

REVISED JUDICATURE ACT OF 1961 (EXCERPT)
Act 236 of 1961

600.6098 Review of verdict in action alleging medical malpractice or personal injury action; duties of judge; reinstatement of original verdict; affirming orders and judgments granting additur or remittitur.

Sec. 6098. (1) A judge presiding over an action alleging medical malpractice shall review each verdict to determine if the limitation on noneconomic damages provided for in section 1483 applies. If the limitation applies, the court shall set aside any amount of noneconomic damages in excess of the amount specified in section 1483.

(2) A judge presiding over a personal injury action shall review each verdict returned by the jury and shall do 1 of the following:

(a) Concur with the award.

(b) Upon motion by any party, within 21 days of entry of the judgment of the court, grant a new trial to all or some of the parties, on all or some issues, whenever their substantial rights are materially affected, for any of the following reasons:

(i) Irregularity in the proceedings of the court, jury, or prevailing party.

(ii) An order of the court or abuse of discretion which denied the moving party a fair trial.

(iii) Misconduct of the jury or the prevailing party.

(iv) Excessive or inadequate damages appearing to have been influenced by passion or prejudice.

(v) A verdict clearly or grossly inadequate or excessive.

(vi) A verdict or decision against the great weight of the evidence or contrary to law.

(vii) Material evidence, newly discovered, which could not with reasonable diligence have been discovered and produced at trial.

(viii) Error of law occurring in the proceedings or mistake of fact by the court.

(ix) Other grounds as may be provided for by court rule.

(c) Within 21 days after entry of a judgment, the court on its own initiative may order a new trial for any of the reasons set forth in subdivision (b). The order shall specify the grounds on which the order is based.

(d) If the court finds that the only error in the trial is the inadequacy or excessiveness of the verdict, the court may grant a new trial unless, within 14 days, the nonmoving party consents in writing to the entry of judgment in an amount found by the court to be the lowest or highest amount the evidence will support.

(3) If the moving party appeals, the written consent entered under subsection (2)(d) in no way prejudices the nonmoving party's argument on appeal that the original verdict was correct. If the nonmoving party prevails on appeal, the original verdict may be reinstated by the appellate court.

(4) All orders and judgments of the circuit court granting additur or remittitur shall be affirmed on appeal unless the trial judge committed an abuse of discretion.

History: Add. 1986, Act 178, Eff. Oct. 1, 1986.

Compiler's note: Section 3 of Act 178 of 1986 provides:

"(1) Sections 2925b, 5805, 5838, and 5851 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to causes of action arising before October 1, 1986.

"(2) Sections 1483, 5838a, and 6304 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to causes of action arising on or after October 1, 1986.

"(3) Sections 1629, 1653, 2169, 2591, 2912c, 2912d, 2912e, 6098, 6301, 6303, 6305, 6306, 6307, 6309, and 6311 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after October 1, 1986.

"(4) Sections 1651 and 6013 of Act No. 236 of the Public Acts of 1961, as amended by this amendatory act, shall not apply to cases filed before October 1, 1986.

"(5) Chapter 49 of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed on or after January 1, 1987.

"(6) Chapter 49a of Act No. 236 of the Public Acts of 1961, as added by this amendatory act, shall apply to cases filed in judicial circuits which are comprised of more than 1 county on or after July 1, 1990 and shall apply to cases filed in judicial circuits which are comprised of 1 county on or after October 1, 1988."