

2026 Regular Session

HOUSE BILL NO. 437

BY REPRESENTATIVE MELERINE

EVIDENCE: Provides relative to expert witness fees

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AN ACT

To amend and reenact Code of Civil Procedure Article 1425(B) and to enact Code of Evidence Article 702(C) and (D), relative to expert witnesses; to provide relative to qualifying a witness as an expert; to provide for definitions; to provide for disclosure of pecuniary interest; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Evidence Article 702(C) and (D) are hereby enacted to read as follows:

Art. 702. Testimony by experts

\* \* \*

C. Except in criminal, traffic, or juvenile proceedings, a witness with a pecuniary interest in the outcome of the case shall not be qualified as an expert.

D. "Pecuniary interest" means any compensation from or relating to an award of damages, engagement to provide goods or services connected to an award, or any financial benefit from or relating to the testimony besides the compensation to be paid for the study and testimony disclosed in a report under Code of Civil Procedure Article 1425(B). Pecuniary interest does not extend to an expert witness who is or has been an employee of a party.

1 Section 2. Code of Civil Procedure Article 1425(B) is hereby amended and  
2 reenacted to read as follows:

3 Art. 1425. Experts; pretrial disclosures; scope of discovery

4 \* \* \*

5 B. Upon contradictory motion of any party or on the court's own motion, an  
6 order may be entered requiring that each party that has retained or specially  
7 employed a person to provide expert testimony in the case or whose duties as an  
8 employee of the party regularly involve giving expert testimony provide a written  
9 report prepared and signed by the witness. The report shall contain a complete  
10 statement of all opinions to be expressed and the basis and reasons therefor and the  
11 data or other information considered by the witness in forming the opinions. The  
12 parties, upon agreement, or if ordered by the court, shall include in the report any or  
13 all of the following:

14 (1) ~~exhibits~~ Exhibits to be used as a summary of or support for the opinions;

15 (2) ~~the~~ The qualifications of the witness, including a list of all publications  
16 authored by the witness within the preceding ten years;

17 (3) ~~the~~ The compensation to be paid for the study and testimony;

18 (4) The disclosure of past cases in which the witness held a pecuniary  
19 interest, as defined in Code of Evidence Article 702(D), in the outcome of the case  
20 including the name of the case and the nature and value of the compensation.

21 (5) ~~a~~ A listing of any other cases in which the witness has testified as an  
22 expert at trial or by deposition within the preceding four years.

23 \* \* \*

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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)]

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HB 437 Engrossed

2026 Regular Session

Melerine

**Abstract:** Provides relative to an expert witness' pecuniary interest in a case.

Proposed law (C.E. Art. 702(C)) provides that except in criminal, traffic, or juvenile proceedings, a witness with a pecuniary interest in the outcome of the case is prohibited from being qualified as an expert.

Proposed law (C.E. Art. 702(D)) defines "pecuniary interest".

Present law (C.C.P. Art. 1425(B)) provides that upon contradictory motion or on the court's own motion, an order may be entered requiring each party that has retained an expert witness to provide a written report prepared and signed by the witnesses.

Present law requires the parties, upon agreement, or if ordered by the court, to include certain provisions in the report.

Proposed law retains present law and adds the disclosure of past cases in which the witness held a pecuniary interest in the outcome of the case including the name of the case and the nature and value of the compensation.

(Amends C.C.P. Art. 1425(B); Adds C.E. Art. 702(C) and (D))

#### Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill:

1. Specify that proposed law does not apply to criminal, traffic, or juvenile proceedings.