

1 Rule 4-501. Expedited jury trial.

2 Intent:

3 To implement the pilot program for expedited jury trial established by the Expedited
4 Jury Trial Act.

5 Applicability:

6 This rule applies in the district court.

7 Statement of the Rule:

8 (1) Motion and agreement binding. If a jury trial is demanded under Rule of Civil
9 Procedure 38, the parties may agree to and move for an expedited jury trial at the close
10 of discovery. All parties agreeing to participate in an expedited jury trial and, if
11 represented, their counsel, shall sign a written agreement, filed with the motion, to
12 participate in the expedited jury trial. The agreement is binding upon the parties and any
13 insurance carrier responsible for coverage or defense on behalf of a party, unless all
14 parties stipulate to end the agreement or the court finds, upon motion, good cause to
15 end the agreement.

16 (2) Agreement requirements. The agreement must include the following stipulations:

17 (2)(A) Each named party and any insurance carrier responsible for providing
18 coverage or defense on behalf of a party have been informed of the rules and
19 procedures for an expedited jury trial, have agreed to take part in or, in the case of a
20 responsible insurance carrier, not object to, the expedited jury trial, and have agreed to
21 all provisions in the agreement.

22 (2)(B) Six jurors with no alternates will try the case, five of whom may render a
23 verdict on any question, except that the parties may stipulate that a verdict or a finding
24 of four jurors is the verdict or finding of the jury.

25 (2)(D) Each side will have no more than 30 minutes of voir dire.

26 (2)(E) Each side will exercise no more than one peremptory challenge.

27 (2)(F) Each side will have no more than three hours to present the case, including
28 opening statements, closing arguments, examination and cross-examination. The
29 parties will agree how to allocate that time.

30 (2)(G) The parties will agree to a minimum amount of damages that a plaintiff is
31 guaranteed to receive, and a maximum amount of damages that a defendant will be
32 liable for, regardless of the jury's verdict.

33 (2)(H) The parties waive the right to file a motion for a directed verdict or motion to
34 set aside the verdict. The parties waive the right to file a motion for a new trial or file an
35 appeal, except:

36 (2)(H)(i) for judicial misconduct or juror misconduct that materially affects a
37 substantive right;

38 (2)(H)(ii) for corruption, fraud, or other undue means employed in the proceedings,
39 jury, or adverse party that prevented a fair trial; or

40 (2)(H)(iii) to correct errors of law.

41 (2)(I) The parties waive the right to file post-trial motions except:

42 (2)(I)(i) for costs and attorney fees;

43 (2)(I)(ii) to correct a clerical error in the judgment; or

44 (2)(I)(iii) to enforce the judgment.

45 (3) Agreement options. The agreement must also include:

46 (3)(A) any agreed change to the Rules of Civil Procedure regulating disclosure and
47 discovery;

48 (3)(B) any agreed change to the Rules of Evidence, except that the parties may offer
49 at trial only evidence that is relevant and material to the dispute;

50 (3)(C) any other agreements about evidence, including:

51 (3)(C)(i) limits on the number of witnesses;

52 (3)(C)(ii) statements of fact to be presented to the jury without evidence;

53 (3)(C)(iii) evidence that will be admitted without foundation;

54 (3)(C)(iv) what constitutes necessary or relevant evidence for any fact;

55 (3)(C)(v) admissibility of testimony, exhibits, depositions or declarations;

56 (3)(C)(vi) methods of presenting summary evidence, such as witness narratives,

57 diagrams, charts, summaries, photographs, slides, overhead presentations, and audio

58 or video presentations;

59 (3)(C)(vii) methods of presenting written materials instead of live testimony, including
60 a verified written report of an expert and an affidavit of the expert's resume, doctor
61 reports, medical records, witness depositions, and notebooks for jurors; and

62 (3)(C)(viii) pretrial motions.

63 (4) Objectives. To expedite the trial the parties should:

64 (4)(A) stipulate to a joint form jury questionnaire;

65 (4)(B) limit the number of live witnesses;

66 (4)(C) stipulate to factual and evidentiary matters; and

67 (4)(D) stipulate to methods of evidence presentation.

68 (5) Ruling on the motion. The court shall grant the motion, incorporating into the
69 order the agreement of the parties, unless the court finds good cause why the motion
70 should not be granted, in which case the court shall deny the motion in its entirety. If the
71 court grants the motion,

72 (5)(A) the case is exempt from statutes or rules requiring mediation, arbitration or
73 other forms of alternative dispute resolution,

74 (5)(B) the court will hold a case management conference within 14 days after
75 entering the order on the motion and may combine the case management conference
76 with the hearing on the motion, and

77 (5)(C) the court shall schedule the trial for a date certain within 60 days after the
78 case management conference, or as soon as possible thereafter, and the trial may not
79 be postponed, except in extreme circumstances that could not have been foreseen. A
80 party's failure to request or respond to discovery is not a basis for postponing the trial.

81 (6) Case management conference. The case management conference will address
82 the following issues, if not previously agreed upon by the parties:

83 (6)(A) setting the dates for trial and final pretrial conference;

84 (6)(B) the scope, nature and timing of remaining disclosures and discovery; and

85 (6)(C) anything that might have been in the agreement but is not.

86 (7) Pretrial filings. The parties must file within the time for pretrial disclosures:

87 (7)(A) any proposed juror questionnaires, jury instructions and verdict forms;

88 (7)(B) a glossary, of technical or unusual terms to be used at trial; and

89 (7)(C) pretrial motions and other disputes.

90 (8) Final pretrial conference. The court will conduct a final pretrial conference, which
91 may be combined with the case management conference, no later than 7 days before
92 trial. In addition to the topics in Rule of Civil Procedure 16, the court shall:

93 (8)(A) rule on objections to the admissibility of evidence;

94 (8)(B) resolve the details of the agreement or the case management order that may
95 affect the trial;

96 (8)(C) rule on juror questionnaires, jury instructions and verdict forms; and

97 (8)(D) rule on pretrial motions or other disputes.

98 (9) Trial.

99 (9)(A) The jury shall not be advised of the agreed upon range of damages.

100 (9)(B) The time to present the case does not include instructing the jury. This rule
101 does not limit jury deliberations.

102 (9)(C) If the verdict is within the agreed upon range of the damages, the court shall
103 enter judgment in accordance with the verdict. If the verdict is less than the range of
104 damages, including if the jury finds no cause of action or if the jury finds that the plaintiff
105 bears at least 50% of the fault that caused the harm, the court shall enter judgment for
106 the minimum agreed amount. If the verdict is greater than the range of damages the
107 court shall enter judgment for the maximum agreed amount.

108