

STATE OF LOUISIANA

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Chair



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TASK FORCE ON STATEWIDE STANDARDS FOR CLERKS OF COURT ELECTRONIC FILING AND RECORD RETENTION

AGENDA

Friday, April 1, 2022
Committee Room E
10:00 AM

- I. Call To Order
- II. Roll Call
- III. DISCUSSION:
 1. Consideration of recommendation to the Senate that it request the Louisiana State Law Institute study and make specific recommendations for.
 - a. Revisions to the Code of Civil Procedure, to require clerks of court to retain all wills and codicils, promissory notes, and other documents (to be identified by the LSLI) in their original paper format, where the documents may affect land titles, inheritance rights, or other claims or defenses, and which in their original paper format have evidentiary value; and if such revisions are made, whether other laws, such as La. R.S. 44:116 should be revised to comply with the amendment to the Code of Civil Procedure. See also La. R.S. 9:2612.
 - b. Revisions to the Code of Civil Procedure to require that when a testament is electronically filed for probate or registry pursuant to La. C.C.P. art. 253, the testament in its original paper format shall be delivered to the clerk of court for filing, for examination by the presiding judge if needed, and for retention pursuant to law.
 - c. Revision to the Code of Civil Procedure and/or Revised Statutes to provide the periods of retention by the clerk of court of those documents which must be delivered to the clerk of court in original paper format.

- d. Amendment to La. C.C.P. art. 253 or its comments to reference La. Code of Evidence articles 1002 and 1003 requiring introduction into evidence of original paper documents and restricting use of electronic duplicates.
 - e. Removal of current La. Code of Civil Procedure art. 258 from the Code of Civil Procedure and redesignation of the provisions of the article as a statute in the Civil Code Ancillaries.
 - f. Interplay of clerks of courts' conversions of existing suit records to electronic records and the requirements of La. R.S. 13:917, 13:1221, 13:1904, and 13:2562.26.
2. Discussion of Amendment to La. R.S. 44:36. (Specifically, should the Task Force recommend revising La. R.S. 44:36 to provide that conveyance, probate and mortgage records shall be retained permanently and kept for all time? If so, should the rule declare the format in which the records should be maintained and should probate records be included in this listing?)
3. Consideration of revision of
 - a. La. R.S. 44:36(F) to require all prosecuting agencies to maintain records pertaining to a criminal prosecution that results in a conviction, and to retain such records until expiration of the full term of the sentence imposed upon the offender, and
 - b. La. Code of Criminal Procedure art. 14.1(F), to mandate retention of evidence in its original format, where the original format of the evidence may be relevant as proof.
4. Consideration of amendment or repeal of La. R.S. 9:2612 and 9:2617, which appear to be in conflict with La. R.S. 44:36, 44:39, 44:116, and 44:411.
5. Discussion of circumstances which should require a clerk to maintain a paper suit record in addition to the electronic record and possible referral to LSLI for further study.
6. Discussion of Amendment to La. R.S. 13:76 (currently limited to "facsimile technology") to include "electronic filing technology."
7. Consideration of Amendment to La. R.S. 13:754 relating to the LCRAA, to increase the number of commissioners by adding a commissioner to be appointed by the La. Supreme Court and a commissioner to be appointed by the Louisiana District Judges Association.
8. Follow up discussion on the recommendation that the clerks of court have uniform e-filing capability by January 1, 2025, and a timeframe for a best practices/minimum standards manual as well.

IV. Other Matters

V. ADJOURNMENT

Persons who do not feel comfortable giving testimony in person may submit a prepared statement in accordance with Senate Rule 13.79, in lieu of appearing before the Task Force. Statements may be emailed to pickerim@legis.la.gov and must be received by the Task Force committee secretary at least three hours prior to the meeting to be included in the record for this Task Force meeting.

Audio/visual presentations, such as PowerPoint, must be received by the Task Force committee secretary at pickerim@legis.la.gov at least twenty-four hours PRIOR to the scheduled start of the Task Force meeting for review and prior approval. Thumb drives will NOT be accepted.

Persons desiring to participate in the meeting should utilize appropriate protective health measures and observe the recommended and appropriate social distancing.

PLEASE SUBMIT A WITNESS CARD TO THE COMMITTEE ADMINISTRATIVE ASSISTANT BEFORE THE MEETING BEGINS IF YOU WANT TO TESTIFY BEFORE THE COMMITTEE.

Thomas M. Hayes, III - Chair