

December 17, 2013  
**OPINION 13-0158**

The Honorable Donald R. Johnson  
Judge, Division B, Section VII  
Nineteenth Judicial District Court  
East Baton Rouge Parish  
Suite 10201, 300 North Blvd.  
Baton Rouge, LA 70801

56 JUDGES

La. Code Civ. Proc. art. 1911; La. Code. Crim. Proc. art. 162 *et seq.*; La.  
R.S. 9:2601 *et seq.*

There is no statutory authorization for judges to sign judgments using  
an electronic signature.

Judge Johnson:

Your request for an Attorney General's Opinion has been assigned to me for research and reply. You ask whether judges may sign judgments using an electronic signature.

The short answer to your question is no. First, we note that La. Code Civ. Proc. art. 1911 provides, in part, as follows:

Except as otherwise provided by law, every final judgment shall be signed  
by the judge...

While that article does not specify how the judgment must be signed (*i.e.*, with a pen, pencil, marker, crayon, stylus, or other writing instrument), it does not specifically authorize the use of an electronic signature.

Pertinently, the Louisiana Uniform Electronic Transactions Act (La. R.S. 9:2601 *et seq.*, hereinafter referred to as "LUETA") defines an "electronic signature" as "an electronic sound, symbol, or process attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record."<sup>1</sup>

However, pursuant to La. R.S. 9:2603(B)(4)(b), LUETA does not apply to "[c]ourt orders or notices, or official court documents, including briefs, pleadings, and other writings, required to be executed in connection with court proceedings, except as otherwise provided by law." As noted in La. R.S. 9:2605(B)(1), LUETA applies only to transactions between parties, each of which has agreed to conduct transactions by electronic means.

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La. R.S. 9:2602(8).

One limited exception that authorizes electronic forms and signatures relates to the issuance of warrants. As to forms for warrants, we note La. R.S. 9:2603.1(A), which provides as follows:

*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.*

[Emphasis added.]

As to electronic signatures, we note La. Code of Criminal Procedure Art. 162.2E, which provides as follows:

Accompanying the electronic testimony shall be an electronic facsimile of the search warrant. If the judge finds probable cause and approves the issuance of the warrant, he shall affix his electronic signature to the warrant and return it immediately to the applicant.

[Emphasis added.]

Therefore, while La. R.S. 9:2603.1(A) and La. Code of Crim. Proc. Art 162.2 specifically provide for and authorize the use of electronic forms and signatures for search warrants, there is no such similar provision for the use of electronic signatures for court orders or judgments. To the contrary, La. R.S. 9:2603(B)(4)(b) specifically states that electronic signatures are not authorized for the signing of court orders, notices, etc.

Thus, it is the opinion of this office that, absent authorizing legislation and adopted Rules of Court, judges may not sign judgments using an electronic signature. However, pursuant to La. R.S. 9:2603.1(A) and La. Code of Crim. Proc. Art 162.2, the use of an electronic form and signature for search warrants is authorized.

We trust this adequately responds to your request. However, if our office can be of further assistance, please do not hesitate to contact us.

Yours very truly,

JAMES D. "BUDDY" CALDWELL  
Attorney General

By:

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BENJAMIN A. HUXEN II  
Assistant Attorney General

JDC/BAH II

**Opinion 13-0158**  
**Syllabus**

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Date Received:

Date Released: December 17, 2013

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