

Need for Reform

Contributed by Administrator

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Now is the time for reform

The Louisiana Legislature is represented by a supermajority of reform-minded lawmakers who were elected to improve the state's business and legal climate. The Legislature is determined to improve Louisiana's economy, which has been hindered by lawsuit abuse and even further by the COVID-19 pandemic. The next regular session begins April 12, 2021.

Legal reform has been a priority recently in the Louisiana Legislature

LCSS and its partners worked with state lawmakers to pass legal reforms for the first time in decades, including business liability projections related to the pandemic. The Civil Justice Reform Act of 2020 passed in the first special session and was signed by the governor. This landmark legislation reduced the jury trial threshold from \$50,000 to \$10,000, reformed direct action, repealed the seat belt evidence gag order and made improvements to calculate healthcare and medical expenses in personal injury claims.

How we can continue to make change

Despite recent legislative advances, Louisiana's legal climate continues to be an outlier in many respects and was recently named #5 on the list of "Judicial Hellholes" by the American Tort Reform Association. Windfalls for personal injury attorneys have resulted in a national reputation for lawsuit abuse. Solutions being considered to improve the state's business and legal climate include:

- Collateral Source: Eliminate phantom damages and limit recovery of medical expenses to the amount actually paid
- Coastal Litigation: Limit the ability of third-party plaintiffs to seek civil enforcement of state-issued permits

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- Prejudgment Interest: Change the effective date of judicial interest payable from the date of filing to the date of judgment
- Judicial Transparency: Promote the same accountability and transparency within the judicial branch as in the executive and legislative branches
- Asbestos Trust Filing and Disclosure: Require plaintiffs to disclose to the court all money received from asbestos trust funds upon filing suit for damages
- Deceptive Drug Lawsuit Advertisements: End misleading lawsuit advertisements seek potential plaintiffs to file suit
- Random Case Allotment: Create an electronic filing system to ensure cases are randomly allotted to judges