SLS 17RS-342

ENGROSSED

2017 Regular Session

SENATE BILL NO. 72

BY SENATOR MILKOVICH

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

CIVIL PROCEDURE. Provides right of oral argument in contradictory proceedings. (gov sig)

1	AN ACT
2	To enact Code of Civil Procedure Art. 1636.1, relative to contradictory hearings in civil
3	proceedings; to provide for the right to present oral arguments; to provide with
4	respect to reasonable control of oral argument by the court, waiver of oral argument,
5	and grounds for setting aside a judgment obtained in violation of requirements; and
6	to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. Code of Civil Procedure Art. 1636.1 is hereby enacted to read as follows:
9	Art. 1636.1. Contradictory hearings; oral arguments
10	A. Notwithstanding any provision of law to the contrary, a party shall
11	have the right to present oral argument, in addition to written briefs, at all
12	contradictory hearings in civil proceedings. Oral argument may be waived only
13	if all parties agree in writing to such waiver.
14	B. Reasonable control over oral argument presented under this Article
15	may be exercised by the court.
16	C. The obtaining of a judgment in violation of this Article shall be
17	mandatory grounds for setting aside the judgment and seeking a new hearing,

Page 1 of 2 Coding: Words which are struck through are deletions from existing law; words in **boldface type and underscored** are additions.

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1	by motion brought within thirty days after the clerk has mailed, or the sheriff
2	has served, the notice of judgment as required by Article 1913.
3	Section 2. This Act shall become effective upon signature by the governor or, if not
4	signed by the governor, upon expiration of the time for bills to become law without signature
5	by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
6	vetoed by the governor and subsequently approved by the legislature, this Act shall become
7	effective on the day following such approval.

The original instrument was prepared by Jerry J. Guillot. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

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<u>Proposed law</u> provides that notwithstanding any provision of law to the contrary, a party shall have the right to present oral argument, in addition to written briefs, at all contradictory hearings in civil cases.

Provides that oral argument may be waived only if all parties agree in writing to such waiver.

<u>Proposed law</u> also provides that reasonable control over oral argument presented under the proposed law may be exercised by the court.

<u>Proposed law</u> further provides that the obtaining of a judgment in violation of the <u>proposed</u> <u>law</u> shall be mandatory grounds for setting aside the judgment and seeking a new hearing, by motion brought within thirty days after the clerk has mailed, or the sheriff has served, the notice of judgment as required by Article 1913.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.C.P. Art. 1636.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

- 1. Added court may exercise reasonable control over oral argument.
- 2. Revised procedure for setting aside judgement obtained in violation of the proposed law.