

A woman sued a landlord in an appropriate federal district court under a federal statute that prohibits landlords from discriminating against a potential tenant based on familial status. Her complaint included a request for \$10,000. The woman claimed that the landlord denied her rental application because she had two young children. The woman also included a demand for a jury trial in her complaint. No law would have prohibited the woman from occupying the apartment.

Under the federal statute, the plaintiff has the burden to establish a prima facie case that the defendant unlawfully discriminated against the plaintiff. If the plaintiff meets this burden, then the defendant must provide a nondiscriminatory reason why the plaintiff was not selected as a tenant. If the defendant does so, the burden shifts back to the plaintiff to show that the defendant's purported reason was a mere pretext for discrimination.

At the end of the trial, the woman demanded that all factual issues be submitted to the jury. She also requested that the jury return its verdict with answers to specific questions relating to each of those issues. The landlord consented to this type of verdict.

The judge gave the jury a proper verdict form that asked the jury to answer the specific questions that the woman had requested and to determine which party should prevail. The jury returned a verdict in favor of the woman and awarded her \$10,000 in damages. In its answers to the specific questions, the jury indicated that the woman had presented sufficient evidence that the landlord discriminated against her. It also found that the landlord had a nondiscriminatory reason for denying the woman's application and that this reason was not a pretext for discrimination.

Which action would be IMPROPER for the judge to take?

- A. Direct the jury to further consider its answers and verdict.
- B. Enter a judgment in favor of the landlord.
- C. Enter a judgment in favor of the woman.
- D. Order a new trial.

## Explanation:

### General verdict with answers

(FRCP 49(b))

**Answers *consistent* with verdict** Judge must enter judgment consistent with verdict & answers

**Answers *inconsistent* with verdict** Judge must:

- order new trial
- direct jury to further consider its answers & verdict *or*
- disregard verdict & enter judgment consistent with answers

**Answers *inconsistent* with each other & verdict** Judge must:

- order new trial *or*
- direct jury to further consider its answers & verdict

**FRCP** = Federal Rule of Civil Procedure.

A **verdict** is the **jury's determination of factual issues** in a case. There are three **types of verdicts**—general verdicts, special verdicts, and general verdicts with answers—and the judge has the discretion to choose which verdict to use. Here, the judge asked the jury to return a **general verdict with answers** when he instructed them to (1) **find in favor of**, and award damages to, a **particular party** and (2) **answer specific questions** on each factual issue.

If the jury's answers and verdict are **consistent**, the judge must enter a **judgment consistent** with those determinations. But when, as here, the jury's answers (no pretext for discrimination) and verdict (in favor of the woman) are **inconsistent**, the judge must:

- order a **new trial**
- direct the jury to **further consider** its answers and verdict *or*
- **disregard the jury's verdict** and enter a **judgment consistent with the answers** provided.

This means that the judge cannot enter a judgment consistent with the jury's verdict and find in favor of the woman (**Choices A, B & D**).

**Educational objective:**

A general verdict with answers requires that the jury decide which party should prevail and provide answers to questions on each factual issue. If the verdict and answers are inconsistent, the judge must (1) order a new trial, (2) direct the jury to further consider its answers and verdict, or (3) enter a judgment consistent with the answers.

### **References**

- Fed. R. Civ. P. 49(b) (general verdict with answers).

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