New law prohibits the issuance of a subpoena or court order that requires a judge or his representative to appear or testify in any civil, criminal, or juvenile matter, including pretrial discovery or administrative hearing, without a contradictory hearing to determine if the information is protected from disclosure by the judicial deliberative process privilege.

Provides the following requirements to be determined in the contradictory hearing:

1.   The information sought is essential to the case of the party seeking the information and is not merely peripheral, cumulative, or speculative.

2.   The purpose of seeking the information is not to harass the judge, nor for the mere purpose of seeking recusal of the judge.

3.   With respect to a subpoena, the subpoena lists the information sought with particularity, is reasonably limited as to subject matter and period of time, and gives timely notice.

4.   There is no practical alternative means of obtaining the information.

Provides that failure to object timely to a party's non-compliance with the provisions of new law constitutes a waiver of the procedural protections but does not constitute a waiver of any privilege.

New law provides that the procedural protections afforded by new law extend to any judge of any court provided for by Article V of the La. Constitution and to any commissioner or special master of such court.

Effective upon signature of the governor (June 5, 2012).

(Adds C.E. Art. 519)