

1 S.279

2 Introduced by Senator Campbell

3 Referred to Committee on Judiciary

4 Date: January 29, 2010

5 Subject: Court procedure; conduct of trial; verdict in civil actions

6 Statement of purpose: This bill proposes that in a civil action, the verdict or  
7 finding of a number of jurors equal to at least 80 percent of the jurors serving  
8 on a jury shall constitute the verdict or finding of the jury.

9 An act relating to nonunanimous jury verdicts in civil actions

10 It is hereby enacted by the General Assembly of the State of Vermont:

11 ~~Sec. 1. 12 V.S.A. § 1950 is added to read:~~

12 ~~§ 1950. NUMBER OF JURORS REQUIRED FOR A VERDICT IN A CIVIL  
13 ACTION~~

14 ~~In a civil action, the verdict or finding of a number of jurors equal to at least  
15 80 percent of the jurors serving on a jury shall constitute the verdict or finding  
16 of the jury.~~

17 Sec. 2. EFFECTIVE DATE

18 ~~This act shall take effect on July 1, 2010.~~

*Sec. 1. 12 V.S.A. § 1950 is added to read:*

§ 1950. NUMBER OF JURORS REQUIRED FOR A VERDICT IN A CIVIL ACTION

(a) In a civil action, unless the parties stipulate otherwise, the verdict or finding of the jury shall be unanimous or with not more than one juror dissenting.

(b) This section shall not affect the ability of the parties to stipulate that the jury may consist of any number less than twelve or that a verdict or a finding of a stated majority of the jurors shall be taken as the verdict or finding of the jury as provided by Rule 48 of the Vermont Rules of Civil Procedure.

Sec. 2. REPORT FROM COURT ADMINISTRATOR

On or before January 15, 2014, the office of the court administrator shall report to the senate and house committees on judiciary on the implementation and the identifiable effects of this act. The report shall address whether the number of hung juries or the average amount of damages awarded has changed since adoption of this act, whether there are any discernible impacts on the frequency and duration of medical malpractice litigation, whether there are any positive or negative impacts on the court system itself, and any appropriate recommendations, including whether this act should be repealed as provided in Sec. 3 of this act.

Sec. 3. SUNSET

On January 15, 2015, Sec. 1 of this act (nonunanimous jury verdicts in civil actions) is repealed.