

LOUISIANA COURT OF APPEAL, FIRST CIRCUIT

Succession of Barbara Benton Williams

2025 CA 0500 (La. App. 1 Cir. Dec. 23, 2025) · No. 2025 CA 0500 · Decided December 23, 2025

SUMMARY

The Louisiana First Circuit vacated a judgment admitting Barbara Benton Williams's 2020 notarial testament to probate and remanded the succession proceeding. The court held that 2025 Louisiana Act No. 30, which revised the formal requirements for notarial testaments and provided for retroactive application, applied to the pending appeal, but declined to decide whether that retroactive application unconstitutionally impaired the decedent's successor's vested rights. The court directed the trial court to permit the constitutional challenge to be specially pleaded, notify the Louisiana Attorney General, decide the constitutional issue, and reconsider the merits.

CASE DETAILS

COURT	Louisiana Court of Appeal, First Circuit
WRITING FOR THE COURT	Greene, J.; McClendon, C.J.; Stromberg, J.
JURISDICTION	Louisiana Court of Appeal, First Circuit
DECIDED	December 23, 2025
DOCKET	2025 CA 0500
DISPOSITION	vacated
PROCEDURAL POSTURE	Appeal from a judgment admitting the decedent's 2020 notarial testament to probate and denying the decedent's son's opposition. During the appeal, legislation changed the formal requirements for notarial testaments and directed retroactive application to certain pending claims.
STANDARD OF REVIEW	The court applied legal analysis to determine the applicable substantive law and treated the constitutionality issue as one that should first be addressed by the trial court. The opinion does not state a separate standard of review for the testamentary-capacity or evidentiary assignments, which it pretermitted.
PRECEDENTIAL VALUE	Unknown
PARTIES	John Henry Williams, Jr. v. Patrick Craven

TOPICS

probate procedure

appellate procedure

statutory interpretation

constitutional law

civil procedure

PRACTICE AREAS

Probate and succession

Appellate procedure

Constitutional law

Statutory interpretation

Civil procedure

QUESTIONS PRESENTED

1. Whether 2025 La. Acts No. 30, which revised the formal requirements for notarial testaments and provided for retroactive application, applies to the pending appeal.
2. Whether the appellate court should decide Williams's constitutional challenge to the retroactive application of Act 30 when the issue was not fully developed in the trial court.
3. Whether the judgment admitting the 2020 testament to probate should be vacated and the matter remanded for constitutional proceedings and reconsideration of the merits.

HOLDINGS

1. Under Section 4 of Act 30, the Act applies retroactively to claims existing and pending on its effective date when no final and definitive judgment on the merits existed before that date. Because the appeal was pending and the trial court judgment had been timely appealed, Act 30 was applicable to the case, subject to resolution of its constitutionality.
2. The appellate court declined to decide the constitutional challenge because the parties had not fully developed the constitutional issue in the trial court and the trial court was the proper forum to address the constitutionality of the statute in the first instance.

KEY QUOTATIONS

“VACATED AND REMANDED WITH INSTRUCTIONS.” (Conclusion)

FACTUAL BACKGROUND

Barbara Benton Williams died on February 27, 2021, leaving her adult son, John Henry Williams, Jr. Before her death, she executed purported notarial testaments in 2011 and 2020. Patrick Craven, the named executor in the 2020 testament, sought to probate that testament, while Williams challenged its form and asserted that Williams lacked testamentary capacity because of dementia. The trial court ultimately found the 2020 testament authentic in form and admitted it to probate.

PROCEDURAL HISTORY

Patrick Craven petitioned to probate Barbara Benton Williams's 2020 notarial testament. John Henry Williams, Jr., the decedent's sole adult child, opposed probate, arguing that the testament was invalid in form and that the decedent lacked testamentary capacity. After an earlier judgment was vacated because the trial court improperly placed the burden of proof on Williams, the trial court again admitted the testament to probate and rejected Williams's opposition. While Williams's appeal from the second judgment was pending, 2025 La. Acts No. 30 became effective. The appellate court vacated the judgment and remanded for consideration of Williams's constitutional challenge to the retroactive application of Act 30 and for reconsideration of the merits.

DISPOSITION

vacated

REMAND INSTRUCTIONS

The trial court must allow Williams to specially plead the unconstitutionality of Act 30's retroactive application; allow Williams to serve the Louisiana Attorney General in accordance with La. C.C.P. art. 1314; allow Craven to respond; allow the Attorney General thirty days to respond or represent or supervise the State's interest; decide the constitutionality of Act 30's retroactive application; and then reconsider the merits of the case in its entirety, including all issues raised in Williams's opposition to probate and on appeal.

CASES CITED

- Succession of Williams, 2023-0861 (La. App. 1 Cir. 4/19/24), 389 So. 3d 846, 853-54
- State in Interest of R.C., 2000-2849 (La. 4/20/01), 786 So. 2d 708
- Girouard v. State ex rel. Department of Education, 2000-2114 (La. App. 1 Cir. 11/9/01), 807 So. 2d 279, 282, writ denied, 2001-3227 (La. 2/8/02), 809 So. 2d 141
- State v. Overstreet, 2012-1854 (La. 3/19/13), 111 So. 3d 308, 314-16
- Unwired Telecom Corporation v. Parish of Calcasieu, 2003-0732 (La. 1/19/05), 903 So. 2d 392, 399, 401
- Vallo v. Gayle Oil Company, Inc., 94-1238 (La. 11/30/94), 646 So. 2d 859, 864-65
- Labranche v. Landry, 2022-0461 (La. App. 1 Cir. 12/15/22), 357 So. 3d 395, 406