

# CIVIL PROCEDURE

## SUBCHAPTER D

### MISCELLANEOUS TRIAL PROVISIONS

#### Section 771. Provisions Applicable to Trials by Court

The provisions of this Chapter respecting trials by jury apply, so far as they are in their nature applicable, to trials by the Court.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

#### Section 772. Trial Docket

A trial docket shall be made out by the Clerk of the Court, at least fifteen days before the first day of each jury or nonjury docket of the Court, and the actions shall be set for particular days in the order prescribed by the Judge of the Court, and so arranged that the cases set for each day shall be considered as nearly as may be on that day. The trial docket shall be promptly mailed by the Clerk to each party or their attorney of record whose action is placed on the trial docket.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

#### Section 773. Trial Docket for Bar

The Clerk shall make out a copy of the trial docket for the use of the bar, before the first day of the docket of the Court and cause the same to be available to the public.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

#### Section 774. Order of Trial of Cases Docketed

The trial of an issue of fact, and the assessment of damages in any case, shall be in the order in which they are placed on the trial docket, unless by the request of the parties with the approval of the Court, or the order of the Court, they are continued or placed at the heel of the docket, unless the Court, in its discretion, shall otherwise direct. The Court may, in its discretion, hear at any time a motion, and may by rule prescribe the time for hearing motions.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

#### Section 775. Time of Trial

(a) Actions shall be triable at the first trial docket of the Court, after or during which the issues therein, by the time fixed for pleading are, or shall have been made up and discovery completed.

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When the issues are made up and discovery completed, or when the defendant has failed to plead within the time fixed, the cause shall be placed on the trial docket, and shall stand for trial at such term twenty (20) days after the issues are made up and discovery completed, and shall, in case of default, stand for trial forthwith.

(b) The Court shall arrange its business so that two nonjury trial dockets and two jury trial dockets are completed during each calendar year, unless the majority of the judges of the Court by order determine that additional trial dockets are necessary to promptly dispose of the cases pending before the Court.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

### Section 776. Continuance

The trial of an action shall not be continued upon the stipulation of the parties alone, but may be continued upon order of the Court.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

### Section 777. Trial by Judicial Panel

(a) The Supreme Court may provide by rule for the trial of any action in the District Court by judicial panel in any or all cases when no jury is allowed by law or demanded by the parties. The judicial panel shall consist of the presiding judge to whom the case was assigned, who shall make all rulings on questions of law during the trial of the action, and two or more judges, special judges, or magistrates who shall hear the evidence. The Chief Justice of the Supreme Court, with the consent of the majority of the active Judges of the Supreme Court, is hereby authorized to freely appoint any person licensed to practice law before the Court as a Special Judge for the purpose of sitting upon a judicial panel, and may compensate such person out of the Court fund reasonable compensation for his services, in an amount not exceeding the daily rate paid to regular Judges of the court.

(b) The judicial panel shall jointly, by majority vote, determine the facts proved by the evidence and the panel shall enter findings of fact and conclusions of law as in a trial before a single Judge.

(c) In a trial before a judicial panel, the votes of the Judges on the panel shall not be revealed, but the verdict and judgment shall be entered in accordance with the panels findings of fact and conclusions of law.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]

### Section 778. Bifurcated Jury Trials

(a) The Supreme Court may provide by rule for the bifurcation of any jury trial in a civil action sounding in tort so that the jury shall first hear evidence on, and render its verdict upon

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the issue of liability, and thereafter hear evidence on and render its verdict upon the issue of the amount of damages if liability has been found.

(b) In such bifurcated trials, evidence of insurance coverage or similar agreements by third parties to pay any part of a judgment, and the nature and extent of such coverage or agreement shall be admissible and relevant to the issue of damages.

(c) In any such cases not provided for by Court rule, the case may be determined in bifurcated proceedings as stated in Subsections (a) and (b) of this Section by stipulation of the parties.

[History: PUBLIC LAW #SF-85-58, June 21, 1985.]