

Representative Brian S. King proposes the following substitute bill:

EXPEDITED JURY TRIALS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill creates a new part in Title 78B, Chapter 3, allowing for expedited jury trials.

Highlighted Provisions:

This bill:

- ▶ creates Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, as a pilot project;
- ▶ defines terms;
- ▶ requires that all parties to an action agree to participate;
- ▶ requires the Judicial Council to create rules;
- ▶ allows parties to set limits on damages;
- ▶ limits post-trial motions;
- ▶ requires a report to the Judiciary Interim Committee in 2016; and
- ▶ is repealed January 1, 2017.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:



26 **63I-2-278**, as last amended by Laws of Utah 2008, Chapter 3 and renumbered and
27 amended by Laws of Utah 2008, Chapter 382

28 ENACTS:

29 **78B-3-901**, Utah Code Annotated 1953

30 **78B-3-902**, Utah Code Annotated 1953

31 **78B-3-903**, Utah Code Annotated 1953

32 **78B-3-904**, Utah Code Annotated 1953

33 **78B-3-905**, Utah Code Annotated 1953

34 **78B-3-906**, Utah Code Annotated 1953

35 **78B-3-907**, Utah Code Annotated 1953

36 **78B-3-908**, Utah Code Annotated 1953

37 **78B-3-909**, Utah Code Annotated 1953

39 *Be it enacted by the Legislature of the state of Utah:*

40 Section 1. Section **63I-2-278** is amended to read:

41 **63I-2-278. Repeal dates, Title 78A and Title 78B.**

42 (1) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.

43 (2) [~~Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.~~]

44 Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, is repealed January 1, 2017.

45 Section 2. Section **78B-3-901** is enacted to read:

46 **Part 9. Expedited Jury Trial**

47 **78B-3-901. Title.**

48 This part is known as the "Expedited Jury Trial Act."

49 Section 3. Section **78B-3-902** is enacted to read:

50 **78B-3-902. Pilot project -- Rules and procedures.**

51 The Judicial Council shall by rule create and provide procedures for a pilot project for
52 expedited jury trials in civil actions.

53 (1) The program shall comply with all constitutional and statutory requirements for
54 jury trials.

55 (2) All parties to an action shall agree to participation in an expedited jury trial.

56 (3) Any matters not expressly addressed in this part, in the implementing rules of the

57 court, or in an agreement authorized by this part, are governed by applicable statutes and rules
58 governing civil actions.

59 Section 4. Section **78B-3-903** is enacted to read:

60 **78B-3-903. Agreement.**

61 (1) An agreement to participate in an expedited jury trial under this part may be entered
62 into only after a dispute has arisen and an action has been filed.

63 (2) Any party to an action may file a motion with the court for an expedited jury trial.

64 (3) Notice of the motion shall be served on all other parties.

65 (4) All parties agreeing to participate in an expedited jury trial and, if represented, their
66 counsel shall sign the agreement filed with the court.

67 (5) The agreement to participate in the expedited jury trial process is binding upon the
68 parties.

69 (6) The conditions of the agreement shall include:

70 (a) waiver of the right to appeal the verdict;

71 (b) waiver of the right to move for a directed verdict;

72 (c) waiver of the right to file post trial motions, except as permitted by rule and Section
73 78B-3-906; and

74 (d) an agreed-upon range of monetary damages that will be awarded, regardless of the
75 verdict, if liability and allocation of fault are proved.

76 (7) The Judicial Council may by rule impose additional reasonable conditions.

77 (8) If the jury verdict is within the agreed range of monetary damages, the court shall
78 enter the verdict as rendered. If the jury verdict is outside the agreed range of monetary
79 damages the court shall, as appropriate, increase or decrease the damages to the minimum or
80 maximum agreed amount.

81 Section 5. Section **78B-3-904** is enacted to read:

82 **78B-3-904. Juries.**

83 (1) Juries in expedited jury trial cases shall be composed of no less than six jurors with
84 no alternates.

85 (2) Nothing in this part is intended to preclude a jury from deliberating as long as
86 needed.

87 Section 6. Section **78B-3-905** is enacted to read:

88 **78B-3-905. Rules of evidence.**89 (1) The rules of evidence apply in expedited jury trials, unless the parties stipulate
90 otherwise.91 (2) Any stipulation by the parties to use relaxed rules of evidence may not be construed
92 to eliminate or affect the right of a witness or party to invoke any applicable privilege or other
93 law protecting confidentiality.94 (3) The right to issue subpoenas and notices to appear to secure the attendance of
95 witnesses or the production of documents at trial shall be in accordance with the Utah Rules of
96 Civil Procedure.97 Section 7. Section **78B-3-906** is enacted to read:98 **78B-3-906. Post-trial motions -- Appeals.**99 (1) A party may move for a new trial or appeal a judgment only on the following
100 grounds:101 (a) judicial misconduct that materially affected the substantive rights of a party;102 (b) misconduct of the jury; ~~H→~~ [or] ~~←H~~103 (c) corruption, fraud, or other undue means employed in the proceedings of the court,
104 jury, or adverse party that prevented a party from having a fair trial ~~H→~~ [-] ; or104a (d) to correct errors of law. ~~←H~~105 (2) Parties may file post-trial motions:106 (a) relating to costs and attorney fees;107 (b) to correct a clerical error in a judgment; and108 (c) to enforce a judgment.109 Section 8. Section **78B-3-907** is enacted to read:110 **78B-3-907. Attorney fees.**111 Unless the parties otherwise agree in the consent order, all statutes and rules governing
112 costs and attorney fees apply in expedited jury trials.113 Section 9. Section **78B-3-908** is enacted to read:114 **78B-3-908. Judicial Council to make rules.**115 The Judicial Council shall, on or before July 1, 2012, adopt rules and forms to establish
116 uniform procedures implementing the provisions of this part, including:117 (1) additional content of proposed agreements;118 (2) pretrial exchanges and submissions;

- 119 (3) pretrial conferences;
120 (4) time limits for jury selection;
121 (5) time limits for trial, including presentation of evidence and argument;
122 (6) presentation of evidence and testimony; and
123 (7) any other procedures necessary to implement this part.
124 Section 10. Section **78B-3-909** is enacted to read:
125 **78B-3-909. Report to Legislature -- Repeal date.**
126 (1) The Administrative Office of the Courts shall present a report to the Judiciary
127 Interim Committee not later than September 2016 regarding the program. The report shall
128 include:
129 (a) the number of expedited jury trials held;
130 (b) the number of appeals from expedited jury trials;
131 (c) the approximate cost increase or cost savings experienced by using expedited jury
132 trials; and
133 (d) a recommendation to continue or sunset this part.
134 (2) This part is repealed January 1, 2017.

FISCAL NOTE

H.B. 349 1st Sub. (Buff)

SHORT TITLE: Expedited Jury Trials

SPONSOR: King, B.

2011 GENERAL SESSION, STATE OF UTAH

STATE GOVERNMENT (UCA 36-12-13(2)(b))

Enactment of this bill will require one-time programming changes that will cost \$5,000 in General Fund in FY 2012. To the extent that jury trials are shortened, this bill may save Courts \$2,500 per day per trial beginning in FY 2013.

STATE BUDGET DETAIL TABLE

	FY 2011	FY 2012	FY 2013
Revenue	\$0	\$0	\$0
Expenditure:			
General Fund, One-Time	\$0	\$5,000	\$0
Total Expenditure	\$0	\$5,000	\$0
Net Impact, All Funds (Rev.-Exp.)	\$0	(\$5,000)	\$0
Net Impact, General/Education Funds	\$0	(\$5,000)	\$0

LOCAL GOVERNMENTS (UCA 36-12-13(2)(c))

Enactment of this bill likely will not result in direct, measurable costs for local governments.

DIRECT EXPENDITURES BY UTAH RESIDENTS AND BUSINESSES (UCA 36-12-13(2)(d))

Enactment of this bill likely will not result in direct, measurable expenditures by Utah residents or businesses.