

The parents of a deceased teenager sued the manufacturer of an energy drink in federal court, alleging that their teenager had a heart attack and died after ingesting the energy drink. The parents further alleged that the manufacturer knew the drink could result in a heart attack but failed to disclose this risk in violation of federal law. The manufacturer denied the parents' allegations. Both parties demanded a jury trial.

At the conclusion of the trial, the judge instructed the jury to provide written answers to specific questions about each factual issue but to refrain from finding in favor of a party. The manufacturer objected to this procedure.

Is this procedure permissible?

- A. No, because the jury must apply the law to its findings of fact and return a verdict in favor of a party.
- B. No, because this procedure violates the manufacturer's constitutional right to a jury trial.
- C. Yes, because the judge may apply the law and enter a judgment consistent with the jury's answers.
- D. Yes, because the judge may ask for the jury's advice on factual issues before deciding the case herself.

Explanation:

Types of jury verdicts

(FRCP 49)

General verdict	<ul style="list-style-type: none">• Jury finds in favor of, and awards any damages to, particular party• No statement on jury's findings of fact
General verdict with answers	<ul style="list-style-type: none">• Jury finds in favor of, and awards any damages to, particular party• Jury answers questions on specified factual issues
Special verdict	<ul style="list-style-type: none">• Jury answers questions on specified factual issues• Judge applies law to jury's answers & enters appropriate judgment

FRCP = Federal Rule of Civil Procedure

At the conclusion of a **jury trial**, the jury will issue a verdict that determines the factual issues in the case. There are **three types of verdicts**—general verdicts (most common), general verdicts with answers, and special verdicts—and the **judge has complete discretion** to choose which verdict to use. A **special verdict** requires that:

- the **jury answer questions** in writing on specified **factual issues** *and*
- the **judge apply the law and enter a judgment** consistent with those answers.

The purposes of a special verdict are to prevent the jury's view of the correct result from interfering with its factual findings and to identify the bases for the jury's decision. Therefore, the judge permissibly instructed the jury to provide written answers to specific questions about each factual issue but to refrain from finding in favor of a party **(Choice A)**.

(Choice B) The Seventh Amendment guarantees civil litigants the right to a jury trial when the amount in controversy exceeds \$20 and a party makes a timely **jury trial demand**. A special verdict does not violate this constitutional right because the jury still determines the factual issues in the case.

(Choice D) The judge cannot ask for the jury's *advice* on factual issues before deciding the case because the jury is the *decider* of fact. Once the jury has decided the issues of fact, the judge may apply the law and enter an appropriate judgment.

Educational objective:

In a jury trial, the judge has complete discretion to decide which verdict to use—general verdict, general verdict with answers, or special verdict. A special verdict requires that (1)

the jury answer questions in writing on specified factual issues and (2) the judge apply the law and enter a judgment consistent with those answers.

References

- Fed. R. Civ. P. 49(a) (special verdicts).

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