



I.R.C.P. 38. Jury Trial

Idaho Rules of Civil Procedure Rule 38. Jury Trial.

(a) Right to Jury Preserved. The right of trial by jury as declared by the Constitution or as provided by a statute of the state of Idaho is preserved to the parties inviolate.

(b) Demand for Jury. On any issue triable of right by a jury, a party may demand a jury trial, stating in such demand whether the party will stipulate to a jury of less than 12 persons, but at least 6. The demand may be made by:

(1) serving the other parties with a written demand, which may be included in a pleading, no later than 14 days after the last pleading directed to the issue is served; and

(2) filing the demand in accordance with Rule 5(d)

(c) Specifying Issues. In its demand, a party may specify the issues that it wishes to have tried by a jury; otherwise, it is considered to have demanded a jury trial on all the issues so triable. If the party has demanded a jury trial on only some issues, any other party may, within 14 days after being served with the demand or within a shorter time ordered by the court, serve a demand for a jury trial on any other or all factual issues triable by jury.

(d) Waiver; Withdrawal. A party waives a jury trial unless its demand is properly served and filed. A proper demand may be withdrawn only if the parties consent.

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

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