

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 118** SLS 19RS 328

Bill Text Version: **ORIGINAL**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> April 23, 2019	9:22 AM	<b>Author:</b> MILKOVICH
<b>Dept./Agy.:</b> Judiciary		<b>Analyst:</b> Willis Brewer
<b>Subject:</b> Provides right of an oral argument in contradictory		

CIVIL PROCEDURE OR INCREASE LF EX See Note Page 1 of 1  
Provides right of an oral argument in contradictory proceedings. (gov sig)

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. Further provides that oral argument may be waived only if all parties agree in writing to such waiver, and may be denied by the court to a party if their pleadings or documents in connection with the contradictory hearing have not been timely filed. Proposed law also provides that reasonable control over argument presented under proposed law may be exercised by the court.

Proposed law further provides that the obtaining of a judgment in violation of proposed law shall be mandatory grounds for setting aside the judgment and seeking a new hearing, by motion brought within 30 days after the clerk has mailed, or sheriff has served, the notice of judgment as required by law. Effective upon signature of the governor or lapse of time for gubernatorial action.

<b>EXPENDITURES</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	INCREASE	INCREASE	INCREASE	INCREASE	INCREASE	
<b>Annual Total</b>						
<b>REVENUES</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

Proposed law will likely create an increased workload and corresponding increase in state and judiciary expenditures by an indeterminable amount due to a potentially significant increase in contradictory hearings in civil cases. Proposed law provides that a party shall have the right to present oral arguments, in addition to written briefs, at all contradictory hearings in civil proceedings. The impact of proposed law is dependent upon the number of contradictory hearings that are filed and the extent to which legal counsel exercises their right to present oral arguments, which will in turn lengthen court dockets. The potential change is indeterminable but will likely increase over baseline levels.

District courts' general operations are paid for with local funds, but the Judiciary budget pays for the salaries of the judges. To the extent that proposed law increases the number of contradictory hearings that are filed in district courts, judicial workload, time and attendance (presence of judges, ad hoc judges, clerks, bailiffs, counsel, etc.) costs may increase by an indeterminable and potentially significant amount in the aggregate statewide.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**