

RULE 4:39. Verdicts

4:39-1. Special Verdicts

The court may require a jury to return only a special verdict in the form of a special written finding upon each issue of fact, in which case it may submit to the jury either written questions which can be categorically or briefly answered or written forms of the several special findings which might properly be made under the pleadings and evidence; or it may use such other method of submitting the issues and requiring written findings thereon as it deems appropriate. The court shall instruct the jury concerning the matters submitted as is necessary to enable it to make its findings upon each issue. If in so doing the court omits any issue of fact raised by the pleadings or by the evidence, each party waives the right to a trial by jury of the issues so omitted unless before the jury retires submission to the jury is demanded. The court may make a finding as to an issue omitted without such demand, or, if it fails to do so, it shall be deemed to have made a finding in accord with the judgment on the special verdict.

Note: Source-R.R. 4:50-1; amended July 13, 1994 to be effective September 1, 1994.

4:39-2. General Verdict Accompanied by Answer to Interrogatories

The court may submit to the jury, together with appropriate forms for a general verdict, written interrogatories upon one or more issues of fact the decision of which is necessary to a verdict. The court shall direct the jury both to make written answers and to render a general verdict, and shall instruct it, as is necessary, to enable it to do so. If the general verdict and the answers are consistent, the court shall direct the entry of the appropriate judgment upon the verdict and answers. When the answers are consistent with each other but one or more is inconsistent with the general verdict, the court may direct the entry of judgment in accordance with the answers, notwithstanding the general verdict, or may return the jury for further consideration of its answers and verdict, or may order a new trial. When the answers are inconsistent with each other and one or more is likewise inconsistent with the general verdict, the court shall not direct the entry of judgment but may return the jury for further consideration of its answers and verdict or may order a new trial.

Note: Source-R.R. 4:50-2.

4:39-3. Omissions in Verdict in Action to Recover Personal Property

If, in an action to recover personal property unlawfully detained, or on an issue concerning several things in one count, the verdict fails to find for part of them, such verdict shall stand, but the plaintiff shall be barred of title to the things omitted.

Note: Source-R.R. 4:50-3; amended July 13, 1994 to be effective September 1, 1994.