

2016 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 114

BY REPRESENTATIVE ROBBY CARTER

A CONCURRENT RESOLUTION

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

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

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

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

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

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

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to evaluate and analyze the rules of discovery in Louisiana, to consider these rules, and to make recommendations relative to establishing fair and consistent procedures for discovery, and in particular for the exchange of expert reports, the surveillance of parties, and the exchange and discoverability of non-party recorded statements.

BE IT FURTHER RESOLVED that a written report of its findings and recommendations be submitted to the House Committee on Civil Law and Procedure and

the Senate Committee on Judiciary A no later than sixty days prior to the 2017 Regular Session of the Legislature of Louisiana.

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

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE