

2018 Regular Session

SENATE BILL NO. 56

BY SENATOR MILKOVICH

CIVIL PROCEDURE. Provides right of an oral argument in contradictory proceedings.  
(gov sig)

1 AN ACT

2 To enact Code of Civil Procedure Art. 1636.1, relative to contradictory hearings in civil  
3 proceedings; to provide for the right to present oral arguments; to provide with  
4 respect to reasonable control of oral argument by the court, waiver or denial of oral  
5 argument, and grounds for setting aside a judgment obtained in violation of  
6 requirements; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Art. 1636.1 is hereby enacted to read as follows:

9 Art. 1636.1. Contradictory hearings; oral arguments

10 A. Notwithstanding any provision of law to the contrary, a party shall  
11 have the right to present oral argument, in addition to written briefs, at all  
12 contradictory hearings in civil proceedings. Oral argument may be waived only  
13 if all parties agree in writing to such waiver, and may be denied by the court to  
14 a party if their pleadings or documents in connection with the contradictory  
15 hearing have not been timely filed.

16 B. Reasonable control over oral argument presented under this Article  
17 may be exercised by the court.

1                    **C. The obtaining of a judgment in violation of this Article shall be**  
 2                    **mandatory grounds for setting aside the judgment and seeking a new hearing,**  
 3                    **by motion within thirty days after the clerk has mailed, or the sheriff has**  
 4                    **served, the notice of judgment as required by Article 1913.**

5                    Section 2. This Act shall become effective upon signature by the governor or, if not  
 6                    signed by the governor, upon expiration of the time for bills to become law without signature  
 7                    by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If  
 8                    vetoed by the governor and subsequently approved by the legislature, this Act shall become  
 9                    effective on the day following such approval.

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The original instrument was prepared by Xavier I. Alexander. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jerry G. Jones.

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DIGEST

SB 56 Engrossed

2018 Regular Session

Milkovich

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.

(Adds C.C.P. Art. 1636.1)

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Adds that oral argument may be denied by the court to a party if their pleadings or documents have not been timely filed.