

A company from State A filed a federal diversity action against its distributor, seeking \$750,000 in damages. The company demanded a jury trial, and 10 jurors were selected to hear the case.

After closing arguments, the judge instructed the jury. The jury deliberated for three days until the foreman sent a note to the judge informing her that the jury could not reach a decision. The judge brought the jury back into the courtroom and instructed the jurors on their duty to carefully and deliberately consider the evidence to reach a decision.

The jury returned a verdict the next day in which nine jurors found in favor of the company for the full amount sought. The judge agreed with the jury and entered a final judgment in accordance with the verdict. The distributor has timely filed a motion for a new trial.

Should the court grant the distributor's motion?

- A. No, because a super-majority of jurors agreed on the verdict.
- B. No, because the judge agrees with the jury's verdict.
- C. Yes, because the verdict was not unanimous.
- D. Yes, because there were fewer than 12 jurors.

Explanation:

Under Federal Rule of Civil Procedure 48, a **jury** must consist of **at least 6** and **no more than 12** members **(Choice D)**. Unless otherwise stipulated, the jury must reach a **unanimous verdict**—ie, a formal decision on factual issues that is rendered at the conclusion of trial.* Here, only 9 out of the 10 jurors returned a verdict in favor of the company. Since there is no indication that the parties stipulated to a non-unanimous verdict, the court should grant the distributor's motion for new trial **(Choice A)**.

*In reaching a verdict, jurors must listen to the evidence presented in court and weigh it fairly. They should not consider matters not formally admitted into evidence or discuss the facts of the case with nonjurors.

(Choice B) Whether the judge agrees with the jury's verdict is irrelevant since it was not unanimous.

Educational objective:

A jury verdict must be unanimous and returned by a jury of at least 6 (but no more than 12) members unless the parties stipulate otherwise.

References

- Fed. R. Civ. P. 48 (number of jurors and unanimous-verdict requirements).

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