

10 SUGGESTED ORDER OF INSTRUCTIONS: NEGLIGENCE CASES

<u>Instruction</u>	<u>Subject</u>
50	Preliminary Instruction: Before Trial [If used (discretionary), they are to be given after jury selection and before opening statements.]
100	Opening
110	Remarks and Arguments of Counsel
115	Objections of Counsel
120	Ignoring Judge's Demeanor
130	Stricken Testimony
215	Credibility of Witnesses; Weight of Evidence
260	Expert Testimony: General
265	Expert Testimony: Hypothetical Questions
145	Special Verdict Questions: Interrelationship
200	Burden of Proof: Ordinary

<u>Instruction</u>	<u>Subject</u>
1005	Negligence Defined
1500	Read the cause question(s) of the verdict; then read 1500
1580	Comparative Negligence
1700	Damages: General Read the damage questions and instruct after each question is read using the applicable damage instructions (JI-Civil 1705-1897).
180	Five-Sixths Verdict
190 or 191	Closing
195	Supplemental Instruction Where Jury is Unable to Agree (If appropriate)
197	Charge After Verdict is Received

COMMENT

This suggested order of instructions was initially approved by the Committee in 1981 and revised in 1982, 1991, 2000, 2010, and 2018. The comment was revised by the Committee in 1982, 2010, and 2018.

There is no hard and fast rule concerning the order in which instructions are to be given. One order may be more preferable to one judge or to fit a particular case than another. In any event, it is recommended that instructions involving various subjects, such as appropriate witness instructions, should be given at one time during the charge and not piecemeal throughout the charge.

In cases not involving a question of negligence, the order can conform to the above order with modifications to accommodate the nature of the case and burden of proof.