HLS 20RS-2369 ENGROSSED

2020 Regular Session

1

HOUSE RESOLUTION NO. 50

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

A RESOLUTION

2	To urge and request the Louisiana State Law Institute to study and make recommendations
3	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

HLS 20RS-2369 ENGROSSED
HR NO. 50

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

- days.
- THEREFORE, BE IT RESOLVED that the House of Representatives of the
- 4 Legislature of Louisiana does hereby urge and request that the Louisiana State Law Institute
- 5 study the rules of preliminary defaults and make recommendations, if any, to enhance
- 6 judicial efficiency and clarity with the rules of pleadings and that the Louisiana State Law
- 7 Institute report its findings and recommendations to the Legislature of Louisiana on or
- 8 before March 1, 2021.
- 9 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
- 10 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)]

HR 50 Engrossed

2020 Regular Session

Robby Carter

Requests 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 March 1, 2021.

Summary of Amendments Adopted by House

The Committee Amendments Proposed by <u>House Committee on Civil Law and Procedure</u> to the <u>original bill</u>:

- 1. Change "authorize and direct" to "urge and request"
- 2. Change the La. State Law Institute's reporting requirement <u>from</u> Jan. 1, 2021, <u>to</u> March 1, 2021.