

SENATE RESOLUTION NO. 199

BY SENATOR MARTINY

A RESOLUTION

To urge and request the Louisiana State Law Institute to study whether the granting of attorney fees should be allowed in civil contempt of court proceedings.

WHEREAS, the power to punish for civil contempt of court is set forth generally in the Code of Civil Procedure, including Articles 221, et seq., and also in R.S. 13:4611, providing specific penalties and procedures; and

WHEREAS, the courts of Louisiana have stated in numerous cases that contempt of court is an affront to the dignity of the court, and that contempt proceedings are "designed for vindication of the dignity of the court rather than for the benefit of a litigant"; and

WHEREAS, cases have additionally pointed out that the Constitution of Louisiana permits the statutory limitation of a court's contempt power, and that the power to punish for contempt generally is limited to Article V courts, with a justice of the peace having only limited powers to punish for contempt; and

WHEREAS, cases have further pointed out that no statutory provision exists in the Code of Civil Procedure articles concerning contempt generally or in R.S. 13:4611 for the allowance of attorney fees in a contempt action, thus no attorney fees may be awarded in contempt actions pursuant to those provisions; and

WHEREAS, the Louisiana State Law Institute should study whether the granting of attorney fees should be allowed in civil contempt of court proceedings and, if so, under what circumstances, and submit a report of its findings to the Legislature no later than February 1, 2016.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study whether the granting of attorney fees should be allowed in civil contempt of court proceedings and, if so, under what circumstances, and to submit a report of its findings to the Legislature no later than February 1, 2016.

BE IT FURTHER RESOLVED that any recommendations in the report for revisions to current law shall be in the form of proposed legislation containing appropriate substantive text to enact such recommendations in a statutorily consistent and coordinated manner.

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

---

PRESIDENT OF THE SENATE