

## **JURY INSTRUCTIONS**

**Plaintiff  
vs  
Defendant**

### **PRE-INSTRUCTION**

#### **100**

- **You have now been sworn as jurors in this case. I want to impress on you the seriousness and importance of serving on a jury. Trial by jury is a fundamental right in California. The parties have a right to a jury that is selected fairly, that comes to the case without bias, and that will attempt to reach a fair verdict based on the evidence presented. Before we begin, I need to explain how you must conduct yourselves during the trial.**

#### **100 (Cont.)**

- **Do not allow anything that happens outside this courtroom to affect your decision. During the trial do not talk about this case or the people involved in it with anyone, including your family and friends. You may say you are on a jury and how long the trial may take, but that is all. You must not even talk about the case with the other jurors until after I tell you that it is time for you to decide the case.**

#### **100 (Cont.)**

- **During the trial you must not listen to anyone else talk about the case or the people involved in the case. You must avoid any contact with the parties, the lawyers, the witnesses, and anyone else who may have a connection to the case. If anyone tries to talk to you about this case, tell that person that you cannot discuss it because you are a juror. If he or she keeps talking to you, simply walk away and report the incident to me as soon as you can.**

#### **100 (Cont.)**

- **After the trial is over and I have released you from jury duty, you may discuss the case with anyone, but you are not required to do so.**
- **During the trial, do not read, listen to, or watch any news reports about this case. I have no information that there will be news reports concerning this case. You must decide this case based only on the evidence presented in this trial. Nothing presented outside this courtroom is evidence unless I specifically tell you it is.**

#### **100 (Cont.)**

- **Do not do any research on your own or as a group. Do not use dictionaries, the Internet, or other reference materials. Do not investigate the case or conduct any experiments. Do not contact anyone to assist you, such as a family accountant, doctor, or lawyer. Do not visit or view the scene of any event involved in this case. If you happen to pass by the scene, do not stop or investigate. All jurors must see or hear the same evidence at the same time. If you do need to view the scene during the trial, you will be taken there as a group under proper supervision.**

#### **100 (Cont.)**

- **It is important that you keep an open mind throughout this trial. Evidence can**

only be presented a 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.

**100 (Cont.)**

- When it is time to begin your deliberations, you will meet in the jury room. You may discuss the case only in the jury room and only when all the jurors are present.
- Do not let bias, sympathy, prejudice, or public opinion influence your verdict.
- You, and only you, must decide what the facts are in this case. And, I repeat, your verdict must be based only on the evidence that you hear or see in this courtroom.

**100 (Cont.)**

- At the end of the trial, I will explain the law that you must follow to reach your verdict. You must follow the law as I explain it to you, even if you do not agree with the law.

**101**

- To assist you in your tasks as jurors, I will now explain how the trial will proceed. JANE DOE filed this lawsuit. She is called the plaintiff. She seeks damages from SALLY SMITH and PETER PANN, who are called the defendants. Each plaintiff and each defendant is called a party to the case.

**101 (Cont.)**

- First, each side may make an opening statement, but neither side is required to do so. An opening statement is not evidence. It is simply an outline to help you understand what that party expects the evidence will show. Also, because it is often difficult to give you the evidence in the order we would prefer, the opening statement allows you to keep an overview of the case in mind during the presentation of the evidence. You cannot use it to make any decisions in this case.

**101 (Cont.)**

- Next, the jury will start hearing the evidence. JANE DOE will present her evidence first. When JANE DOE is finished, SALLY SMITH and PETER PANN will have an opportunity to present their evidence.
- Each witness will first be questioned by the side that asked the witness to testify. This is called direct examination. Then the other side is permitted to question the witness. This is called cross-examination.

**101 (Cont.)**

- Documents or objects referred to during the trial are called exhibits. Exhibits will be given a number and marked so they may be clearly identified. Exhibits are not evidence until I admit them into evidence. You will be able to look at these exhibits during your deliberations.
- There are many rules that govern whether something will be considered evidence in the trial. As one side presents evidence, the other side has the right to object and to ask me to decide if the evidence is permitted by the rules. Usually, I will decide immediately, but sometimes I may have to hear arguments outside of your presence.

**101 (Cont.)**

- **After all the evidence has been presented, I will instruct you on the law that applies to the case and the attorneys will make closing arguments. What the parties say in closing argument is not evidence. The arguments are offered to help you understand the evidence and how the law applies to it.**

**102**

- **You have been given notebooks and may take notes during the trial. Do not remove the notebooks from the jury box at any time during the trial. You may take your notes into the jury room during deliberations.**
- **You should use your notes only to remind yourself of what happened during the trial. Do not let your note-taking interfere with your ability to listen carefully to all the testimony and to watch the witnesses as they testify. Nor should you allow your impression of a witness or other evidence to be influenced by whether or not other jurors are taking notes. Your independent recollection of the evidence should govern your verdict and you should not allow yourself to be influenced by the notes of other jurors if those notes differ from what you remember.**

**102 (Cont)**

- **The court reporter is making a record of everything that is said. If during deliberations you have a question about what the witness said, you should ask that the court reporter's records be read to you. You must accept the court reporter's record as accurate.**

**END OF PRELIMINARY INSTRUCTIONS**