

Regular Session, 2014

HOUSE BILL NO. 509

BY REPRESENTATIVE GREENE

COURTS/COURT COSTS: Requires the non-prevailing party to pay court costs and attorney fees if the suit or defense to the suit is frivolous

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1920, relative to court costs; to  
3 require the non-prevailing party to pay all costs if the suit is frivolous; and to provide  
4 for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1920 is hereby amended and reenacted  
7 to read as follows:

8 Art. 1920. Costs; parties liable; procedure for taxing

9 A. Unless the judgment provides otherwise, costs shall be paid by the party  
10 cast, and may be taxed by a rule to show cause. If the court determines the suit or  
11 the defense to the suit when viewed in its totality, was frivolous, the non-prevailing  
12 party shall pay all court costs and reasonable attorney fees of the other party. The  
13 provisions of this Article shall also apply to medical malpractice litigation, however,  
14 the decision of a medical review panel alone shall not be determinative of the issue  
15 of whether the action or defense is frivolous.

16 B. Except as otherwise provided by law, the court may render judgment for  
17 costs, or any part thereof, against any party, as it may consider equitable.

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DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

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Greene

HB No. 509

**Abstract:** Requires the non-prevailing party to pay all court costs and attorney fees if the suit or the defense to the suit is determined to be frivolous.

Present law requires costs to be paid by the party cast in judgment, unless the judgment provides otherwise.

Proposed law maintains present law and provides that if the court determines the suit or the defense to the suit to be frivolous, the non-prevailing party shall pay all court costs and reasonable attorney fees of the other party.

Proposed law provides that the provisions of proposed law shall also apply to medical malpractice litigation, however, the decision of a medical review panel alone shall not be determinative of the issue of whether the action or defense is frivolous.

(Amends C.C.P. Art. 1920)