



## **I.R.C.P. 39. Trial by Jury or by the Court**

### **Idaho Rules of Civil Procedure Rule 39. Trial by Jury or by the Court.**

**(a) When a Demand is Made.** When a jury trial has been demanded under Rule 38, the action must be designated on the register of actions as a jury action. The trial on all issues so demanded must be by jury, unless:

- (1) the parties or their attorneys file a stipulation to a nonjury trial or so stipulate on the record; or
- (2) the court on motion or on its own finds that on some or all of those issues there is no right to a jury trial.

**(b) When No Demand is Made.** Issues on which a jury trial is not properly demanded are to be tried by the court. But the court may, on motion, order a jury trial on any issue for which a jury might have been demanded.

**(c) Advisory Jury; Jury Trial by Consent.** In an action not triable of right by a jury, the court, on motion or on its own:

- (1) may try any issue with an advisory jury; or
- (2) may, with the parties' consent, try any issue by a jury whose verdict has the same effect as if a jury trial had been a matter of right.

(Adopted March 1, 2016, effective July 1, 2016.)

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