

2026 Regular Session

HOUSE BILL NO. 437

BY REPRESENTATIVES MELERINE AND BERAULT

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

D. (1) "Pecuniary interest" means any compensation from or relating to a settlement or an award of damages, engagement to provide goods or services connected to an award or settlement, 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).

(2) Pecuniary interest does not extend to any of the following:

 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 437 Reengrossed

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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

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

Proposed law (C.E. Art. 702(C)) provides that except in criminal court, traffic court, 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.

The House Floor Amendments to the engrossed bill:

1. Provide exceptions to the definition of "pecuniary interest".
2. Specify that pecuniary interest relates to a settlement or an award of damages.
3. Make technical changes.