

Regular Session, 2014

HOUSE BILL NO. 613

BY REPRESENTATIVES ABRAMSON AND HENRY

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 ~~where the amount of no individual petitioner's cause of action~~  
11 ~~exceeds fifty thousand dollars exclusive of interest and costs, except as follows: or~~  
12 proceeding, including consolidated and class actions, involving:

13 (a) Only one petitioner where the amount of the petitioner's cause of action  
14 does not exceed fifty thousand dollars exclusive of interest and costs; or

15 (b) Two or more petitioners where:

16 (i) No individual petitioner's cause of action exceeds fifty thousand dollars  
17 exclusive of interest and costs; or

18 (ii) The aggregate amount of all petitioners' causes of action does not exceed  
19 one hundred thousand dollars exclusive of interest and costs.

20 ~~(a)(c)~~ If an individual petitioner stipulates the petitioner in an action under  
21 Subsubparagraph (a) of this Subparagraph or all of the petitioners in an action under

1        Subsubparagraph (b) of this Subparagraph stipulate or otherwise judicially ~~admits~~  
2        ~~sixty~~ admit:

3            ~~(i) Sixty~~ Sixty days or more prior to trial that the amount of the individual  
4        petitioner's cause of action or the aggregate amount of all of the petitioners' causes  
5        of action does not exceed fifty thousand dollars the applicable monetary limitations  
6        provided by Subsubparagraph (a) or (b) of this Subparagraph, exclusive of interest  
7        and costs, a no defendant shall ~~not~~ be entitled to a trial by jury.

8            ~~(b) If an individual petitioner stipulates or otherwise judicially admits for the~~  
9        ~~first time less~~

10           ~~(ii) Less~~ Less than sixty days prior to trial that the amount of the individual  
11        petitioner's cause of action or the aggregate of all of the petitioners' causes of action  
12        does not exceed ~~fifty thousand dollars~~ the applicable monetary limitations provided  
13        by Subsubparagraph (a) or (b) of this Subparagraph, exclusive of interest and costs,  
14        ~~any other party~~ a defendant may retain the right to a trial by jury if that ~~party is~~  
15        ~~entitled to a trial by jury pursuant to this Article and~~ defendant has otherwise  
16        complied with the procedural requirements for obtaining a trial by jury.

17           ~~(c)(d)~~ Notwithstanding ~~Subsubparagraphs (a) and (b)~~ Subsubparagraph (c)  
18        of this Subparagraph, if, as a result of a compromise or dismissal of one or more  
19        claims or parties which occurs less than sixty days prior to trial, ~~an individual~~  
20        ~~petitioner stipulates or otherwise judicially admits that the amount of the individual~~  
21        ~~petitioner's cause of action does not exceed fifty thousand dollars exclusive of~~  
22        ~~interest and costs, a defendant shall not be entitled to a trial by jury~~ the petitioner in  
23        an action under Subsubparagraph (a) of this Subparagraph or all of the petitioners  
24        under Subsubparagraph (b) of this Subparagraph stipulate or otherwise judicially  
25        admit that the amount of all of the remaining causes of action do not exceed the  
26        applicable monetary limitations provided by Subsubparagraph (a) or (b) of this  
27        Subparagraph, exclusive of interest and costs, no defendant shall be entitled to a trial  
28        by jury.

29    \*        \*        \*

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

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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)]

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Abramson

HB No. 613

**Abstract:** Provides that a trial by jury shall be available in a suit where at least one petitioner's cause of action exceeds \$50,000 and in a suit where the aggregate of multiple petitioners' causes of action exceed \$100,000, regardless of whether any cause of action exceeds \$50,000.

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 unless at least one petitioner's cause of action exceeds \$50,000, or in a suit where the aggregate of multiple petitioners' causes of action exceed \$100,000, regardless of whether any cause of action exceeds \$50,000.

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 60 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 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 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))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Civil Law and Procedure to the original bill.

1. Deleted all provisions of proposed law amending C.C.P. Art. 1732(1).
2. Added provisions amending C.C.P. Art. 1732(1) to authorize a trial by jury for matters where at least one petitioner's cause of action exceeds \$50,000 and for matters where the aggregate of multiple petitioners' causes of action exceed \$100,000, regardless of whether any cause of action exceeds \$50,000.
3. Added provisions regarding a defendant's ability to demand a jury trial when the petitioner stipulates that the cause of action does not exceed the monetary limitation.