

Regular Session, 2014

HOUSE CONCURRENT RESOLUTION NO. 163

BY REPRESENTATIVE GAROFALO

CIVIL/JURY TRIALS: Authorizes and directs the Louisiana State Law Institute to compile data relative to Louisiana's monetary threshold to obtain a civil jury trial

1 A CONCURRENT RESOLUTION

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

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

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

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

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

19 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
20 authorize and direct the Louisiana State Law Institute to compile public data for the most
21 recent year available relative to Louisiana's threshold for a civil jury trial in consultation

1 with the Louisiana Supreme Court, the Louisiana Clerks of Court Association, the Louisiana
2 District Attorneys Association, the Louisiana District Judges Association, and the Louisiana
3 Sheriffs' Association that includes but is not limited to the following:

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

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

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

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

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

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

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

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

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

24 BE IT FURTHER RESOLVED that the Louisiana State Law Institute submit a
25 written report of findings to the House Committee on Civil Law and Procedure and the
26 Senate Committee on Judiciary A not later than sixty days prior to the beginning of the 2015
27 Regular Session of the Legislature of Louisiana.

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

1 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
2 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)]

Garofalo

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