

Rules on Trial and Post-Trial Motions

July 1, 2016

The state rules governing trial and post-trial motions were amended on May 1, 2016 to make stylistic changes and one minor substantive change. See my blog entry for [December 18, 2015](#).

1. Utah Rules

- a. [Rule 6\(b\). Time.](#) Provides that one may NOT extend the time for post-trial motions.)
- b. [Rule 41\(b\). Involuntary Dismissal.](#) This is the equivalent for directed verdict—now “motion for judgment as a matter of law”—in bench trials.)
- c. [Rule 47\(s\). Jurors- Correction of Verdict.](#) Very important hidden rule that requires one to object *before discharge of the jury* to facially-apparent errors or inconsistencies in a verdict.
- d. [Rule 49\(b\)- General Verdict.](#) Like Rule 47(s), this concerns inconsistencies in a verdict, and by implication requires the lawyer to act *before discharge of the jury*.¹
- e. [Rule 50- Judgment as a Matter of Law, Motion for New Trial.](#) The May 2016 amendment changed the nomenclature from “Motion for Directed Verdict” and extended the filing deadline from 10 to 28 days for the Motion JNOV/Renewed Motion for Judgment as a Matter of Law. (Under Rule 6, this *cannot* be extended, even by court order.) Finally, in accordance with the 2006 federal amendment, the amended rule removes the technical requirement that the motion be renewed at the close of all the evidence.
- f. [Rule 52- Findings by the Court](#)

¹Generally in civil cases in Utah a special verdict under Rule 49(a) is used, not a general verdict or a general verdict with interrogatories. The special verdict asks the jury to answer particular questions, *e.g.* “Do you find that the defendant was negligent” and “Do you find that this negligence caused injury to plaintiff?” A general verdict simply asks the jury “Do you find for the plaintiff or defendant” It may (rarely) be accompanied by “special interrogatories” but that does not make it a special verdict. *See generally* 6 A.L.R.3d 438, Submission of Special Interrogatories in Connection with General Verdict under Federal Rule 49(b), and State Counterparts; *State v Bell*, 770 P.2d 100 (Utah 1988) (Stewart, J., dissenting, on issue of using special verdicts or general verdicts with interrogatories in criminal trials); *Dishinger v. Potter*, 47 P.3d 76, 80, 2001 UT App 209 (explaining difference between general and special verdicts); *Johnson v. Abt Trucking Co.*, 412 F.3d 1138 (10th Cir. 2005) (same); *Resolution Trust Corp. v. Stone*, 998 F.2d 1534 (10th Cir. 1993) (same).

- g. [Rule 59- New Trials](#)
- h. [Rule 60- Relief from Judgment or Order](#)

2. **Federal Rules**

- a. [Rule 6\(b\)- Time](#)
- b. [Rule 49- Special and General Verdicts](#)
- c. [Rule 50- Judgment as a Matter of Law](#)
- d. [Rule 52- Findings and Conclusions by the Court](#)
- e. [Rule 59- New Trial; Altering or Amending a Judgment](#)
- f. [Rule 60- Relief from Judgment](#)