

GREEN SHEET REDIGEST

HB 358

2021 Regular Session

Edmonds

COURTS: Provides relative to the Online Judge Pilot Program

DIGEST

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.

Proposed law provides that the pilot program terminates on August 1, 2025.

(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.

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the engrossed bill

1. Removes the ability of the La. Supreme Court to approve additional courts for entry into the Online Judges Pilot Program.
2. Sunsets the program on August 1, 2025.