

Regular Session, 2014

HOUSE BILL NO. 507

BY REPRESENTATIVE GREENE

CIVIL/JURY TRIALS: Provides relative to jury trials

1 AN ACT

2 To amend and reenact Code of Civil Procedure Article 1732, relative to jury trials; to
3 provide for the availability of a jury trial in certain suits; and to provide for related
4 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 where the amount of no individual petitioner's cause of action
11 exceeds fifty thousand dollars ~~exclusive~~ inclusive of interest and costs, except as
12 follows:

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

17 (b) If an individual petitioner stipulates or otherwise judicially admits for the
18 first time less than sixty days prior to trial that the amount of the individual
19 petitioner's cause of action does not exceed fifty thousand dollars ~~exclusive~~ inclusive
20 of interest and costs, any other party may retain the right to a trial by jury if that

1 party is entitled to a trial by jury pursuant to this Article and has otherwise complied
2 with the procedural requirements for obtaining a trial by jury.

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

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

11 ~~(3)~~(2) A summary, executory, probate, partition, mandamus, habeas corpus,
12 quo warranto, injunction, concursus, workers' compensation, emancipation,
13 tutorship, interdiction, curatorship, filiation, annulment of marriage, or divorce
14 proceeding.

15 (3) A proceeding to determine child support, unless the amount of the
16 combined adjusted monthly gross income of the parties exceeds the highest level
17 provided by the schedule in R.S. 9:315.19 and is subject to the provisions of R.S.
18 9:315.13(B).

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

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

22 (6) 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)]

Greene

HB No. 507

Abstract: Provides for access to jury trials in certain suits where the cause of action amounts to greater than \$50,000 inclusive of interest and costs and in child support proceedings where the child support obligation exceeds the amount provided by the schedule for support.

Present law prohibits certain suits from being tried before a jury, including suits where no individual petitioner's cause of action exceeds \$50,000 exclusive of interest and costs, certain suits on an unconditional obligation to pay a specific sum of money, and child support proceedings.

Proposed law provides for access to jury trials where the cause of action in the suit exceeds \$50,000 inclusive of interest and costs, including suits on an unconditional obligation to pay a specific sum of money. Further authorizes child support proceedings where the amount of the combined adjusted monthly gross income of the parties exceeds the highest level provided by the schedule for support to be tried by a jury.

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