

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

4 WHEREAS, a benefit may exist for parties when there is a finality of knowing
5 whether any potential claims exist against them; 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 Supreme Court to study the current prescriptive periods
20 for delictual actions and to consider what different effects or impacts on the civil judicial
21 system extending Louisiana's current prescriptive period to two years might have.

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

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

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

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

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

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

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

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

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

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

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

24 BE IT FURTHER RESOLVED that in compiling data, the Louisiana Supreme Court
25 may engage, collaborate with, and obtain information and perspectives from stakeholder
26 groups with an interest in Louisiana's civil jury trial threshold.

27 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
28 to the judicial administrator of the Louisiana Supreme Court.

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 Supreme Court to study extending liberative prescriptive periods to two years and to compile data relative to Louisiana's threshold for a civil jury trial

Summary of Amendments Adopted by House

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

1. Changed entity authorized and directed to study from the Louisiana State Law Institute to the Louisiana Supreme Court.
2. Deleted language that stated that the Louisiana Legislature believes that the one year prescriptive period for delictual actions may be the cause of why some courts experience increased civil filings.
3. Added language that states that a benefit may exist for parties when there is a finality of knowing whether a potential claim exists against the party.