mandatory statewide bail schedule that does not take into account the defendant's ability to pay. The Committee reviewed federal jurisprudence finding that "mechanical application of the secured bail schedule" violates the Equal Protection Clause of the United States Constitution and that there must be "an adequate process for ensuring that there is individual consideration for each arrestee." Therefore, one of the Committee's most important recommendations contained in the report submitted to the Legislature in 2025 is that any statewide bail schedule must have a vehicle for individual consideration for each arrestee. In addition, should the Legislature choose to establish such a schedule, the Law Institute recommended that a statewide survey of bail amounts be conducted to establish practical guideposts and an evidentiary basis for bail amounts to be applied throughout the judicial districts and parishes in the state. Further reflection should also include balancing the rights of an accused person to a reasonable bail as opposed to the amount based on the crime of arrest, the existence of alternatives or supplements to bail, and implementation of a statewide court date text and email reminder system to ensure the presence of defendants.

House Resolution No. 243 of the 2024 Regular Session directed the study of provisions relative to the physical or sexual abuse of a minor and the consideration of requiring a seventy-two hour hold for offenders. After considerable thought and discussion by the Committee, the Law Institute submitted a report in 2025 informing the Legislature that existing law provides for a mandatory hold of an accused arrested for a sex offense when the accused has been previously convicted of a sex offense. Furthermore, if a contradictory bail hearing is intended to be mandatory in cases involving physical or sexual abuse of a minor, the crimes to be covered must be clearly defined. The report alternatively provides that advising the prosecuting authority within twenty-

four hours of such an arrest and affording an opportunity to request, within seventy-two hours of arrest, that a contradictory bail hearing be conducted prior to the setting of bail may accomplish the same purpose. Additionally, if the concern is the arrestee’s contact with the victim, present law already requires a judge to issue a stay away order and Uniform Abuse Prevention Order for the victim of any crime of violence as a condition of bond.

House Concurrent Resolution No. 9 of the 2025 Regular Session directed the Law Institute to study procedures for the recusal of judges in criminal proceedings. Several years ago, the Law Institute undertook a review of the recusal statutes in both civil and criminal cases and recommended the revision of the rules for recusal only in civil cases to provide for the appointment of a judge from outside of the district to hear such motions. At that time, the Law Institute did not make the same recommendation for criminal cases due to the applicable speedy trial requirements, the need to expedite criminal matters in the interest of the rights of an accused, and the interests of public safety. Since the enactment of this civil recusal procedure, in most districts, it takes several weeks for a hearing to be held after a judge is appointed by the Supreme Court due to the coordination of schedules with local jurisdictions for available court time and resources. This type of delay in hearing a motion to recuse in the criminal context presents significant concerns as to the rights of the defendant as well as the state. Therefore, the Law Institute submitted a report to the Legislature in 2025 recommending that no legislative changes be made with respect to the recusal of judges and justices of the peace in criminal proceedings.

House Concurrent Resolution No. 35 of the 2025 Regular Session requested a review of the “*Duncan* misdemeanors” throughout the Revised Statutes that require a jury trial. *Duncan* misdemeanors are offenses for which the penalty does not include the possibility of a hard labor sentence but which carries a penalty of greater than six months imprisonment and/or fines in excess of one thousand dollars. Law Institute and legislative staff worked together to compile a list of over three hundred *Duncan* misdemeanors throughout Louisiana law and a chart of the relevant language that qualifies each statute as a *Duncan* misdemeanor. This chart was attached to the report that was submitted by the Law Institute in January of 2026 and notes several options that may be considered if the Legislature wishes to alleviate the inadvertent creation of additional *Duncan* misdemeanors and the unintended ramifications thereof.

E. MINERAL CODE

The initial work of the Law Institute in preparing the Mineral Code was enacted by Acts 1974, No. 50, and little change has been required over the years since. Nevertheless, the Law Institute has been assigned several issues relative to mineral rights in recent years, including legacy disputes, the unsolicited offers, and the classification of mineral royalties in bankruptcy proceedings, and the nature of production payments as “rent.” Summaries of these projects can be found in Section J below.

F. CHILDREN’S CODE

The Children's Code was enacted by Acts 1991, No. 235, which directed the Law Institute to supervise the continuous revision, clarification, and coordination thereof. The Law Institute formed a continuous revision Children’s Code Committee, of which Mr. Richard Pittman now serves as Reporter.

House Concurrent Resolution No. 79 of the 2016 Regular Session directed the Law Institute to study the laws regarding adoptions and adoption incentives and recommend changes relative to establishing consistent and specific procedures for all types of adoption and limiting abuses in the adoption process. Regarding the abuse of incentives in adoptions, the recommendations to limit allowable expenses, provide for earlier court review, clarify criminal penalties, and require payments to be made through the Department of Children and Family Services, a licensed adoption agency, or an adoption attorney were enacted by Acts 2018, No. 562. Regarding the establishment of consistent and specific procedures for all types of adoption, the Committee was additionally assigned House Resolution No. 306 of the 2019 Regular Session, which urged the Law Institute to study changing the period of time for finalizing an adoption from one year to six months, and House Resolution No. 192 of the 2024 Regular Session regarding the study of adoption proceedings and the surrendering of children. Through continuous study of other state’s laws and discussion with practitioners, judges, and agencies, the Committee concluded that no significant issues arise with current practices relative to minor parents, time periods, notice to alleged and presumed fathers, proof of parental commitment, reimbursement of expenses, home studies, and the role of the Department of Children and Family Services. Therefore, the reports to the Legislature on these issues all concluded that the differences in adoption law are justified due to the additional licensing regulations, the resulting level of services provided to birth parents, and existing protections to both biological parents and adoptive parents that appropriately balance interests.

The Committee was also assigned House Resolution No. 204 of 2018 Regular Session to study nonidentifying data maintained by the Department of Children and Family Services relative to fees, charges, and living expenses reported in Adoption Disclosure Affidavits, and this project remains ongoing due to the lack of available information.

The Children’s Code Committee proposed legislation during the 2022 Regular Session to address various issues identified during a judicial bench book study and by members of the Committee and other interested parties, including service and notice, the cost of transcription, reasonable efforts conducted by the Department of Children and Family Services, early appointment of counsel, and safety protocols. These proposals were enacted by the Legislature as Acts 2022, No. 272.

Additionally, the Committee proposed a continuous revision bill during the 2024 Regular Session, which was enacted by the Legislature as Acts 2024, No. 92, to address matters relative to

advising children of their rights; provisions concerning guardianship, care and treatment, and written findings of fact; providing notice to children’s attorneys; and clarifying the right to counsel. The Committee also introduced a continuous revision bill during the 2026 Regular Session – House Bill No. 224 – to address issues identified by stakeholders and state agencies with respect to intervention, findings of fact, the definition of “foster care,” and advice of rights in FINS cases.

Moving forward, the Committee will continue its efforts to amend provisions throughout the Children’s Code relative to commitment and admission, especially in the mental health context; notice of placement; effect of judgments; and appealable judgments.

G. TRUST CODE

After years of work by the Law Institute’s 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.

The Trust Code Committee has considered a number of continuous revision issues over the years, including the recordation of trust instruments and extracts of trust; the allocation of receipts and expenses to income and principal; the termination of a trust upon the consent of all settlors, trustees, and beneficiaries; and the delayed vesting of the principal beneficiary when the trust becomes irrevocable upon the death of the settlor. The Committee’s revisions to the provisions of the Trust Code on the allocation of receipts and expenses to income and principal were submitted to the Legislature as House Bill No. 123 of the 2020 Regular Session, and other continuous revisions concerning who may be trustee and the relief of a trustee from liability by a beneficiary were included in House Bill No. 124 of the 2020 Regular Session. These bills were enacted as Acts 2020, Nos. 17 and 18, respectively. The Committee also drafted a proposal that would provide that the duties of the trustee are owed exclusively to the settlor while a trust is revocable unless the trust instrument provides otherwise, and this proposed revision was enacted by the Legislature as Acts 2022, No. 37.

The Trust Code Committee was also assigned two resolutions in recent Sessions – the first, House Resolution No. 49 of the 2020 Regular Session, urged and requested the Law Institute to study and make recommendations concerning the laws on trusts with an indefinite term or perpetual trusts. An interim report in response to this resolution was submitted to the Legislature in 2021, and the Trust Code Committee has been working to draft revisions that would extend the maximum term of trusts. The Committee will submit its final report on this topic once it receives approval of its recommendations from the Law Institute’s Council. The second recent resolution assigned to the Committee was Senate Concurrent Resolution No. 10 of the 2020 Second Extraordinary Session, which urged and requested the Law Institute to study certain trust protections for minors or disabled adults, such as pooled trusts or blocked accounts, as well as other matters pertaining to out of state corporate trustees or pooled trustees operating under nonprofit status. The Committee received information from stakeholders concerning pooled trusts

in other states and drafted legislation that would permit these pooled trusts to be utilized in Louisiana and would also provide protections for minors and persons with disabilities who qualify for special needs trusts or other benefits under federal law. These proposals were submitted to the Legislature and enacted as Acts 2024, No. 163.

The Committee also plans to continue its work crafting revisions concerning confusion or merger of trusts, class trusts, conflicts of law concerning trusts, and other issues over the coming years.

H. CODE OF EVIDENCE

The Evidence Committee and a special Subcommittee thereof proposed an article on the "Identity of Informant" testimonial privilege which was introduced during the 1995 Regular Session and was enacted by 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 of the law was difficult to draft due to jurisprudential confusion and uncertainty surrounding the subject but the articles were ultimately enacted by Acts 1997, No. 577. Thus, the Code of Evidence Project was complete.

In recent years, however, the Law Institute has recognized a need to establish a standing Evidence Committee to address issues as they are identified by the Legislature or members of the bench and bar. The newly reconstituted Evidence Committee has been placed under the direction of Mr. Harry J. "Skip" Philips, Jr. as Reporter.

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. Alternative Dispute Resolution Committee

Senate Resolution No. 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 maybe 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, 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. An interim report in February of 2013 provided information relative to the progress of this study. Since that time, the Committee has been reorganized under the leadership of Anthony DiLeo as Reporter for arbitration and Professor Bobby Harges as Reporter for mediation, and has been working towards a comprehensive revision of Louisiana's laws regarding arbitration, using the Uniform Law Commission's Revised Uniform Arbitration Act (RUAA) as a template. Having largely completed the task of drafting an analogue to the RUAA, the Committee is now engaged with several accessory tasks, primary among which are the drafting and adoption of Comments, the drafting and adoption of statutory analogues to the provisions of the Delaware Rapid Arbitration Act, and the revision and redrafting of a small handful of particularly complex sections of the Committee's RUAA analogue. Upon completing its work on these tasks, the Committee will turn its full attention to the Delaware Rapid Arbitration Act, a general review of which has already been undertaken and discussed, and the Committee has agreed to pursue adoption of the Act's general substance in light of its voluntary, "opt-in" nature and the considerable savings in time and money that it has produced in Delaware. The Committee plans to renew the process of presenting its proposals to the Law Institute Council for adoption this coming fall, and once these projects have been completed, the Committee will undertake a similar review and revision of Louisiana's mediation laws.

2. Common Interest Ownership Regimes Committee

Senate Concurrent Resolution No. 104 of the 2014 Regular Session requested the 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. The Law Institute created the Common Interest Ownership Regimes Committee, of which Mr. Randy Roussel is now serving as Reporter. The Committee began by addressing the Homeowners Association Act, since it is the most recently enacted and also the most lacking in substance. Proposed legislation to replace this Act with the "Planned Community Act" was introduced as Senate Bill No. 109 of the 2022 Regular Session but was never heard. Since that time, the Committee collaborated with various stakeholders to alleviate concerns and reintroduced an amended version of the bill, which was ultimately enacted as Acts 2024, No. 158. The Committee has also completed its review of the Condominium Act and is seeking approval of these proposals from the Law Institute's Council in hopes of recommending legislation during the 2027 Regular Session.

3. Constitutional Laws Committee

Acts 2014, No. 598 enacted 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, now named the Constitutional Laws Committee, and placed it under the direction of Charles S. Weems III as Reporter. The Committee submitted its previous reports on unconstitutional statutes to the Legislature in March of 2016, 2018, 2020, 2022, and 2024. Since that time, the Committee has continued to consider those provisions of Louisiana law that have been declared unconstitutional by final and definitive judgment and has submitted its sixth biennial report to the Legislature.

House Concurrent Resolution No. 129 of the 2016 Regular Session urged and requested the Law Institute to study the issue of preferences in favor of Louisiana contractors for contracts related to integrated coastal protection projects, specifically with respect to whether preference shall be given to Louisiana resident contractors over nonresident contractors, whether competitive bidding impacts that determination, the advantages and disadvantages of granting such a preference, and what effect a strict preference law will have on resident contractors working outside the state of Louisiana. The Law Institute assigned this project to its Constitutional Laws Committee, which has conducted background research on the potential issues raised by legislation giving preference to Louisiana contractors when the state seeks public contracts for coastal restoration work. The Committee determined that its final report to the Legislature, which will be submitted upon approval of its work from the Law Institute's Council, will be divided into two parts, with Part I analyzing the potential constitutional issues raised by state preference laws and Part II discussing the effects such legislation would have on Louisiana contractors seeking coastal restoration work in other states in light of a full survey of other states' reciprocal preference laws.

In addition, the Constitutional Laws Committee was also assigned House Concurrent Resolution No. 7 of the 2021 First Extraordinary Session, which authorized and directed the Law Institute to identify language in the Constitution that is outdated or transitional in nature and can be removed without affecting the substance of the provisions as well as to identify language that is unnecessary or obsolete, or that from a comparative or organizational perspective belongs elsewhere in the Constitution or in the Revised Statutes. Several potential nonsubstantive, technical changes were identified throughout the Constitution and included in conjunction with the Law Institute's report in response to the resolution, which was submitted to the Legislature in 2023.

4. Corporations Committee

House Concurrent Resolution No. 146 of the 2008 Regular Session 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 House Bill No. 408 of the 2013 Regular Session, relative to the Model Business Corporations Act. However, the bill failed to pass. Over the course of the next year, the Committee continued to review the Model Business Corporation Act and introduced the Louisiana Business Corporation Act, this time as House Bill No. 319 of the 2014 Regular Session which became Acts 2014, No. 328.

Since the enactment of the Louisiana Business Corporation Act, the 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, creating a transitional rule for corporations whose articles of incorporation contain "opt in" exculpation provisions under former law, amending shareholder oppression remedies to protect holding companies and similar institutions observing federal or other state regulations from running afoul of the LBCA, and extending the time periods for the reinstatement of a terminated corporation and the reservation of its name, among others. Based on this work, the Law Institute submitted House Bill No. 714 of the 2016 Regular Session, enacted as Acts 2016, No. 442, and House Bill No. 310 of the 2017 Regular Session, enacted as Acts 2017, No. 57.

House Resolution No. 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. House Concurrent Resolution No. 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 Committee's work with respect to each of these issues is ongoing. The Committee determined that its first priority should be the revision of the laws of limited liability companies, and, now operating under the direction of Professor Lloyd "Trey" Drury, III as Reporter, the Committee has made significant progress in drafting proposed revisions, using the provisions of the Uniform Limited Liability Company Act (ULLCA) as a guide while also considering existing Louisiana LLC law, the ABA Prototype Act, the Louisiana Business Corporations Act, and relevant provisions of Delaware law.

Additionally, Senate Resolution No. 37 of the 2019 Regular Session urged and requested the Law Institute, in conjunction with the Louisiana Tax Institute, to study the feasibility of authorizing series limited liability companies in Louisiana. An interim report was issued to the

Legislature explaining that it intends to address the issue of series LLCs in the context of its comprehensive revision of Louisiana LLC law. A final report will be submitted to the Legislature once this revision has been approved by the Law Institute's Council.

5. Employment Law Committee

Senate Resolution No. 100 of the 2021 Regular Session urged and requested the Law Institute to study and make recommendations relative to collateral consequences that can hinder persons with criminal records from obtaining employment or occupational licenses. Pursuant to this request, the Law Institute created an Employment Law Committee and placed it under the direction of Professor William R. Corbett as Reporter and Ms. Allison Jones and Ms. Vicki Crochet as Co-Chairs. The Committee's leadership met to consider preliminary research with respect to the employment-related collateral consequences mentioned in the resolution and also monitored legislation that was proposed during the 2022 Regular Session concerning this topic. Since that time, the Committee met and spoke with stakeholders to identify concerns and to receive information on current and future issues with respect to the collateral consequences of criminal history. After conducting this study, the Committee crafted several revisions to the law, but upon presenting its recommendations to the Law Institute's Council, received feedback that perhaps additional research should be performed and an accompanying report should be drafted.

Since that time, the Committee has continued its research and found that although relatively recent legislation enacted certain Fair Chance Hiring tenets, Louisiana's laws were inconsistent with respect to public and private employers and less expansive than other jurisdictions utilizing similar statutory schemes. In attempting to reconcile these features, the Committee sought to unify and simplify the procedure and considerations used by employers. The Committee, however, subsequently identified several questions of policy likely requiring the consideration of entire industries as well as the Legislature. The Committee's concerns include questions regarding the applicability of a unified framework to certain employers, the interplay of the new law with existing relief through expungement, the feasibility of any enforcement mechanism, and public safety concerns regarding the scope of included offenses. With respect to professional licensure, the Committee determined after an evaluation of current laws that due to recent amendments to Title 37, which expanded certain Fair Chance Hiring protections for applicants, no changes are needed at this time. The Employment Law Committee plans to seek approval of a report consistent with these findings from the Law Institute's Council and will submit that report to the Legislature once it is finalized.

6. Lease of Movable Act Committee

House Concurrent Resolution No. 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. Therefore, the

Law Institute created the Lease of Movables Act Committee and named Robert P. Thibeaux as its Reporter. Focusing first on threshold issues such as the confusion created by the interplay of the Louisiana Lease of Movables Act, the Uniform Commercial Code, and the law of conditional sales, the Committee determined that agnosticism is the best course of action as to the concept of title to leased property in the Lease of Movables Act. The Committee has twice presented to the Law Institute's Council as to these underlying conceptual issues and has begun drafting its revisions to the Louisiana Lease of Movables Act.

Over the past few years, the Reporter has completed his first draft of the Lease of Movables Act revision, which the Committee is currently reviewing provision-by-provision at its meetings. As the Committee has progressed through the draft proposal, the Committee determined that Civil Code revisions would need to accompany the draft legislation, such as the enactment of a modified version of former Article 520 and a clarification concerning Article 525. These proposals were submitted to the Legislature during the 2023 Regular Session and were ultimately enacted as Acts 2023, No. 401. The Committee has continued its Civil Code drafting efforts, which ultimately produced a more comprehensive proposal addressing the rights of third persons relative to leased movables and the parties to leases of movables. This proposal was submitted to the Legislature as Senate Bill No. 77 of the 2026 Regular Session. The Committee will now return its attention to drafting its statutory revisions to the Lease of Movables Act – a process that has already been begun and that the Committee hopes will produce proposed legislation for submission during the 2027 or 2028 Regular Session.

7. Lesion Beyond Moiety Committee

House Concurrent Resolution No. 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, the Law Institute created the Lesion Beyond Moiety Committee and named Professor J. Randall Trahan Reporter. The Committee concluded that additional research was 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 and submitted an interim report in December of 2015 to provide an update with respect to the progress of this study.

Although the Committee has made a number of policy decisions on the law of lesion, including retaining the current scope of lesion, basing the fair market value of the immovable on the limited knowledge available at the time of the sale, and codifying the heightened jurisprudential standard of proof the work is ongoing.

8. Local Government Committee

Senate Resolution No. 159 of the 2024 Regular Session urges and requests the Law Institute to study and recommend legislation for allowing local governing authorities and municipalities exception to the applicability of certain state laws. In response to this resolution, the Law Institute created the Local Government Committee, which operates under the direction of

Mr. Patrick S. Ottinger as Reporter. Mr. Ottinger has assembled a geographically diverse group of proposed members with both breadth and depth of expertise. This roster of Committee members is likely to be approved in the upcoming months, after which the Reporter plans to begin conducting meetings without delay.

9. Mineral Law Committee

Senate Resolution No. 159 of the 2017 Regular Session urged and requested the Law Institute to study and make recommendations regarding the classification of mineral royalties under Louisiana law for the purposes of bankruptcy proceedings. In response to this resolution, the Law Institute created the Mineral Law Committee, which operates under the direction of Mr. Patrick S. Ottinger as Reporter. The Committee formed a Subcommittee to research the history and reasoning for the classification of mineral royalties as “rent” in R.S. 31:123, and the Subcommittee ultimately recommended an amendment to address this issue. At the same time, however, Senate Bill No. 179 of the 2019 Regular Session proposed a revision that was almost identical. As a result, the Law Institute determined that no additional action is recommended, and a final report to this effect was submitted to the Legislature in November of 2020.

House Resolution No. 238 of the 2018 Regular Session urged and requested the Law Institute to study the classification of production payments under Louisiana law. The Committee considered several alternative solutions before ultimately determining that adding restrictive language to R.S. 31:212.21 would accomplish the goal of clarification without need for the addition of a new defined term. The Committee’s proposals were ultimately enacted as Acts 2020, No. 76, and a final report was submitted to the Legislature in November of 2020.

Since this time, the Committee has received several inquiries about various issues, including the possibility of legislatively overruling the jurisprudential “subsequent purchaser” rule, and has largely concluded that no action is warranted in response to most of these inquiries. With respect to R.S. 31:114 and the argument advanced but rejected in *Mathews v. Goodrich Oil Co.*, 471 So. 2d 938 (La. App. 2 Cir. 1985), *writ denied*, 475 So. 2d 1105 (Mem. 1985), however, the Committee agreed that a legislative solution was appropriate. Along with these revisions, the Committee also identified a number of minor issues throughout the Mineral Code that could be addressed via nonsubstantive revisions, and these proposals were submitted to the Legislature and ultimately enacted as Acts 2023, No. 88. The Committee has tentatively flagged an issue concerning the Risk Fee Act as one to monitor but currently has no other active projects at this time.

10. Notaries Committee

House Concurrent Resolution No. 31 of the 2018 Regular Session directed the Law Institute to prepare proposed legislation providing for the enactment of an electronic/remote notary law in Louisiana. Additionally, House Concurrent Resolution No. 86 of the 2018 Regular Session requested the Law Institute to study and make recommendations for the implementation of notaries

public with limited authority. In response, the Law Institute reconstituted its previously existing Electronic Signatures Study Group and created a new Notaries Committee placed under the direction of Professor Melissa T. Lonegrass as Reporter.

The Committee's initial focus was on the drafting of an electronic notary law pursuant to House Concurrent Resolution No. 31, and these proposals were encapsulated in House Bill No. 514 of the 2019 Regular Session. The bill, however, was never heard on the House floor, and the Law Institute resubmitted its recommendations during the 2020 Regular Session. After several minor, nonsubstantive amendments were made, the proposed legislation was ultimately enacted as Acts 2020, No. 254.

After receiving approval of its remote notary revisions, the Committee also assisted the Secretary of State's office in drafting regulations to accompany Acts 2020, No. 254. This work involved meeting with technology providers and other stakeholders to craft specific regulatory rules for the technology utilized in the process of remote online notarization. The Secretary of State completed this work in August of 2021, and the rules have since been officially promulgated. Upon completing its work, the Committee returned its attention to the second resolution concerning notaries with limited authorities. One potential avenue for exploration identified by the Committee was a "deputy notary" system, whereby a civil law notary would be able to "deputize" a number of limited-authority notaries. In light of recent developments in federal law concerning the SECURE Notarization Act, the Committee elected to monitor the potentially changing legal landscape before taking action. Given that the repeated introduction of the SECURE Notarization Act and other related federal legislation over recent years has failed to produce any relevant enactments, the Committee recently concluded that it is no longer at significant risk of having its work preempted or otherwise obviated and, as such, plans to reconvene in the coming months. The Committee expects to submit its ultimate recommendations to the Legislature in 2026.

11. Prescription Committee

House Concurrent Resolution No. 28 of the 2011 Regular Session requested the Law Institute to 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's proposed legislation was enacted during the 2013 Regular Session.

Senate Concurrent Resolution No. 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 Prescription Committee concluded that no revision to the Louisiana Constitution concerning the inalienability or imprescriptibility of state mineral interests should be made, and a final report to that effect was submitted to the Legislature in November of 2020.

House Concurrent Resolution No. 88 of the 2018 Regular Session urged and requested the Law Institute to study the effects of enacting a law that would allow courts to raise prescription *sua sponte* in lawsuits. The Prescription Committee, in conjunction with the Law Institute's Code of Civil Procedure Committee, considered the concern expressed in the resolution surrounding the possibility that default judgments on prescribed debts could result in unenforceable obligations being treated as effective if unrepresented consumers fail to raise a defense of prescription. Ultimately, these Committees drafted narrowly tailored amendments to certain provisions of the Civil Code and Code of Civil Procedure, which were submitted to the Legislature in House Bill No. 176 of the 2020 Regular Session. The bill also made continuous revisions to the Code of Civil Procedure, and although this proposed legislation was deferred for a year due to the onset of the COVID-19 pandemic, it was ultimately enacted by the Legislature as Acts 2021, No. 259. A final report on allowing courts to raise the issue of prescription *sua sponte* was also submitted to the Legislature in November of 2020.

Over the past several years, the Committee has also been drafting continuous revisions concerning the prescriptive periods applicable to revocatory actions; actions for contractor liability and against architects, engineers, and surveyors; actions for redhibition and fitness for use; and actions against a successor claiming ownership of assets. Two of these proposed revisions, along with a clarification concerning the interruption of prescription when a suit is discontinued or abandoned, were submitted to the Legislature as Senate Bill No. 377 of the 2020 Regular Session. The bill was deferred for one year due to the onset of the COVID-19 pandemic before being enacted by the Legislature as Acts 2021, No. 414.

12. Security Devices Committee

In order to continue the work of Professor Thomas A. Harrell and the 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 L. David Cromwell. During the 2014 Regular Session, the Law Institute submitted a comprehensive revision of the laws relative to security, pledge, and registry which was enacted as Acts 2014, No. 281.

Senate Resolution No. 158 of the 2012 Regular Session urged and requested the Law Institute to study and review the placement and structure of Louisiana's lien law, including the documents that are required to be recorded, the types of liens currently provided for in Louisiana law, the placement of such revisions, and the manner in which Louisiana law currently requires that liens be recorded, perfected, and prioritized. The Committee submitted a report in February of 2013 outlining the progress made in the modernization and revision of the law on security devices. Nevertheless, the Committee also concluded that revisions to the Private Works Act were needed to make technical corrections, eliminate unintended consequences, clarify the substance of amendments made since the Act's enactment in 1981, and modify substantive provisions to better achieve their purpose. A comprehensive revision to the Private Works Act was submitted as House

Bill No. 203 of the 2019 Regular Session and enacted with very few amendments as Acts 2019, No. 325.

Senate Resolution No. 152 of the 2022 Regular Session urged and requested the Law Institute to study and recommend legislation to implement procedures for conducting online judicial sales and to appoint as special advisors representatives of the Louisiana Bankers Association, Louisiana Sheriffs' Association, and Louisiana City Marshals and City Constables Association. The Committee worked with stakeholders from these various groups and online auction companies to draft revisions to the Code of Civil Procedure and related provisions of the Revised Statutes to permit Louisiana sheriffs, marshals, and constables to conduct online auctions. The Committee drafted safeguards concerning the consent and presence of the seizing creditor, the publication of notice and other information concerning the auction and bids made during the auction, the ability of the debtor to bid at the online auction, and the use of online auction companies and the fees and requirements associated with doing so. These recommendations were submitted to the Legislature during the 2023 Regular Session, and although the Law Institute's recommendation was ultimately removed due to changes made before the bill was filed, the proposed legislation was enacted as Acts 2023, No. 390. The Act also directed the Law Institute to review and add Comments to the proposals included in the legislation, and these Comments were published in the fall of 2023.

Senate Resolution No. 43 of the 2023 Regular Session urged and requested that the Law Institute propose legislation to enact, amend, and repeal laws in order to implement and revise procedures for the electronic filing of legal documents; the electronic filing of documents in the conveyance and mortgage records; the retention, maintenance, preservation, and disposition of original paper documents once converted to electronic record; public access to all public records, including ease of functionality and viewing; and maintaining the integrity of public records, including original documents. In fulfillment of this request, portions of this project were referred to the Security Devices Committee by the Law Institute's Code of Civil Procedure Committee, particularly concerning the preservation of conveyance and mortgage records. Amendments to address the resolution's concerns regarding electronic filing of documents and retention were proposed by these Committees and ultimately enacted by the Legislature as Acts 2024, No. 501.

House Concurrent Resolution No. 80 of the 2024 Regular Session authorized and directed the Law Institute to study the Private Works Act and provisions relative to protecting homeowners who conduct residential improvement projects from having to pay twice for some or all of the work in order to avoid claims and privileges by unpaid subcontractors, suppliers, laborers, and other claimants. As instructed by the resolution, the Law Institute's Security Devices Committee worked with representatives of suppliers and homeowners as well as the Louisiana Bankers Association, ABC Louisiana, Louisiana AGC, Louisiana Homebuilders Association, Louisiana Concrete Association, and Louisiana Land Title Association. The Committee ultimately recommended against further modifications to the substantive rights granted by the Private Works Act but proposed several revisions to the Residential Truth in Construction Act to lessen the risk

that a homeowner will have the burden of paying twice for the same work due to the failure of the contractor or a subcontractor to pay those who supply labor, services, or material in connection with a residential improvement project. Among other things, the proposals would have granted the owner the right to obtain certain information from the contractor, including the names and contact information of laborers and suppliers and a statement of amounts owed to them; permitted the owner to withhold payment to the contractor until the requested information was provided; incentivized contractors to provide the required notice of lien rights by depriving them of a privilege on the owner's property if they failed to do so; and permitted owners to make direct requests for certain information to subcontractors, suppliers, and other claimants who, by failing to respond, would lose their claim and privilege to the extent of any damage caused to the owner. These revisions were submitted to the Legislature and introduced as House Bill No. 140 of the 2025 Regular Session, which ultimately failed to pass after being heard in House Committee.

13. Tax Sales Committee

Senate Resolution No. 109 of the 2012 Regular Session requested that the Law Institute study and make recommendations regarding the laws relative to sheriff's tax sales in Orleans Parish. Senate Resolution No. 40 of the 2013 Regular Session 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 Legislature in January of 2014 to provide information relative to the progress of this study.

Since that time, the Committee finalized its proposed amendments to Article VII, Section 25 of the Louisiana Constitution and continued its work revising related provisions of Title 47 of the Revised Statutes. The Committee also revisited issues such as whether to include statutory impositions like municipal liens in the tax auction process and whether to address issues related to blighted and abandoned property in the statutes dealing with adjudicated properties. During the finalization of the Committee's remaining draft revisions, the landmark United States Supreme Court decision in *Tyler v. Hennepin County*, 598 U.S. 631 (2023), forced the Committee to alter course and adopt an entirely new substantive framework. The Committee has since agreed in part on such a framework but remained divided on certain fundamental issues. In light of the importance of the revision and the recent jurisprudential developments generally, the Committee agreed to submit its recommendations in the form of a report to the Legislature, which included an overview and analysis of both the Committee's recommendations and the issues on which no consensus was reached. This report was approved by the Law Institute's Council and has been submitted to the Legislature.

The Law Institute has remained involved in related legislative efforts in the years since the Tax Sales Committee's work concluded. Acts 2024, No. 774 directed the Law Institute to review all statutes modified or repealed by the Act and make any necessary technical changes, as well as

recommendations deemed necessary to clarify, modify, or eliminate antiquated provisions of law consistent with the provisions of the Act. Given the nonsubstantive nature of the requested recommendations and the necessity of completing the relevant work in time for the 2025 Regular Session, the Law Institute handled the project internally with staff and has since submitted its recommendations to the Legislature. Legislation containing revisions substantially similar to those recommended was enacted as Acts 2025, No. 411, and Law Institute staff continues to consult with legislative staff to assist however possible in ongoing efforts to clarify the relevant body of law.

14. Torts and Insurance Committee

House Resolution No. 220 of the 2019 Regular Session requested the Law Institute to study and make recommendations regarding the provisions of the Louisiana Insurance Code concerning the payment of claims, penalties, and attorney fees. Additionally, Senate Resolution No. 220 of the 2019 Regular Session requested the Law Institute to study and make recommendations regarding certain aspects of the Louisiana Governmental Claims Act. In response to these resolutions, the Law Institute created a Torts and Insurance Committee and placed it under the guidance of Mr. Harry J. “Skip” Philips, Jr. and Mr. Donald Price as Co-Chairs and Professors Thomas Galligan and William Corbett as Co-Reporters.

After gathering background information on the topics outlined in each resolution, the Committee focused on House Resolution No. 220 and reconciling the two primary bad faith insurance statutes, R.S. 22:1892 and 1973. The Committee drafted amendments to make uniform the penalties and availability of attorney fees and costs, which were approved by the Council and submitted to the Legislature as House Bill No. 523 of the 2021 Regular Session. Although the bill received opposition and was ultimately withdrawn from the files of the House, the Committee emphasized its willingness to assist in the legislative process should a legislator wish to carry this proposal in the future, but subsequent developments have effectively rendered this issue moot.

The Torts and Insurance Committee was also assigned House Resolution No. 108 of the 2021 Regular Session relative to the intentional dissemination of personally identifiable information, or “doxing.” The Committee identified several significant issues implicated by legislative restrictions on doxing, including issues pertaining to the First Amendment and the exercise of personal jurisdiction, and conducted extensive research on these topics. The Committee ultimately advised against crafting a legislative solution to doxing and submitted a report to this effect to the Legislature in February of 2022.

Following this submission, the Committee considered issues related to the waiver of uninsured motorist coverage under current Louisiana law. The Committee discussed the issue several times and produced an initial draft revision of R.S. 22:1295, in which it planned to include a statutory—rather than agency-promulgated—waiver form in the hopes of reducing litigation and thus expense related to the effectivity of waivers of coverage. In the meantime, however, related

legislation was enacted, and in deference to these enactments, the Committee has agreed to set this project aside.

With respect to Senate Resolution No. 220 of the 2019 Regular Session, the Committee's Chairs and Reporters compiled information and feedback with respect to issues involving the Louisiana Governmental Claims Act. The Committee also requested commentary from both the Attorney General and the Office of Risk Management and subsequently drafted a preliminary set of revisions. The ensuing discussions revealed that effective revision of R.S. 13:5108.1 would not only require a significant expansion of the project's scope but would prove incredibly complex in its implications for the Attorney General and the Office of Risk Management. So as to avoid exceeding the scope of its legislative directive, the Committee leadership discussed with the resolution author his objectives in initiating the project. In light of the feedback received and the then-upcoming elections, the Committee's leadership elected to pause its efforts so that it might receive further, more concrete input from the interested parties without risk of shifts in perspective as a result of organizational turnover. The Law Institute then received Senate Resolution Nos. 158 and 174 of the 2025 Regular Session, which effectively restate the initial legislative charge but with added clarity and expanded scope. The Committee has since discussed the project at several meetings and has produced a draft of preliminary revisions, which have been reviewed and are in the process of being further refined, as detailed in the interim report it submitted to the Legislature on this topic.

After the 2025 Regular Session, the Torts and Insurance Committee was also assigned House Resolution Nos. 252 and 280 and Senate Resolution No. 163. House Resolution No. 252 asks the Law Institute to study and recommend legislation for a reversionary medical trust in an award for damages in personal injury claims. After preliminary discussion, the Committee elected to form a Subcommittee with more specialized subject-matter expertise to undertake this project, and Subcommittee discussions have revealed an incredibly complex issue requiring extensive research, including a fifty-state survey of analogous laws. Initial drafts of potential proposals have been produced, but these drafts require further refinement and await review by the Subcommittee. In the interim, Committee and Subcommittee leadership have maintained open dialogue with the various stakeholders and interested parties.

With respect to House Resolution No. 280 and Senate Resolution No. 163 – which make nearly identical requests for the Law Institute to study and make recommendations regarding the viability of subjecting certain software platforms and computer programs to the provisions of the Louisiana Products Liability Act (LPLA) as so-called “digital products” – the Committee similarly elected to form a more specialized Subcommittee to undertake the necessary work. Working with the authors of both resolutions, the Subcommittee quickly concluded that the goals underlying the project would be poorly served by the inclusion of the relevant programs within the framework of the LPLA. After research and further discussion, the Subcommittee ultimately recommended the enactment in the Civil Code of a broadly stated recognition of a negligence-based duty owed by parties responsible for the aforementioned “digital products.” Such a proposal was drafted and

adopted by the Law Institute and was submitted to the Legislature as House Bill No. 190 of the 2026 Regular Session.

15. Water Law and Water Code Committees

Senate Concurrent Resolution No. 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. The Law Institute submitted a report in March of 2014 recommending that a Law Institute Water Code Committee be created with a view toward the development of a comprehensive Water Code that integrates all of Louisiana's water resources.

Senate Resolution No. 171 of the 2014 Regular Session requested that the Law Institute create a Water Code Committee to develop proposed legislation establishing a comprehensive Water Code. The Law Institute thereafter created this Committee and placed it under the supervision of Reporter Mark S. Davis. The resolution also requires annual reports indicating the status of developing a comprehensive Water Code, and the Law Institute has submitted such reports each year.

Specifically, the Water Code Committee has continued its research with respect to the comparative analysis of the water law schemes of several states as well as the free-market water law scheme of Chile. This analysis prompted the Committee to narrow its examination to focus on the schemes employed by Minnesota, Virginia, Mississippi, and Arkansas. Additionally, the Committee has developed a "Water Law Atlas" in which it has compiled terminology and rule archetypes used across the country. After spending 2019 focused primarily on fact-finding, with the Reporter and Committee members meeting with various interested parties, experts, and officials in these states, the Committee shifted its focus to more concrete substantive legal analysis. This substantive legal analysis centered largely on model legislation and the water law systems employed by Louisiana's neighboring states. In 2022, the Committee produced a comprehensive comparative analysis of the ASCE Regulated Riparian Model Water Code and the present water law of Louisiana, Mississippi, and Arkansas, which was appended to the Law Institute's 2023 annual report to the Legislature. This analysis subsequently formed the basis of drafting efforts over the ensuing year, which culminated in early 2024 in the completion of the first preliminary draft of a proposed Water Code.

Upon completing this initial draft, Law Institute staff undertook a comprehensive review of the draft with the goal of identifying, and where possible eliminating, inconsistencies and ambiguities, as well as any overarching substantive issues that would demand further attention as the Committee's review and refinement of the draft progressed. Law Institute staff further undertook a comprehensive review of Louisiana law so as to identify all current grants of authority for the management of water and water-related resources and other water-adjacent tasks. While

this latter project had been largely completed by early 2025, the administrative restructuring effected during the 2025 Regular Session – and the related redistribution of authority and responsibility – has required its own comprehensive review. As for additional implications of the administrative restructuring, the Committee and its leadership have been proactive in monitoring all relevant developments and maintaining dialogue with all stakeholders and interested parties, with a view toward crafting an ultimate proposal that allows for a smooth regulatory transition from present law to the law contemplated by the Committee’s Water Code.

Law Institute staff and Committee leadership have also worked consistently to address the various substantive issues identified during review of the initial draft. The Committee has met to discuss the remaining issues and has reached a preliminary agreement as to how best to address these. As the Committee works to resolve these issues, its systematic review and adoption of the specific language of its draft will begin, and the Committee also plans to begin presenting its proposal to the Law Institute’s Council in the fall of 2026, with the goal of submitting proposed legislation during the 2027 or 2028 Regular Session.

16. Special Projects from Prior Years

- a. Adjudicated Properties Committee
- b. Adult Guardianship Committee
- c. Bail Bond Procedure Revision Committee
- d. Birth Certificates Committee
- e. By-Laws
- f. Child Custody Committee
- g. Child Support Committee
- h. Childhood Addiction to Pornography Task Force
- i. Counterletters Committee
- j. Criminal Background Checks for Persons Providing Health-Related Services to Adults
- k. DEQ Administrative Law Procedures Committee
- l. Disabled Adult Children Committee
- m. Disposition of Pornographic Evidence Committee
- n. Electronic Signatures Study Group
- o. Expedited Jury Trials Committee
- p. Expropriations Committee
- q. Family Law Committee
- r. Guardianship Committee
- s. HCR 162 – Expropriation Committee
- t. Human Trafficking Committee
- u. Landlord-Tenant Committee
- v. Limitation of State Liability Committee
- w. Louisiana Uniform Electronic Transactions Act (LUETA)

- x. Mineral Law – Legacy Disputes Committee
- y. Mineral Law – Unsolicited Offers Committee
- z. Non-Navigable Waterbottoms
- aa. Oil and Gas Well Privilege Statute
- bb. Persons with Disabilities
- cc. Possessory Actions Committee
- dd. Postponement of Taxes Committee
- ee. Private Use of Levee Roads Committee
- ff. Products Liability
- gg. Rights of Public Access to Non-Navigable Waters
- hh. Risk Fee Act Committee
- ii. “Son of Sam” Committee
- jj. Summary Judgment Subcommittee
- kk. Surrogacy Committee
- ll. Tax Study Committee
- mm. Uniform Commercial Code Committee
- nn. Uniform Computer Information Transactions Act (UCITA) Study Committee
- oo. Uniform Prudent Management of Institutional Funds Act (UPMIFA) Committee
- pp. Unpaid Wages Committee
- qq. Use of “d/Deaf”
- rr. Utility Servitudes Committee

IX. ANNUAL MEETINGS

One of the purposes of the Law Institute under its legislative charter is to conduct an annual meeting for the scholarly discussion of current problems in our law. In fulfillment of this obligation, the Law Institute held annual meetings in 2024 and 2025 as working meetings of the Council.

X. GENERAL COMMENTS

The governing authority of the 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 February of 2026, the Council has held hundreds of meetings, which have been attended by tens of thousands of people who have donated countless 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, Ms. Mallory C. Waller, and three full-time staff attorneys, Ms. Jessica G. Braun, Mr. Nick Kunkel, and Mr. Josef P. Ventulan. The experience and expertise of our staff have proved indispensable to the Law Institute's work.

The 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.