

1595 COMPARATIVE NEGLIGENCE: WHERE NEGLIGENCE OR CAUSE QUESTION HAS BEEN ANSWERED BY COURT

You will note that the court has answered certain questions as matters of law. If you are required to answer question ___, the comparative negligence question, then, in answering that question, you will not give the court's answer(s) any greater or lesser weight or importance than you give to any finding you make.

COMMENT

This instruction was approved in 1978. The comment was reviewed without change in 1990.

The supreme court advises giving this instruction. Reyes v. Lawry, 33 Wis.2d 112, 146 N.W.2d 510 (1961). Failure to give it may not, however, be error. Reyes, supra; Schmit v. Sekach, 29 Wis.2d 281, 291, 139 N.W.2d 88 (1966).