

2024 Regular Session

HOUSE BILL NO. 663

BY REPRESENTATIVE GREEN

COURTS: Provides relative to court proceedings to be conducted via remote technology

1 AN ACT

2 To enact Code of Civil Procedure Article 195.2 and to repeal Code of Civil Procedure
3 Article 195.1, relative to judicial proceedings; to provide for judicial proceedings
4 conducted by remote technology; to provide for hearings; to provide for judge trials;
5 to provide relative to notice of trial to all parties; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. Code of Civil Procedure Article 195.2 is hereby enacted to read as
8 follows:

9 §195.2. Judicial proceedings by remote technology

10 A. Except as provided in Subsections B and D of this Section, in civil cases,
11 when a party provides notice to the court and all other parties that it intends to appear
12 remotely, a party may appear remotely, and the court may conduct conferences,
13 hearings, and proceedings, in whole or in part, through the use of remote technology.

14 B. Except as otherwise provided by law, the court may require a party or
15 witness to appear in person at a conference, hearing, or proceeding if any of the
16 conditions are present:

17 (1) The court with jurisdiction over the case does not have the technology
18 necessary to conduct the conference, hearing, or proceeding remotely.

19 (2) The court has the requisite technology, but the quality of the technology
20 or audibility at a conference, hearing, or proceeding prevents the effective
21 management or resolution of the conference, hearing, or proceeding.

1 (3) The court determines that an in-person appearance would materially
2 assist in the determination of the conference, hearing, or proceeding or in the
3 effective management or resolution of the particular case.

4 (4) The quality of the technology or audibility at a conference, hearing, or
5 proceeding inhibits the court reporter's ability to accurately prepare a transcript of
6 the conference, hearing, or proceeding.

7 (5) The quality of the technology or audibility at a conference, hearing, or
8 proceeding prevents an attorney from being able to provide effective representation
9 to the attorney's client.

10 (6) The quality of the technology or audibility at a conference, hearing, or
11 proceeding inhibits an interpreter's ability to provide language access to a party or
12 witness.

13 C.(1) Except as otherwise provided by law and subject to the limitations of
14 Subsection B of this Section, upon its own motion or the motion of any party, the
15 court may conduct a trial or evidentiary hearing, in whole or in part, through the use
16 of remote technology, absent a showing by the opposing party as to why a remote
17 appearance or testimony should not be allowed.

18 (2)(a) Except as otherwise provided by law, if the court conducts a trial, in
19 whole or in part, through the use of remote technology, the court reporter shall be
20 physically present in the courtroom.

21 (b) If the court conducts a trial, in whole or in part, through the use of remote
22 technology, upon request of a party or the court, the interpreter shall be physically
23 present in the courtroom.

24 D.(1) Before the court with jurisdiction over the case may proceed with a
25 remote conference, hearing, proceeding, or trial, the court shall have a process for
26 a party, witness, court reporter, interpreter, or other court personnel to alert the court
27 of technology or audibility issues that arise during the conference, hearing,
28 proceeding, or trial.

1 (2) The court shall require that a remote appearance by a party or witness
2 have the necessary privacy and security appropriate for the conference, hearing,
3 proceeding, or trial.

4 (3) The court shall inform all parties, particularly parties without legal
5 representation, about the potential technological or audibility issues that could arise
6 when using remote technology, which may require a delay of or halt the conference,
7 hearing, proceeding, or trial. The court shall make information available to
8 self-represented parties regarding the options for appearing in person and through the
9 use of remote technology.

10 E. The court shall not require a party to appear through the use of remote
11 technology. If the court permits an appearance through remote technology, the court
12 shall ensure that technology in the courtroom enables all parties, whether appearing
13 remotely or in person, to fully participate in the conference, hearing, or proceeding.

14 Section 2. Code of Civil Procedure Article 195.1 is hereby repealed in its entirety.

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 663 Original

2024 Regular Session

Green

Abstract: Permits court proceedings to be conducted via remote technology.

Proposed law provides that, in civil cases, when a party has provided notice to the court and all other parties that it intends to appear remotely, a party may appear remotely and the court may conduct conferences, hearings, and proceedings, in whole or in part, through the use of remote technology.

Proposed law provides that the court may require a party or witness to appear in person at a conference, hearing, or proceeding if any of the conditions are present:

- (1) The court with jurisdiction over the case does not have the technology necessary to conduct the conference, hearing, or proceeding remotely.
- (2) The court has the requisite technology, but the quality of the technology or audibility at a conference, hearing, or proceeding prevents the effective management or resolution of the conference, hearing, or proceeding.
- (3) The court determines on that an in-person appearance would materially assist in the determination of the conference, hearing, or proceeding or in the effective management or resolution of the particular case.

- (4) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits the court reporter's ability to accurately prepare a transcript of the conference, hearing, or proceeding.
- (5) The quality of the technology or audibility at a conference, hearing, or proceeding prevents an attorney from being able to provide effective representation to the attorney's client.
- (6) The quality of the technology or audibility at a conference, hearing, or proceeding inhibits an interpreter's ability to provide language access to a court user or authorized individual.

Proposed law provides that upon its own motion or the motion of any party, the court may conduct a trial or evidentiary hearing, in whole or in part, through the use of remote technology, absent a showing by the opposing party as to why a remote appearance or testimony should not be allowed.

Proposed law provides that if the court conducts a trial, in whole or in part, through the use of remote technology, the court reporter shall be physically present in the courtroom.

Proposed law provides that if the court conducts a trial, in whole or in part, through the use of remote technology, upon request of a party or the court, the interpreter shall be physically present in the courtroom.

Proposed law provides that before the court with jurisdiction over the case may proceed with a remote conference, hearing, proceeding, or trial, the court shall have a process for a party, witness, court reporter, interpreter, or other court personnel to alert the court of technology or audibility issues that arise during the conference, hearing, proceeding, or trial.

Proposed law provides that the court shall require that a remote appearance by a party or witness have the necessary privacy and security appropriate for the conference, hearing, proceeding, or trial.

Proposed law provides that the court shall inform all parties, particularly parties without legal representation, about the potential technological or audibility issues that could arise when using remote technology, which may require a delay of or halt the conference, hearing, proceeding, or trial. Provides further that the court shall make information available to self-represented parties regarding the options for appearing in person and through the use of remote technology.

Proposed law provides that the court shall not require a party to appear through the use of remote technology. If the court permits an appearance through remote technology, the court must ensure that technology in the courtroom enables all parties, whether appearing remotely or in person, to fully participate in the conference, hearing, or proceeding.

Present law provides that a hearing on any motion or exception may be conducted by any audio-visual means at the discretion of the court. Provides further that if witness testimony is necessary, a party may request that the hearing be conducted in person.

Present law provides that a judge trial may be conducted by any audio-visual means with the consent of all parties and permission of the court.

Proposed law repeals present law.

(Adds C.C.P. Art. 195.2; Repeals C.C.P. Art. 195.1)