

Regular Session, 2013

HOUSE BILL NO. 589

BY REPRESENTATIVE ABRAMSON

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

CIVIL/PROCEDURE: Provides a comprehensive revision of the Code of Civil Procedure

1 AN ACT

2 To amend and reenact Code of Civil Procedure Articles 45, 966(E) and (F), 1702(A),

3 1732(1), 1915(B), 1951, and 1979 and to enact Code of Civil Procedure Articles

4 78.1, 927(A)(8), 966(G), 1553, and Chapter 8 of Title V of Book II of the Code of

5 Civil Procedure, to be comprised of Articles 1815 through 1838, relative to civil

6 procedure; to provide for application of rules to determine proper venue when two

7 or more articles conflict; to provide venue for actions involving latent disease; to

8 provide for a contradictory hearing in actions involving latent disease; to provide for

9 the transfer of certain cases involving latent disease; to provide for the peremptory

10 exception of immunity; to provide for submission of and objections to evidence for

11 motions for summary judgment; to require proof supporting confirmation of a default

12 judgment to be placed into the court record; to provide for limitations on jury trial

13 threshold amounts; to provide for an expedited jury trial; to provide for the

14 procedures for an expedited jury trial; to provide for the effect of a partial summary

15 judgment; to require that certain conditions be met before a final judgment may be

16 amended; to provide for exceptions; to require the court to specify its reasons for

17 granting a motion for new trial; and to provide for related matters.

18 Be it enacted by the Legislature of Louisiana:

1 Section 1. Code of Civil Procedure Articles 45, 966(E) and (F), 1702(A), 1732(1),  
2 1915(B), 1951, and 1979 are hereby amended and reenacted and Code of Civil Procedure  
3 Articles 78.1, 927(A)(8), 966(G) are hereby enacted to read as follows:

4 Art. 45. Conflict between two or more articles in Chapter

5 The following rules determine the proper venue in cases where two or more  
6 articles in this Chapter may conflict:

7 (1) Article 78, 78.1, 79, 80, 81, 82, ~~or 83, 84, 86, or 87~~ governs the venue  
8 exclusively, if this article conflicts with any of Articles 42 and 71 through 77;

9 (2) If there is a conflict between two or more of Articles 78 ~~through~~, 78.1,  
10 79, 80, 81, 82, 83, 84, 86, or 87, the plaintiff may bring the action in any venue  
11 provided by any applicable article; and

12 (3) If ~~Article~~ Articles 78, 78.1, 79, 80, 81, 82, ~~or 83 is not~~, 84, 86, and 87  
13 are not applicable, and there is a conflict between two or more of Articles 42 and 71  
14 through 77, the plaintiff may bring the action in any venue provided by any  
15 applicable article.

16 \* \* \*

17 Art. 78.1. Latent disease actions; forum non conveniens

18 A. An action involving a latent disease, including but not limited to asbestos  
19 or silica-related disease, shall be brought in the parish in which the plaintiff alleges  
20 substantial exposure to asbestos, silica, or any other alleged toxic or injury-causing  
21 substance, except a direct action against a foreign or alien insurer may also be  
22 brought in accordance with Article 42(7).

23 B.(1) If substantial exposure is alleged in more than one parish, a district  
24 court, upon contradictory motion or upon the court's own motion after contradictory  
25 hearing, may transfer the case to a more appropriate district court where it may have  
26 been brought, considering the convenience of the parties and the witnesses, the  
27 amount and length of exposure alleged in each parish, and the interest of justice.

28 (2) Notwithstanding the provisions of Subparagraph (1) of this Paragraph,  
29 no suit brought in the parish in which the plaintiff is domiciled, and in a court which

1 is otherwise a court of competent jurisdiction and proper venue, shall be transferred  
2 to any other court pursuant to this Article.

3 C. Allegations, presentation of evidence, and findings in accordance with  
4 this Article shall not:

5 (1) Result in any presumption at trial that a party was exposed as alleged nor  
6 that he is impaired by an asbestos-related, silica-related, or other alleged latent  
7 disease.

8 (2) Be conclusive as to the liability of any defendant.

9 (3) Be admissible at trial, unless otherwise admissible in accordance with the  
10 Code of Evidence.

11 (4) Result in any instruction by the court to the jury with respect to the  
12 allegations, presentation of evidence, and findings in accordance with this Article  
13 and no counsel for any party, nor any witness, shall inform the jury or potential  
14 jurors of any showing or finding subject to appropriate sanctions.

15 \* \* \*

16 Art. 927. Objections raised by peremptory exception

17 A. The objections which may be raised through the peremptory exception  
18 include but are not limited to the following:

19 (8) Immunity.

20 \* \* \*

21 Art. 966. Motion for summary judgment; procedure

22 \* \* \*

23 E.~~(1)~~ A summary judgment may be rendered dispositive of a particular issue,  
24 theory of recovery, cause of action, or defense, in favor of one or more parties, even  
25 though the granting of the summary judgment does not dispose of the entire case;  
26 however, a

27 E.(1) A summary judgment shall may be rendered or affirmed only as to  
28 those issues set forth in the motion under consideration by the court at that time.

1 (2) Only evidence ~~admitted~~ cited and attached to the motion for summary  
2 judgment ~~shall~~ or opposition may be considered by the court in its ruling on the  
3 motion. Objections to evidence in support of or in opposition to a motion for  
4 summary judgment may be raised in a motion to strike or memorandum stating the  
5 specific grounds therefor.

6 F.G.(1) When the court grants a motion for summary judgment in  
7 accordance with the provisions of this Article, that a party or nonparty is not  
8 negligent, not at fault, or did not cause, whether in whole or in part, the injury or  
9 harm alleged, that party or nonparty shall not be considered in any subsequent  
10 allocation of fault. Evidence shall not be admitted at trial to establish the fault of that  
11 party or nonparty nor shall the issue be submitted to the jury nor included on the jury  
12 verdict form. This Paragraph shall not apply when a summary judgment is granted  
13 solely on the basis of the successful assertion of an affirmative defense in accordance  
14 with Article 1005, except for negligence or fault.

15 \* \* \*

16 Art. 1702. Confirmation of default judgment

17 A. A judgment of default must be confirmed by proof of the demand  
18 sufficient to establish a prima facie case and that is admitted on the record prior to  
19 confirmation. The court may require that documentary evidence be placed in the  
20 record in an electronically stored form. If no answer is filed timely, this  
21 confirmation may be made after two days, exclusive of holidays, from the entry of  
22 the judgment of default. When a judgment of default has been entered against a  
23 party that is in default after having made an appearance of record in the case, notice  
24 of the date of the entry of the judgment of default must be sent by certified mail by  
25 the party obtaining the judgment of default to counsel of record for the party in  
26 default, or if there is no counsel of record, to the party in default, at least seven days,  
27 exclusive of holidays, before confirmation of the judgment of default.

28 \* \* \*

1 Art. 1732. Limitation upon jury trials

2 A trial by jury shall not be available in:

3 (1) A suit where the amount of no individual petitioner's cause of action  
4 exceeds fifty thousand dollars exclusive of interest and costs. If a defendant is  
5 entitled to trial by jury pursuant to this Article at the time of filing suit and has  
6 otherwise complied with the procedural requirements for asserting that right, that  
7 defendant may retain the right to a trial by jury even if the plaintiff later stipulates  
8 or otherwise admits that the amount of the cause of action does not exceed fifty  
9 thousand dollars exclusive of interest and costs.

10 \* \* \*

11 Art. 1915. Partial final judgment; partial judgment; partial exception; partial  
12 summary judgment

13 \* \* \*

14 B.(1) When a court renders a partial judgment or partial summary judgment  
15 or sustains an exception in part, as to one or more but less than all of the claims,  
16 demands, issues, or theories against a party, whether in an original demand,  
17 reconventional demand, cross-claim, ~~third-party~~ third-party claim, or intervention,  
18 the judgment shall not constitute a final judgment unless it is designated as a final  
19 judgment by the court after an express determination that there is no just reason for  
20 delay.

21 (2) In the absence of such a determination and designation, any such order  
22 or decision ~~which adjudicates fewer than all claims or the rights and liabilities of~~  
23 ~~fewer than all the parties, shall not terminate the action as to any of the claims or~~  
24 ~~parties and~~ shall not constitute a final judgment for the purpose of an immediate  
25 appeal. ~~Any such order or decision issued~~ and may be revised at any time prior to  
26 rendition of the judgment adjudicating all the claims and the rights and liabilities of  
27 all the parties.

28 \* \* \*

1 Art. 1951. Amendment of judgment

2 ~~A final judgment may be amended by the trial court at any time, with or~~  
3 ~~without notice, on its own motion or on motion of any party:~~

4 ~~(1) To alter the phraseology of the judgment, but not the substance; or~~

5 ~~(2) To correct errors of calculation.~~

6 On motion of the court or any party, a final judgment may be amended at any  
7 time to alter the phraseology of the judgment, but not its substance, or to correct  
8 errors of calculation. The judgment may be amended only after a hearing with notice  
9 to all parties, except that a hearing is not required if all parties consent or if the court  
10 or the party submitting the amended judgment certifies that it was provided to all  
11 parties at least five days before the amendment and that no opposition has been  
12 received.

13 \* \* \*

14 Art. 1979. Summary decision on motion; maximum delays

15 The court shall decide on a motion for a new trial within ten days from the  
16 time it is submitted for decision. The time may be extended for a specified period  
17 upon the written consent or stipulation of record by the attorneys representing all  
18 parties. When the court grants a motion for new trial, it shall specify each of its  
19 reasons in the order.

20 Section 2. Code of Civil Procedure Article 1553 and Chapter 8 of Title V of Book  
21 II of the Code of Civil Procedure, comprised of Articles 1815 through 1838, are hereby  
22 enacted to read as follows:

23 Art. 1553. Expedited jury trial pre-trial conference; order

24 A. If an expedited jury trial has been requested, the parties shall prepare and  
25 present to the court at the pre-trial conference a proposed joint pre-trial order  
26 containing the following:

27 (1) A list of all witnesses for each party.

28 (2) A list of all exhibits for each party.

1                 (3) A list of all experts and a designation as to whether each of them will  
2             testify in person, by report, or by deposition.

3                 (4) A certification that each party can present its case within the time limits  
4             of Article 1828.

5                 B. The pre-trial order may, by agreement of the parties, contain additional  
6             stipulations, which shall be binding on the court and all parties, including but not  
7             limited to the following:

8                     (1) A limitation of damages to an amount not in excess of the stated limits  
9             of a policy of insurance.

10                    (2) Any maximum or minimum amounts that shall apply to the jury's verdict.

11                    (3) A waiver of any right to an appeal or limitations as to appealable issues.

12                    (4) A waiver of any right to move for a new trial.

13                    (5) A waiver of any provision of the Code of Evidence.

14                    (6) An agreement as to the payment of the cash deposit for the jury costs.

15                 C. The court shall conduct the expedited jury trial within one hundred twenty  
16             days after the pre-trial conference.

17                 D. The date of the expedited jury trial shall be set at the pre-trial conference  
18             even if discovery has not yet been completed.

19                 E. In the pre-trial order, the court shall fix the deadline for filing the cash  
20             deposit, which shall be no later than thirty days prior to trial.

21                 F. The parties or their attorneys, as well as the court, shall sign the pre-trial  
22             order and file it into the record. The signature of a party or his attorney shall  
23             constitute a certification that the party agreed to the terms of the pre-trial order and  
24             an expedited jury trial.

25                 G. The court may amend a pre-trial order at any time, but only with the  
26             agreement of all parties.

27   \*             \*             \*

1                                    CHAPTER 8. EXPEDITED JURY TRIALS2                    Art. 1815. Expedited jury trials

3                                    An expedited jury trial is a method of trial by jury in which the parties  
4                    present their evidence in an efficient, expedited fashion.

5                    Art. 1816. Joint motion for an expedited jury trial

6                                    Upon joint motion of all parties for an expedited jury trial, the court shall set  
7                    the matter for a pre-trial conference in accordance with Article 1553 to be held  
8                    within forty-five days after the signing of the order. An expedited jury trial shall be  
9                    allowed whether or not any party previously requested a trial by jury.

10                    Art. 1817. Agreement for an expedited jury trial

11                                    An agreement to try an action by expedited jury trial shall not be made prior  
12                    to the institution of the action.

13                    Art. 1818. Cash deposit; procedure

14                                    A. The court shall fix the cash deposit for the jury costs at an amount  
15                    sufficient for payment of all costs associated with the expedited jury trial, including  
16                    juror fees and expenses and charges of the clerk of court.

17                                    B. If the deposit is not timely made, the other parties shall have an additional  
18                    ten days to make the required deposit.

19                    Art. 1819. Motion for summary judgment

20                                    All motions for summary judgment in which an expedited jury trial has been  
21                    granted shall be filed at least sixty days prior to the trial date.

22                    Art. 1820. Jurors

23                                    In cases to be tried by an expedited jury trial, six jurors shall be chosen by lot  
24                    to try all issues.

25                    Art. 1821. Service to jurors

26                                    All jurors shall be served by regular mail.

27                    Art. 1822. Swearing of juror before examination

28                                    Before being examined, every prospective juror shall be sworn and shall  
29                    affirm to answer truthfully such questions as may be propounded to him.



1        Art. 1823. Examination of juror

2                A. The court shall examine prospective jurors as to their qualifications and  
3        may conduct such further examination as it deems appropriate.

4                B. The parties or their attorneys may individually conduct an examination  
5        of all prospective jurors, not to exceed a total of twenty minutes for each side.

6        Art. 1824. Challenges for cause

7                A juror may be challenged for cause in accordance with Articles 1765  
8        through 1767.

9        Art. 1825. Peremptory challenges

10               Each side is allowed two peremptory challenges. If there is more than one  
11        party on any side, the court may allow each side one additional challenge.

12        Art.1826. Swearing of jurors; selection of foreperson

13               The jurors shall be sworn and the foreperson shall be selected in accordance  
14        with Article 1768.

15        Art. 1827. Alternate jurors

16               No alternate juror shall be called or selected in an expedited jury trial.

17        Art. 1828. Procedure in expedited jury trials

18               Each side shall be allowed three hours to present its case, including opening  
19        statements, direct examination, cross-examination, rebuttal, and closing arguments.  
20        Opening statements shall not exceed ten minutes for each side, and closing  
21        arguments shall not exceed fifteen minutes for each side. Time spent on objections  
22        and bench conferences are not included in the time limits.

23        Art. 1829. Exhibits

24               A. At least thirty days prior to the expedited jury trial, the parties shall  
25        exchange copies of all proposed exhibits they plan to offer at trial.

26               B. Objections to exhibits shall be made at least twenty days prior to the trial.  
27        At least five days prior to trial, the court shall rule on the admissibility of any exhibit  
28        to which an objection has been made. If no objection is made at least twenty days  
29        prior to the trial, the exhibit shall be admitted.

1           C. All exhibits shall be marked and admitted into evidence at the beginning  
2           of trial.

3           Art. 1830. Expert witnesses

4           A. Expert witnesses may testify in person, or their testimony may be  
5           presented by reports, depositions, or video depositions. If an expert witness is called  
6           to testify in person at trial, the party calling the expert shall be responsible for all of  
7           his expert fees, which shall not be taxed as court costs.

8           B. All motions challenging the qualifications or methodologies of an expert  
9           witness shall be filed and heard by the court in accordance with Article 1425(F).

10          C. An expert who is listed in the pre-trial order shall be allowed to testify at  
11          trial unless the court precludes his testimony by an order issued in response to a  
12          pre-trial motion.

13          D. All expert reports to be introduced at trial shall be exchanged prior to the  
14          pre-trial conference.

15          Art. 1831. Charge to jury

16          A. At any time during the trial, the court may instruct the jury on the law  
17          applicable to any issue in the case.

18          B. After the trial of the case and the presentation of all the evidence and  
19          arguments, the court shall give a charge to the jury on the applicable law. The court  
20          shall provide to the parties a written copy of the charge prior to the trial.

21          C. The jury may take with them or have sent to them a written copy of all  
22          instructions and charges.

23          Art. 1832. Juror notes

24          Jurors shall be permitted to take notes in accordance with Article 1794.

25          Art. 1833. Taking evidence into the jury room

26          The court shall allow the jury to take with them into the jury room any object,  
27          writing, or exhibit, except depositions, that has been admitted into evidence.

1        Art. 1834. Number required for verdict

2                Five of the six jurors must concur to render a verdict unless the parties  
3        stipulate otherwise. In the event that one juror becomes unable to serve, four out of  
4        the five remaining jurors must concur to render a verdict. If there are fewer than five  
5        jurors, a mistrial shall be granted, unless the parties agree otherwise on the record.

6        Art. 1835. General verdict

7                A. The court shall submit to the jury the general verdict form and written  
8        interrogatories agreed upon by all parties.

9                B. If the parties cannot agree on a verdict form and interrogatories, the court  
10       shall inform the parties, prior to closing arguments, of the verdict form and  
11       interrogatories it intends to submit to the jury. The parties shall be given a  
12       reasonable opportunity to make any objections to the court's verdict form and  
13       interrogatories.

14       Art. 1836. Post-verdict relief

15                After an expedited jury trial, any party may file motions in accordance with  
16       Articles 1811, 1814, and 1971 through 1979 unless the parties have waived the right  
17       by stipulation in open court or in the pre-trial order.

18       Art. 1837. Appeals

19                Following an expedited jury trial, the parties shall be allowed to appeal in  
20       accordance with the procedure for appeals in Book III of this Code. The parties may  
21       waive the right to appeal in the pre-trial order or by stipulation in open court.

22       Art. 1838. Applicability of general rules of trial by jury

23                Except as expressly provided in this Chapter, the general rules applicable to  
24       trial by jury shall apply.

25        Section 3. Section 2 of this Act shall become effective on January 1, 2014, and shall  
26        apply to all actions pending on that date or filed thereafter.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Abramson

HB No. 589

**Abstract:** Provides for a comprehensive revision of the Code of Civil Procedure relative to venue in general, venue and forum non conveniens procedures for actions involving certain latent diseases, the peremptory exception of immunity, submission of evidence for the purposes of a motion for summary judgment, procedures governing objections to submitted evidence, the effect of a partial summary judgment, proof supporting confirmation of a default judgment, defendant's right to demand a jury trial when a plaintiff has stipulated to a cause of action less than \$50,000, expedited jury trials and the procedures by which they are conducted, amendments to a final judgment, and reasons for granting a motion for new trial.

Present law (C.C.P. Art. 45) provides for application of rules to determine proper venue when two or more C.C.P. articles conflict.

Proposed law retains present law and adds articles addressing proper venue in actions involving latent diseases, actions involving certain retirement systems and employee benefit programs, actions involving voting trusts, and actions involving application for compensation for wrongful conviction and imprisonment to the list of articles providing exclusive venue and the rules for application when two or more articles conflict.

Proposed law (C.C.P. Art. 78.1) provides that actions involving latent diseases, including asbestos and silica, shall be brought in the parish in which the plaintiff alleges substantial exposure, except direct actions against a foreign or alien insurer may also be brought in East Baton Rouge Parish.

Proposed law provides that if exposure is alleged in more than one parish, the court shall determine which parish has the most significant contacts based on the amount and length of exposure and may transfer the action to that parish.

Proposed law provides that when two or more venue articles conflict, proposed law governs the venue exclusively.

Proposed law prohibits the transfer of a suit brought in the domicile of the plaintiff and in a court which is otherwise a court of competent jurisdiction and proper venue.

Proposed law provides that allegations, evidence, and findings in accordance with proposed law shall not result in any presumptions at trial, be conclusive as to liability, be admissible at trial unless admissible under Code of Evidence, or result in any special instructions to the jury.

Present law (C.C.P. Art. 927) provides for objections to be raised by a peremptory exception including: (1) prescription, (2) peremption, (3) res judicata, (4) nonjoinder of a party, (5) no cause of action, (6) no right of action, and (7) discharge in bankruptcy.

Proposed law retains present law and adds immunity to the list.

Present law (C.C.P. Art. 966) provides the procedure by which a party may move for a summary judgment. Requires the court to render a decision only as to those issues raised in the motion under consideration.

Proposed law changes present law by giving the court discretion in rendering a decision only as to those issues raised in the motion under consideration.

Present law requires the court to consider only evidence admitted for the purposes of the motion for summary judgment in its ruling.

Proposed law changes present law to allow the court to consider evidence submitted for the purposes of summary judgment and provides that a party can object to evidence submitted for the purposes of the motion for summary judgment through a motion to strike or a memorandum that provides the specific grounds for the objection.

Present law (C.C.P. Art. 1702) provides for confirmation of default judgments.

Proposed law retains present law and requires the proof supporting confirmation of a default judgment to be placed into the court record prior to judgment. Provides that the court may require the proof to be in electronic form.

Present law (C.C.P. Art. 1732) provides that a trial by jury shall not be available in a suit where the amount of no individual petitioner's cause of action exceeds \$50,000 exclusive of interests and costs.

Proposed law provides that a defendant may retain the right to a trial by jury even if the plaintiff has stipulated that the cause of action does not exceed \$50,000 when that defendant is entitled to trial by jury pursuant to present law at the time of filing suit and has complied with the procedural requirements for asserting that right.

Proposed law provides procedures for an expedited jury trial.

Proposed law (C.C.P. Art. 1553) provides that the court shall schedule a pre-trial conference with the parties, that the parties shall have a pre-trial order at the pre-trial conference, and that the parties shall certify that they agree to an expedited jury trial.

Proposed law (C.C.P. Art. 1816) provides that upon a joint motion of all parties, the court shall set the matter for a pre-trial conference in accordance with proposed law to be held within 45 days of the signing of the order.

Proposed law (C.C.P. Art. 1817) provides that parties shall not agree to an expedited jury trial in advance of the institution of the action.

Proposed law (C.C.P. Art. 1818) provides the amount that the court shall fix for the cash deposit for an expedited jury trial and the time period during which the deposit must be made.

Proposed law (C.C.P. Art. 1819) provides that parties to an expedited jury trial shall file all motions for summary judgment 60 days prior to the trial date.

Proposed law (C.C.P. Art. 1820) provides that six jurors shall be chosen by lot to try all issues present in an expedited jury trial.

Proposed law (C.C.P. Art. 1821) provides that all jurors of an expedited jury trial shall be served by regular mail.

Proposed law (C.C.P. Art. 1822) provides that before examination, every prospective juror shall be sworn and affirm to answer truthfully questions propounded to him.

Proposed law (C.C.P. Art. 1823) provides that the court shall examine prospective jurors, and the parties may conduct an examination of all such jurors but no more than twenty minutes in total.

Proposed law (C.C.P. Art. 1824) provides that a juror can be challenged for cause in accordance with Code of Civil Procedure Articles 1765-1767.

Proposed law (C.C.P. Art. 1825) provides that each side is allowed two peremptory challenges, but if there is more than one party on either side, the court can allow additional challenges.

Proposed law (C.C.P. Art. 1826) provides that jurors shall be sworn and a foreperson selected in accordance with Code of Civil Procedure Article 1768.

Proposed law (C.C.P. Art. 1827) provides that no alternate jurors shall be called or selected in an expedited jury trial.

Proposed law (C.C.P. Art. 1828) provides that the entire expedited jury trial shall not exceed six hours, the opening statements shall not exceed 10 minutes per side, closing arguments shall not exceed 15 minutes per side, and that time spent on objections and bench conference does not count against the six-hour time limit.

Proposed law (C.C.P. Art. 1829) provides that no later than 30 days prior to trial, the parties shall exchange all exhibits they plan to offer at trial, the time limits during which a party can object to exhibits, when the court must rule on the admissibility of the exhibits, and when exhibits shall be marked and admitted into evidence.

Proposed law (C.C.P. Art. 1830) provides for expert witnesses to testify in person, by reports, depositions, or video depositions and that each side shall pay for his expert fees, that all motions challenging an expert shall be filed and heard in accordance with Code of Civil Procedure Article 1425(F), and that all expert reports to be used at trial shall be exchanged prior to the pre-trial conference.

Proposed law (C.C.P. Art. 1831) provides that the court may instruct the jury as to any applicable law, the court shall provide the parties a written copy of the charge prior to the trial, and the jury can take with it or have sent to it a written copy of all instructions and charges.

Proposed law (C.C.P. Art. 1832) provides that, in accordance with Code of Civil Procedure Article 1794, jurors can take notes.

Proposed law (C.C.P. Art. 1833) provides that jurors can take any object, writing, or exhibit that has been admitted into evidence, with the exception of depositions, into the jury room.

Proposed law (C.C.P. Art. 1834) provides for the number of jurors that must concur for a verdict to be rendered, and that if fewer than five agree, a mistrial must be granted unless the parties agree otherwise on the record.

Proposed law (C.C.P. Art. 1835) provides that the court shall submit the general verdict form and interrogatories agreed upon by the parties; otherwise, the court shall give the parties a reasonable time to object to the court's supplied verdict form and interrogatories.

Proposed law (C.C.P. Art. 1836) provides that unless the parties have waived a motion by stipulation in open court or in the pre-trial order, any party may file a motion in accordance with the Code of Civil Procedure Articles 1811, 1814, and 1971-1979.

Proposed law (C.C.P. Art. 1837) provides that unless the parties have waived the right to appeal by stipulation in open court or in the pre-trial order, a party may appeal in accordance with the procedure for appeals in Book III of the Code of Civil Procedure.

Proposed law (C.C.P. Art. 1838) provides that except as provided for in proposed law, the general rules applicable to jury trials apply.

Present law (C.C.P. Art. 1915) authorizes the court to render a final judgment when it does one of the following:

- (1) Dismisses the suit.
- (2) Grants a motion for judgment on the pleadings.
- (3) Grants a motion for summary judgment except when summary judgment does not dispose of the entire case.
- (4) Signs a judgment on the principal or incidental demand.
- (5) Signs a judgment on the issue of liability when the issues of liability and damages have been tried separately.
- (6) Imposes sanctions pursuant to various provisions of present law.

Present law further provides that a partial judgment or partial summary judgment that does not address all of the claims, demand, issues, or theories is not a final judgment unless the court specifically designates it as such after an express determination that there is no reason for delay. Provides that absent the required designation and determination, an order that does not adjudicate all claims or the rights of all parties does not terminate the action and is not a final judgment for purposes of an immediate appeal.

Proposed law retains present law except that it deletes the prohibition of terminating an action if a partial judgment or partial summary judgment does not adjudicate all claims or the rights of all parties.

Present law (C.C.P. Art. 1951) provides for amendment to judgments to correct phraseology or errors of calculation.

Proposed law retains present law and requires a hearing before amending a final judgment, unless the parties consent or no opposition is filed after notice of the proposed amendment.

Present law (C.C.P. Art. 1979) requires the court to render a decision on a motion for new trial within 10 days of the submission of the motion. Allows the time to be extended if the parties agree.

Proposed law retains present law and requires the court to specify its reasons for granting a motion for a new trial.

Effective on January 1, 2014.

(Amends C.C.P. Arts. 45, 966(E) and (F), 1702(A), 1732(1), 1915(B), 1951, and 1979; Adds C.C.P. Arts. 78.1, 927(A)(8), 966(G), 1553, and 1815-1838)