



# LEGISLATIVE FISCAL OFFICE

## Fiscal Note

Fiscal Note On: **HCR 20** HLS 201ES 278  
Bill Text Version: **REENGROSSED**  
Opp. Chamb. Action:  
Proposed Amd.:  
Sub. Bill For.:

**Date:** June 25, 2020 5:46 PM **Author:** SEABAUGH  
**Dept./Agy.:** Supreme Court/AG/Judicial District Courts  
**Subject:** Jury Trial Threshold **Analyst:** Rebecca Robinson

CIVIL/JURY TRIALS RE SEE FISC NOTE GF EX Page 1 of 2  
Suspends provision of law relative to jury trial threshold (Item #40)

Proposes to suspend the jury trial threshold under the Code of Civil Procedure Article 1732(1) until sixty days after the final adjournment of the 2021 Regular Session. of the Louisiana Legislature. The resolution shall become effective if, and only if, the Act which originated as HB 57 of the 2020 First Extraordinary Session is not enacted or is vetoed and fails to become law.

Effective August 1, 2020.

EXPENDITURES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	SEE BELOW					
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	SEE BELOW					
<b>Annual Total</b>						
REVENUES	2020-21	2021-22	2022-23	2023-24	2024-25	5 -YEAR TOTAL
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$0	\$0	\$0	\$0	\$0	\$0
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	\$0	\$0	\$0	\$0	\$0	\$0
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### EXPENDITURE EXPLANATION

There will be an indeterminable impact to the Office of Risk Management (ORM), the Louisiana Supreme Court (LSC), and the Attorney General (AG) as a result of the reduction in the jury threshold. Note: It is unknown whether this resolution would only affect suits within the time frame of the suspension or suits going to trial within the timeframe of the resolution.

ORM reports an indeterminable impact associated with the lowering of the jury threshold as it is unknown whether this would lead to an increase or decrease in jury trials; and/or an increase or decrease in settlements. ORM indicates that the prevailing opinion is that defendants experience a greater opportunity for a fair trial before a jury. Thus, the expansion of the availability of jury trials may lead to more settlement of cases involving significant injuries, possibly lowering the expenditures of ORM. However, the lowering of the jury threshold could lead to an increase in jury trials actually conducted, which would increase the expenditures of ORM due to increased attorney's fees and associated litigation costs. Therefore, any expenditure increase or decrease to ORM is indeterminable at this time.

The AG reports an indeterminable impact due to the suspension of the jury threshold. The AG may experience an increase in expenditures due to increased costs to defend claims; however, they cannot identify a cost at this time. To the extent future legislation continues the change in the jury threshold, additional resources for the AG will likely be required.

The LSC reports an indeterminable impact. The suspension of the jury trial threshold could result in increased requests for jury trials, which are docketed in a limited manner. As a result, the increased demand for jury trials may lead to a delay in trials and backlogged dockets. However, the court cannot identify potential impacts at this time. To the extent future legislation continues the change in the jury threshold, additional resources for the LSC will likely be required.

The proposed resolution is only for one year and the effect of the resolution in the short term is unknown; therefore, the impact to the Clerks of Court is indeterminable. However, the Clerks of Court expect an increase in jury trial requests and associated increase in costs, especially when any governmental entity requests a jury trial (as they are not required to post a jury bond). **[CONTINUED ON PAGE 2]**

### REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

Senate  
Dual Referral Rules  
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}  
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House  
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}  
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

*Evan Brasseaux*  
**Evan Brasseaux**  
**Staff Director**

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CONTINUED EXPLANATION from page one:

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[CONTINUED FROM PAGE 1]

In that instance, the Clerks of Court will bear the cost of jury trials which are funded through self-generated revenues. The Clerks of Court will likely raise court costs on all cases to cover the additional costs associated with jury trials.

Senate      Dual Referral Rules

13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}

13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House

6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}

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