

Regular Session, 2013

SENATE CONCURRENT RESOLUTION NO. 85

BY SENATOR MURRAY

LEGISLATIVE AGENCIES. Requests Louisiana State Law Institute study definitions and procedures concerning civil final judgments.

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study the necessity of revising laws concerning civil final judgments.

WHEREAS, laws providing what constitutes a civil final judgment and its treatment and effects for appellate and other purposes are generally set forth in the Louisiana Code of Civil Procedure, including Articles 1841, 1915, and 965 through 968; and

WHEREAS, numerous revisions to these Articles in the last twenty years have been necessitated by continuing litigation arising over what actions by a trial court constitute a proper "judgment" and what judgments, including summary judgments, should or should not be considered or certified as "final" or "partial" for the purpose of authorizing an appeal of such judgment; and

WHEREAS, there are important policies underlying the appropriate practices and procedures for the treatment of civil final judgments in Louisiana, including that a "judgment" should consist of an action by a trial court that determines the merits of an action in whole or part and is in the proper form required by law, and that although piecemeal litigation and appeal of a case should generally be prohibited there should also be exceptions recognizing that, in certain instances, a partial judgment by a trial court adjudicating rights should be considered sufficiently "final" so as to be subject to appeal without waiting for

1 complete adjudication of the entire action; and

2 WHEREAS, the present body of laws defining and concerning civil final judgments
3 in Louisiana and their treatment and effects for appellate and other purposes should be
4 studied by the Louisiana State Law Institute to determine whether any inconsistencies in
5 language or interpretation exist in the provisions of such laws and, if so, the appropriate
6 revisions to resolve such inconsistencies and enhance uniform understanding and
7 interpretation of these laws; and

8 WHEREAS, such study should also include whether present procedures relating to
9 determination and appeal of civil final judgments should be modified and simplified for the
10 purposes of improving legal and judicial efficiency and economy in the speedy resolution
11 of civil actions.

12 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
13 urge and request the Louisiana State Law Institute to study the necessity of revising laws
14 concerning civil final judgments.

15 BE IT FURTHER RESOLVED that a report of the findings of such study to date,
16 including any recommendations in the form of specific proposed legislation, be transmitted
17 to the Legislature of Louisiana not later than February 1, 2014.

18 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
19 director of the Louisiana State Law Institute.

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Jerry G. Jones.

DIGEST

Murray

SCR No. 85

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civil final judgments.