

**POST-VERDICT
PRESERVATION OF ERROR**

Advanced Civil Trial

Dallas, Texas

August 25, 2004

Types of Post-Verdict Motions

- Motion for Judgment
- Motion for Judgment Notwithstanding the Verdict
- Motion to Disregard Jury Findings
- Motion for New Trial
- Motion to Modify, Correct, or Reform the Judgment

Motion for Judgment



*Never Move for Judgment
Without Disclaiming
Adverse Jury Findings*

Motion for Judgment Notwithstanding the Verdict

- no evidence – complete absence of evidence
- claims barred by the rules of law
- less than a scintilla of evidence
- evidence conclusively establishes the opposite rule of law

Motion to Disregard Jury Findings

- challenges specific findings instead of whole verdict
- preserves rendition point

Motion for New Trial

- jury misconduct or newly discovered evidence
- factual insufficiency
- jury finding against the great weight of the evidence
- inadequate or excessive damages
- incurable jury argument

Motion to Modify, Correct, or Reform the Judgment

- Corrects errors in the judgment
(e.g., prejudgment or postjudgment interest)
- Does not seek to vacate the verdict or jury findings

When to File Your Motions



- 30 days from the date judgment was signed
- no extensions
- premature motions okay

Findings of Fact

- request within 20 days of judgment
- give notice of past due findings
- seek additional or amended findings
- findings not required in interlocutory appeals

Some Closing Thoughts

- Consolidated Motions
- Preservation and Persuasion
- Get a Ruling