

RÉSUMÉ DIGEST

ACT 368 (HB 339)

2023 Regular Session

Gregory Miller

Existing law provides relative to motions for summary judgment.

Existing law provides that when a court grants a motion for summary judgment that a party or nonparty is not negligent, is not at fault, or did not cause the injury or harm alleged, the party or nonparty shall not be considered in any subsequent allocation of fault.

Existing law provides that evidence shall not be admitted at trial, submitted to the jury, or included on the jury verdict form to establish fault of the party.

New law provides for the admission of evidence to establish the fault of a principal when the party or nonparty acted pursuant to a mandate or a procuration.

Existing law (C.C. Art. 2989) defines mandate as a contract by which a person, the principal, confers authority on another person, the mandatary, to transact one or more affairs for the principal.

Existing law (C.C. Art. 2987) defines procuration as a unilateral juridical act by which a person, the principal, confers authority on another person, the representative, to represent the principal in legal relations.

New law provides that new law does not apply if the judgment of an appellate court is reversed.

New law provides that in the case of conflict between new law and any other Act of the 2023 Regular Session of the Legislature, new law shall supersede and control regardless of order of passage.

Effective August 1, 2023.

(Amends C.C.P. Art. 966(G))