

Regular Session, 2014

HOUSE BILL NO. 613

BY REPRESENTATIVE ABRAMSON

CIVIL/JURY TRIALS: Provides relative to the monetary amount in controversy necessary for a jury trial

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1732(1), relative to jury trials; to
3 provide for the limitations on the availability of jury trials in certain circumstances;
4 and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1732(1) is hereby amended and reenacted
7 to read as follows:

8 Art. 1732. Limitation upon jury trials

9 A trial by jury shall not be available in:

10 (1) A suit, or consolidated suits, where the ~~amount of no individual~~
11 ~~petitioner's cause of action exceeds~~ aggregate amount of all causes of action of one
12 or more petitioners does not exceed fifty thousand dollars exclusive of interest and
13 costs, except as follows:

14 (a) ~~If an individual petitioner stipulates or otherwise judicially admits one~~
15 or more petitioners stipulate or otherwise judicially admit sixty days or more prior
16 to trial that the ~~amount of the individual petitioner's cause~~ aggregate amount of all
17 of the petitioners' causes of action does not exceed fifty thousand dollars exclusive
18 of interest and costs, a defendant shall not be entitled to a trial by jury.

19 (b) ~~If an individual petitioner stipulates or otherwise judicially admits one~~
20 or more petitioners stipulate or otherwise judicially admit for the first time less than

1 sixty days prior to trial that the ~~amount of the individual petitioner's cause~~ aggregate
 2 amount of all of the petitioners' causes of action does not exceed fifty thousand
 3 dollars exclusive of interest and costs, any other party may retain the right to a trial
 4 by jury if that party is entitled to a trial by jury pursuant to this Article and has
 5 otherwise complied with the procedural requirements for obtaining a trial by jury.

6 (c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,
 7 as a result of a compromise or dismissal of one or more claims or parties which
 8 occurs less than sixty days prior to trial, ~~an individual petitioner stipulates or~~
 9 ~~otherwise judicially admits that the amount of the individual petitioner's cause~~ one
 10 or more petitioners stipulate or otherwise judicially admit that the aggregate of all
 11 of the remaining petitioners' causes of action does not exceed fifty thousand dollars
 12 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

13 * * *

14 Section 2. The provisions of this Act shall become effective on August 1, 2014, and
 15 shall apply to all actions filed on or after that date.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

Abramson

HB No. 613

Abstract: Provides that a trial by jury shall not be available in a suit where the aggregate amount of all causes of action does not exceed \$50,000, exclusive of interest and costs.

Present law provides that a trial by jury shall not be available in a suit where the amount of no individual petitioner's cause of action exceeds \$50,000, exclusive of interest and costs.

Present law provides that a trial by jury is not available in certain actions, including: suits on certain unconditional obligations; summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceedings; proceedings to determine custody, visitation, alimony, or child support; proceedings to review an action by an administrative or municipal body; and all cases where a jury trial is specifically denied by law.

Proposed law provides that a trial by jury shall not be available in a suit or consolidates suits where the aggregate amount of all causes of action of one or more petitioners does not exceed \$50,000, exclusive of interest and costs.

Present law provides that if an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000, exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law applies the present law procedure to the aggregate of all of the petitioners' causes of action.

Present law provides that if an individual petitioner stipulates or otherwise judicially admits for the first time less than sixty days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000, exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is otherwise entitled to a trial by jury and has otherwise complied with the procedural requirements for obtaining a trial by jury.

Proposed law applies the present law procedure to the aggregate of all of the petitioners' causes of action.

Present law provides that notwithstanding C.C.P. Art. 1732(1)(a) and (b), if, as a result of a compromise or dismissal of one or more claims or parties which occurs less than 60 days prior to trial, an individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

Proposed law applies the present law procedure to the aggregate of all of the petitioners' causes of action.

Proposed law provides for prospective application to actions filed on or after Aug. 1, 2014.

(Amends C.C.P. Art. 1732(1))