

STANDARD CIVIL
FINAL INSTRUCTIONS TO JURY

Judge James P. Jones

INSTRUCTION NO. _____

1 Members of the jury, you have heard the lawyers argue the case and you have heard the
2 evidence. It is now my duty to instruct you as to the law. The instructions that I gave you at the
3 beginning of the trial and during the trial remain in effect. You must, of course, continue to follow
4 my earlier instructions as well as those that I give you now. You must not single out some
5 instructions and ignore others, but must consider the instructions as a whole. I will send a copy of
6 these instructions with you for your deliberations.

7 Neither in these instructions nor in any ruling, action or remark that I have made during the
8 course of this trial have I intended to give any opinion or suggestion as to what your verdict should
9 be. During this trial, I have occasionally asked questions of witnesses in order to bring out facts not
10 then fully covered in testimony. Do not assume that I hold any opinion on the matter to which my
11 questions related.

12 It is your duty to determine from the evidence what the facts are. You will then apply the
13 law, as I give it to you, to those facts. You must follow my instructions on the law, even if you
14 believed that the law was different or should be different.

15 Do not allow sympathy or prejudice to influence you. The law demands of you a just verdict,
16 unaffected by anything except the evidence, your common sense, and the law as I give it to you.

INSTRUCTION NO. _____

17 In these instructions you are told that your verdict depends on whether you find that certain
18 facts have been proved. As this is a civil case, the burden is on the plaintiff to prove every element
19 of its claim by the greater weight of the evidence, also known as the preponderance of the evidence.

1 To prove something by the preponderance of the evidence is to prove that it is more likely true than
2 not true. It is determined by considering all of the evidence and deciding which evidence is more
3 believable.

INSTRUCTION NO. _____

4 In deciding what the facts are, you may also have to decide what testimony you believe and
5 what testimony you do not believe. You may believe all of what a witness said, only part of it, or
6 none of it.

7 In weighing the testimony of a witness, you should consider his or her relationship to the
8 parties. You must also consider his or her interest, if any, in the outcome of the case, his or her
9 manner of testifying, his or her opportunity to observe or acquire knowledge concerning the facts
10 about which he or she testified, the candor, fairness, and intelligence of a witness and the extent to
11 which a witness' testimony is supported or contradicted by other credible evidence. You may, in
12 short, accept or reject the testimony of any witness in whole or in part.

13 This case should be considered by you as an action between persons of equal worth. All
14 persons are equal before the law and are considered equals in the courtroom today.

INSTRUCTION NO. _____

15 In weighing a witness' testimony, you should also ask yourself whether there was evidence
16 tending to prove that the witness testified falsely concerning some important fact; or whether there
17 was evidence that at some other time the witness said or did something, or failed to say or do
18 something, which was different from the testimony he or she gave before you during the trial.

1 You should again keep in mind, of course, that a simple mistake by a witness does not
2 necessarily mean that the witness was not telling the truth as he or she remembers it, because people
3 naturally tend to forget some things or remember other things inaccurately. So, if a witness has made
4 a misstatement, you need to consider whether that misstatement was simply an innocent lapse or an
5 intentional falsehood; and the significance of that may depend on whether it has to do with an
6 important fact or only a small detail.

INSTRUCTION NO. _____

7 I have mentioned the word “evidence.” The “evidence” in this case consists of the testimony
8 of witnesses, the documents and other things received as exhibits and the facts that have been
9 stipulated — that is formally agreed to by the parties.

10 You may use reason and common sense to draw deductions or conclusions from facts that
11 have been established by the evidence in the case.

12 Certain things are not evidence. I shall list those things for you now:

13 First: Statements, arguments, questions and comments by lawyers representing the parties
14 in the case do not constitute evidence. In particular, statements by the lawyers as to the amount of
15 damages claimed are not evidence and should not be considered as such.

16 Second: Objections are not evidence. Lawyers have a right to object if they believe
17 something is improper. You should not be influenced by an objection. If I sustained an objection
18 to a question, you must ignore the question and must not attempt to guess what the answer might
19 have been.

1 Third: Testimony that I struck from the record, or told you to disregard, is not evidence and
2 must not be considered.

3 Fourth: Anything you saw or heard about this case outside of the courtroom is not evidence.

4 Finally, during the course of this trial you may have been instructed that some evidence was
5 received for a limited purpose only. You may consider such evidence only for the specific limited
6 purpose for which it was admitted.

INSTRUCTION NO. _____

7 There are two types of evidence: direct and circumstantial. Direct evidence is the direct proof
8 of a fact, such as testimony of an eyewitness. Circumstantial evidence is proof of facts from which
9 you may infer or conclude that other facts exist. The law makes no distinction between direct and
10 circumstantial evidence and you should give all evidence the weight and value you believe it is
11 entitled to.

INSTRUCTION NO. _____

12 The issues in this case are as follows:

INSTRUCTION NO. _____

13 In conducting your deliberations and returning your verdict, there are certain rules you must
14 follow. I shall list those rules for you now.

1 First, when you go to the jury room, you must select one of your members as your foreperson.
2 That person will preside over your discussions and speak for you here in court.

3 Second, it is your duty, as jurors, to discuss this case with one another in the jury room. You
4 should try to reach agreement without violence to individual judgment, because a verdict must be
5 unanimous.

6 Each of you must make your own conscientious decision, but only after you have considered
7 all the evidence, discussed it fully with fellow jurors, and listened to the views of your fellow jurors.

8 Do not be afraid to change your opinions if the discussion persuades you that you should.
9 But do not come to a decision simply because other jurors think it is right, or simply to reach a
10 verdict.

11 Third, if you need to communicate with me during your deliberations, you may send a note
12 to me through the bailiff, signed by one or more jurors. I will respond as soon as possible either in
13 writing or by having you returned to the court room so that I can address you orally. Remember that
14 you should not tell anyone — including me — how your vote stands numerically.

15 Fourth, your verdict must be based solely on the evidence and on the law which I have given
16 you in my instructions. The verdict must be unanimous, you must all agree. Nothing I have said or
17 done is intended to suggest what your verdict should be — that is entirely for you to decide. If you
18 wish to have any or all of the exhibits sent to you in the jury room, you should advise the bailiff.

19 Finally, a verdict form is simply written notice of a decision that you reach in this case. Here
20 is a form submitted to you for your consideration. You will take this form to the jury room, and
21 when each of you has agreed on the verdict, your foreperson will fill in the form, sign and date it,
22 and advise the bailiff that you are ready to return to the courtroom.