

2020 Regular Session

HOUSE RESOLUTION NO. 50

BY REPRESENTATIVE ROBBY CARTER

A RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations regarding the laws on preliminary default judgments.

WHEREAS, it is of the utmost importance that the law regarding civil procedure be useful and efficient; and

WHEREAS, modern pleadings have evolved such that there may be older laws of civil procedure which are no longer meaningful or useful; and

WHEREAS, preliminary defaults are no longer used in city courts; and

WHEREAS, preliminary defaults are referred to in district courts as judgments of default, but are actually not judgments; and

WHEREAS, preliminary defaults are, in practical terms, minute entries which can be mailed in, require no hearing, and may serve no practical purpose; and

WHEREAS, under the rules of Louisiana Civil Procedure, a defendant has fifteen days from the day it is served with a petition to file responsive pleadings; and

WHEREAS, a defendant has two extra days to file responsive pleadings after a preliminary default has been entered against it; and

WHEREAS, under the Federal Rules of Civil Procedure, a defendant has twenty days to file a responsive pleading to a complaint; and

WHEREAS, judicial efficiency might be enhanced through the elimination of preliminary defaults in Louisiana courts and the adoption of the Federal Rules of Civil Procedure to allow a defendant twenty days to file responsive pleadings, rather than fifteen days.

THEREFORE, BE IT RESOLVED that the House of Representatives of the Legislature of Louisiana does hereby urge and request that the Louisiana State Law Institute study the rules of preliminary defaults and make recommendations, if any, to enhance judicial efficiency and clarity with the rules of pleadings and that the Louisiana State Law Institute report its findings and recommendations to the Legislature of Louisiana on or before March 1, 2021.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES