

2021 Regular Session

HOUSE BILL NO. 386

BY REPRESENTATIVES FARNUM AND BOURRIAQUE

1 AN ACT

2 To enact R.S. 13:4165(F), relative to courts and judicial procedure; to authorize appointment  
3 of special masters under certain circumstances; to provide for mediation; and to  
4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 13:4165(F) is hereby enacted to read as follows:

7 §4165. Special masters; appointment; duties and powers; compensation

8 \* \* \*

9 F.(1) For causes of action arising from a disaster within a parish declared by  
10 the president of the United States to be subject to a major disaster declaration under  
11 42 U.S.C. 5121 through 5207 and certified for individual assistance in accordance  
12 with the provisions of 44 CFR 206.48(b), the judges with civil jurisdiction in any  
13 court of competent jurisdiction may en banc appoint one or more special masters for  
14 all causes of action related to first-party insurance property damage claims.

15 (2) Notwithstanding any other provision of law to the contrary, any order  
16 issued pursuant to this Subsection may provide for the appointment, duties, or  
17 compensation of the special master or masters in any manner directed by the court,  
18 and the court shall allow a party an opportunity to file a motion to opt out of the  
19 proceedings before the special master upon a showing of good cause.

20 (3) The appointment of a special master shall terminate upon determination  
21 by the appointing judges en banc.

22 (4) Each court in which a special master is appointed shall file an annual  
23 report of the preceding calendar year by February first of the following year, to the  
24 Louisiana Supreme Court, the House Committee on Civil Law and Procedure, and

1           the Senate Committee on Judiciary A on the number, rate of compensation, duties,  
 2           and assignments of each special master under its jurisdiction as well as the status of  
 3           each cause of action assigned to each special master in the aggregate. The provisions  
 4           of this Paragraph shall be applicable only to appointments made pursuant to this  
 5           Subsection.

6                   (5) An order pursuant to this Subsection shall comply with the requirements  
 7                   of Fed. Civ. R.53 as to the appointment and disqualification of a master, except to  
 8                   the extent those requirements are specifically inconsistent with state law.

9                   (6) Notwithstanding any other provision of law to the contrary, any order  
 10                  issued pursuant to this Subsection may provide for mandatory mediation with the  
 11                  goal of expedited dispute resolution using a qualified neutral mediator appointed and  
 12                  compensated in the manner directed by the court.

13                  (7) Any special master appointed pursuant to this Subsection may waive the  
 14                  appointment. Orders initially issued pursuant to this Subsection after January 1,  
 15                  2022, shall provide for an opt-out upon request of any party.

16                  (8) Notwithstanding any provision of law to the contrary, no provision or  
 17                  policy form issued in this state may be construed to impair a court's authority under  
 18                  this Subsection, and no provision of this Subsection shall impair the jurisdiction or  
 19                  venue of any court of proper jurisdiction and venue in this state.

---

SPEAKER OF THE HOUSE OF REPRESENTATIVES

---

PRESIDENT OF THE SENATE

---

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_