

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 114

BY REPRESENTATIVE ROBBY CARTER

CIVIL/PROCEDURE: Requests that the Louisiana State Law Institute examine the rules of discovery in the Code of Civil Procedure

1 A CONCURRENT RESOLUTION

2 To urge and request the Louisiana State Law Institute to study the laws regarding the rules
3 of discovery in Louisiana and to submit a written report of its findings with
4 recommendations relative to establishing consistent and specific procedures and
5 rules for discovery including the discovery of expert reports, the discovery of
6 surveillance of parties, and the discovery of witness statements.

7 WHEREAS, the rules of discovery have been created to facilitate fair and just
8 outcomes of lawsuits; and

9 WHEREAS, the Code of Civil Procedure provides rules for the discovery of evidence
10 and obtaining expert reports; and

11 WHEREAS, the Code of Civil Procedure also sets forth limitations on producing
12 surveillance of a party and provides parameters for discovering recorded statements; and

13 WHEREAS, there is potential for the rules of discovery to be abused and exploited
14 for tactical advantages in lawsuits; and

15 WHEREAS, the prevention of misuse of discovery to facilitate fair and just trials
16 should be of the utmost importance to the people of Louisiana.

17 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
18 urge and request the Louisiana State Law Institute to evaluate and analyze the rules of
19 discovery in Louisiana, to consider these rules, and to make recommendations relative to
20 establishing fair and consistent procedures for discovery, and in particular for the exchange

1 of expert reports, the surveillance of parties, and the exchange and discoverability of non-
2 party recorded statements.

3 BE IT FURTHER RESOLVED that a written report of its findings and
4 recommendations be submitted to the House Committee on Civil Law and Procedure and
5 the Senate Committee on Judiciary A no later than sixty days prior to the 2017 Regular
6 Session of the Legislature of Louisiana.

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

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)]

HCR 114 Engrossed

2016 Regular Session

Robby Carter

Requests the La. State Law Institute to study the laws regarding discovery in civil matters and to make recommendations regarding the rules of discovery and preventing the abuse of these rules.