

2016 Regular Session

SENATE BILL NO. 242

BY SENATOR MILKOVICH

CIVIL PROCEDURE. Provides right of oral argument in contradictory hearings. (gov sig)

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AN ACT

To enact Code of Civil Procedure Art. 1636.1, relative to contradictory hearings in civil cases; to provide for the right to present oral arguments; to provide with respect to waiver of oral argument and nullity of a judgment when oral argument is not allowed; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Art. 1636.1 is hereby enacted to read as follows:

Art. 1636.1. Contradictory hearings; oral arguments

A. Notwithstanding any provision of law to the contrary, a party shall have the right to present oral argument, in addition to written briefs, at all contradictory hearings in civil cases. Oral argument may be waived if all parties agree in writing to such waiver.

B. A judgment obtained without allowing oral argument as provided by this Section shall be considered a relative nullity. A motion to annul a judgment on such grounds shall be brought within thirty days after the clerk has mailed, or the sheriff has served, the notice of judgment as required by Article 1913.

Section 2. This Act shall become effective upon signature by the governor or, if not

1 signed by the governor, upon expiration of the time for bills to become law without signature
2 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
3 vetoed by the governor and subsequently approved by the legislature, this Act shall become
4 effective on the day following such approval.

The original instrument was prepared by Angela Lockett De Jean. The following digest, which does not constitute a part of the legislative instrument, was prepared by Benjamin A. Huxen, II.

DIGEST

SB 242 Engrossed

2016 Regular Session

Milkovich

Proposed law provides that notwithstanding any provision of law to the contrary, a party shall have the right to present oral argument, in addition to written briefs, at all contradictory hearings in civil cases.

Proposed law provides that oral argument may be waived if all parties agree in writing to such waiver.

Proposed law provides that a final judgment obtained without allowing oral argument as provided by proposed law shall be considered a relative nullity.

Proposed law provides that a motion to annul a judgment as provided in proposed law shall be brought within 30 days after the clerk has mailed, or the sheriff has served, the notice of judgment as required by present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Adds C.C.P. Art. 1636.1)

Summary of Amendments Adopted by SenateCommittee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Changed absolute nullity to relative nullity.