
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)]

Edwards

HB No. 192

Abstract: Provides for the continuous revision of the Code of Civil Procedure, including providing for exclusive venue and the rules for application when two or more articles conflict, requiring proof supporting confirmation of a default judgment be placed in the court record, requiring a hearing, consent of the parties, or no opposition to a proposed amendment before a final judgment may be amended, and requiring the court to specify its reasons for granting a motion for new trial.

Present law provides for application of rules to determine proper venue when two or more C.C.P. articles conflict.

Proposed law retains present law and adds articles addressing proper venue in actions involving certain retirement systems and employee benefit programs, actions involving voting trusts, and actions involving application for compensation for wrongful conviction and imprisonment to the list of articles providing exclusive venue and the rules for application when two or more articles conflict.

Present law provides for confirmation of default judgments.

Proposed law requires the proof supporting confirmation of a default judgment to be placed into the court record prior to judgment. Provides that the court may require the proof to be in electronic form.

Present law provides for amendment to judgments to correct phraseology or errors of calculation.

Proposed law retains present law and requires a hearing before amending a final judgment, unless the parties consent or no opposition is filed after notice of the proposed amendment.

Present law requires the court to render a decision on a motion for new trial within 10 days of the submission of the motion. Allows the time to be extended if the parties agree.

Proposed law retains present law and requires the court to specify its reasons for granting a motion for a new trial.

(Amends C.C.P. Arts. 45, 1702(A), 1951, and 1979)