SLS 22RS-985 **ORIGINAL**

2022 Regular Session

SENATE CONCURRENT RESOLUTION NO. 18

BY SENATOR CONNICK

CIVIL PROCEDURE. Requests the Louisiana State Law Institute to study and make recommendations regarding reply memoranda in response to a motion for summary judgment.

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study and make recommendations relative to the filing of additional documents in the form of rebuttable evidence with a reply memorandum in response to a motion for summary judgment.

WHEREAS, Louisiana Code of Civil Procedure Article 966(B)(3) provides that any reply memorandum shall be filed and served not less than five days prior to the hearing on the motion; and

WHEREAS, Louisiana Code of Civil Procedure Article 966(B)(3) further provides that no additional documents may be filed with the reply memorandum in response to a motion in opposition to a motion for summary judgment; and

WHEREAS, the Code of Civil Procedure has been revised over the years with the goal of ensuring relevance and maintaining efficiency and fairness in provisions of law regarding civil procedure; and

WHEREAS, the necessity, fairness, and efficiency in allowing the courts to consider additional documents in the form of rebuttable evidence to be filed with the reply memorandum in response to a motion in opposition to a motion for summary judgment promotes both judicial efficiency and legal representation of a client's interest; and

WHEREAS, the Louisiana State Law Institute's general duties include examining and

studying the civil law and statutes of the state with a view of discovering defects and inequities, and of recommending needed reforms; and

WHEREAS, studying the feasibility of amending Code of Civil Procedure Article 966(B)(3) to allow the court to consider rebuttable evidence in response to a motion for summary judgement would promote fairness.

THEREFORE, BE IT RESOLVED that the Senate of the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study and make recommendations for the revision of Code of Civil Procedure Article 966(B)(3) to authorize the filing of additional documents in the form of rebuttable evidence with a reply memorandum in response to a motion for summary judgment.

BE IT FURTHER RESOLVED that a copy of the Louisiana State Law Institute report and recommendations for revising state law in the form of proposed legislation to effect such recommendations in a statutorily consistent and coordinated manner shall be submitted to the Senate of the Legislature of Louisiana not later than February 15, 2023.

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

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra R. Bias.

DIGEST

SCR 18 Original 2022 Regular Session Connick

Requests the Louisiana State Law Institute to study authorizing the filing of additional documents in the form of rebuttable evidence with a reply memorandum in response to a motion for summary judgment, and to submit report to the Senate not later than February 15, 2023.