

Civil Jury Size and Verdicts

(States that are less than unanimous.)

2.15.22

- *Twenty Six states allow civil jury decisions with some type of supermajority agreement.*
 - *Less than 10 states require 12 jurors AND unanimous civil verdicts.*
- *Vermont has the most stringent standard possible, by requiring a large number of jurors (12) AND unanimous decisions.*

STATE	JURY SIZE (CIVIL)	VERDICT	CITATION
Alaska	12 in Superior Court (but can be between 6-12 in courts not of record) 6 in District Court	10/12 in Superior Court 5/6 in District Court (District Court has 6 jurors)	Alaska Constitution Article 1, Section 16 <i>"The Alaska legislature has specified a jury of six in the district courts for civil and criminal cases (AS 22.15.150), and it allows five-sixths of any jury to render a verdict in civil cases (AS 09.20.100)."</i> https://www.commerce.alaska.gov/web/Portals/4/pub/AK%20CONSTITUTION-Citizens%27%20Guide.pdf
Arizona	8 (court not of record can be 6)	6/8 in court of record 5/6 in court not of record	Arizona Revised Statutes Title 21 §102 <i>"C. A jury for trial in any court of record of a civil case shall consist of eight persons, and the concurrence of all but two shall be necessary to render a verdict."</i> https://www.azleg.gov/viewdocument/?docName=https://www.azleg.gov/ars/21/00102.01.htm
Arkansas	12 (can stipulate to less)	9/12	Arkansas Rules of Civil Procedure Rule 48 <i>Ark. R. Civ. P. 48 "... Where as many as nine out of twelve jurors in a civil case agree upon a verdict, the verdict shall be returned as the verdict of such jury."</i>
California	12 (can stipulate to less)	9/12	California Constitution Article 1, Section 16 <i>"...but in a civil cause three-fourths of the jury may render a verdict."</i> https://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CONS&sectionNum=SEC.%2016.&article=1
Hawaii	12 (but parties can stipulate to smaller jury)	Not less than ¾ th members of the jury	Hawaii Constitution Article 1 Section 13 and Attorney General Opinion 68-10 and 97-2. <i>In suits at common law where the value in controversy shall exceed five thousand dollars, the right of trial by jury shall be preserved. The legislature may provide for a verdict by not less than three-fourths of the members of the jury.</i>
Idaho	6-12 (trial must be at least 6, but attorneys can stipulate to have less than 12 jurors)	¾ th must render a verdict	Idaho Rules of Civil Procedure, Rule 38, Rule 47 <i>"...the jury may consist of 12 or any number less than 12 upon which the parties may agree upon in court. Three-fourths (3/4) of the jury may render a verdict."</i> https://isc.idaho.gov/ircp47-newhttps://isc.idaho.gov/ircp47
Kansas	12 (but may stipulate to less than 12)	If 12 jurors, 10/12 for verdict. If less than 12, unanimous.	KS Stat §§60-247, 248 <i>"When the jury consists of 12 members, the agreement of 10 jurors is sufficient to render a verdict. In all other cases, subject to the stipulation of the parties as provided in subsection (a), the verdict must be by agreement of all the jurors."</i> http://kslegislature.org/li_2014/b2013_14/statute
Kentucky	12 in Circuit Court (can stipulate to less), 6 in District Court	9/12 in Circuit Court, 5/6 in District Court	Ky. Admin. P. Ct. Justice 25 <i>(B) "The agreement of at least ¾ (nine of twelve) of the jurors is required for a verdict in all civil trials by jury in circuit court. The agreement of at least 5/6 (five of six) of the jurors is required for a verdict in all civil trials by jury in district court."</i> https://kycourts.gov
Louisiana	12 unless parties stipulate that it can be tried by 6	12 unless parties stipulate that it can be tried by 6	Louisiana Code of Civil Procedure 1761, 1797 <i>"A. If trial is by jury of six, five of the jurors must concur to render a verdict unless the parties stipulate otherwise. B. If trial is by a jury of twelve, nine of the jurors must concur to render a verdict unless the parties stipulate otherwise."</i> https://www.legis.la.gov/legis/Law.aspx?d=111312

Maine	8 or 9 jurors	Vote of at least 2/3 of the jurors	Maine Rev. Stat. Title 14, Part 3, Ch. 305, Subchapter 1 §1204 <i>"Number of members. The court shall seat a jury of either 8 or 9 members, and all jurors shall participate in the verdict unless excused for good cause by the court. Unless the parties otherwise stipulate, the verdict must be decided by the unanimous votes of at least 2/3 of the jurors participating in the verdict and no verdict may be taken from a jury reduced to fewer than 7 members. PL 1969</i> https://www.mainelegislature.org/legis/statutes/14/title14sec1204.html
Michigan	6 Jurors	5/6 jurors	MCL §600.1352 <i>"Sec. 1352. In civil cases commenced in a court governed by this chapter, when a trial by jury is requested in accordance with rules of the supreme court, the trial shall be by a jury of 6. Except in cases involving the possible commitment of a person to a mental, correctional or training institution, a verdict in any civil case including condemnation and grade separation cases shall be received when 5 jurors agree."</i> http://www.legislature.mi.gov/(S(fx1031h2qzapndo3fnex44z2))/documents/mcl/pdf/mcl-600-1352.pdf
Mississippi	12 jurors (Circuit and Chancery)	9/12 jurors	Mississippi Code §13-5-93 <i>In the trial of all civil suits in the circuit or chancery courts of this state, nine or more jurors may agree on the verdict and return it into court as the verdict of the jury. Either party may request an instruction in writing to this effect and it shall thereupon be the duty of the trial judge to instruct the jury in writing that if nine or more jurors agree on the verdict that they may return the same into open court as the verdict of the jury.</i>
Missouri	12 jurors (parties can stipulate to less)	¾ th of jury needed for verdict	Missouri Rev. Stat §517.091 <i>"A jury shall be composed of twelve qualified jurors, unless all parties agree on a lesser number, but not less than six, in which case the number of veniremen shall be reduced accordingly. Three-fourths or more of any jury concurring may return a verdict."</i>
Montana	12 jurors (parties can stipulate to less)	2/3 of any jury	Montana Code, Title 25, Ch. 20, Rule 47 and Rule 48 <i>"Juries -- Verdict. At least two-thirds in number of any jury may render a verdict or finding, and such verdict or finding so rendered shall have the same force and effect as if all such jury concurred therein. The parties may stipulate that the jury shall consist of less number than 12."</i> https://leg.mt.gov/bills/mca/title_0250/chapter_0200/part_0060/sections_index.html
Nebraska	12 jurors (can be less for courts inferior to the District court)	Not less than 5/6ths of the jury	Neb. Const. art. I, sec. 6. <i>"The right of trial by jury shall remain inviolate, but the Legislature may authorize trial by a jury of a less number than twelve in courts inferior to the District Court, and may by general law authorize a verdict in civil cases in any court by not less than five-sixths of the jury."</i> https://nebraskalegislature.gov/FloorDocs/Current/PDF/Constitution/constitution.pdf
New Jersey	6 jurors (unless there is good cause shown for 12) *There are a few other ways you can have more than six	5/6 jurors (when six deliberate) or 10/12 jurors (when twelve deliberate)	New Jersey Courts Rule 1:8-2 <i>"Unless the parties have agreed on the record prior to commencement of deliberations to accept a verdict or finding by a lesser number, the verdict or finding shall be by agreement of five jurors when six jurors deliberate, and by 10 jurors when 12 jurors deliberate."</i> https://www.njcourts.gov/
New Mexico	12 or 6 jurors shall compose a petit jury in the district courts for the	5/6 for 6 person jury 10/12 for 12 person jury	New Mexico Statute §38-5-13 <i>"In civil causes when the jury, or as many as ten of them, have agreed upon a verdict, they must be conducted into court.."</i> https://www2.nmcourts.gov/jury/jury_statutes.php

	trial of civil causes		
New York	6 Jurors	5/6 Jurors	New York Consolidated Laws, CVP §4103, 4113 <i>"Number of jurors. A jury shall be composed of six persons. . . Unanimous verdict not required. A verdict may be rendered by not less than five-sixths of the jurors constituting a jury."</i> https://www.nysenate.gov/legislation/laws/CVP
Ohio	8 jurors (can stipulate to less)	¾ of jurors	Ohio Rules of Civil Procedure, Rule 38 and Rule 48 <i>"In all civil actions, a jury shall render a verdict upon the concurrence of three-fourths or more of their number."</i> https://www.supremecourt.ohio.gov/LegalResources/Rules/civil/CivilProcedure.pdf
Oklahoma	Juries for the trial of civil cases, involving more than Ten Thousand Dollars (\$10,000.00), shall consist of twelve (12) persons. All other juries shall consist of six (6) persons.	¾ of the jurors	Oklahoma Constitution, Section II-1 <i>"In all other cases three-fourths (3/4) of the whole number of jurors concurring shall have power to render a verdict. When a verdict is rendered by less than the whole number of jurors, the verdict shall be signed by each juror concurring therein."</i> https://oksenate.gov/sites/default/files/2019-12/AlIOKConstitutionArticles.pdf
Oregon	12 jurors (can stipulate to less) and 6 jurors if amount in controversy is less than \$10,000	¾ of the jurors	Oregon Rules of Civil Procedure, Rule 56 and Rule 59 <i>"Number of jurors concurring. In civil cases three-fourths of the jury may render a verdict."</i> https://www.oregonlegislature.gov/bills_laws
Pennsylvania	12 jurors (can stipulate to less)	5/6 of the jury	PA Consolidated Statutes, Title 42 §5104 <i>"(b) Civil verdicts.--In any civil case a verdict rendered by at least five-sixths of the jury shall be the verdict of the jury and shall have the same effect as a unanimous verdict of the jury."</i> https://www.legis.state.pa.us/cfdocs/legis
Texas	12 jurors in district courts but 6 allowed in other courts	5/6 of jurors (10/12 for a jury of twelve)	Texas Rules of Civil Procedure Rule 234 and Rule 292 <i>"(a) Except as provided in subsection (b), a verdict may be rendered in any cause by the concurrence, as to each and all answers made, of the same ten or more members of an original jury of twelve or of the same five or more members of an original jury of six. However, where as many as three jurors die or be disabled from sitting and there are only nine of the jurors remaining of an original jury of twelve, those remaining may render and return a verdict. If less than the original twelve or six jurors render a verdict, the verdict must be signed by each juror concurring therein. (b) A verdict may be</i>

			<p><i>rendered awarding exemplary damages only if the jury was unanimous in finding liability for and the amount of exemplary damages.”</i></p> <p>https://www.txcourts.gov/media/1445439/trcp-all-updated-with-amendments-effective-may-1-2020.pdf</p>
Utah	8 jurors (4 jurors if damages less than \$20K)	3/4 th of the jurors	<p>Utah Code §78B-1-104</p> <p><i>“b The verdict in a civil case shall be by not less than three-fourths of the jurors.”</i></p> <p>https://le.utah.gov/xcode/Title78B/Chapter1/78B-1-S104.html</p>
Washington	6 jurors (unless parties demand 12 or consent to a lesser number, can't be less than 3)	jury has 12 jurors)	<p>RCW 4.44.120, 4.44.380</p> <p><i>“In all trials by juries of six in the superior court, except criminal trials, when five of the jurors agree upon a verdict, the verdict so agreed upon shall be signed by the presiding juror, and the verdict shall stand as the verdict of the whole jury, and have all the force and effect of a verdict agreed to by six jurors. In cases where the jury is twelve in number, a verdict reached by ten shall have the same force and effect as described above, and the same procedures shall be followed.”</i></p> <p>https://app.leg.wa.gov/rcw/default.aspx?cite=4.44.380</p>
Wisconsin	6 jurors (unless greater number is requested but can't exceed 12)	5/6 jurors	<p>Wisconsin Code § 756.06 ,805.09</p> <p><i>“VERDICT. A verdict agreed to by five-sixths of the jurors shall be the verdict of the jury.”</i></p> <p>https://docs.legis.wisconsin.gov/statutes/statutes/805/09</p>