

COURT'S INSTRUCTION NO. ____

Members of the Jury: I will now instruct you as to the law applicable to this case. It is your duty to follow all of the instructions. Regardless of any opinion you may have as to what the law ought to be, you must base your verdict upon the law given by me. It is your duty to determine the facts from the evidence in this case. You are to apply the law given to you in these instructions to the facts and in this way decide the case.

COURT'S INSTRUCTION NO. ____

You were accepted as jurors on the basis of the answers you made when you were questioned as to your qualifications. The answers you then made to questions in regard to your competency, qualifications, fairness, lack of prejudice, and freedom from passion and sympathy are as binding on you now as they were then and should remain so until you are finally discharged from further consideration of this cause.

COURT'S INSTRUCTION NO. ____

Neither by these instructions, nor by any ruling or remark which I have made, do I mean to indicate any opinion as to the facts or as to what your verdict should be. You are the sole and exclusive judges of the facts.

COURT'S INSTRUCTION NO. ____

These instructions are all in writing and I will send them to the jury room for your use in your deliberations upon your verdict. You are not to single out any certain sentence or any individual point or instruction and ignore the others, but you are to consider all of the instructions

as a whole, and you are to regard each instruction in the light of all the others. You will also be permitted to take the exhibits with you to use in your deliberations upon your verdict.

COURT'S INSTRUCTION NO. ____

It is necessary from this time until you are discharged to remain together in a body and in the charge of the officer who will be sworn to attend you. You are not during your deliberation to communicate with anyone other than this jury and the officer until you are discharged.

COURT'S INSTRUCTION NO. ____

Opening statements of counsel are for the purpose of acquainting you with the facts the lawyers expect the evidence to show. Closing arguments are for the purpose of discussing the evidence. Opening statements, closing arguments and other statements of counsel should be disregarded if you determine that they are not supported by the evidence.

During the course of trial it often becomes the duty of counsel to make objections and for me to rule on them in accordance with the law. The fact that counsel made objections should not influence you in any way.

COURT'S INSTRUCTION NO. ____

The evidence consists of the sworn testimony of the witnesses, the exhibits received in evidence, and stipulated, admitted, or judicially noticed facts.

You should consider only the evidence in this case and should consider it in light of your own observations and experiences in life. You may draw reasonable inferences if you believe they are justified from proved facts.

You should not be influenced by sympathy, prejudice, fear or public opinion.

When the attorneys for the parties stipulate or agree to the existence of a certain fact, you should accept such stipulation or agreed fact as conclusively proven.

COURT'S INSTRUCTION NO. ____

You should decide this case solely on the evidence presented here in the courtroom. You must completely disregard any press, television, or radio reports which you may have read, seen or heard. Such reports are not evidence; therefore, you must not be influenced in any manner whatever by such publicity.

COURT'S INSTRUCTION NO. ____

There are two types of evidence: direct and circumstantial. Direct evidence is the testimony of a person who claims to have personal knowledge, such as an eyewitness. Circumstantial evidence is the proof of a chain of facts and circumstances from which you may infer or conclude that other facts exist. The law makes no distinction between the weight to be given either direct or circumstantial evidence. Therefore, all of the evidence in the case, including the circumstantial evidence, should be considered by you in arriving at your verdict.

COURT'S INSTRUCTION NO. ____

You are the sole judges of the credibility of the witnesses, and of the weight to be given to the testimony of each of them. In considering the testimony of any witness, you may take into account his intelligence, his ability and opportunity to observe, his age, his memory, his manner while testifying, any interest, bias or prejudice he may have, and the reasonableness of his testimony considered in the light of all the evidence in this case.

COURT'S INSTRUCTION NO. ____

You are the exclusive judges of the weight of the evidence. It is your duty to consider all of the evidence and determine what facts have been proven or not proven. If you meet with conflicts in the evidence, you should, if you can reasonably and fairly do so, reconcile the conflicts so as to believe all of the evidence. If you cannot so reconcile the evidence, you then have the right to believe that which you think most worthy of credit and disregard that which cannot be reasonably and fairly reconciled therewith.

COURT'S INSTRUCTION NO. ____

In determining the weight to give to the testimony of a witness, you should ask yourself whether there was evidence tending to prove that the witness testified falsely about some important fact, or, whether there was evidence that at some other time the witness said or did something, or failed to say or do something that was different from the testimony he gave at the trial.

COURT'S INSTRUCTION NO. ____

During the course of trial, you were instructed that you could consider certain evidence only for specific, limited purposes. In your deliberations, you must consider such evidence only for the purposes that the court has instructed you are permissible.

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You are not obliged to accept testimony, even though the testimony is uncontradicted and the witness is not impeached. You may decide, because of the witness' bearing and demeanor, or because of the inherent improbability of his testimony, or for other reasons sufficient to you, that such testimony is not worthy of belief.

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During the progress of the trial, questions have been asked of certain witnesses which the court did not allow them to answer. In your deliberations you will disregard those questions and everything contained in them and confine yourselves to a consideration only of the evidence before you. Similarly, answers of certain witnesses which were stricken out by the court should be disregarded and such answers should not receive any consideration by you.

COURT'S INSTRUCTION NO. ____

The weight to be given to any particular evidence is not necessarily determined by the number of witnesses testifying on behalf of each side. You are to consider all the evidence in the case in determining the credibility of witnesses. You may find that the testimony of a smaller number of witnesses for one side is more credible than the testimony of a greater number of witnesses for the other side.

COURT'S INSTRUCTION NO. ____

It is proper for an attorney to interview any witness in preparation for trial.

COURT'S INSTRUCTION NO. ____

This case should be considered and decided by you as an action between persons of equal standing in the community, of equal worth, and holding the same or similar stations of life. A corporation is entitled to the same fair trial at your hands as a private individual. All persons, including corporations, partnerships, unincorporated associations, and other organizations, stand equal before the law, and are to be dealt with as equals in a court of justice.

COURT'S INSTRUCTION NO. ____

A preponderance of the evidence means such evidence as, when considered and compared with that opposed to it, has more convincing force and produces in your minds a belief that what is sought to be proved is more likely true than not true. In other words, to establish a claim by a "preponderance of the evidence" merely means to prove that the claim is more likely so than not so.

In determining any fact in issue you may consider the testimony of all of the witnesses, regardless of who may have called them, and all the exhibits received in evidence.

If a preponderance of the evidence does not support each essential element of a claim or defense, then you must find against the party having the burden of proof as to that claim or defense.

COURT'S INSTRUCTION NO. ____

It is the duty of the Court to instruct you about the measure of damages. By instructing you on damages, the Court does not mean to suggest for which party your verdict should be rendered. If you find for the plaintiff, you must determine the plaintiff's damages. The plaintiff has the burden of proving damages by a preponderance of the evidence.

COURT'S INSTRUCTION NO. ____

The verdict must represent the considered judgment of each juror. Your verdict must be unanimous. You should give fair and equal consideration to all the evidence and deliberate with the goal of reaching an agreement which is consistent with the individual judgment of each juror. You are impartial judges of the facts.

You should make every reasonable effort to reach a verdict. In doing so, you should consult with one another, express your own views, and listen to the opinions of your fellow

jurors. Discuss your differences with an open mind. Do not hesitate to reexamine your own views and change your opinion if you come to believe it is wrong. But you should not surrender your honest beliefs about the weight or effect of evidence solely because of the opinion of your fellow jurors or for the purpose of returning a unanimous verdict.

COURT'S INSTRUCTION NO. ____

When you go to the jury room to begin considering the evidence in this case, you will first select one of the members of the jury to act as your foreperson. He or she will help to guide your discussions in the jury room and will be your spokesperson here in court.

You will take this verdict form to the jury room and when you have arrived at your verdict, have the foreman date and sign the appropriate form of verdict and notify the Deputy Clerk in whose charge you will be.