

## EXPEDITED JURY TRIALS

An “Expedited Jury Trial” is a jury trial conducted in an expedited or stream-lined manner which produces an appealable verdict more quickly than a regular trial. It is conducted pursuant to a “Consent Order for Expedited Jury Trial” which is signed by counsel and the court. The Expedited Jury Trial is different from a “Summary Jury Trial,” in which a jury hears a summary of a complex civil case and renders an advisory verdict which is used in settlement negotiations. Although based on the summary jury trial model, the Expedited Jury Trial results in a verdict on which judgment is entered. The judgment is appealable pursuant to *R. 2:2-3(a)(1)*. The technique was developed by retired Superior Court Judge John D’Amico. Sample materials, prepared by retired Judge D’Amico, appear in the Civil CDR Program Resource Book appendix.

The Expedited Jury Trial is well suited for any case in which the parties wish to save time and expense by using reports, depositions or statements in lieu of live testimony from expert and/or lay witnesses. It is ideally suited for cases where such witnesses are unavailable; cases with limited potential value for which the cost of bringing experts to trial is not justified; cases involving “matters of principle” but little money, which one or both parties insist be decided by a jury; and cases that litigants and attorneys would rather not spend a lot of time trying because of busy schedules or other commitments.

In an Expedited Jury Trial, only one or two witnesses -- generally, the plaintiff and defendant -- testify live and the rest of the evidence, including expert reports and depositions, is presented to the jury by counsel.

The Expedited Jury Trial can thus save time and money for litigants, attorneys and the courts, and facilitate the effective and efficient presentation of evidence to juries. For example, the parties stipulate, pursuant to *R. 1:8-2(c)*, that the jury will consist of six persons with no alternates, with a verdict being rendered by five jurors agreeing if one juror is excused for any reason. Although regular *voir dire* is conducted, the jury selection process is streamlined because the minimum number of jurors is being chosen and each party agrees to be limited to three peremptory challenges. Opening statements are limited to fifteen minutes and summations to thirty minutes. Counsel agree to submit Requests to Charge only on issues not covered by the Model Civil Jury Charges.

The major advantage of an Expedited Jury Trial is that it obviates the need to present live expert testimony. It also reduces the number of lay witnesses who need to testify. In fact, as noted above, usually only the plaintiff and defendant give live testimony, although the parties can agree to additional live witnesses. After the live testimony, the attorneys present to the jury the expert reports, depositions, and other evidence. Counsel may read or show the evidence to the jury, summarize it, or simply ask the jury to look at it during deliberations.

The key to a successful Expedited Jury Trial is the preliminary hearing that occurs on the record pursuant to *Evidence Rule* 104. At the hearing, counsel mark for identification all of the items of evidence they intend to use. Uncontested exhibits are marked into evidence right away. Contested exhibits are reviewed by the court, which hears and decides all objections *in limine*. Exhibits that are admitted subject to the redaction of inadmissible material are marked after the redactions are completed.

A model jury charge developed by the Supreme Court Model Civil Jury Charges Committee for use in Expedited Jury Trials also appears in the Civil CDR Program Resource Book appendix.