

Regular Session, 2012

HOUSE BILL NO. 1158

BY REPRESENTATIVE CONNICK

CIVIL/DISCOVERY: Provides with respect to pretrial procedure in civil matters

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1551(A)(introductory paragraph),  
3 (B), and (C) and to enact Code of Civil Procedure Article 1551(D), relative to  
4 pretrial procedure in civil matters; to provide for scheduling conferences; to provide  
5 a time period within which to set conferences; to provide for the content of  
6 scheduling orders; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Code of Civil Procedure Article 1551(A)(introductory paragraph), (B),  
9 and (C) are hereby amended and reenacted and Code of Civil Procedure Article 1551(D) is  
10 hereby enacted to read as follows:

11 Art. 1551. Pretrial and scheduling conference; order

12 A. In any civil action in a district court the court ~~may in its discretion~~ shall  
13 direct the attorneys for the parties to appear before it for conferences to consider any  
14 of the following:

15 \* \* \*

16 B. Any party may file a motion for a pretrial conference after all issues are  
17 joined, and such conference shall be set within ninety days of the date the motion is  
18 filed.

19 ~~B.C.~~ The court shall render an order which recites the action taken at the  
20 conference, the amendments allowed to the pleadings, and the agreements made by

1 the parties as to any of the matters considered, and which limits the issues for trial  
2 to those not disposed of by admissions or agreements of counsel. Such order shall  
3 include a scheduling order including deadlines for completion of discovery, and may  
4 set the case for trial even if discovery is not complete. In the event a trial date is not  
5 set at that time, the scheduling order shall set a new pretrial conference date,  
6 subsequent to the deadline for completion of discovery, at which time the case shall  
7 be assigned for trial, and such order controls the subsequent course of the action,  
8 unless modified at the trial to prevent manifest injustice.

9 C.D. If a party's attorney fails to obey a pretrial order, or to appear at the  
10 pretrial and scheduling conference, or is substantially unprepared to participate in the  
11 conference or fails to participate in good faith, the court, on its own motion or on the  
12 motion of a party, after hearing, may make such orders as are just, including orders  
13 provided in Article 1471 (2), (3), and (4). In lieu of or in addition to any other  
14 sanction, the court may require the party or the attorney representing the party or  
15 both to pay the reasonable expenses incurred by noncompliance with this Paragraph,  
16 including attorney fees.

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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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Connick

HB No. 1158

**Abstract:** Requires district courts to set pretrial scheduling conferences to consider and resolve certain matters, and requires the court to set such conferences within 90 days of the filing of the motion by any party.

Present law authorizes a district court in any civil action to direct the attorneys for the parties to appear for pretrial conferences to consider various matters, including the status of discovery, pending issues, admissibility of evidence, and limitations on expert witnesses, in order to prepare the case for trial.

Proposed law requires the district court to set such conferences, and requires the court to set such conferences within 90 days of the filing of the motion by any party, even if discovery is outstanding, and provides that, if not previously set, the scheduling order shall set a new pretrial conference date, subsequent to the deadline for discovery, at which time the case shall be assigned for trial.

(Amends C.C.P. Art. 1551(A)(intro. para.), (B), and (C); Adds C.C.P. Art. 1551(D))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Changed the period for setting pretrial conference from 30 days to 90 days.
2. Added provision for the setting of a new pretrial conference subsequent to the deadline for completion of discovery.