
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michelle Ducharme.

DIGEST

Present law provides for the Enforcement of Foreign Judgments Act, which provides the procedures for the enforcement of foreign judgments entitled to the full faith and credit of this state.

Proposed law defines "foreign defamation judgment" as a judgment or decree rendered in a jurisdiction outside of any state or territory of the United States which was founded on a cause of action arising from allegations of defamation.

Proposed law provides that a foreign defamation judgment is not conclusive if:

- (1) The judgment was rendered under a system which does not provide impartial tribunals or procedures compatible with the requirements of due process of law.
- (2) The foreign court did not have personal jurisdiction over the defendant.
- (3) The foreign court did not have jurisdiction over the subject matter.

Proposed law provides that a foreign defamation judgment need not be recognized if:

- (1) The defendant in the proceedings in the foreign court did not receive notice of the proceedings in sufficient time to enable him to defend.
- (2) The judgment was obtained by fraud.
- (3) The cause of action or claim for relief on which the judgment is based is repugnant to the public policy of this state.
- (4) The judgment conflicts with another final and conclusive order.
- (5) The proceeding in the foreign court was contrary to an agreement between the parties under which the dispute in question was to be settled otherwise than by proceedings in that court.
- (6) In the case of jurisdiction based only on personal service, the foreign court was a seriously inconvenient forum for the trial of the action.
- (7) The foreign jurisdiction where judgment was rendered would not give recognition to a similar judgment rendered in this state.

- (8) The court sitting in this state before which the matter is brought determines that the defamation law applied in the adjudication by the foreign court failed to provide at least as much protection for freedom of speech and press in that case as would be provided by the constitutions of this state and the United States.

Proposed law provides that for the purposes of determining whether the foreign defamation judgment should be deemed recognizable, the courts of this state have personal jurisdiction over any person who obtains a judgment in a defamation proceeding outside the United States against any person who is:

- (1) A resident of this state.
- (2) A person or entity amenable to the jurisdiction of this state.
- (3) A person who has assets in this state.
- (4) A person who may have to take action in this state to comply with the judgment.

Effective August 15, 2010.

(Adds R.S. 13:4249)