

2019 Regular Session

HOUSE RESOLUTION NO. 283

BY REPRESENTATIVES JAMES AND LEGER

A RESOLUTION

To urge and request the Louisiana State Law Institute to conduct a review and study of Louisiana's *in forma pauperis* and related laws as applied by Louisiana courts in civil judicial proceedings for possible revision to clarify and limit misinterpretation of existing law to ensure consistent application in all Louisiana courts and report its findings to the House of Representatives by January 1, 2020.

WHEREAS, one of the foundations of our legal system is to ensure all citizens have equal access to the courts to address their grievances, regardless of their station in life, language, or their ability to pay; and

WHEREAS, Louisiana has ensured access to justice for all, a concept found in Article I, Section 22 of the Constitution of Louisiana, entitled "Access to Courts"; and

WHEREAS, Louisiana allows indigent individuals to petition the court for redress of grievances; and

WHEREAS, except as otherwise provided by law, Code of Civil Procedure Articles 5181 through 5188 set forth procedures for indigents in civil judicial proceedings to file *in forma pauperis*, allowing them to proceed with their action without advance payment of costs; and

WHEREAS, the Louisiana Supreme Court found in *Benjamin v. National Supermarkets, Inc.*, 351 So.2d 138 (La. 1977) that *in forma pauperis* statutes were written with the intent of giving indigent persons access to courts, and these statutes were to be interpreted liberally in favor of individuals who need access to courts but cannot afford to pay costs in advance; and

WHEREAS, a survey of public interest attorneys found that throughout Louisiana courts there are variations in interpretation of the *in forma pauperis* statutes which decreases

an indigent's access to the legal system and jeopardizes the underlying principle of access to justice; and

WHEREAS, as a result of inconsistent interpretation and misapplication of the *in forma pauperis* statutes, individuals receive different outcomes based on a court system's interpretation of the statutes; and

WHEREAS, Louisiana has instituted the Louisiana State Law Institute to consider needed improvements in the law, to study civil law to discover defects and inequities, and to recommend needed reforms; and

WHEREAS, the Louisiana State Bar Association, through its Access to Justice Committee, with representatives from the Louisiana judiciary, private practice, and civil legal aid providers, supports the referral of this issue to the Louisiana State Law Institute to study *in forma pauperis* laws and courts' pervasive misapplication thereof, and to determine whether a revision or updated guidance of substantive or procedural law is needed to enhance consistent application in all Louisiana courts.

THEREFORE BE IT RESOLVED that the House of Representatives of the Louisiana Legislature does hereby urge and request the Louisiana State Law Institute to review and study Louisiana's *in forma pauperis* and related laws as applied by Louisiana courts to clarify and limit misinterpretation of existing law and to ensure consistent application in all Louisiana courts and report its findings to the House of Representatives by January 1, 2020.

BE IT FURTHER RESOLVED that a copy of this Resolution be transmitted to the president of the Louisiana State Law Institute.

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SPEAKER OF THE HOUSE OF REPRESENTATIVES