

July 9, 1999

Honorable Alfred W. Speer  
Clerk of the House of Representatives  
State Capitol  
Baton Rouge, LA 70804

RE: HOUSE BILL NO. 331 BY REPRESENTATIVE MURRAY

To enact Code of Civil Procedure Article 253.3, relative to random assignment of cases; to authorize duty judges to hear emergency matters; and to provide for related matters.

Dear Mr. Speer:

To prevent litigants in civil lawsuits from being able to hand-pick which judge will decide their case, the Louisiana Legislature enacted a law in 1995 requiring clerks of court to randomly assign all civil cases among the judges in the judicial district where the lawsuit is filed. In 1997, the Louisiana Legislature enacted a law with my support to prevent judges, after this random allotment has occurred, from non-randomly transferring a case to another judge without proper justification. House Bill No. 331 creates an exception to these random allotment rules. It would allow any judge designated as the duty judge to hear and rule on "any matter in any case before" the answer is filed. Since an answer is oftentimes not filed until the trial is imminent, the exception to random allotment created in House Bill No. 331 appears to swallow the random allotment rules.

For this reason I have vetoed and am returning House Bill No. 331 to you.

Sincerely,

M. J. "Mike" Foster, Jr.

jw