

EXPEDITED JURY TRIALS

2011 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Stephen H. Urquhart

Cosponsors:	Lynn N. Hemingway	Marie H. Poulson
Patrice M. Arent	Ken Ivory	Mark A. Wheatley
Derek E. Brown	Kay L. McIff	Larry B. Wiley
Susan Duckworth	Michael T. Morley	
Janice M. Fisher		

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- ▶ is repealed January 1, 2017.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

28 **Utah Code Sections Affected:**

29 AMENDS:

30 **63I-2-278**, as last amended by Laws of Utah 2008, Chapter 3 and renumbered and
31 amended by Laws of Utah 2008, Chapter 382

32 ENACTS:

33 **78B-3-901**, Utah Code Annotated 1953

34 **78B-3-902**, Utah Code Annotated 1953

35 **78B-3-903**, Utah Code Annotated 1953

36 **78B-3-904**, Utah Code Annotated 1953

37 **78B-3-905**, Utah Code Annotated 1953

38 **78B-3-906**, Utah Code Annotated 1953

39 **78B-3-907**, Utah Code Annotated 1953

40 **78B-3-908**, Utah Code Annotated 1953

41 **78B-3-909**, Utah Code Annotated 1953



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

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

45 **63I-2-278. Repeal dates, Title 78A and Title 78B.**

46 (1) Section 78A-9-103, Practicing law without a license, is repealed May 3, 2012.

47 (2) [~~Subsections 78B-12-301(1) and 78B-12-302(1) are repealed January 1, 2010.~~]

48 Title 78B, Chapter 3, Part 9, Expedited Jury Trial Act, is repealed January 1, 2017.

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

50 **Part 9. Expedited Jury Trial**

51 **78B-3-901. Title.**

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

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

54 **78B-3-902. Pilot project -- Rules and procedures.**

55 The Judicial Council shall by rule create and provide procedures for a pilot project for

56 expedited jury trials in civil actions.

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

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

60 (3) Any matters not expressly addressed in this part, in the implementing rules of the
61 court, or in an agreement authorized by this part, are governed by applicable statutes and rules
62 governing civil actions.

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

64 **78B-3-903. Agreement.**

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

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

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

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

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

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

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

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

76 (c) waiver of the right to file post trial motions, except as permitted by rule and Section
77 78B-3-906; and

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

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

81 (8) If the jury verdict is within the agreed range of monetary damages, the court shall
82 enter the verdict as rendered. If the jury verdict is outside the agreed range of monetary
83 damages the court shall, as appropriate, increase or decrease the damages to the minimum or

84 maximum agreed amount.

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

86 **78B-3-904. Juries.**

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

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

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

92 **78B-3-905. Rules of evidence.**

93 (1) The rules of evidence apply in expedited jury trials, unless the parties stipulate
94 otherwise.

95 (2) Any stipulation by the parties to use relaxed rules of evidence may not be construed
96 to eliminate or affect the right of a witness or party to invoke any applicable privilege or other
97 law protecting confidentiality.

98 (3) The right to issue subpoenas and notices to appear to secure the attendance of
99 witnesses or the production of documents at trial shall be in accordance with the Utah Rules of
100 Civil Procedure.

101 Section 7. Section **78B-3-906** is enacted to read:

102 **78B-3-906. Post-trial motions -- Appeals.**

103 (1) A party may move for a new trial or appeal a judgment only on the following
104 grounds:

105 (a) judicial misconduct that materially affected the substantive rights of a party;

106 (b) misconduct of the jury;

107 (c) corruption, fraud, or other undue means employed in the proceedings of the court,
108 jury, or adverse party that prevented a party from having a fair trial; or

109 (d) to correct errors of law.

110 (2) Parties may file post-trial motions:

111 (a) relating to costs and attorney fees;

112 (b) to correct a clerical error in a judgment; and

113 (c) to enforce a judgment.

114 Section 8. Section **78B-3-907** is enacted to read:

115 **78B-3-907. Attorney fees.**

116 Unless the parties otherwise agree in the consent order, all statutes and rules governing
117 costs and attorney fees apply in expedited jury trials.

118 Section 9. Section **78B-3-908** is enacted to read:

119 **78B-3-908. Judicial Council to make rules.**

120 The Judicial Council shall, on or before July 1, 2012, adopt rules and forms to establish
121 uniform procedures implementing the provisions of this part, including:

122 (1) additional content of proposed agreements;

123 (2) pretrial exchanges and submissions;

124 (3) pretrial conferences;

125 (4) time limits for jury selection;

126 (5) time limits for trial, including presentation of evidence and argument;

127 (6) presentation of evidence and testimony; and

128 (7) any other procedures necessary to implement this part.

129 Section 10. Section **78B-3-909** is enacted to read:

130 **78B-3-909. Report to Legislature -- Repeal date.**

131 (1) The Administrative Office of the Courts shall present a report to the Judiciary
132 Interim Committee not later than September 2016 regarding the program. The report shall
133 include:

134 (a) the number of expedited jury trials held;

135 (b) the number of appeals from expedited jury trials;

136 (c) the approximate cost increase or cost savings experienced by using expedited jury
137 trials; and

138 (d) a recommendation to continue or sunset this part.

139 (2) This part is repealed January 1, 2017.

