

2019 Regular Session

HOUSE RESOLUTION NO. 283

BY REPRESENTATIVE JAMES

COURTS: Requests the Louisiana State Law Institute to study the law on "in forma pauperis" as applied by the courts to clarify and limit misinterpretation

1 A RESOLUTION

2 To urge and request the Louisiana State Law Institute to conduct a review and study of
3 Louisiana's *in forma pauperis* and related laws as applied by Louisiana courts in civil
4 judicial proceedings for possible revision to clarify and limit misinterpretation of
5 existing law to ensure consistent application in all Louisiana courts and report its
6 findings to the House of Representatives by January 1, 2020.

7 WHEREAS, one of the foundations of our legal system is to ensure all citizens have
8 equal access to the courts to address their grievances, regardless of their station in life,
9 language, or their ability to pay; and

10 WHEREAS, Louisiana has ensured access to justice for all, a concept found in
11 Article I, Section 22 of the Constitution of Louisiana, entitled "Access to Courts"; and

12 WHEREAS, Louisiana allows indigent individuals to petition the court for redress
13 of grievances; and

14 WHEREAS, except as otherwise provided by law, Code of Civil Procedure Articles
15 5181 through 5188 set forth procedures for indigents in civil judicial proceedings to file *in*
16 *forma pauperis*, allowing them to proceed with their action without advance payment of
17 costs; and

18 WHEREAS, the Louisiana Supreme Court found in *Benjamin v. National*
19 *Supermarkets, Inc.*, 351 So.2d 138 (La. 1977) that *in forma pauperis* statutes were written
20 with the intent of giving indigent persons access to courts, and these statutes were to be

1 interpreted liberally in favor of individuals who need access to courts but cannot afford to
2 pay costs in advance; and

3 WHEREAS, a survey of public interest attorneys found that throughout Louisiana
4 courts there are variations in interpretation of the *in forma pauperis* statutes which decreases
5 an indigent's access to the legal system and jeopardizes the underlying principle of access
6 to justice; and

7 WHEREAS, as a result of inconsistent interpretation and misapplication of the *in*
8 *forma pauperis* statutes, individuals receive different outcomes based on a court system's
9 interpretation of the statutes; and

10 WHEREAS, Louisiana has instituted the Louisiana State Law Institute to consider
11 needed improvements in the law, to study civil law to discover defects and inequities, and
12 to recommend needed reforms; and

13 WHEREAS, the Louisiana State Bar Association, through its Access to Justice
14 Committee, with representatives from the Louisiana judiciary, private practice, and civil
15 legal aid providers, supports the referral of this issue to the Louisiana State Law Institute to
16 study *in forma pauperis* laws and courts' pervasive misapplication thereof, and to determine
17 whether a revision or updated guidance of substantive or procedural law is needed to
18 enhance consistent application in all Louisiana courts.

19 THEREFORE BE IT RESOLVED that the House of Representatives of the
20 Louisiana Legislature does hereby urge and request the Louisiana State Law Institute to
21 review and study Louisiana's *in forma pauperis* and related laws as applied by Louisiana
22 courts to clarify and limit misinterpretation of existing law and to ensure consistent
23 application in all Louisiana courts and report its findings to the House of Representatives by
24 January 1, 2020.

25 BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the
26 president of the Louisiana State Law Institute.

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)]

HR 283 Original

2019 Regular Session

James

Requests the La. State Law Institute to review and study Louisiana's *in forma pauperis* and related laws as applied by La. courts to clarify and limit misinterpretation of existing law and to ensure consistent application in all La. courts and report its findings to the House of Representatives by Jan. 1, 2020.