

2024 Regular Session

SENATE BILL NO. 130

BY SENATOR BASS

CIVIL PROCEDURE. Provides for limitation upon jury trials. (8/1/24)

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AN ACT

To amend and reenact Code of Civil Procedure Arts. 1732 and 1733(A)(2)(a), and to repeal Code of Civil Procedure Art. 1732(7), relative to civil actions; to provide relative to the jury trial threshold; to provide with respect to limitation upon jury trials; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Code of Civil Procedure Arts. 1732 and 1733(A)(2)(a) are hereby amended and reenacted to read as follows:

Art. 1732. Limitation upon jury trials

(1) A trial by jury shall not be available in: **except if an individual petitioner stipulates or otherwise judicially admits for the first time less than sixty days prior to trial that notwithstanding the amount of the individual petitioner's cause of action, exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to this Article and has otherwise complied with the procedural requirements for obtaining a trial by jury.**

~~(1) A suit where the amount of no individual petitioner's cause of action~~

1 ~~exceeds ten thousand dollars exclusive of interest and costs, except as follows:~~

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

6 ~~(b) If an individual petitioner stipulates or otherwise judicially admits for the~~
7 ~~first time less than sixty days prior to trial that the amount of the individual~~
8 ~~petitioner's cause of action does not exceed ten thousand dollars exclusive of interest~~
9 ~~and costs, any other party may retain the right to a trial by jury if that party is entitled~~
10 ~~to a trial by jury pursuant to this Article and has otherwise complied with the~~
11 ~~procedural requirements for obtaining a trial by jury.~~

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

18 (2)(a) A suit commenced in a parish or city court, wherein the individual
19 petitioner stipulates or otherwise judicially admits that the amount of the individual
20 petitioner's cause of action does not exceed the amount in dispute to which the
21 jurisdiction of the court is limited by Articles 4842 and 4843, exclusive of interest,
22 penalties, attorney fees, and costs.

23 (b) The provisions of this Subparagraph shall not apply to delictual or quasi-
24 delictual actions, which shall be governed by the provisions of Subparagraph (1) of
25 this Article.

26 (3) A suit on an unconditional obligation to pay a specific sum of money,
27 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

28 (4) A summary, executory, probate, partition, mandamus, habeas corpus, quo
29 warranto, injunction, concursus, workers' compensation, emancipation, tutorship,

1 interdiction, curatorship, filiation, annulment of marriage, or divorce proceeding.

2 (5) A proceeding to determine custody, visitation, alimony, or child support.

3 (6) A proceeding to review an action by an administrative or municipal body.

4 (7) All cases where a jury trial is specifically denied by law.

5 Art. 1733. Demand for jury trial; bond for costs

6 A. * * *

7 (2)(a) In a suit for damages arising from a delictual or quasi-delictual action
8 ~~where an individual petitioner stipulates or otherwise judicially admits that his cause~~
9 ~~of action exceeds ten thousand dollars and is less than fifty thousand dollars~~, a party
10 may obtain a trial by jury by filing a pleading demanding a trial by jury and
11 providing a cash deposit of ~~five~~ **four** thousand dollars no later than sixty days after
12 filing the request for a trial by jury. Failure to post the cash deposit as required by
13 this Subparagraph shall constitute a waiver of the trial by jury. This cash deposit
14 shall be subject to Article 1734.1(E).

15 * * *

16 Section 2. Code of Civil Procedure Art. 1732(7) is hereby repealed.

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

DIGEST

SB 130 Engrossed

2024 Regular Session

Bass

Present law (C.C.P. Art. 1732) provides that a trial by jury shall not be available in:

- (1) A suit where the amount of no individual petitioner's cause of action exceeds \$10,000 exclusive of interest and costs, except as follows:
 - (a) If an individual petitioner stipulates or otherwise judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$10,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.
 - (b) If an individual petitioner stipulates or otherwise judicially admits for the first time less than 60 days prior to trial that the amount of the individual petitioner's cause of action does not exceed \$10,000 exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to present law and has otherwise complied with the procedural requirements for obtaining a trial by jury.
 - (c) If, as a result of a compromise or dismissal of one or more claims or parties which occurs less than 60 days prior to trial, an individual petitioner

stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed \$10,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury.

- (2) (a) A suit commenced in a parish or city court, wherein the individual petitioner stipulates or otherwise judicially admits that the amount of the individual petitioner's cause of action does not exceed the amount in dispute to which the jurisdiction of the court is limited by present law, exclusive of interest, penalties, attorney fees, and costs.
- (b) Present law shall not apply to delictual or quasi-delictual actions, which shall be governed by the present law.
- (3) A suit on an unconditional obligation to pay a specific sum of money, unless the defense thereto is forgery, fraud, error, want, or failure of consideration.
- (4) A summary, executory, probate, partition, mandamus, habeas corpus, quo warranto, injunction, concursus, workers' compensation, emancipation, tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce proceeding.
- (5) A proceeding to determine custody, visitation, alimony, or child support.
- (6) A proceeding to review an action by an administrative or municipal body.
- (7) All cases where a jury trial is specifically denied by law.

Proposed law retains present law but removes the limitation upon jury trials, and provides an exception if an individual petitioner stipulates or otherwise judicially admits for the first time less than sixty days prior to trial that notwithstanding the amount of the individual petitioner's cause of action, exclusive of interest and costs, any other party may retain the right to a trial by jury if that party is entitled to a trial by jury pursuant to this Article and has otherwise complied with the procedural requirements for obtaining a trial by jury.

Present law 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.

Proposed law retains present law but removes the limitation upon jury trials, and changes the cash deposit from \$5,000 to \$4,000.

Effective August 1, 2024.

(Amends C.C.P. Arts. 1732 and 1733(A)(2)(a); repeals C.C.P. Art. 1732(7))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Judiciary A to the original bill

1. Makes technical changes.
2. Includes an exception for the limitation upon jury trials if an individual petitioner stipulates that notwithstanding the amount of his cause of action, any other party entitled to a jury trial retains that right.
3. Changes the cash deposit for jury trials from \$5,000 to \$4,000.