

2017 Regular Session

HOUSE CONCURRENT RESOLUTION NO. 96

BY REPRESENTATIVE ROBBY CARTER

JUDGMENTS/CIVIL: Directs the Louisiana State Law Institute to study the laws on default judgments and make recommendations for the repeal of provisions for preliminary defaults.

1 A CONCURRENT RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study and make
3 recommendations regarding the laws on preliminary default judgments.

4 WHEREAS, it is of the utmost importance that the law regarding civil procedure be
5 useful and efficient; and

6 WHEREAS, modern pleadings have evolved such that there may be older laws of
7 civil procedure which are no longer meaningful or useful; and

8 WHEREAS, preliminary defaults are no longer used in city courts; and

9 WHEREAS, preliminary defaults are referred to in district courts as judgments of
10 default, but are actually not judgments; and

11 WHEREAS, preliminary defaults are, in practical terms, minute entries which can
12 be mailed in, require no hearing, and may serve no practical purpose; and

13 WHEREAS, under the rules of Louisiana Civil Procedure, a defendant has fifteen
14 days from the day it is served with a petition to file responsive pleadings; and

15 WHEREAS, a defendant has two extra days to file responsive pleadings after a
16 preliminary default has been entered against it; and

17 WHEREAS, under the Federal Rules of Civil Procedure, a defendant has twenty days
18 to file a responsive pleading to a complaint; and

19 WHEREAS, judicial efficiency might be enhanced through the elimination of
20 preliminary defaults in Louisiana courts and the adoption of the Federal Rules of Civil

1 Procedure to allow a defendant twenty days to file responsive pleadings, rather than fifteen
2 days.

3 THEREFORE, BE IT RESOLVED by the Legislature of Louisiana that the Louisiana
4 State Law Institute study the rules of preliminary defaults and make recommendations to
5 enhance judicial efficiency and clarity with the rules of pleadings and that the Louisiana
6 State Law Institute report its findings and recommendations to the Legislature of Louisiana
7 on or before January 1, 2019.

8 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
9 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 96 Original

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Directs the La. State Law Institute to study the laws of preliminary defaults and responsive pleadings under the Code of Civil Procedure and to report its findings and recommendations to the legislature no later than Jan. 1, 2019.