

**PUBLICATION UPDATE**

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# STANDARDIZED CIVIL JURY INSTRUCTIONS for the District of Columbia

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Publication 1275    Release 9

May 2010

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## HIGHLIGHTS

### Updated and Improved Civil Jury Instructions

- This supplement updates the case law support and assures the trial lawyer and judge that the Instructions remain accurate statements of the law.
- This supplement adds, where appropriate, cross-references to similar relevant instructions in *Maryland Civil Pattern Jury Instructions* (4th ed. 2009).

### Improved Instructions

Updates were made to the following sections:

- Function of Judge and Jury [*see* § 1.01].
- Function of the Jury [*see* § 1.02].
- Court's Commenting on the Evidence [*see* § 1.07].
- Jury Not to Take Cue from Judge

[*see* § 1.09].

- Rulings on Objections [*see* § 1.10].
- Equality of Litigants—Corporations [*see* § 1.11].
- Equality of Litigants—Individuals [*see* § 1.12].
- The Allen [Winters] Charge—Deadlocked Jury [*see* § 1.13].
- Evidence in the Case [*see* § 2.01].
- Inferences [*see* § 2.03].
- Inadmissible and Stricken Evidence [*see* § 2.04].
- Statements of Counsel [*see* § 2.05].
- Burden of Proof [*see* § 2.08].
- Direct and Circumstantial Evidence [*see* § 2.10].
- Jury to Determine Credibility of Witnesses [*see* § 3.01].

- Expert Opinion [*see* § 3.03].
- Multiple Plaintiffs [*see* § 4.01].
- Multiple Defendants [*see* § 4.03].
- Negligence Defined [*see* § 5.02].
- Res Ipsa Loquitur [*see* § 5.11].
- Proximate Cause Defined [*see* § 5.12].
- Contributory Negligence Defined [*see* § 5.15].
- Assumption of Risk [*see* § 5.17].
- Last Clear Chance [*see* § 5.18].
- Establishing Employer-Employee Relationship [*see* § 6.01].
- Vicarious Liability—Basis [*see* § 6.02].
- Reciprocal Duties of Drivers and Pedestrians—Ordinary Care Defined [*see* § 7.01].
- Auto Owner's Liability—Unexplained Operation [*see* § 7.10].
- Common Carrier—Degree of Care [*see* § 8.01].
- Common Carrier—Passenger Relationship [*see* § 8.02].
- Duty to Boarding or Alighting Passenger [*see* § 8.03].
- Duty to Disabled or Infirm Passenger [*see* § 8.04].
- General Standard of Care of Professionals [*see* Instruction § 9.02].
- Professional Liability—Proximate Cause—Substantial Factor [*see* Instruction § 9.04].
- General Standard of Care for Hospital [*see* Instruction § 9.05].
- Disclosure of Medical Risks—Informed Consent [*see* Instruction § 9.09].
- Insurance Brokers—Notice of Cancellation [*see* Instruction § 9.15].
- Owner's Duty Dependant on Plaintiff's Status [*see* Instruction § 10.02].
- Contract—Defined [*see* Instruction § 11.01].
- Contract Formation—Elements [*see* Instruction § 11.02].
- Offer [*see* Instruction § 11.03].
- Acceptance [*see* Instruction § 11.04].
- Consideration [*see* Instruction § 11.05].
- Express and Implied Contracts [*see* Instruction § 11.09].
- Contract Interpretation—Custom and Usage [*see* Instruction § 11.15].
- Breach of Contract—Defined [*see* Instruction § 11.17].
- Anticipatory Breach—Defined [*see* Instruction § 11.18].
- Excuse from Performance [*see* Instruction § 11.19].
- Impossibility [*see* § 11.21].
- Estoppel [*see* § 11.22].
- Modification [*see* § 11.23].
- Substantial Performance [*see* § 11.24].
- Waiver [*see* § 11.25].
- Novation [*see* § 11.26].
- Mistake [*see* § 11.27].
- Fraud in the Inducement [*see* § 11.28].
- Undue Influence [*see* § 11.29].
- Duress [*see* § 11.30].
- Breach of Contract—Damages [*see* § 11.31].
- Damages—Jury to Award [*see* § 12.01].
- Duty to Mitigate Damages [*see* § 12.07].

- Damages—Elements [see § 13.01].
- Loss of Consortium [see § 13.06].
- Aggravation of Preexisting Condition [see § 13.07].
- Special Susceptibility [see § 13.08].
- Recovery for Emotional Distress [see § 13.09].
- Life Expectancy [see § 13.10].
- Parents' Rights [see § 13.11].
- Measure of Property Damages [see § 15.01].
- Punitive Damages (Defendant Not a Corporation) [see § 16.01].
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- Nature of Case and Just Compensation [see § 22.01].
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- Jury View [see § 22.13].
- Breach of Warranty, Implied Warranty—Merchantability [see § 23.02].
- Breach of Warranty, Implied Warranty—Fitness for Particular Purpose [see § 23.03].
- Failure to Warn [see § 23.05].
- Strict Liability of Manufacturer or Seller of Product for Physical Harm or Property Damage [see § 23.07].
- Seller's Liability for Negligent Design of Products [see § 23.08].
- Seller's Liability for Defective Design of Products [see § 23.09].
- Tortious Interference with Contractual Relationship [see § 25.01].
- Tortious Interference with Contractual Relationship—Privilege

or Justification Defense [*see*  
§ 25.02].

### **Revised Index**

Release 9 includes a revised comprehensive index to facilitate access to material covered in the text.

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# **Standardized Civil Jury Instructions for the District of Columbia**

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Publication 1275 Release 9

May 2010

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