

Federal Jury Charge Practice

June 15, 2017 Ben Mesches

PRACTICES Appellate

This paper addresses a topic about which Texas appellate practitioners are well-versed—submission of the jury charge—but from a federal perspective. We begin with the standard of review, turn to the rules governing requests and objections to instructions (Federal Rule of Civil Procedure 51), and review the tools for preserving error and raising charge complaints when there is a preservation problem. We then turn to the form of the verdict and devote significant space to understanding the difference between general and special verdicts (Federal Rule of Civil Procedure 49), why special verdict forms are favored, and review preservation and other procedural issues associated with the form of the verdict. This paper concludes with a topic that has vexed Texas courts for more than a decade (the submission of multi-theory claims, damages theories, and defenses). This is an important set of topics for an appellate lawyer because of the many differences between state and federal jury charge practice and the role federal law has played in the evolution of Texas jury charge practice.

First published as a CLE for the 27th Annual Conference on State and Federal Appeals, University of Texas School of Law. To read the full article, click [here](#).