

Regular Session, 2014

SENATE BILL NO. 273

BY SENATOR GUILLORY

CIVIL PROCEDURE. Provides with respect to the availability of jury trials in certain civil matters. (8/1/14)

1 AN ACT
2 To amend and reenact Code of Civil Procedure Art. 1732, relative to limitations upon jury
3 trials; to remove the cause of action threshold amount; and to provide for related
4 matters.
5 Be it enacted by the Legislature of Louisiana:
6 Section 1. Code of Civil Procedure Art. 1732 is hereby amended and reenacted to
7 read as follows:
8 Art. 1732. Limitation upon jury trials
9 A trial by jury shall not be available in:
10 (1) ~~A suit where the amount of no individual petitioner's cause of action~~
11 ~~exceeds fifty thousand dollars exclusive of interest and costs, except as follows:~~
12 (a) ~~If an individual petitioner stipulates or otherwise judicially admits sixty~~
13 ~~days or more prior to trial that the amount of the individual petitioner's cause of~~
14 ~~action does not exceed fifty thousand dollars exclusive of interest and costs, a~~
15 ~~defendant shall not be entitled to a trial by jury.~~
16 (b) ~~If an individual petitioner stipulates or otherwise judicially admits for the~~
17 ~~first time less than sixty days prior to trial that the amount of the individual~~

1 ~~petitioner's cause of action does not exceed fifty thousand dollars exclusive of~~
 2 ~~interest and costs, any other party may retain the right to a trial by jury if that party~~
 3 ~~is entitled to a trial by jury pursuant to this Article and has otherwise complied with~~
 4 ~~the procedural requirements for obtaining a trial by jury.~~

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

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

13 ~~(3)~~ **(2)** A summary, executory, probate, partition, mandamus, habeas corpus,
 14 quo warranto, injunction, concursus, workers' compensation, emancipation,
 15 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
 16 proceeding.

17 ~~(4)~~ **(3)** A proceeding to determine custody, visitation, alimony, or child
 18 support.

19 ~~(5)~~ **(4)** A proceeding to review an action by an administrative or municipal
 20 body.

21 ~~(6)~~ **(5)** All cases where a jury trial is specifically denied by law.

The original instrument and the following digest, which constitutes no part
 of the legislative instrument, were prepared by Angela L. De Jean.

DIGEST

Guillory (SB 273)

Present law in Code of Civil Procedure provides relative to jury trials.

Present law provides that a civil trial by jury shall not be available in a suit where the amount of no individual petitioner's cause of action exceeds \$50,000, exclusive of interest and costs, except as follows:

- (1) If an individual petitioner stipulates or other judicially admits 60 days or more prior to trial that the amount of the individual petitioner's cause of action does not exceed \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by

jury.

- (2) 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 \$50,000 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.
- (3) Notwithstanding (1) and (2) above, if, as a result of a compromise or dismissal of one or more claims or parties that 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 \$50,000 exclusive of interest and costs, a defendant shall not be entitled to a trial by jury

Proposed law deletes present law.

Present law also provides that a civil trial by jury shall not be available in:

- (1) 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.
- (2) 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.
- (3) A proceeding to determine custody, visitation, alimony, or child support.
- (4) A proceeding to review an action by an administrative or municipal body.
- (5) All cases where a jury trial is specifically denied by law.

Proposed law retains present law.

Effective August 1, 2014.

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