

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, the current monetary jury threshold for certain types of civil cases was
17 increased in 1993 to conform to the federal diversity jurisdictional level of fifty thousand
18 dollars; and

19 WHEREAS, the current federal diversity jurisdictional level has since been raised
20 to seventy five thousand dollars; and

1 WHEREAS, certain factors are unique to Louisiana, such as our civilian law system
2 and our manner of funding civil jury trials by charging costs to the litigants; and

3 WHEREAS, unlike other states with lower jury thresholds, civil jury trials are
4 unavailable to Louisiana litigants, regardless of the monetary threshold, in a suit on an
5 unconditional obligation to pay a specific sum of money, summary and executory
6 proceedings, probate and partition cases, workers' compensation, emancipation, tutorship,
7 interdiction, curatorship, filiation, annulment of marriage, or divorce proceedings and many
8 other types of civil cases; and

9 WHEREAS, there has been little examination or analysis of the impact of increasing
10 Louisiana's civil jury trial threshold to fifty thousand dollars since the Legislature of
11 Louisiana raised the amount in 1993; and

12 WHEREAS, the Legislature of Louisiana would benefit from a comparison of the
13 impact of a reduction in the jury threshold, an increase in the jury threshold, and maintaining
14 the monetary jury threshold at its present level of fifty thousand dollars.

15 THEREFORE, BE IT RESOLVED that the Legislature of Louisiana does hereby
16 authorize and direct the Louisiana State Law Institute to compile public data for a sufficient
17 period of time to provide a comprehensive picture of civil jury trials in Louisiana, but not
18 less than the three most recent years available relative to Louisiana's threshold for a civil jury
19 trial in consultation with the Louisiana Supreme Court, the Louisiana Clerks of Court
20 Association, the Louisiana District Attorneys Association, the Louisiana District Judges
21 Association, and the Louisiana Sheriffs' Association that includes but is not limited to the
22 following:

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

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

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

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

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

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

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

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

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

15 (10) The funding sources used by other states to pay for civil jury trials.

16 (11) The financial implications to state and local governmental authorities of
17 reducing the jury trial threshold, maintaining the jury trial threshold at its current level, and
18 increasing the jury trial threshold.

19 (12) The factors unique to Louisiana's civil justice system and the impact those
20 factors have on the jury threshold.

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

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

28 BE IT FURTHER RESOLVED that a suitable copy of this Resolution be transmitted
29 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

HCR No. 163

Authorizes and directs the Louisiana State Law Institute to compile data relative to Louisiana's monetary threshold to obtain a civil jury trial.

Summary of Amendments Adopted by House

House Floor Amendments to the engrossed bill.

1. Increased the period of time from which to compile public data from the most recent year to a sufficient period of time to provide a comprehensive picture, but not less than the three most recent years.
2. Added a provision that stated that the Legislature would benefit from a comparison of the impact of a reduction in the jury threshold, an increase in the jury threshold, and maintaining the monetary jury threshold at its present level.
3. Added a provision to require the study to include, with respect to jurors for civil jury trials, the number of persons who responded to a request to serve on a jury, certain financial implications related to civil jury trials, funding sources used by other states to pay for civil jury trials, and factors unique to La.'s civil justice system.