



Jeff Landry  
Attorney General

State of Louisiana  
DEPARTMENT OF JUSTICE  
CIVIL DIVISION  
P.O. BOX 94005  
BATON ROUGE  
70804-9005

MAY 07 2018  
Opinion 17-0133

Melissa R. Henry  
Clerk of Court  
22<sup>nd</sup> Judicial District Court  
St. Tammany Parish  
P.O. Box 190  
Covington, LA 70434

10 CLERKS OF COURT

La. C.C.P. art. 253  
La. C.C.P. art. 258  
La. R.S. 9:2601 *et seq.*

Electronic signatures may be used on matters governing adoption, divorce, or other family law matters. Clerks of court may accept electronic filings for family law matters.

Dear Ms. Henry:

You request an opinion from our office as to whether Act No. 606 of the 2014 Louisiana Legislative Regular Session can be interpreted to allow the use of electronic signatures for divorce actions.

2014 La. Act No. 606 made three changes to the law and all three are relevant to your opinion request. First, the new law added a paragraph to La. C.C.P. art. 253, which reads:

C. A judge or justice presiding over a court in this state may sign a court order, notice, official court document, and other writings required to be executed in connection with court proceedings, by use of an electronic signature as defined by R.S. 9:2602. The various courts shall provide by court rule for the method of electronic signature to be used and to ensure the authenticity of the electronic signature.

Second, 2014 Act No. 606 amended La. C.C.P. art. 1911 to add the language, "[j]udgments may be signed by the judge by use of electronic signature. The various courts shall provide by court rule for the method of electronic signature to be used and to ensure the authenticity of the electronic signature."

Third and finally, 2014 Act No. 606 removed the previous prohibition on electronic signatures for court orders, notices, or official court documents, including briefs, pleadings, and other writings from the Louisiana Uniform Electronic Transactions Act, La. R.S. 9:2601 *et seq.*, hereinafter referred to as "LUETA."

Electronic signatures in judicial proceedings are governed by LUETA. La. R.S. 9:2603 specifically provides:

A. An application for any warrant or signature utilized by the judicial branch of state government shall not be denied legal effect or

enforceability solely because it is in electronic form. Any such application, signature or record in electronic form shall have the full effect of law.

B. If a law requires the application for any warrant to be in writing, an electronic record shall satisfy the law.

C. If a law requires a signature, an electronic signature satisfies the law.

Your request specifically questions the use of electronic signatures in divorce actions. Divorce actions appear to be specifically excluded from LUETA by La. R.S. 9:2603(B)(4)(a), which provides that the electronic records and electronic signature laws do not apply to "[a] law governing adoption, divorce, or other matters of family law, with the exception of a temporary restraining order issued pursuant to Domestic Abuse Assistance, R.S. 46:2131 et seq., or Protection from Dating Violence Act, R.S. 46:2151."

However, LUETA provides an exception to this exclusion. Louisiana Revised Statute 9:2603(C) states, "[t]his Chapter applies to an electronic record or electronic signature otherwise excluded from the application of this Chapter under Subsection B of this Section to the extent it is governed by a law other than those specified by Subsection B of this Section." Therefore, pursuant to La. R.S. 9:2603(C), other laws outside of LUETA may govern electronic signatures regarding family law matters.

Louisiana Code of Civil Procedure article 253 is not part of LUETA, as it is located within the Code of Civil Procedure. Accordingly, it is such an "other" law outside of LUETA that brings these electronic records or signatures back under the application of LUETA. Louisiana Civil Code of Procedure article 253 applies to electronic signatures in family law matters. Specifically, La. C.C.P. art. 253 allows all pleadings or documents to be electronically filed in an action or proceeding instituted or pending in a court. Family law matters, including divorce, are governed by the Louisiana Civil Code and Louisiana Code of Civil Procedure.<sup>1</sup> As a result, electronic signatures may be used in family law matters filed with the clerk of court.

This conclusion is further supported by various sources. Louisiana Code of Civil Procedure article 253(E) states, "[t]he clerk shall not refuse to accept for filing any pleading or other document signed by electronic signature, as defined by R.S. 9:2602, and executed in connection with court proceedings, solely on the ground that it was signed by electronic signature." This prevents the clerk of court from refusing a family law filing on the basis that it contains an electronic signature. Furthermore, comment (g) to La. R.S. 9:2603 notes the possibility that electronic filings could be provided for by law in the future. Additionally, the Louisiana First, Third, Fourth, and Fifth Courts of Appeal allow electronic filing of pleadings, without exceptions for family law matters. In La. Atty. Gen. Op. No. 14-0187, we stated, "electronic signatures are allowed to be

---

<sup>1</sup> Louisiana Children's Code article 104 requires that the Louisiana Code of Civil Procedure governs all matters within the Children's Code not specifically governed by the Children's Code or the Code of Criminal Procedure.

used by judges on all court documents in both civil and criminal courts pursuant to La. Code Civ. Pro. art. 253 and 1911 and subject to properly promulgated local court rules." While that opinion's conclusion applies to documents signed by judges rather than litigants, the conclusion nonetheless allows judicial documents to be signed electronically in the context of family law.


You have also asked if the St. Tammany Parish Clerk of Court may accept electronic filings for family law matters. La. C.C.P. art. 253(B) specifically allows electronic filing by clerks of court. Furthermore, La. C.C.P. art. 253(E) prohibits a clerk of court from refusing to accept a document solely on the ground it was signed by an electronic signature. Therefore, the St. Tammany Parish Clerk of Court may accept electronic filings for family law matters, provided it is in compliance with LUETA and La. C.C.P. art. 253. Please note this is limited to electronic filing, not facsimile filings, which are specifically allowed by La. R.S. 13:850.

We hope that this opinion has adequately addressed the legal issues you have raised. If our office can be of any further assistance, please do not hesitate to contact us.

With best regards,

JEFF LANDRY  
ATTORNEY GENERAL

BY:

  
Jeffrey M. Wale  
Assistant Attorney General

JL: JMW