

JUDICIARY COMMITTEE REPORT

COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 57

This is excellent remedial legislation authorized by Sec. 16, Art. I of Alaska's constitution. Most of the states of the Union have such legislation. The committee substitute strengthens the original bill by removing conflicts and possible litigation in the field of special verdicts. It also applies the bill to all courts regardless of amount in controversy.

OTHER STATES (From 37 Columbia Law Review 1235, Nov. 1937)

(a) In the following seven (7) states the rule that jury verdicts must be unanimous never existed at common law, thus verdicts by less than twelve are permitted:

Arizona	Montana	Oklahoma
Idaho	Nevada	So. Dakota
	Utah	

(b) The following states permit verdicts by three-fourths (3/4) of the jury:

Arizona	Kentucky	Mississippi
California	Louisiana	Missouri
Oklahoma	Oregon	So. Dakota (justice courts)
Utah	Washington	
Nevada	Ohio	

(c) Montana permits verdicts by two-thirds (2/3) of the jury.

(d) The following states permit verdicts by five-sixths (5/6) of the jury:

Idaho	Wisconsin
New York	Nebraska (after 6 hrs.)
Minnesota (after 12 hrs.)	So. Dakota (circuit courts)

(e) Texas limits the three-fourths verdict to situations where one or more jurors is disabled from sitting; two jurisdictions permit less than unanimous verdicts if the parties consent, Idaho (bare majority), Connecticut (three-fourths). Notice the reform is principally found in the West.

UNANIMOUS VERDICT ANALYZED. The old requirement of unanimity is accused of causing costly disagreements, of leading to compromises among jurors, of facilitating the "fixing" of the jury. There is little evidence to support the first criticism and of course none as to the other two deficiencies. However the experience of the many states indicates the social necessity for this type of legislation. Wherever it has been adopted it has been very successful.

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IN THE HOUSE BY JUDICIARY COMMITTEE
COMMITTEE SUBSTITUTE FOR HOUSE BILL NO. 57
IN THE LEGISLATURE OF THE STATE OF ALASKA
FIRST LEGISLATURE - FIRST SESSION
A BILL

For an Act entitled: "An Act making provision for a verdict by not less than three-fourths of the jury in all civil cases; relating to special verdicts; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

Section 1. In all civil cases tried by a jury in any court of the state, whether a court of record or not of record, not less than three-fourths of the jury is authorized to render a verdict which is entitled to the legal effect of a unanimous verdict at common law. Special verdicts need not be concurred in by the same jurors.

Sec. 2. This Act shall apply to all cases tried after the effective date hereof regardless of when commenced.

Sec. 3. This Act shall take effect immediately upon its passage and approval, or upon its becoming law without such approval.