
DIGEST

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Huval

HB No. 321

Abstract: Establishes expedited jury trials, provides for the availability of expedited jury trials in certain civil matters, and provides for the procedures for an expedited jury trial.

Proposed law provides procedures for expedited jury trials.

Proposed law (C.C.P. Art. 1553) provides that the court shall schedule a pretrial conference with the parties, that the parties shall have a pretrial order at the pretrial conference, and that the parties shall certify that they agree to an expedited jury trial.

Present law (C.C.P. Art. 1571) provides for assignment of cases for trial by court rule.

Proposed law retains present law and requires that an expedited jury trial be set by special assignment and prohibits the setting from upsetting a previously assigned civil or criminal trial.

Proposed law (C.C.P. Art. 1816) provides that upon a joint motion of all parties, the court shall set the matter for a pretrial conference in accordance with Art. 1553 to be held within 45 days of the filing of the motion. Further provides court with discretion in granting the motion for an expedited jury trial if it is not in the best interest of justice and allows the parties to consent to an expedited jury trial even when the cause of action does not exceed \$50,000.

Proposed law (C.C.P. Art. 1817) prohibits parties from agreeing to an expedited jury trial in advance of the institution of the action.

Proposed law (C.C.P. Art. 1818) provides the amount that the court shall fix for the cash deposit for an expedited jury trial and the time period during which the deposit must be made. Requires cash deposits in expedited jury trials against the state, a state agency, or a political subdivision to be made in accordance with present law.

Present law (R.S. 13:5105) provides limitations on jury trials against the state, requires party demanding jury trial to pay all costs including posting of a bond or cash deposit, exempts the state, state agency, or state employee from the payment of any costs required for a jury trial in certain cases.

Proposed law (C.C.P. Art. 1819) provides that parties to an expedited jury trial shall file all motions for summary judgment 60 days prior to the trial date.

Proposed law (C.C.P. Art. 1820) provides that six jurors shall be chosen by lot to try all issues present in an expedited jury trial.

Proposed law (C.C.P. Art. 1821) provides that all jurors of an expedited jury trial shall be served by regular mail.

Proposed law (C.C.P. Art. 1822) provides that before examination, every prospective juror shall be sworn and affirm to answer truthfully questions propounded to him.

Proposed law (C.C.P. Art. 1823) provides that the court shall examine prospective jurors, and the parties may conduct an examination of all such jurors but no more than 20 minutes in total.

Proposed law (C.C.P. Art. 1824) provides that a juror can be challenged for cause in accordance with C.C.P. Arts. 1765-1767.

Proposed law (C.C.P. Art. 1825) provides that each side is allowed two peremptory challenges, but if there is more than one party on either side, the court can allow additional challenges.

Proposed law (C.C.P. Art. 1826) provides that jurors shall be sworn and a foreperson selected in accordance with C.C.P. Art. 1768.

Proposed law (C.C.P. Art. 1827) provides that no alternate jurors shall be called or selected in an expedited jury trial.

Proposed law (C.C.P. Art. 1828) provides that the entire expedited jury trial shall not exceed six hours, the opening statements shall not exceed 10 minutes per side, closing arguments shall not exceed 15 minutes per side, and that time spent on objections and bench conference does not count against the six-hour time limit.

Proposed law (C.C.P. Art. 1829) provides that no later than 30 days prior to trial, the parties shall exchange all exhibits they plan to offer at trial, the time limits during which a party can object to exhibits, when the court must rule on the admissibility of the exhibits, and when exhibits shall be marked and admitted into evidence.

Proposed law (C.C.P. Art. 1830) provides for expert witnesses to testify in person, by reports, depositions, or video depositions and that each side shall pay for his expert fees, that all motions challenging an expert shall be filed and heard in accordance with C.C.P. Art. 1425(F), and that all expert reports to be used at trial shall be exchanged prior to the pre-trial conference.

Proposed law (C.C.P. Art. 1831) provides that the court may instruct the jury as to any applicable law, that the court shall provide the parties a written copy of the charge prior to the trial, and that the jury can take with it or have sent to it a written copy of all instructions and charges.

Proposed law (C.C.P. Art. 1832) provides that, in accordance with C.C.P. Art. 1794, jurors can take notes.

Proposed law (C.C.P. Art. 1833) provides that jurors can take any object, writing, or exhibit that has been admitted into evidence, with the exception of depositions, into the jury room.

Proposed law (C.C.P. Art. 1834) provides for the number of jurors that must concur for a verdict to be rendered, and that if fewer than five agree, a mistrial must be granted unless the parties agree otherwise on the record.

Proposed law (C.C.P. Art. 1835) provides that the court shall submit the general verdict form and interrogatories agreed upon by the parties; otherwise, the court shall give the parties a reasonable time to object to the court's supplied verdict form and interrogatories.

Proposed law (C.C.P. Art. 1836) provides that unless the parties have waived a motion by stipulation in open court or in the pretrial order, any party may file a motion in accordance with the C.C.P. Arts. 1811, 1814, and 1971-1979.

Proposed law (C.C.P. Art. 1837) provides that unless the parties have waived the right to appeal by stipulation in open court or in the pretrial order, a party may appeal in accordance with the procedure for appeals in Book III of the C.C.P.

Proposed law (C.C.P. Art. 1838) provides that except as provided for in proposed law, the general rules applicable to jury trials apply.

Present law (C.C.P. Art. 4872) provides for transfer of cases in certain cases to district court.

Proposed law retains present law and prohibits parties from moving for an expedited jury trial and requesting a transfer to district court when the principal demand originates in a court of limited jurisdiction and the parties are not entitled to a trial by jury because the cause of action does not exceed \$50,000.

Effective Jan. 1, 2014.

(Adds C.C.P. Arts. 1553, 1571(A)(3), 4872(C), and 1815-1838)

Summary of Amendments Adopted by House

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

1. Added requirement that an expedited jury trial be set by special setting and that an expedited jury trial setting not upset a previously set civil or criminal trial.
2. Required a pretrial conference to be held within 45 days of the filing of the joint motion for an expedited jury trial and provided the court with discretion in granting a motion for an expedited jury trial if the court finds that it is not in the best interest of justice.
3. Allowed parties to consent to an expedited jury trial even when the cause of action does not exceed \$50,000.
4. Prohibited parties from agreeing to an expedited jury trial prior to the filing of an action.
5. Required cash deposits in expedited jury trials against the state, a state agency, or a political subdivision to be made in accordance with present law.
6. Prohibited parties from being able to request an expedited jury trial and transfer the matter to district court when the matter was originally filed in a court of limited jurisdiction and the cause of action did not exceed \$50,000.