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## Symposium on Civil Procedure: Introduction

Henry G. McMahon

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## COMMENTS

### Symposium on Civil Procedure

#### Introduction

Two separate, but coordinated, procedural reforms which make sweeping changes in the civil procedure of Louisiana go into effect during the current six-months period. The first, a drastic revision of the civil jurisdiction of the appellate courts of the state, was designed to expedite appellate review and to relieve the Supreme Court of an intolerable burden which has hampered its efficacy during the past decade, and went into effect on July 1, 1960. The blueprints for this procedural reform were drafted by the Judicial Council of Louisiana after more than three years of research and study. The second program of procedural reform, the Louisiana Code of Civil Procedure and its companion legislation, represents roughly eleven years of work by the Louisiana State Law Institute. The new procedural code goes into effect on January 1, 1961.

By far the more comprehensive of these efforts is the Louisiana Code of Civil Procedure. The major changes in the procedural law which it will make have already been explained at a number of Institutes conducted by the Louisiana State Bar Association throughout the state. As helpful as these Institutes have been to the Bench and Bar of Louisiana, limitations of time have restricted these expositions of the new procedural Code to a series of panoramic surveys, and have prevented any "exploration in depth" of particular procedural concepts.

In this symposium, some members of the editorial staff of the Louisiana Law Review present detailed studies of some of the procedural rules of the new Code. The areas selected for these critical studies represent those segments of the new Code in which the largest number of major changes are concentrated.

A procedural system, no matter how painstaking its redaction or admirable its design, cannot provide an effective base for the administration of justice for any extended period if it remains static. A procedural concept or device bottomed on social and economic conditions prevailing at the time of its adoption may lose much or all of its original efficacy when these conditions change. For this reason, the study of the procedural system must be both a critical and a continuous one, so that necessary modifications or replacements may be made as soon as the need thereof becomes evident. I sincerely hope that this symposium commences that critical and continuous study of the Louisiana Code of Civil Procedure which I feel is absolutely necessary if the Code is to continue to serve the purposes of its adoption.

*Henry G. McMahon*

Louisiana State University Law School  
November 23, 1960

### **Procedural Delays**

The purpose of this Comment is to set forth the provisions in the Louisiana Code of Civil Procedure relative to procedural delays and to point out the changes which are made in the former law. For convenience the Comment is divided into twelve sections which cover both the new and the former law.

#### **ANSWER**

Generally the delay for filing an answer was governed by articles of the Code of Practice, in effect requiring that a de-