



LOUISIANA STATE LAW INSTITUTE
PAUL M. HEBERT LAW CENTER, ROOM W 127
UNIVERSITY STATION
BATON ROUGE, LA 70803-1016

OFFICE OF
THE DIRECTOR
(225) 578-0200

FAX: (225) 578-0211

EMAIL: LAWINSTITUTE@LSLI.ORG

January 13, 2017

Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

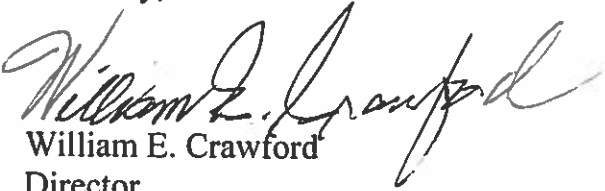
Representative Taylor Barras
Speaker of the House of Representatives
P.O. Box 94062
Baton Rouge, Louisiana 70804

RE: SCR 63 OF 2016

Dear Mr. President and Mr. Speaker:

The Louisiana State Law Institute respectfully submits herewith its report to the legislature relative to testamentary referrals to written statements.

Sincerely,


William E. Crawford
Director

WEC/puc

Enclosure

cc: Senator Barrow Peacock

email cc: David R. Poynter Legislative Research Library
drplibrary@legis.la.us
Secretary of State, Mr. Tom Schedler
admin@sos.louisiana.gov

**LOUISIANA STATE LAW INSTITUTE
SUCCESSIONS AND DONATIONS COMMITTEE**

**REPORT TO THE LEGISLATURE
IN RESPONSE TO SCR 63 OF THE 2016 REGULAR SESSION**

Relative to testamentary referrals to written statements

Prepared for the
Louisiana Legislature on

January 13, 2017

Baton Rouge, Louisiana

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SENATE CONCURRENT RESOLUTION NO. 63

BY SENATOR PEACOCK

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations regarding the feasibility of revisions to the law of wills and testaments.

WHEREAS, other states allow a testator, in his testament, to refer to a written statement or list in order to dispose of certain items of corporeal movable property not otherwise specifically disposed of by the will; and

WHEREAS, those states allow such written statement or list to be admissible as evidence of the intended disposition if certain requirements are met.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations regarding the feasibility of whether revisions to present laws of the state are necessary in light of other states' laws that expressly authorize a testator to refer, in his testament, to a written statement or list in order to dispose of certain items of corporeal movable property.

BE IT FURTHER RESOLVED that the Louisiana State Law Institute shall submit a written report of its findings, together with any recommendations in the form of proposed legislation, to the Legislature of Louisiana no later than February 1, 2017.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the Director of the Louisiana State Law Institute.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

January 13, 2017

To: Senator John A. Alario, Jr.
President of the Senate
P.O. Box 94183
Baton Rouge, Louisiana 70804

Representative Taylor F. Barras
Speaker of the House
P.O. Box 94062
Baton Rouge, Louisiana 70804

**REPORT TO THE LEGISLATURE
IN RESPONSE TO SCR 63 OF THE 2016 REGULAR SESSION**

Senate Concurrent Resolution No. 63 of the 2016 Regular Session requested the Louisiana State Law Institute to study and make recommendations regarding the feasibility of whether revisions to present law are necessary in light of other states' laws that expressly authorize a testator to refer, in his testament, to an extraneous written statement or list in order to dispose of certain items of corporeal movable property. The Law Institute assigned this resolution to the Successions and Donations Committee, comprised of lawyers, judges, and law professors with expertise in this area.

The Committee conducted research and met to study the issue. The Committee discussed the simplicity of the requirements for an olographic testament under Civil Code Article 1575. It is extremely important for any mortis causa dispositions of property to be dated, and the law gives the court discretion to consider certain things the testator may write below his signature. The Committee determined that the potential harm in allowing recognition of extraneous written statements, as is permitted in the common law, creates risks that are too great to take for the mere sake of convenience.

For the above stated reasons, the Law Institute does not recommend any changes to present law on this issue.