

RÉSUMÉ DIGEST

ACT 753 (SB 402)

2022 Regular Session

Abraham

Prior law provided for the appointment of a special master in any civil action wherein complicated legal or factual issues are presented or wherein exceptional circumstances of the case warrant such appointment upon consent of all parties.

Prior law provided that for causes of action arising from a disaster within a parish declared by the president of the United States to be subject to a major disaster declaration under federal law and certified for individual assistance in accordance with the provisions of federal rules, the judges with civil jurisdiction in any court of competent jurisdiction may en banc appoint one or more special masters for all causes of action related to first-party insurance property damage claims.

Prior law authorized any special master appointed to waive the appointment.

New law limits appointment waiver to special masters appointed to serve in a major disaster area.

Prior law required orders initially issued after January 1, 2022, to provide for an opt-out upon request of any party.

New law provides that provisions of prior law related to opt-out shall also not apply to any order initially issued on or before December 31, 2022, in any judicial district that has not previously issued an order related to the qualifying disaster event.

New law requires that any order issued shall be applicable to the successor in interest to any party subject to the order, in the same manner as originally applicable to the insured or insurer.

New law authorizes a guaranty association can voluntarily participate in a mediation that is initiated pursuant to a case management order six months after the guaranty association assumes responsibility for the payment of the covered claim pursuant to an expressed order of the receivership court or pursuant to an order of liquidation by the receivership court or at a time prior to the expiration of six months as the guaranty association in its sole discretion determines that it has sufficient information to participate in a mediation, but participation by the guaranty association in mediation can waive any rights it is afforded to under law.

Effective June 18, 2022.

(Amends R.S. 13:4165(F)(7); adds R.S. 13:4165(F)(9) and (10))