

Regular Session, 2012

HOUSE BILL NO. 343

BY REPRESENTATIVE LIGI AND SENATOR APPEL

CIVIL/JURY TRIALS: Provides with respect to the availability of jury trials in certain civil matters

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1732, relative to limitation on jury  
3 trials; to provide relative to the amount in controversy required for a jury trial; and  
4 to provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. Code of Civil Procedure 1732 is hereby amended and reenacted to read  
7 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 five thousand dollars exclusive of interest and costs.

13 ~~(1)~~ (2) A suit, other than one brought pursuant to Chapter 3 of Title V of  
14 Book III of the Civil Code, where the amount of no individual petitioner's cause of  
15 action exceeds fifty thousand dollars exclusive of interest and costs.

16 ~~(2)~~(3) A suit on an unconditional obligation to pay a specific sum of money,  
17 unless the defense thereto is forgery, fraud, error, want, or failure of consideration.

18 ~~(3)~~(4) A summary, executory, probate, partition, mandamus, habeas corpus,  
19 quo warranto, injunction, concursus, workers' compensation, emancipation,

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

3           ~~(4)~~(5) A proceeding to determine custody, visitation, alimony, or child  
4           support.

5           ~~(5)~~(6) A proceeding to review an action by an administrative or municipal  
6           body.

7           ~~(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)]

Ligi

HB No. 343

**Abstract:** Provides for access to jury trials for tort suits where the cause of action amounts to greater than \$5,000.

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 tort suits, which have a cause of action amounting to greater than \$5,000, to be tried before a jury.

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