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| IN THE UNITED STATES DISTRICT COURT  FOR THE DISTRICT OF UTAH | |
| ,  Plaintiff,  v.  ,  Defendant. | JURY INSTRUCTIONS  Case No.  District Judge Ann Marie McIff Allen |

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| IN THE UNITED STATES DISTRICT COURT  FOR THE DISTRICT OF UTAH | |
| ,  Plaintiff,  v.  ,  Defendant. | PRELIMINARY JURY INSTRUCTIONS  Case No.  District Judge Ann Marie McIff Allen |

INSTRUCTION NO.

MEMBERS OF THE JURY:

I will now read some preliminary instructions about the process we will follow. At the end of the trial, I will provide more instructions about the law that governs the issues. During the trial you should focus your attention on the facts of this case, as shown by the evidence presented.

It will be your duty to find the facts from the evidence presented in court. I will give you detailed instructions at the conclusion of the evidence on the law, the required proof, and how you should proceed to reach a verdict.

Nothing I may say or do during the trial is intended to indicate that I have any opinion about the facts of the case, nor should anything I say or do be taken as indicating what your verdict should be.

INSTRUCTION NO.

This is a civil lawsuit. The party who brings a lawsuit is called a “plaintiff,” and the party who is being sued is called a “defendant.” To help you understand what you will see and hear, I will now explain the background of the case.

[Insert brief background of the case.]

The defendant denies liability for the plaintiff’s [injuries/damages]

I will now describe the basic elements the plaintiff must prove against the defendant. These preliminary instructions are meant to provide you guidance as the evidence is presented. As I indicated, I will give additional and more detailed instructions at the conclusion of evidence.

INSTRUCTION NO. 2-A

To find [insert defendant(s) name] is liable for [insert cause of action], you must be convinced that the plaintiff has proved each of the following elements by a preponderance of the evidence:

First: [state first element]; and

Second: [state second element].

Note: Repeat these steps until all the elements have been stated. If there is more than one cause of action, repeat this instruction for each remaining cause of action.

INSTRUCTION NO.

The plaintiff has the burden of proving the plaintiff’s case by what is called a preponderance of the evidence. That means the plaintiff must produce evidence that, considered in light of all the facts, leads you to believe that what the plaintiff claims is more likely true than not. To put it differently, if you were to put plaintiff’s and defendant’s evidence on opposite sides of the scales, the plaintiff would have to make the scales tip toward the plaintiff’s side. If the plaintiff fails to meet this burden, the verdict must be for the defendant.

Those of you who have seen or participated in criminal trials will have heard of proof beyond a reasonable doubt. That requirement does not apply to a civil case, and you should therefore put it out of your mind.

INSTRUCTION NO.

It is my role to supervise the trial and to decide all legal questions, such as deciding objections to evidence and deciding the meaning of the law. I will also instruct you on the law that you must apply.

The instructions that I give you are the law, and your oath requires you to follow my instructions even if you disagree with them.

It is the lawyers’ role to present evidence, generally by calling and questioning witnesses and presenting exhibits. Each lawyer will also try to persuade you to decide the case in favor of his or her client.

Things that you see on television and in the movies may not accurately reflect the way real trials should be conducted. Real trials should be conducted with professionalism, courtesy, and civility.

It is your role to find from the evidence what the facts are. The facts generally relate to who, what, when, where, why, and how. The facts must be supported by the evidence. Neither the lawyers nor I decide the facts. You, and you alone, are the judges of the facts. You will then have to apply to those facts to the law as I will give it to you. Again, your oath as jurors requires that you must follow that law whether you agree with it or not.

INSTRUCTION NO.

The evidence from which you will find the facts will consist of the sworn testimony of witnesses, documents and other things received as exhibits, and any facts the lawyers agree or stipulate to, or that I may instruct you to find.

In your consideration of the evidence, you are not limited to the statements of the witnesses. On the contrary, you are permitted to draw reasonable inferences from the facts which you find have been proven. An inference is a deduction or conclusion which reason and common sense would lead you to draw from facts which are established by the evidence.

Certain things are not evidence and must not be considered, including the following:

1. Statements, arguments, and questions by lawyers are not evidence. However, when the attorneys stipulate to the existence of a fact, you must accept the stipulated fact as being proven.

2. Objections to questions are not evidence. Lawyers have an obligation to make an objection when they believe evidence being offered is improper under the rules of evidence. You should not be influenced by an objection or by my ruling on it. If the objection is sustained, ignore the question. If it is overruled, treat the answer like any other.

3. Testimony that I have excluded or told you to disregard is not evidence and must not be considered.

4. If you are instructed that testimony or evidence is received for a limited purpose, it may only be considered for that purpose.

5. Anything you may have seen or heard outside the courtroom is not evidence and must be disregarded. You are to decide the case solely on the evidence presented here in the courtroom.

There are two kinds of evidence: direct and circumstantial. Direct evidence is direct proof of a fact, such as testimony of an eyewitness. Circumstantial evidence is proof of facts from which you may infer or conclude that other facts exist. I will give you further instructions on these as well as other matters at the end of the case, but keep in mind that you may consider both kinds of evidence.

INSTRUCTION NO.

You are the sole judges of the credibility of the witnesses and the weight of the testimony and evidence. In judging the weight of the testimony and the credibility of the witnesses you may take into consideration: their bias; their interest in the result of the case; their relationship to any of the parties; any probable motive or lack thereof to testify fairly; their demeanor on the witness stand; the reasonableness of their testimony; their frankness or candor, or the lack thereof; their opportunity to know; their ability to understand; their capacity to remember; and the extent to which their testimony has been either supported or contradicted by other credible evidence.

Inconsistencies or discrepancies in the testimony of a witness, or between the testimony of different witnesses, may or may not cause you to discredit such testimony. Two or more persons witnessing an incident or a transaction may simply see or hear it differently, and innocent mis-recollection, like failure of recollection, is not an uncommon experience. In weighing the effect of a discrepancy, always consider whether it pertains to a matter of importance or an unimportant detail, and whether the discrepancy results from innocent error or intentional falsehood.

After making your own judgment, you will give the testimony of each witness such weight, if any, as you may think it deserves. You may believe or disbelieve all or any part of any witness’s testimony.

INSTRUCTION NO. (IF APPLICABLE)

You may hear the testimony of an expert witness. An expert witness is a witness who, by education and experience, has become expert in some art, science, profession, or calling, and may state opinions as to matters in which the witness is an expert, and may also state the reasons for the opinion.

You are not bound, however, by such an opinion. You should judge expert opinion testimony just as you judge any other testimony.

INSTRUCTION NO. (IF APPLICABLE)

The plaintiff and the defendant have stipulated – that is they have agreed – to certain facts. You must therefore treat those facts as conclusively proven. I will now read the stipulated facts:

INSTRUCTION NO.

At the end of trial, you must make your decision based on what you recall of the evidence and the exhibits received into evidence. You will not have a transcript of the trial. The court reporter is making stenographic notes of everything that is said. The purpose is to have an accurate record of the proceeding, but this record will not be available for your use during deliberations. You will have the exhibits that are received into evidence. I urge you to pay close attention to the testimony as it is given.

INSTRUCTION NO.

If you would like to take notes during the trial, you may, but you are not required to do so. If you decide to take notes, be careful not to get so involved in note taking that you become distracted. Also, remember that your notes will not necessarily reflect exactly what was said.

Your notes should be used only as memory aids. Therefore, you should not give your notes precedence over your independent recollection of the evidence. You should also not be unduly influenced by the notes of other jurors.

If you do take notes, you must leave them in the jury room at night and not discuss the content of your notes until you begin deliberations. Any notes taken by any juror concerning this case should not be disclosed to anyone other than a fellow juror and at no other time than during deliberation.

INSTRUCTION NO.

During the trial it may be necessary for me to discuss legal matters with the lawyers out of your hearing, either by having a bench conference here while you are present in the courtroom, or by calling a recess. The length of these conferences may vary. Please understand that while you are waiting, we are working. The purpose of these conferences is to decide how certain evidence is to be treated under the rules of evidence and to avoid confusion and error. Please do not speculate as to what we are discussing or why we are having these discussions.

INSTRUCTION NO.

Next, a few words about your conduct as jurors. These instructions may seem odd, but they are critically important, because if you violate these rules the trial may be invalid. We do not want to get a verdict and then find out later that one of you considered information from outside the courtroom.

First, until this trial is over, you may not discuss the case or the evidence with anyone, even fellow jurors.

Second, if anyone should try to talk to you about the subject of this case, bring it to the attention of the courtroom deputy promptly.

Third, do not read or listen to anything touching on this case in any way. Do not watch or listen to any news reports concerning this trial on television or on the radio, and do not read any news accounts of this trial in a newspaper, on the internet, or on any instant communication device or service, including smartphones, tablets, email, texts, social media platforms such as Facebook, Instagram, or X (formerly Twitter), and other devices and services.

Fourth, do not try to do any research or make any investigation about the case on your own. This means you must not consult any person or source, including internet resources, on subjects related to this case. This includes visiting any of the places involved in this case, using internet maps or any other source, talking to possible witnesses, or creating your own experiments or reenactments.

Fifth, when you go home tonight and family, friends, and others ask what the case is about, remember you cannot speak with them about the case. All you can tell them is that you are on a jury, the estimated schedule for the trial, and that you cannot talk about the case until it is over. This includes every form of communication you can imagine, including not just speaking, but also emails, text messages, social media posts, blogs, chatroom discussions, and the like.

Sixth, to avoid even the appearance of improper conduct, do not talk to any of the parties, the lawyers, or witnesses about anything until the case is over, even if your conversation with them has nothing to do with the case. The lawyers and parties have been given the same instruction about not speaking with you, so do not think they are being unfriendly to you.

Seventh, do not form any opinion until all the evidence is presented. Keep an open mind until you start your deliberations at the end of the case after you have heard and considered all the evidence, the closing arguments, and the rest of the instructions I will give you on the law.

Finally, your smartphones, email, texts, social media accounts, and other devices and services should not be used in any way regarding this case.

After the trial is over and I have released you from the jury, you may then discuss the case with anyone, but you are not required to do so. I will give you more instructions about this when you have returned your verdict.

INSTRUCTION NO.

The trial will now begin. First, each side may make an opening statement. An opening statement is neither evidence nor argument; it is an outline of what that party intends to prove, offered to help you follow the evidence.

Next, the plaintiff will call witnesses and the defendant may cross-examine them. Then the defendant will call witnesses and the plaintiff may cross-examine them.

You must keep an open mind throughout the trial. Evidence can only be presented one piece at a time. Do not form or express an opinion about this case while the trial is going on. You must not decide on a verdict until after you have heard all the evidence and have discussed it thoroughly with your fellow jurors in your deliberations.

After all the evidence is in, I will give you instructions on the law, after which the attorneys will make their closing arguments to summarize and interpret the evidence for you.

You will then retire to deliberate on your verdict.

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| IN THE UNITED STATES DISTRICT COURT  FOR THE DISTRICT OF UTAH | |
| ,  Plaintiff,  v.  ,  Defendant. | FINAL JURY INSTRUCTIONS  Case No.  District Judge Ann Marie McIff Allen |

INSTRUCTION NO.

MEMBERS OF THE JURY:

Now that you have heard the evidence, it is my duty to give you instructions as to the law applicable to this case.

It is your duty as jurors to follow the law as stated in these instructions, and to apply the law to the facts as you find them from the evidence.

You are not to single out one instruction alone as stating the law but must consider the instructions as a whole.

You are not to be concerned with the wisdom of any rule of law stated by these instructions. You must not substitute your own opinion of what the law is or ought to be.

INSTRUCTION NO.

You are to perform your duty as jurors without sympathy, bias, or prejudice as to any party.

You must not be influenced by any personal likes or dislikes, opinions, bias, prejudice, or sympathy. That means that you must decide the case solely on the evidence before you.

The parties are entitled to a trial free from prejudice.

[IF APPLICABLE:]

Defendant is a [corporation/partnership/limited liability company/other business entity]. A [insert business entity] is entitled to the same treatment as a private individual. You must consider and decide this case as a case between persons of equal rights, equal worth, and equal standing. All persons, including [insert business entity], stand equal before the law and are to be dealt with as equals in a court of justice.

INSTRUCTION NO.

The plaintiff has the burden of proving the plaintiff’s claims by a preponderance of the evidence.

To prove by a preponderance of the evidence means to prove something is more likely than not. It does not mean the greater number of witnesses or exhibits. It means the evidence that has the more convincing force when taken on the whole compared to the evidence opposed to it. It means the evidence that leads you, the jury, to find that the existence of a fact is more likely true than not true.

Any finding of fact you make must be based on probabilities, not possibilities. A finding of fact must not be based on speculation or conjecture.

When I say in these instructions that a party has the burden of proof on any proposition or use the expression “if you find” or “if you determine,” I mean that you must be persuaded, considering all the evidence, that the proposition is more probably true than not true.

In determining whether any disputed fact has been proven by a preponderance of the evidence you may, unless otherwise instructed, consider the testimony of all witnesses, regardless of who may have called them, and all exhibits.

If a party fails to meet its burden of proof, or if the evidence weighs so evenly that you are unable to say that there is a preponderance on either side, you must resolve the question against the party who has the burden of proof on that issue and in favor of the opposing party.

INSTRUCTION NO.

It is the duty of the attorney on each side of the case to object when the other side offers testimony or other evidence that the attorney believes is not properly admissible. You should not show prejudice against any attorney or the attorney’s client because the attorney has made objections.

Upon allowing testimony or other evidence to be introduced over the objection of any attorney, I do not indicate any opinion as to the weight or effect of any such evidence. You the jurors are the sole judges of the credibility of all witnesses and the weight and effect of all evidence.

When I have sustained an objection to a question addressed to a witness, you must disregard the question entirely and may draw no inference from the wording of it or speculate as to what the witness would have said if the witness had been permitted to answer the question.

INSTRUCTION NO. [If Applicable]

During the trial, I may have occasionally asked questions of a witness in order to bring out facts not then fully covered in the witness’s testimony. Do not assume that I hold any opinion on the matters to which my questions may have related.

INSTRUCTION NO. \_\_\_

The evidence in this case consists of the sworn testimony of the witnesses, regardless of who may have called them; all exhibits received in evidence, regardless of who may have presented them; and all facts that may have been admitted or stipulated.

Statements and arguments of counsel are not evidence in this case. When, however, the parties stipulate or agree as to the existence of a fact, you must, unless otherwise instructed, accept the stipulation and regard that fact as conclusively proved.

Any evidence as to which an objection was sustained by the court, and any evidence ordered stricken by the court, must be entirely disregarded.

Anything you may have seen or heard outside the courtroom is not evidence and must be entirely disregarded.

You are to consider only the evidence in this case. However, you are permitted to draw reasonable inferences from the facts that you find have been proved. An inference is a deduction or conclusion that reason and common sense would lead you to draw from facts that are established by the evidence in the case. In the absence of such facts, you may not draw an inference.

You should weigh all the evidence in the case, affording each piece of evidence the weight or significance that you find it reasonably deserves.

INSTRUCTION NO.

You may consider both direct and circumstantial evidence. There is no difference between the weight to be given to either direct or circumstantial evidence. Nor is a greater degree of certainty required of circumstantial evidence than of direct evidence.

“Direct evidence” is the testimony of one who asserts actual knowledge of a fact, such as an eyewitness.

“Circumstantial evidence” is proof of a chain of facts or circumstances indicating the existence or the nonexistence of a particular fact, or the occurrence or nonoccurrence of a particular event.

You should weigh all the evidence in the case, giving each piece of evidence the weight or significance that you find it reasonably deserves.

INSTRUCTION NO. \_\_\_

The law forbids you to decide any issue in this case by resorting to chance. When you deliberate, do not flip a coin, speculate, or choose one juror’s opinions at random. You must evaluate the evidence and come to a decision that is supported by the evidence.

INSTRUCTION NO. \_\_\_

Testimony in this case has been given under oath. You must evaluate the believability of that testimony. You may believe all or any part of the testimony of a witness. You may also believe one witness against many witnesses or many against one, in accordance with your honest convictions.

In evaluating the testimony of a witness, you may want to consider the following:

(1) Personal interest: Do you believe the accuracy of the testimony was affected one way or the other by any personal interest the witness has in the case?

(2) Bias: Do you believe the accuracy of the testimony was affected by any bias or prejudice?

(3) Demeanor: Is there anything about the witness’s appearance, conduct or actions that causes you to give more or less weight to the testimony?

(4) Consistency: How does the testimony tend to support or not support other believable evidence that is offered in the case?

(5) Knowledge: Did the witness have a good opportunity to know what the witness was testifying about?

(6) Memory: Does the witness’s memory appear to be reliable?

(7) Reasonableness: Is the testimony of the witness reasonable in light of human experience?

These considerations are not intended to limit how you evaluate testimony. You are the ultimate judges of how to evaluate believability.

You may believe that a witness, on another occasion, made a statement inconsistent with that witness’s testimony given here. That does not mean that you are required to disregard the testimony. It is for you to decide whether to believe the witness.

INSTRUCTION NO. \_\_\_ [IF APPLICABLE]

DEPOSITION TESTIMONY

Certain testimony of witnesses who, for some reason, could not be present to testify from the witness stand has been presented to you by reading the deposition of the witness or by showing a videotaped deposition. A deposition is sworn testimony of a witness that was given previously, outside of court, with a lawyer for each party present and entitled to ask questions. Such testimony is evidence and you should consider deposition testimony the same way that you would consider the testimony of a witness testifying in court.

INSTRUCTION NO. \_\_\_ [If Applicable]

“FAULT” DEFINED

Your responsibility as jurors is to decide whether the plaintiff was harmed and, if so, whether anyone is at fault for that harm. Fault means any wrongful act or failure to act that causes harm to the person seeking recovery. The wrongful acts or failure to act alleged in this case are [state the causes of action involving fault].

Your answers to the questions on the verdict form will determine whether anyone is at fault. We will review the verdict form in a few minutes.

INSTRUCTION NO. **\_\_\_ [**If Applicable]

“CAUSE” DEFINED

I have instructed you that the concept of fault includes a wrongful act or failure to act

that causes harm.

As used in the law, the word “cause” has a special meaning, and you must use this meaning whenever you apply the word. “Cause” means that:

The person’s act or failure to act produced the harm directly or set in motion events that produced the harm in a natural and continuous sequence; and

The person’s act or failure to act could be foreseen by a reasonable person to produce harm of the same general nature.

There may be more than one cause of the same harm.

INSTRUCTION NO.

[SUBSTANTIVE INSTRUCTIONS]

PLAINTIFF’S CLAIMS

The plaintiff asserts [insert number of claims] against the defendant, which are summarized as follows:

(1) [insert first cause of action];

(2) [insert second cause of action then repeat this step for each remaining cause];

It is the plaintiff’s burden of proof to establish one or more of their claims. I will now explain the elements the plaintiff must prove for you to find the defendant liable on the respective claims.

INSTRUCTION NO.

I will now instruct you about damages. My instructions are given as a guide for calculating what damages should be if you find that the plaintiff is entitled to them. If you decide, however, that the plaintiff is not entitled to recover damages, then you must disregard these instructions. The fact that I am instructing you on damages does not mean that I am indicating that you should award any – that is entirely for you, the jury, to decide.

If you decide that [insert defendant’s name] caused injury to the plaintiff, you must decide the appropriate amount of damages—that is, how much money will fairly and adequately compensate the plaintiff for the injury.

Damages must be fair and reasonable, neither inadequate nor excessive. You are not permitted to award speculative damages, which means compensation for a harm which, although possible, is remote or hypothetical. Instead, you may award damages only for those injuries the plaintiff has actually suffered or which the plaintiff is reasonably likely to suffer in the near future.

In awarding compensatory damages, you must be guided by dispassionate common sense. Computing damages may be difficult, but you must not let that difficulty lead you to engage in arbitrary guesswork. On the other hand, the law does not require the plaintiff to prove the amount of the plaintiff’s losses with mathematical precision, but only with as much definiteness and accuracy as the circumstances permit.

INSTRUCTION NO.

The plaintiff bears the burden of proving by a preponderance of the evidence that the plaintiff not only suffered damages, but the amount of damages as well.

When you deliberate, do not flip a coin, speculate or choose one juror’s opinions at random. Evaluate the evidence and come to a decision that is supported by the evidence.

If you decide the plaintiff is entitled to recover damages, you must then agree upon the amount of damages to award. Each of you should state your own independent judgment on what that amount should be. You must thoughtfully consider the amounts suggested, evaluate them according to these instructions and the evidence, and reach an agreement on the amount. You must not agree in advance to average the estimates.

In calculating an appropriate award of damages, you must consider any measurable losses of money or property that the defendant caused.

Exercising calm and reasonable judgment, you must also consider any other losses that the defendant may have caused, such as loss of love, companionship, society, comfort, pleasure, advice, care, protection, or affection, even though such losses can be difficult to compute in monetary terms. The law does not require the testimony of any witness to establish the amount of these kinds of damages, and you may consider the following factors in determining the appropriate amount:

1. The nature and extent of the harm;
2. The plaintiff’s pain and suffering, both mental and physical;
3. The extent to which the plaintiff has been prevented from pursuing [his/her] ordinary affairs;
4. The degree and character of any disfigurement;
5. The extent to which the plaintiff has been limited in the enjoyment of life; and
6. Whether the consequences of these harms are likely to continue and for how long.

You may consider the arguments of the lawyers to assist you in deciding the amounts of damages, but their arguments are not evidence.

INSTRUCTION NO.

You may not include in any award to the plaintiff, any sum for the purpose of punishing the defendant, or to make an example of the defendant for the public good or to prevent other incidents. [Use only if punitive damages are not sought]

INSTRUCTION NO.

If any reference by me or by the attorneys to matters of evidence does not coincide with your own recollection, it is your recollection that should control during your deliberations.

INSTRUCTION NO.

Upon retiring to the jury room, you must elect one of your members to act as your foreperson. The foreperson will preside over your deliberations and will be your spokesperson here in court.

The verdict must represent the collective judgment of the jury. To return a verdict, it is necessary that each juror agree to it. Your verdict must be unanimous.

It is your duty, as jurors, to consult with one another and to deliberate with a view to reaching an agreement if you can do so without overwhelming individual judgment. Each of you must decide the case for yourself, but you may do so only after an impartial consideration of the evidence with your fellow jurors. During your deliberations, do not hesitate to re-examine your own views and change your opinion if convinced it is erroneous. But do not surrender your honest conviction as to the weight or effect of evidence solely because of the opinion of your fellow jurors for the purpose of returning a unanimous verdict.

Always remember: you are not partisans. You are judges – judges of the facts. Your sole interest is to seek the truth from the evidence.

A verdict form has been prepared for you. Your answers to the questions on the verdict form must be consistent with the instructions I have given you and with each other.

Your verdict must be based solely upon the evidence received. Nothing said in these instructions and nothing in any verdict form prepared for your convenience is to suggest or convey to you in any way or manner any suggestion as to what verdict I think you should return. What the verdict shall be is the exclusive duty and responsibility of the jury.

When you have reached a unanimous agreement as to your verdict, your foreperson will fill in, date, and sign the verdict form upon which you have unanimously agreed. The foreperson shall then inform the court security officer and you shall return to the courtroom with the verdict form.

INSTRUCTION NO.

The attitude and conduct of jurors at the outset of their deliberations are matters of considerable importance. It is rarely productive or good for a juror, upon entering the jury room, to make an emphatic expression of opinion on the case or to announce a determination to stand for a certain verdict. When one does that at the outset, a sense of pride may be aroused, and the juror may hesitate to recede from an announced position if shown that it is wrong.

If it becomes necessary during your deliberations to communicate with me, you may send a note by the court security officer signed by your foreperson, or by one or more members of the jury. No member of the jury should attempt to communicate with me, or any other member of the court’s staff, by any means other than a signed writing, and I, and other members of the court’s staff, will never communicate with any member of the jury on any subject touching the merits of the case, other than in writing or orally here in open court.

But bear in mind that you are not to reveal to me or to any person how the jury stands, numerically or otherwise, on the question before you, until after you have reached a unanimous agreement.

You will note from the oath about to be taken by the court security officer that the officer, as well as all other persons, is forbidden from communicating in any way or manner with any member of the jury on any subject touching the merits of the case.

INSTRUCTION NO.

During your deliberations, you are able as a group to set your own schedule for deliberations. You may deliberate as late as you wish or recess at an appropriate time set by yourselves. You may set your own schedule for lunch and dinner breaks.

However, I do ask that you notify me by a note when you plan to recess for the evening and when you intend to reconvene in the morning.

INSTRUCTION NO.

These original instructions will accompany you to the jury room. Do not write on the original instructions. Write only on the original verdict form. Do not concern yourselves with the numbering of the instructions, their sequence, or any gap in numbering. Instructions are numbered only for clerical convenience while the instructions are prepared.

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| THE UNITED STATES DISTRICT COURT DISTRICT OF UTAH | |
| ,  Plaintiff,  v.  , Defendant. | **SPECIAL VERDICT** |
| Case No.  District Judge |

MEMBERS OF THE JURY:

When filling out this Special Verdict form, please follow the directions provided throughout the form. Read the questions and directions carefully. They explain the sequence in which the questions should be answered.

# Your answer to each question must be unanimous.

**Your findings must be made by a preponderance of the evidence.**

Some of the questions contain legal terms that are defined and explained in the Jury Instructions. Please refer to the Jury Instructions if you are unsure about the meaning or usage of any legal term.

After you have completed the questions below as directed, the Jury Foreperson is to date and sign this Special Verdict Form on behalf of the jury and notify the Court Security Officer that you have reached a verdict.

**QUESTION 1:**

# CERTIFICATION

We, the jury, unanimously agree to the answers to the foregoing questions and return this form as our verdict in this case.

***The verdict is not final until accepted by the court.***

DATED this of \_\_\_\_\_\_\_\_\_\_\_\_.

Jury Foreperson

**POST-VERDICT INSTRUCTION**

Your duty as jurors is complete. You are discharged from service. Thank you for your service. You have been extraordinarily diligent. Your attention, timeliness, and dedication are appreciated by all the parties, attorneys, court staff, and public. You are now relieved of the instructions I have given you not to talk or read or research about the case. You may do so if you choose.

Your notes and jury instruction copies must be left in the jury room to be destroyed.

[I have issued an Order Regarding Juror Contact which imposes limitations on contact and on statements you may make. Please review that order carefully.]

You may be contacted by parties to the case, or their attorneys, or media representatives. You are under no obligation to speak to any of them. The court does not provide your contact information, but we will accept mail directed to you and forward it from the jury office.

Consider carefully your obligation and the feelings of your fellow jurors before speaking with anyone about your service here. Because of the special relationship of jurors to each other, I strongly recommend you never disclose the vote, discussions, or inclinations of a fellow juror. You may of course discuss your own feelings or reactions to evidence presented or your reaction to jury service.

The United States Supreme Court has stated that “full and frank discussion in the jury room, jurors’ willingness to return an unpopular verdict, and the community’s trust in a system that relies on the decisions of laypeople would all be undermined by a barrage of post-verdict scrutiny of juror conduct.”[[1]](#footnote-1)

The rules of evidence provide that the only legitimate inquiry of jurors is “whether: (A) extraneous prejudicial information was improperly brought to the jury’s attention; (B) an outside influence was improperly brought to bear on any juror; or (C) a mistake was made in entering the verdict on the verdict form.”[[2]](#footnote-2) In those instances, the verdict may be defective. Nothing else about the jury discussion or deliberation would be admissible in court.

I have instructed you to make your decision only based on the evidence presented in court and to ignore outside information or influence. So, if you kept your oath to consider only the evidence in this case, there is no reason to speak with anyone about your service here as a juror.

Again, thank you very much for your service.

1. *Tanner v.* *United States*, 483 U.S. 107, 120–21 (1987). [↑](#footnote-ref-1)
2. Fed. R. Evid. 606(b)(2). [↑](#footnote-ref-2)