

## PUBLICATION UPDATE

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# Modern Federal Jury Instructions (Civil Volumes)

Publication 485

Release 86A

April 2025

### HIGHLIGHTS

#### Volumes 4 and 5 (Civil Jury Instructions)

- Release 86A includes the latest revisions to the civil jury instructions.
- Chapter 89, Federal Employer's Liability Act, is substantially rewritten.

#### Diamond Volumes (Pattern Jury Instructions—Civil)

- Civil Pattern Jury Instructions for the Third and Ninth Circuits are amended in this release.

Release 86A includes updates to the following Civil chapters:

Ch. 74, Evidence

Ch. 78, Jury Deliberations

Ch. 79, Restraint of Trade

Ch. 80, Monopolization

Ch. 82, Securities—The 1934 Act

Ch. 85, Fair Labor Standards Act

Ch. 86, Patents

Ch. 87, Civil Rights Actions—42 U.S.C. §§ 1981–1985 and the Fair Housing Act

Ch. 88, Civil Rights Actions—Equal Pay Act; Age Discrimination in Employment Act; Title VII Employment Discrimination (Civil Rights Act of 1991); Family and Medical Leave Act

Ch. 88A, Americans with Disabilities Act

Ch. 89, Federal Employer's Liability Act

Updates to Pattern Jury Instructions:

**Third Circuit:**

1.2 Preliminary Instructions—Description of Case; Summary of Applicable Law

2.14 Recess Admonition

4.4.2 § 1983—Action under Color of State Law—Determining When an Official Acted under Color of State Law

4.7.1 § 1983—Affirmative Defenses—Conduct Not Covered by Absolute Immunity

4.7.2 § 1983—Affirmative Defenses—Qualified Immunity

4.9 § 1983 Excessive Force (Including Some Types of Deadly Force)—Stop, Arrest, or other “Seizure”

4.11 § 1983 Conditions of Confinement—Convicted Prisoner—Denial of Adequate Medical Care

4.12 § 1983—Unlawful Seizure

4.12.1 § 1983—Unlawful Seizure—*Terry* Stop and Frisk

4.12.2 § 1983—Unlawful Seizure—Arrest—Probable Cause

4.12.3 § 1983—Unlawful Seizure—Arrest—Warrant Application

4.13 § 1983—Malicious Prosecution

5.0 Introductory Comment on Employment Discrimination Claims Under Title VII

5.1.1 Elements of a Title VII Claim

5.1.2 Disparate Treatment—Pretext

5.1.4 Harassment—Hostile Work

Environment—Tangible Employment Action

5.1.5 Harassment—Hostile Work Environment—No Tangible Employment Action

5.1.7 Retaliation

5.2.1 Hostile or Abusive Work Environment

5.2.2 Constructive Discharge

6.1.2 Elements of a § 1983 Claim—Disparate Treatment—Pretext

7.4 § 1983 Employment Discrimination—Retaliation—First Amendment

8.1.1 Elements of an ADEA Claim—Disparate Treatment

9.1.1 Elements of an ADA Claim—Disparate Treatment—Mixed Motive

9.1.2 Elements of an ADA Claim—Disparate Treatment—Pretext

10.1.1 Elements of an FMLA Claim—Interference With Right to Take Leave

10.1.2 Elements of an FMLA Claim—Discrimination—Mixed Motive

10.1.3 Elements of an FMLA Claim—Discrimination—Pretext

Appendix Two: replaced with a table of federal and state model/pattern jury instructions

**Ninth Circuit:**

**Extensive Changes:**

Chapter 9 (§ 1983 claims)

Chapter 10 (Title VII employment discrimination claims)

Chapter 15 (Trademarks)

Chapter 18 (Securities Exchange Act), including new 10.7A “Hostile Work Environment” Defined

**Other Changes:**

11.00 Age Discrimination: Introductory Comment

11.10 Age Discrimination—  
Defenses—Bona Fide Employee  
Benefit Plan

11.13 Age Discrimination—  
Damages—Back Pay—Mitigation

12.00 ADA: Introductory Com-  
ment

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# Modern Federal Jury Instructions

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Publication 485    Release 86A

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April 2025

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  - Package 2 contains White Revision pages for Volumes 1 diamond, and 2 diamond.
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