Regular Session, 2014

HOUSE BILL NO. 548

BY REPRESENTATIVE STUART BISHOP

CIVIL/JURY TRIALS: Provides relative to the availability of a jury trial in certain matters

1   AN ACT

2   To amend and reenact Code of Civil Procedure Article 1732, relative to the availability of

3   jury trials; to provide relative to the amount in controversy required for a jury trial;

4   and to provide for related matters.

5   Be it enacted by the Legislature of Louisiana:

6   Section 1. Code of Civil Procedure Article 1732 is hereby amended and reenacted

7   to read as follows:

8   Art. 1732. Limitation upon jury trials

9   A trial by jury shall not be available in:

10   (1) A suit brought pursuant to the provisions of Chapter 3 of Title V of Book

11   III of the Civil Code, where the amount of no individual petitioner's cause of action

12   exceeds fifteen thousand dollars exclusive of interest and costs.

13   (2) A suit, other than one brought pursuant to Chapter 3 of Title V of Book

14   III of the Civil Code, where the amount of no individual petitioner's cause of action

15   exceeds fifty thousand dollars exclusive of interest and costs, except as follows:

16   (a) If an individual petitioner stipulates or otherwise judicially admits sixty

17   days or more prior to trial that the amount of the individual petitioner's cause of

18   action does not exceed fifty thousand dollars exclusive of interest and costs, a

19   defendant shall not be entitled to a trial by jury.

1   (b) If an individual petitioner stipulates or otherwise judicially admits for the

2 first time less than sixty days prior to trial that the amount of the individual

3 petitioner's cause of action does not exceed fifty thousand dollars exclusive of

4 interest and costs, any other party may retain the right to a trial by jury if that party

5 is entitled to a trial by jury pursuant to this Article and has otherwise complied with

6 the procedural requirements for obtaining a trial by jury.

7   (c) Notwithstanding Subsubparagraphs (a) and (b) of this Subparagraph, if,

8 as a result of a compromise or dismissal of one or more claims or parties which

9 occurs less than sixty days prior to trial, an individual petitioner stipulates or

10 otherwise judicially admits that the amount of the individual petitioner's cause of

11 action does not exceed fifty thousand dollars exclusive of interest and costs, a

12 defendant shall not be entitled to a trial by jury.

13   (2)(3) A suit on an unconditional obligation to pay a specific sum of money,

14 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

15   (3)(4) A summary, executory, probate, partition, mandamus, habeas corpus,

16 quo warranto, injunction, concursus, workers' compensation, emancipation,

17 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce

18 proceeding.

19   (4)(5) A proceeding to determine custody, visitation, alimony, or child

20 support.

21   (5)(6) A proceeding to review an action by an administrative or municipal

22 body.

23   (6)(7) All cases where a jury trial is specifically denied by law.

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)]

Stuart Bishop   HB No. 548

Abstract: Provides for access to jury trials for suits arising from obligations without agreements where the cause of action amounts to greater than $15,000.

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

Present law prohibits certain suits from being tried before a jury, including suits where no individual petitioner's cause of action exceeds $50,000.

Proposed law retains present law and provides for suits arising from obligations without agreements to be tried before a jury when the cause of action exceeds $15,000.

(Amends C.C.P. Art. 1732)