
DIGEST

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Edwards

HB No. 192

Abstract: Provides for the continuous revision of the Code of Civil Procedure, including recognizing exceptions to the general venue rules, providing for exclusive venue and the rules for application when two or more articles conflict, requiring proof supporting confirmation of a default judgment be placed in the court record, requiring a hearing, consent of the parties, or no opposition to a proposed amendment before a final judgment may be amended, and requiring the court to specify its reasons for granting a motion for new trial.

Present law provides for exceptions to the general rules of venue.

Proposed law retains present law and adds actions involving voting trusts and actions involving applications for wrongful conviction and imprisonment as exceptions to the general rules of venue.

Present law provides for application of rules to determine proper venue when two or more C.C.P. articles conflict.

Proposed law retains present law and adds articles addressing proper venue in actions involving certain retirement systems and employee benefit programs, actions involving voting trusts, and actions involving application for compensation for wrongful conviction and imprisonment to the list of articles providing exclusive venue and the rules for application when two or more articles conflict.

Present law provides for confirmation of default judgments.

Proposed law requires the proof supporting confirmation of a default judgment to be placed into the court record prior to judgment. Provides that the court may permit documentary evidence to be filed in an electronic format authorized by the local rules or the clerk of the district court.

Present law provides for amendment to judgments to correct phraseology or errors of calculation.

Proposed law retains present law and requires a hearing before amending a final judgment, unless the parties consent or no opposition is filed after notice of the proposed amendment.

Present law requires the court to render a decision on a motion for new trial within 10 days of the submission of the motion. Allows the time to be extended if the parties agree.

Proposed law retains present law and requires the court to specify its reasons for granting a motion for a new trial.

(Amends C.C.P. Arts. 43, 45, 1702(A), 1951, and 1979)

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Added articles addressing venue in actions involving voting trusts and actions involving applications for compensation for wrongful conviction and imprisonment as exceptions to the general venue rules.
2. Deleted the provision authorizing the court to require proof supporting confirmation of a default judgment to be filed in electronic form and added language authorizing the court to permit documentary evidence to be stored in an electronic format authorized by the local rules or the clerk of district court.