

(KEYWORD, SUMMARY, AND DIGEST as amended by Senate committee amendments)

COURTS/JUSTICE OF PEACE. Provides relative to justice of the peace courts.

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DIGEST

HB 728 Engrossed

2015 Regular Session

Garofalo

Present law provides general provisions for trial.

Proposed law retains present law but provides the following:

- (1) Provides for requirements relative to the citation.
- (2) Authorizes the justice of the peace or clerk of court to set matters for trial within certain time delays.
- (3) Provides for duties of the justice of the peace as it relates to trial procedures, including authorizing certain discovery.
- (4) Provides relative to notice of judgment and procedures for appeal.

(Amends C.C.P. Arts. 4919(A)(intro. para.) and (5), 4922, and 4925(A); Adds C.C.P. Arts. 4921.1(C) and 4921.2)

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Judiciary to the original bill:

- 1. Remove the requirements that all pleadings shall be in writing and filed with the justice of the peace or clerk of court.
- 2. Remove all proposed law provisions relative to the form of pleadings, signing of the pleadings, and form of the petition.
- 3. Change the requirement that the first scheduled trial date be not more than 45 days from the issuance of the citation to the service of the citation and removes requirement that the setting of the trial date is contingent upon service occurring not less than ten days before the time set for trial.
- 4. Remove authority for a justice of the peace to raise defenses or claims of which the parties may be unaware.

Summary of Amendments Adopted by Senate

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

- 1. Adds that trial date is not less than 10 days from service of citation.
- 2. Adds that if trial date is set, no default judgment can be rendered prior to that date.
- 3. Changes "should" to "shall" relative to granting of discovery upon notice and good cause shown.

4. Provides that either copy of notice of suit for trial de novo or copy of suit pleadings shall be provided to justice of the peace court whose judgment is appealed.