

Regular Session, 2014

HOUSE BILL NO. 623

BY REPRESENTATIVE ABRAMSON

CIVIL/PROCEDURE: Provides relative to special masters

1 AN ACT

2 To amend and reenact R.S. 13:4165(A) and (D) and to enact R.S. 13:4165(E), relative to the
3 appointment of special masters; to provide for contingent consent of the parties
4 litigant; to provide for the compensation of the special master; to provide relative to
5 the authority and procedure to appoint a special master; and to provide for related
6 matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 13:4165(A) and (D) are hereby amended and reenacted and R.S.
9 13:4165(E) is hereby enacted to read as follows:

10 §4165. Special masters; appointment; duties and powers; compensation

11 A. Pursuant to the inherent judicial power of the court and upon its own
12 motion and with the consent of all parties litigant, the court may enter an order
13 appointing a special master in any civil action wherein complicated legal or factual
14 issues are presented or wherein exceptional circumstances of the case warrant such
15 appointment. The consent of the parties litigant may be contingent upon any of the
16 following:

17 (1) An estimate of the amount of the compensation of the special master.

18 (2) The identity of the special master.

19 (3) The court's anticipated specifications of the powers of the special master
20 as defined by Subsection B of this Section.

21 * * *

1 D. The master's compensation shall be reasonable, fixed by the court as
2 limited by Subsection A of this Section, and taxed as costs of court.

3 E. Notwithstanding any other provision of law to the contrary, including
4 Code of Evidence Article 706, the provisions of this Section shall provide the sole
5 authority and procedure for the appointment, duties, powers, and compensation of
6 a special master.

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)]

Abramson

HB No. 623

Abstract: Provides for the contingent consent by the parties litigant to the appointment of a special master.

Present law provides that pursuant to the inherent judicial power of the court and upon its own motion and with the consent of all parties litigant, the court may enter an order appointing a special master in any civil action wherein complicated legal or factual issues are presented or wherein exceptional circumstances of the case warrant such appointment.

Proposed law retains present law and provides that the consent of the parties litigant may be contingent upon an estimate of the amount of the compensation of the special master, the identity of the special master, and the court's anticipated specifications of the powers of the special master.

Present law provides that the master's compensation shall be reasonable, fixed by the court, and taxed as costs of court.

Proposed law retains present law and provides that the compensation shall be subject to approval by the parties litigant as provided by proposed law.

Proposed law provides that the provisions of proposed law shall be the sole authority and procedure for the appointment, duties, powers, and compensation of a special master.

(Amends R.S. 13:4165(A) and (D); Adds R.S. 13:4165(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added language providing that proposed law shall be the sole authority to appoint a special master.