

EXPEDITED JURY TRIAL ACT AMENDMENTS

2012 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Brian S. King

Senate Sponsor: Stephen H. Urquhart

LONG TITLE

General Description:

This bill removes specific language to prevent confusion.

Highlighted Provisions:

This bill:

► removes confusing language regarding a case in which a jury might return a "no cause" verdict.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

78B-3-903, as enacted by Laws of Utah 2011, Chapter 111

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

Section 1. Section **78B-3-903** is amended to read:

78B-3-903. Agreement.

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

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



- 28 (3) Notice of the motion shall be served on all other parties.
- 29 (4) All parties agreeing to participate in an expedited jury trial and, if represented, their
- 30 counsel shall sign the agreement filed with the court.
- 31 (5) The agreement to participate in the expedited jury trial process is binding upon the
- 32 parties.
- 33 (6) The conditions of the agreement shall include:
- 34 (a) waiver of the right to appeal the verdict;
- 35 (b) waiver of the right to move for a directed verdict;
- 36 (c) waiver of the right to file post trial motions, except as permitted by rule and Section
- 37 78B-3-906; and
- 38 (d) an agreed-upon range of monetary damages that will be awarded, regardless of the
- 39 verdict~~[, if liability and allocation of fault are proved]~~.
- 40 (7) The Judicial Council may by rule impose additional reasonable conditions.
- 41 (8) If the jury verdict is within the agreed range of monetary damages, the court shall
- 42 enter the verdict as rendered. If the jury verdict is outside the agreed range of monetary
- 43 damages the court shall, as appropriate, increase or decrease the damages to the minimum or
- 44 maximum agreed amount.

Legislative Review Note
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Office of Legislative Research and General Counsel