

The Right to a Jury Trial in Civil Cases Part 5: The Bar on Reexamining a Jury’s Findings of Fact

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This Legal Sidebar is the fifth in a five-part series that discusses a unique feature of the American legal system—the constitutional right to a jury trial in federal civil cases at law. During the Constitution’s ratification, the Anti-Federalist, known by the pseudonym the “Federal Farmer,” [argued](#) that the Constitution should expressly provide a right to civil jury trials because “the well born,” who would comprise the judiciary, “are generally disposed, and very naturally too, to favour those of their own description.” Included as part of the Bill of Rights, the right to civil jury trials, according to a [2020 study](#), is seen by many judges as well as plaintiff and defense attorneys as providing a fairer way to resolve lawsuits than bench trials or arbitration. The use of jury trials to resolve civil cases, however, [decreased](#) from 5.5% in 1962 to less than 1% in 2013 with [some attributing](#) this to damage caps and mandatory binding arbitration. Members of Congress interested in civil litigation or federal court operations may find the constitutional right to jury trials in civil cases of interest. (For additional background on this topic and citations to relevant sources, see the [Constitution of the United States of America, Analysis and Interpretation](#).)

The [Seventh Amendment’s](#) Reexamination Clause prohibits reexamination in any federal court of a “fact tried by a jury” other “than according to the rules of the common law.” In 1913, in [Slocum v. New York Life Insurance Co.](#), the Supreme Court held that a federal appeals court lacked authority to order the entry of a judgment contrary to a trial court’s verdict. Even though the Court agreed that the trial court should have directed a verdict for the defendant before the case was submitted to the jury, the Court reasoned that, once the trial court declined to do so and the jury found for the plaintiff contrary to the evidence, the only course open to either court was to order a new trial. Although plainly in accordance with the common law as it stood in 1791, the five-to-four decision was subject to significant criticism. *Slocum*, however, was then limited, if not completely undermined, by subsequent holdings.

In the first of these cases, the Court in [Baltimore & Carolina Line v. Redman](#) held that a trial court had the right to enter a judgment for the plaintiff on the jury’s verdict after having reserved decision on the

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defendant's motion for directed verdict. The Court distinguished *Slocum*, noting its ruling qualified some of its assertions in *Slocum*.

In *Lyon v. Mutual Benefit Ass'n*, the Court sustained a district court in rejecting the defendant's motion for dismissal and in peremptorily directing a verdict for the plaintiff. The Supreme Court held that there was ample evidence to support the verdict and that the trial court, in following Arkansas's procedure in the diversity action, acted consistently with the Federal Conformity Act.

In *Galloway v. United States*, which involved an action against the government for benefits under a lapsed war risk insurance policy, the trial court directed a verdict for the government on the ground of insufficiency of evidence. Both the appeals court and the Supreme Court affirmed the trial court's order. Justice Hugo Black, joined by Justices William Douglas and Frank Murphy, asserted in dissent: "Today's decision marks a continuation of the gradual process of judicial erosion which in one-hundred-fifty years has slowly worn away a major portion of the essential guarantee of the Seventh Amendment." Perhaps unsurprisingly, the Court has occasionally experienced difficulty in harmonizing the historic common law covering the relations of judge and jury with the notion of a developing common law.

The Seventh Amendment's clause prohibiting reexamination of any fact found by a jury is not restricted in its application to suits at common law tried before juries in federal courts. The Supreme Court has held that it applies equally to cases tried before a jury in a state court and brought to the Supreme Court on appeal. However, the Supreme Court has indicated that, in cases involving a claim of a denial of constitutional rights, it is free to examine and review the evidence upon which the lower court based its conclusions, a position that under some circumstances could conflict with the principle of jury autonomy.

This Legal Sidebar is the fifth in a five-part series that covers the right to a jury trial in civil cases at law. Part 1 provides historical background on civil jury trials. Part 2 discusses the meaning of the Seventh Amendment qualifying language "Suits at common law" and how civil cases to which the right applies are identified. Subsequent Legal Sidebars Parts 3 and 4 examine the distinction between legal and equitable claims, the treatment of cases that combine elements of both, and the roles of the judge and jury in civil cases.

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