

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: _____