
The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Michael Bell.

DIGEST

SB 71 Original

2021 Regular Session

Bernard

Present law (R.S. 13:3049) requires at the time of posting bond, the party praying for the jury must pay to the clerk of court the sum of \$150 as jury filing fees and prior to the commencement of the trial, the party praying for the jury must post a bond pursuant to C.C.P. Art. 1734 or deposit the amount ordered by the court pursuant to C.C.P. Art. 1734.1.

Proposed law requires that the party praying for the jury must pay to the clerk of court the sum of \$150 as jury filing fees at the time of requesting a jury trial and prior to the commencement of the trial, the party praying for the jury must deposit the amount ordered by the court pursuant to C.C.P. Art. 1733.

Present law provides that if the trial exceeds the estimated number of days, the party praying for the jury must post an additional bond or make an additional deposit as ordered by the court.

Proposed law provides that if the trial exceeds the estimated number of days, the party praying for the jury must make an additional deposit as ordered by the court.

Present law provides that any deposit made in accordance with present law be returned to the party making such deposit and any bond filed shall be cancelled in the event that the matter in which trial by jury has been requested has been tried, settled, determined, or otherwise disposed of for any reason, without having been tried by a jury.

Proposed law retains present law and provides that any unexpended portion of a deposit shall be returned to the party or attorney making such deposit.

Present law (Art. 1733) authorizes a party to obtain a trial by jury by filing a pleading demanding a trial by jury and a bond in the amount and within the time set by the court pursuant to Article 1734.

Present law further provides that in a suit for damages arising from a delictual or quasi-delictual action where an individual petitioner stipulates or otherwise judicially admits that his cause of action exceeds \$10,000 and is less than \$50,000, a party may obtain a trial by jury by filing a pleading demanding a trial by jury and providing a cash deposit of \$5,000 no later than 60 days after filing the request for a trial by jury. Failure to post the cash deposit as required constitutes a waiver of the trial by jury, and the cash deposit shall be subject to Article 1734.1(E).

Proposed law deletes language relative to delictual or quasi-delictual actions and authorizes a party to obtain a trial by jury by filing a pleading demanding a trial by jury and within the time set by the court pursuant to Article 1734 and providing a cash deposit of \$5,000 no later than 60 days after filing the request for a trial by jury. Failure to post the cash deposit as required constitutes a waiver

of the trial by jury, and the cash deposit shall be subject to Article 1734.1(E).

Present law (Art. 1734) provides generally that when the case has been set for trial, the court shall fix the amount of the bond to cover all costs related to the trial by jury and shall fix the time for filing the bond, which shall be no later than 60 days prior to trial. Notice of the fixing of the bond shall be served on all parties. If the bond is not filed timely, any other party shall have an additional 10 days to file the bond. When the bond has been filed, the clerk of court shall order the jury commission to draw a sufficient number of jurors to try and determine the cause, such drawing to be made in accordance with law.

Proposed law provides generally that when the case has been set for trial, the court shall fix the amount of the deposit to cover all costs estimated by the clerk related to the trial by jury and shall fix the time for filing the deposit, which shall be no later than 60 days prior to trial. Notice of the fixing of the deposit shall be served on all parties. If the deposit is not filed timely, any other party shall have an additional 10 days to file the deposit. When the deposit has been filed, the clerk of court shall order the jury commission to draw a sufficient number of jurors to try and determine the cause, such drawing to be made in accordance with law.

Present law (Art. 1734.1) provides that when the case has been set for trial, the court may order, in lieu of the bond required in Article 1734, a deposit for costs, which shall be a specific cash amount, and the court shall fix the time for making the deposit, which shall be no later than 30 days prior to trial. The required deposit shall not exceed \$2,000 for the first day and \$400 per day for each additional day the court estimates the trial will last.

Proposed law provides that when the case has been set for trial, the court shall order a deposit for costs, which shall be a specific amount estimated by the clerk, and the court shall fix the time for making the deposit, which shall be no later than 60 days prior to trial. The required deposit shall not exceed \$10,000 for the first day and \$1,000 per day for each additional day the court estimates the trial will last.

Present law provides that the clerk of court may disburse funds from the cash deposit for payment of all or a part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed by him from the cash deposit. The court may require an additional amount to be filed during the trial if the original amount of the cash deposit is insufficient to pay jury costs. The funds disbursed from the cash deposit for payment of jury costs shall be assessed as costs of court. After payment of all jury costs, any unexpended amounts remaining in the cash deposit shall be refunded by the clerk of court to the party filing the cash deposit.

Proposed law provides that clerk of court shall disburse funds from the deposit for payment of all or part of the jury costs as such costs accrue. The clerk shall keep a record of funds disbursed from the deposit. The court shall require an additional deposit to be filed during the trial if the original amount of the deposit is insufficient to pay jury costs. The funds disbursed from the deposit for payment of jury costs shall be assessed as costs of court. After payment of all jury costs, any unexpended amounts remaining on deposit shall be refunded by the clerk of court to the party or counsel filing the deposit.

Effective August 1, 2021.

(Amends R.S. 13:3049(B)(2)(a) and (d), and C.C.P. Arts. 1733(A), 1734, and 1734.1)