

106 SUBMISSION ON GENERAL VERDICT

Two forms of verdict will be submitted to you. Only one of them will be returned as your verdict. The verdict numbered 1, which reads as follows, will, if returned by you, be a verdict in favor of plaintiff and against the defendant.

[Read Verdict No. 1.]

The verdict numbered 2, which reads as follows, will, if returned by you, be a verdict in favor of the defendant and against the plaintiff.

[Read Verdict No. 2.]

SUGGESTED FORMS OF VERDICTS FOLLOW:

Verdict No. 1

We, the jury, find in favor of the plaintiff, _____, and assess damages at _____.

Dated: _____.

Presiding Juror

Dissenters: _____

Verdict No. 2

We, the jury, find in favor of the defendant, _____.

Dated: _____.

Presiding Juror

Dissenters: _____

COMMENT

This instruction was approved by the Committee in 1962 and reviewed without change in 2010. The comment was revised in 1991 and 2010.

See Wis. Stat. § 805.12(1). The special verdict is the rule and not the exception in Wisconsin practice. Milwaukee & Suburban Transp. Corp. v. Milwaukee County, 82 Wis.2d 420, 263 N.W.2d 503 (1978). A party who desires the general verdict form must request the court to order the use of the general verdict.