

STATE OF MINNESOTA

IN SUPREME COURT

WHEREAS the Minnesota Supreme Court Advisory Committee on Rules recommended to the court the adoption of Rule 49.01(1) and Rule 49.01(2) as an amendment to Rule 49.01, Minnesota Rules of Civil Procedure; the readoption of Rule 51, Minnesota Rules of Civil Procedure; and the amendment to Appendix B, Minnesota Rules of Civil Procedure, to reflect the effect of these amendments on M.S.A. § 546.14 (Laws 1971, Ch. 715).

NOW, THEREFORE, IT IS HEREBY ORDERED that Rule 49.01 of the Minnesota Rules of Civil Procedure is hereby amended to read as follows:

Rule 49.01 Special Verdicts

(1) 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 that event the court may submit to the jury written questions susceptible of categorical or other brief answer or may submit 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 require written findings thereon as it deems most appropriate. The court shall give to the jury such explanations and instructions concerning the matter thus submitted as may be necessary to enable the jury 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 his right to a trial by jury of the issue so omitted unless before the jury retires he demands its submission to the jury. As to an issue omitted without such demand, the court may make a finding; 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. Except as provided in Rule 49.01 (2), neither the court nor counsel shall inform the jury of the effect of its answers on the outcome of the case.

(2) In actions involving Minn. Stat. 1971, Sec. 604.01, the court shall inform the jury of the effect of its answers to the percentage of negligence question and shall permit counsel to comment thereon, unless the court is of the opinion that doubtful or unresolved questions of law, or complex issues of law or fact are involved, which may render such instruction or comment erroneous, misleading or confusing to the jury.

IT IS HEREBY FURTHER ORDERED that Rule 51 of the Minnesota Rules of Civil Procedure is readopted to read as follows:

Rule 51. Instructions to Jury; Objection

At the close of the evidence or at such earlier time during the trial as the court reasonably directs, any party may file written requests that the court instruct the jury on the law as set forth in the requests. The court shall inform the counsel of its proposed action upon the requests prior to their arguments to the jury, and such action shall be made a part of the record. The court shall instruct the jury after the arguments are completed except, at the discretion of the court, preliminary instructions need not be repeated. No party may assign as error unintentional misstatements and verbal errors, or omissions in the charge, unless he objects thereto before the jury retires to consider its verdict, stating distinctly the matter to which he objects and the grounds of his objections. An error in the instructions with respect to fundamental law or controlling principle may be assigned in a motion for a new trial though it was not otherwise called to the attention of the court.

IT IS HEREBY FURTHER ORDERED that Appendix B is amended by the following additions:

Appendix B (1)


Rule	Statute Superseded M.S.A. 1971
49.01	546.14 (Laws 1971, Ch. 715)
51	546.14 (Laws 1971, Ch. 715)

Appendix B (2)

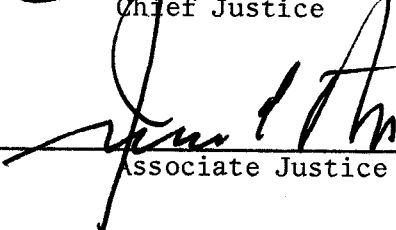
Statute Superseded M.S.A. 1971	Rule
546.14 (Laws 1971, Ch. 715)	49.01; 51

Dated: January 5th, 1973

SUPREME COURT OF THE STATE OF MINNESOTA



Chief Justice



Associate Justice

W. J. Royshenker

Associate Justice

Thomas Stewart

Associate Justice

Fallon Kelly

Associate Justice

J. J. [unclear]

Associate Justice

Ham Henderson

Associate Justice

**SUPREME COURT
FILED**

JAN 5 1973

**JOHN McCARTHY,
CLERK**