

2021 Regular Session

HOUSE BILL NO. 358

BY REPRESENTATIVE EDMONDS

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

COURTS: Provides relative to the Online Judge Pilot Program

1 AN ACT

2 To enact R.S. 13:621.24.2, relative to the Twenty-Fourth Judicial District; to establish the
3 Online Judge Pilot Program; to provide for the subsequent inclusion of additional
4 courts; to provide for participation in the program; to provide for motions; to provide
5 for oral and written arguments; to provide for admissibility of evidence; to provide
6 for transmission of pleadings; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:621.24.2 is hereby enacted to read as follows:

9 §621.24.2. Twenty-Fourth Judicial District; Online Judge Pilot Program

10 A. In an effort to improve access to justice and create a more efficient and
11 effective justice system, the Twenty-Fourth Judicial District Court, by rule adopted
12 by a majority of the judges sitting en banc, may establish the Online Judge Pilot
13 Program. Each division of court, now in existence or subsequently created, is
14 authorized to establish a process to handle any preliminary matter exclusively online.
15 The Louisiana Supreme Court may approve any additional court to subsequently
16 participate in the Online Judge Pilot program, hereafter referred to as "the program".

17 B. Pursuant to the inherent judicial power of the court, the court may order
18 the parties to any civil case to participate in the program. Any party who wishes to
19 opt out of the program shall file a written motion to opt out within ten days after

1 service of the order, which may be granted ex parte. If no party opts out, all parties
2 shall participate in the program unless a party has been exempted by the court due
3 to an undue hardship. An undue hardship exists when a party cannot access the
4 online system or participate in the program without substantial difficulty or expense
5 as determined by the court.

6 C. In an effort to expedite litigation, oral arguments shall be waived and all
7 motions and exceptions shall be referred to the program, unless the court determines
8 that oral arguments or witness testimony is necessary. Written argument may take
9 place through the program in an asynchronous manner within a time frame specified
10 by the court. The court may also designate a character limit depending upon the
11 complexity of the issue. The court may consider only those documents filed in
12 support of or in opposition to the subject motion and shall consider any documents
13 to which no objection is made. Any objection to a document shall be raised in a
14 timely filed opposition or reply memorandum. The court shall consider all
15 objections prior to rendering judgment. The court shall specifically state in writing
16 which documents, if any, it held to be inadmissible or declined to consider. The
17 parties may present and offer additional evidence if oral arguments are permitted or
18 witness testimony is necessary.

19 D. All messages related to a hearing held through the program shall be
20 considered part of the court record and may be used for any purpose after having
21 been certified by the court reporter. Any issue discussed through the program during
22 the pretrial conference may not be used as evidence in any judicial or administrative
23 proceeding.

24 E. Notwithstanding any provision of law to the contrary, every pleading
25 subsequent to the original petition, including a pleading or order that sets a court
26 date, shall be served by transmitting an electronic copy to all parties through the
27 program established by the court.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 358 Engrossed

2021 Regular Session

Edmonds

Abstract: Creates the Online Judge Pilot Program in the 24th JDC.

Proposed law authorizes the 24th JDC to establish the Online Judge Pilot Program as an effort to improve access to justice and create a more efficient and effective justice system.

Proposed law authorizes each division of the 24th JDC to establish a process to handle any preliminary matter exclusively online.

Proposed law provides that the court may order the parties to any civil case to participate in the program unless the parties have opted out or have been exempted by the court due to an undue hardship.

Proposed law provides that any party who wishes to opt out of the program shall file a written motion to opt out within 10 days after service of the order.

Proposed law provides that an undue hardship exists when a party cannot access the online system or participate in the program without substantial difficulty or expense as determined by the court.

Proposed law provides for the waiver of oral arguments and referral of all motions and exceptions to the Online Judge Pilot Program, unless the court determines that oral arguments or witness testimony are necessary.

Proposed law provides for procedures regarding how written arguments, motions, and objections are to be handled through the Online Judge Pilot Program. Provides for admissibility and presentation of evidence.

Proposed law provides that all messages related to a hearing held through the Online Judge Pilot Program shall be considered part of the court record and may be used for any purpose after certification by the court reporter. Proposed law provides that any issue discussed during the pretrial conference through the Online Judge Pilot Program may not be used as evidence in any judicial or administrative proceeding.

Proposed law provides that every pleading following the original petition, including a pleading or order that sets a court date, shall be served by transmitting an electronic copy to all parties through the Online Judge Pilot Program.

(Adds R.S. 13:621.24.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

1. Delete language referencing the COVID-19 pandemic.
2. Revise proposed law provisions to opting out of the program and qualifications for an undue hardship.