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STATE OF LOUISIANA
DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
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BATON ROUGE, LA
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June 17, 2025
OPINION 25-0037

The Honorable Dana Benson
Ouachita Parish Clerk of Court
301 S. Grand St., Rm. 104
Monroe, LA 71201

10 – CLERKS OF COURT – Compensation & Fees;
Powers & Duties; General
56 – JUDGES
88 – POLICE JURIES – In General

La. C.C.P. art. 251	La. C.C.P. art. 253
La. C.Cr.P. art. 14.1	La. R.S. 13:784
La. R.S. 33:4713	La. R.S. 13:996.42

Dear Ms. Benson:

Where the official court record is the electronic record, a clerk of court is not required to expend his or her funds to provide a judge with a computer in order to review the electronic record, nor is a clerk of court required to provide a judge with a physical copy of the record.

Our office received your request for an opinion regarding whether you are required to expend funds from your budget to provide a judge in your district with a computer to view court records, which are now electronic. Your opinion request advises that a judge has stated on the record that you “shall provide him with a computer to view said records or pull the records.”

In your opinion request, you advise that your office has taken certain steps in light of the electronic filing system that will become mandatory beginning January 1, 2026, pursuant to La. C.C.P. art. 253 and La. C.Cr.P. art. 14.1. Specifically, you state that on November 3, 2024, you notified the Chief Judge and others that the Ouachita Parish Clerk of Court's office would be paperless beginning January 1, 2025. You further state that, as of that date, your office became paperless and no longer creates physical records. You also state that in February 2025, you communicated that your office would no longer be providing a paper record as of March 1, 2025, as the office was paperless.

Your opinion request further advises that you allocated funds in your budget to hardwire computers in each courtroom for your Minute Clerks, and that the District Attorney's office used its own funds to do the same. You also advise that your office provided its software program free of charge to all of the judges, as well as their assistants, hearing officers, and law clerks, and that internet drops are in place at each judge's bench. In speaking with you, you advised that computers have not been provided for the benches.

Question: Is the Ouachita Parish Clerk of Court, which has implemented an electronic filing system, obligated to either expend her funds to provide a judge with a computer to view the electronic records or provide a judge with a physical copy of the court record?

Conclusion: It is the opinion of this office that, where the official court record is the electronic record, a clerk of court is not required to expend his or her funds to provide a judge with a computer in order to review the electronic record, nor is a clerk of court required to provide a judge with a physical copy of the record.

Pursuant to both the Louisiana Code of Civil Procedure and the Louisiana Code of Criminal Procedure, documents may be filed electronically in accordance with a system established by the clerk of court. See La. C.C.P. art. 253(A)-(B)(1); and La. C.Cr.P. art. 14.1(A). Further, La. C.C.P. art. 253 states, “[t]he official record *shall* be the electronic record.” La. C.C.P. art. 253(D) (emphasis added). Similarly, La. C.Cr.P. art. 14.1 states that, in a court that accepts electronic filings, “the official record *shall* be the electronic record.” La. C.Cr.P. art. 14.1(A)(emphasis added). Louisiana Revised Statute 1:3 states that the word “shall” is mandatory. Thus, when a clerk of court has established an electronic filing system, the electronic record is the official record.

This office has previously observed that a clerk of court “is required to maintain suit records and make them available and accessible to court personnel and the general public.” See La. Atty. Gen. Op. 15-0010 (citing La. C.C.P. art. 251, which provides, in pertinent part: “The clerk of court is the legal custodian of all of its records and is responsible for their safekeeping and preservation.”). Our office further noted that maintaining a courthouse requires that court records be accessible and available, which can be accomplished by electronic storage. *Id.*

Therefore, it is the opinion of this office that, where the official record is the electronic record, a clerk of court is not required to provide a judge with a physical copy of the record. While a clerk of court must make suit records available and accessible to court personnel, currently there are no legal authorities requiring a clerk of court to expend funds to provide a judge with a computer for this purpose.

Louisiana Code of Civil Procedure article 253 provides, “[t]he clerk of court may procure equipment, services, and supplies necessary to accommodate electronic *filings* out of the clerk’s salary fund.” La. C.C.P. art. 253(H)(emphasis added). However, this article does not address the procurement of equipment to accommodate review of the electronic record. Louisiana Code of Criminal Procedure article 14.1 is silent as to the procurement of equipment for any purpose.

Louisiana Revised Statute 33:4713 provides, in pertinent part:

A. Each parish shall provide and bear the expense of a suitable building and requisite furniture for the sitting of the district and circuit courts and such offices, furniture, and *equipment as may be needed by the clerks and recorders of the parish for the proper conduct of their offices* and shall provide such other offices as may be needed by the sheriffs of these courts and by the tax collectors and assessors of the parish and shall provide the necessary heat and illumination therefor.

La. R.S. 33:4713 (emphasis added). This office has previously explained that, pursuant to this statute, the police jury is mandated to furnish a building and furniture for the court and to furnish “necessary” furniture and equipment for the clerk of court.¹ See La. Atty. Gen. Op. No. 97-262. In addition, this office has opined that the equipment contemplated by La. R.S. 33:4713 includes computers. See La. Atty. Gen. Op. No. 88-246.

Although the plain language of La. R.S. 33:4713 does not obligate the police jury to provide equipment for the court or its judges, at least one appellate court has held that a police jury must fund services and supplies required by a court to operate, including expenses for reference materials and maintenance of equipment. See *McCain v. Grant Parish Police Jury*, 440 So.2d 1369 (La. App. 3 Cir. 1983). However, whether such expenses are necessary and reasonable is a matter of the police jury’s discretion. See *Jefferson v. Ouachita Par. Police Jury*, 56-096 La. App. 2 Cir. 12/18/24), --- So.3d ---, 2024 WL 5150528, *writ denied*, 25-00131 (La. 4/8/25) (holding the Fourth Judicial District Court and its Chief Judge failed to state a cause of action for writ of mandamus to compel the Police Jury to fund all “necessary and reasonable expenses of the Fourth JDC.” Police Jury is statutorily mandated to fund *portions* of the Fourth JDC’s budget, but demand for *all* expenses involves the Police Jury’s discretion). Regardless, La. R.S. 33:4713 does not obligate a clerk of court to expend his or her funds to provide equipment.

Under La. R.S. 13:784, a clerk of court may obtain equipment either from the police jury or by purchase out of the surplus in the clerk’s salary fund:

A. Upon the request of the clerk, the police jury shall provide him with all necessary office furniture, equipment, and record books.

B. Out of any surplus in his salary fund, each of the clerks of the district courts may purchase office furniture, equipment, record books, and supplies as may be needed for the proper conduct of his office and may expend funds for renovation of his office, all in accordance with the public bid law of the state.

Again, this statute does not require a clerk of court to expend funds to purchase equipment for a district court.

Considering the foregoing, it is the opinion of this office that a clerk of court is not required to expend funds to provide a judge with a computer. We note that La. R.S. 13:996.42, entitled “Judicial expense fund for Fourth Judicial District,” provides, in pertinent part:

¹ A police jury's statutory duty to fund mandated expenses is limited by the standard of reasonableness set forth in *Reed v. Washington Parish Police Jury*, 518 So.2d 1044 (La. 1988). While the trier of fact must make the determination of what is reasonable on a case-by-case basis, the Louisiana Supreme Court in *Reed* enunciated the following two-part test: (1) the expense request must be legitimate and related to the function of the office, and (2) the expense request must be qualitatively reasonable.

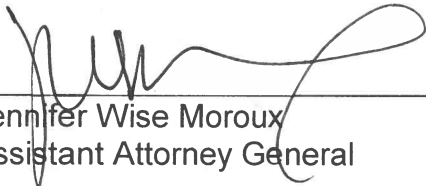
In like manner, *the judges, en banc, may utilize the monies in the judicial expense fund to pay all or any part of the cost of establishing or maintaining a law library for the court, or for buying or maintaining any type of equipment, supplies, or other items consistent with or germane to the efficient operation of the court.*

La. R.S. 13:996.42 (emphasis added). Thus, the judges, sitting *en banc*, may opt to utilize the judicial expense fund for the Fourth Judicial District to purchase computers or laptops for use at the bench.

We trust that this opinion of the Attorney General adequately responds to your inquiry. However, if our office can be of further assistance, please do not hesitate to contact us.

With best regards,

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BY: 

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LM:JWM