

Regular Session, 2011

HOUSE CONCURRENT RESOLUTION NO. 28

BY REPRESENTATIVE ABRAMSON

A CONCURRENT RESOLUTION

To urge and request the Louisiana State Law Institute to study agreements to voluntarily extend liberative prescriptive periods and to make specific recommendations for authorizing agreements to extend liberative prescriptive periods.

WHEREAS, resolution of certain claims frequently cannot be effected within one year, particularly in complex matters; and

WHEREAS, agreements to suspend or toll prescriptive periods have been successful in other states; and

WHEREAS, parties involved in certain actions have, at times, unanimously agreed to withhold the filing of suit in order to resolve the disputed issues, but due to Louisiana law, particularly, Civil Code Article 3471, suit is required to be filed in order to avoid the liberative prescriptive period, even though all parties to the action agree that filing suit at that time is not otherwise necessary; and

WHEREAS, the ability to suspend the liberative prescriptive period when all parties agree could be beneficial to the parties and the courts by saving both time and money.

THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby urge and request the Louisiana State Law Institute to study agreements to voluntarily extend liberative prescriptive periods and to make specific recommendations for authorizing agreements to extend liberative prescriptive periods.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the director of the Louisiana State Law Institute and that the Louisiana State Law Institute report

its findings and recommendations in the form of specific proposed legislation to the Legislature of Louisiana on or before January 1, 2013.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES

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PRESIDENT OF THE SENATE