

# LOUISIANA CIVIL LAW TREATISE

Volume 1

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CIVIL PROCEDURE

Second Edition

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By

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## PREFACE

This second edition of the Louisiana Civil Procedure treatise has had a tortuous history. The first edition began as the brainchild of Justice Al Tate while he was sitting on the Louisiana Supreme Court (and authoring many of its important procedural decisions) and teaching periodically at the LSU Law Center. He enlisted the author as a co-author in the 1970s but before they could complete the work, Al moved on to the U.S. Fifth Circuit. The author then recruited Justice Harry Lemmon to assist in completing the work. Together they completed the first edition, which, incidentally, was dedicated to Al Tate. When the publisher called for a second edition, Justice Lemmon had other commitments which prevented him from further participation, and the author undertook to complete the task as a solo effort.

In completing this second edition, the author has not been alone, however. Much of the second edition comes from the excellent participation by Justice Lemmon in the first edition. Students, counsel and judges have contributed thoughts and ideas, both formally and informally. Special thanks go to one counsel—Wendy Ciolino—for her excellent review of part of the work, and to a student, Alana Odom, for fine research on part of the work.

The greatest contribution, however, has been by the author's co-workers, Mrs. Madeline Babin of the LSU staff, and Clinton Bowers, as good a student research assistant as the author has had in almost 40 years of law teaching. Without them, this work would not have been completed timely or, perhaps, at all.

When we completed the first edition nearly ten years ago, Justice Lemmon and I dedicated it to Al Tate, a good friend and a judge who had contributed so much to Louisiana law and to the education of Louisiana lawyers. It is only fitting that this second edition be dedicated to Justice Tate and to another good friend who also has contributed so much to Louisiana law and Louisiana lawyers—Justice Harry Lemmon.

FRANK L. MARAIST

Baton Rouge, Louisiana  
August 1, 2018





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