

Regular Session, 2010

SENATE BILL NO. 387

BY SENATOR CLAITOR

CIVIL PROCEDURE. Provides sanctions for frivolous writ applications. (8/15/10)

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 2164, relative to appellate procedure;
3 to provide relative to sanctions for frivolous appeals and writ applications; to provide
4 for attorney fees; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 2164 is hereby amended and reenacted
7 to read as follows:

8 Art. 2164. Scope of appeal and action to be taken; costs

9 The appellate court shall render any judgment which is just, legal, and proper
10 upon the record on appeal. The court may award damages, **including attorney fees,**
11 **or application for writs,** and may tax the costs of the lower or
12 appellate court, or any part thereof, against any party to the suit, as in its judgment
13 may be considered equitable.

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Camille Sebastien Perry.

DIGEST

Present law authorizes the court to award damages for frivolous appeals.

Proposed law retains present law and makes the following changes:

- (1) Authorizes the court to award sanctions for frivolous writ applications.
- (2) Authorizes the court to award attorney fees for both frivolous appeals and writ applications.

Effective August 15, 2010.

(Amends C.C.P. Art. 2164)