

2016 Regular Session

HOUSE BILL NO. 750

BY REPRESENTATIVE GAROFALO

CIVIL/TRIALS: Eliminates the jury trial threshold

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1732, relative to limitations on jury
3 trials; to eliminate the cause of action threshold amount required to be entitled to a
4 jury trial; and to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure Article 1732 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:~~

12 ~~(a) If an individual petitioner stipulates or otherwise judicially admits sixty~~
13 ~~days or more prior to trial that the amount of the individual petitioner's cause of~~
14 ~~action does not exceed fifty thousand dollars exclusive of interest and costs, a~~
15 ~~defendant shall not be entitled to a trial by jury.~~

16 ~~(b) If an individual petitioner stipulates or otherwise judicially admits for the~~
17 ~~first time less than sixty days prior to trial that the amount of the individual~~
18 ~~petitioner's cause of action does not exceed fifty thousand dollars exclusive of~~
19 ~~interest and costs, any other party may retain the right to a trial by jury if that party~~

1 is entitled to a trial by jury pursuant to this Article and has otherwise complied with
2 the procedural requirements for obtaining a trial by jury.

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

9 ~~(2)~~(1) A suit on an unconditional obligation to pay a specific sum of money,
10 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

11 ~~(3)~~(2) A summary, executory, probate, partition, mandamus, habeas corpus,
12 quo warranto, injunction, concursus, workers' compensation, emancipation,
13 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
14 proceeding.

15 ~~(4)~~(3) A proceeding to determine custody, visitation, alimony, or child
16 support.

17 ~~(5)~~(4) A proceeding to review an action by an administrative or municipal
18 body.

19 ~~(6)~~(5) All cases where a jury trial is specifically denied by law.

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)]

HB 750 Original

2016 Regular Session

Garofalo

Abstract: Removes the cause of action threshold amount required to be entitled to a jury trial.

Present law prohibits certain suits from being tried before a jury, including suits where no individual petitioner's cause of action exceeds \$50,000.00.

Proposed law retains present law but removes the prohibition against a jury trial being available if an individual petitioner's cause of action does not exceed \$50,000.

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