HLS 12RS-3597 ORIGINAL

Regular Session, 2012

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HOUSE STUDY REQUEST NO. 3

BY REPRESENTATIVE HARRISON

CIVIL/PROCEDURE: Requests the House Committee on Civil Law and Procedure to study provisions relative to the recovery of attorney fees in civil actions

A STUDY REQUEST

2	To the House Committee on Civil Law and Procedure to study the Code of Civil Procedure
3	with regard to the ability of a party to recover attorney fees incurred in the
4	prosecution or defense of a civil action and to report its findings to the House of
5	Representatives prior to the convening of the 2013 Regular Session of the
6	Legislature of Louisiana.
7	WHEREAS, in most circumstances under current law, each party to a civil action is
8	required to pay the attorney fees he has incurred during the prosecution or defense of the
9	action; and
10	WHEREAS, parties to civil actions frequently have to litigate spurious or frivolous
11	claims or defenses; and
12	WHEREAS, even though the court may dismiss a spurious or frivolous claim or
13	defense, the prevailing party is obligated to pay his own attorney fees incurred in litigating
14	the claim or defense; and
15	WHEREAS, House Bill No. 263 of the 2012 Regular Session of the Legislature
16	proposed to amend various articles of the Code of Civil Procedure in order to mandate the
17	award of attorney fees in certain circumstances; and
18	WHEREAS, other states such as Texas have established procedures which enable the
19	prevailing party in such situations to recover the reasonable attorney fees incurred in
20	litigating a claim or defense; and

WHEREAS, it would be beneficial to the citizens and businesses of this state to study

- 2 this issue, with the assistance and testimony of representatives from agencies or other
- 3 organizations such as:
- 4 (1) The Judicial Council of the Supreme Court of Louisiana.
- 5 (2) The Louisiana District Judges Association.
- 6 (3) The Louisiana State Bar Association.
- 7 (4) Paul M. Hebert Law Center.
- 8 (5) Southern University Law Center.
- 9 (6) Loyola University College of Law.
- 10 (7) Tulane University Law School.
- 11 (8) Louisiana Property and Casualty Insurance Commission.
- 12 THEREFORE, the House of Representatives of the Legislature of Louisiana requests
- 13 the House Committee on Civil Law and Procedure to study the Code of Civil Procedure with
- regard to the ability of a party to recover attorney fees incurred in the prosecution or defense
- of a civil action and to report its findings to the House of Representatives prior to the
- 16 convening of the 2013 Regular Session of the Legislature of Louisiana.

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)]

Harrison HSR No. 3

Requests the House Committee on Civil Law and Procedure to study the Code of Civil Procedure with regard to the ability of a party to recover attorney fees incurred in the prosecution or defense of a civil action.