

Regular Session, 2014

HOUSE RESOLUTION NO. 156

BY REPRESENTATIVE CONNICK

CIVIL/LAW: Authorizes and directs the Louisiana State Law Institute to study extending liberative prescriptive periods two years and to compile data relative to Louisiana's threshold for a civil jury trial

1 A RESOLUTION

2 To authorize and direct the Louisiana State Law Institute to study extending the prescriptive  
3 periods for delictual actions, to compile data relative to Louisiana's monetary  
4 threshold for a civil jury trial, and to submit a written report of its findings to the  
5 House Committee on Civil Law and Procedure and the Senate Committee on  
6 Judiciary A not later than ten days prior to the beginning of the 2015 Regular Session  
7 of the Legislature of Louisiana.

8 WHEREAS, Civil Code Article 3492 subjects delictual actions to a liberative  
9 prescription of one year, commencing to run from the day the injury or damage is sustained;  
10 and

11 WHEREAS, along with the issues regarding the jury trial threshold, the Legislature  
12 of Louisiana believes this one year time period may be the cause of why some courts  
13 experience increased civil filings; and

14 WHEREAS, two states in the country have a six year prescriptive period for such  
15 actions; three states in the country have a four year prescriptive period for such actions;  
16 seventeen states in the country have a three year prescriptive period for such actions; twenty  
17 four states in the country have a two year prescriptive period for such actions; and two states  
18 in the country, in addition to Louisiana, have a one year prescriptive period for such actions;  
19 and

1           WHEREAS, litigation expenses may be unduly burdensome for some parties and  
2 may prevent access to the courts; and

3           WHEREAS, parties in these matters may be able to resolve issues and settle these  
4 matters without the necessity of filing a lawsuit if the parties have additional time within  
5 which to commence a lawsuit; and

6           WHEREAS, Code of Civil Procedure Article 1732 places limitations on trials by  
7 jury, including suits where the amount of no individual petitioner's cause of action exceeds  
8 fifty thousand dollars exclusive of interest and costs; and

9           WHEREAS, the majority of states in the country have no monetary threshold for a  
10 civil jury trial and Louisiana's fifty thousand dollar threshold is the highest in the country,  
11 far out-pacing the second-highest amount in the state of Maryland, which maintains a fifteen  
12 thousand dollar threshold for a civil jury trial; and

13           WHEREAS, fewer than two percent of civil cases filed in Louisiana proceeded to a  
14 jury trial in 2012; and

15           WHEREAS, there has been little examination or analysis of the impact of increasing  
16 Louisiana's civil jury trial threshold to fifty thousand dollars since the Legislature of  
17 Louisiana raised the amount in 1993.

18           THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby  
19 authorize and direct the Louisiana State Law Institute to study the current prescriptive  
20 periods for delictual actions and extending Louisiana's current prescriptive period to two  
21 years.

22           BE IT FURTHER RESOLVED that the Legislature of Louisiana does hereby  
23 authorize and direct the Louisiana State Law Institute to compile public data for the most  
24 recent year available relative to other states liberative prescriptive periods and Louisiana's  
25 threshold for a civil jury trial in consultation with the Louisiana Supreme Court, the  
26 Louisiana Clerks of Court Association, the Louisiana District Attorney Association, the  
27 Louisiana District Judges Association, the Department of Insurance, the Louisiana  
28 Association of Justice, and the Louisiana Association of Defense Attorneys that includes but  
29 is not limited to the following:

1           (1) The number of civil lawsuits filed in Louisiana below the fifty thousand dollar  
2 threshold for a civil jury trial, by court of jurisdiction.

3           (2) The number of civil lawsuits filed in Louisiana below the fifty thousand dollar  
4 threshold for a civil jury trial that are settled without going to trial, by court of jurisdiction.

5           (3) The number of persons receiving a request to serve on a jury, the percent of  
6 eligible jurors actually impaneled, and the average length of service, by court of jurisdiction.

7           (4) The most recent year's total budget for each judicial district court, clerk of court,  
8 and sheriff and the percent of that budget that is intended and utilized to secure jurors for  
9 jury trials.

10          (5) The average estimated cost to public entities to commission and impanel a jury  
11 for the duration of a trial, by court of jurisdiction and by parish.

12          (6) The average jury bond or cash deposit paid by the requesting party for a civil  
13 jury trial and the number of instances and average amount of any refunds of unexpended  
14 amounts as required by law, by court of jurisdiction.

15          (7) The number of civil cases filed *in forma pauperis*, by court of jurisdiction.

16          (8) The total amount owed to each court of jurisdiction due to *in forma pauperis*  
17 cases where records of all costs are required to be kept by law.

18          (9) The number of civil cases transferred from courts of limited jurisdiction to  
19 judicial district court due to a request for a trial by jury pursuant to Civil Code of Procedure  
20 Article 4872.

21          BE IT FURTHER RESOLVED that the Louisiana State Law Institute submit a  
22 written report of its findings regarding extending the prescriptive period for delictual actions  
23 and the jury trial threshold to the House Committee on Civil Law and Procedure and the  
24 Senate Committee on Judiciary A not later than ten days prior to the beginning of the 2015  
25 Regular Session of the Legislature of Louisiana.

26          BE IT FURTHER RESOLVED that in compiling data, the Louisiana State Law  
27 Institute may engage, collaborate with, and obtain information and perspectives from  
28 stakeholder groups with an interest in Louisiana's civil jury trial threshold.

29          BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted  
30 to the director of the Louisiana State Law Institute.

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)]

---

Connick

HR No. 156

Authorizes and directs the Louisiana State Law Institute to study extending liberative prescriptive periods two years and to compile data relative to Louisiana's threshold for a civil jury trial.