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2
3 **UNITED STATES DISTRICT COURT**
4 **CENTRAL DISTRICT OF CALIFORNIA – WESTERN DIVISION**
5

6
7 , Case No. _____
8

9 Plaintiff(s),

JURY INSTRUCTIONS

10 vs.

11 ,
12 Defendant(s).
13
14
15

16 **INSTRUCTIONS**

- 17 • Start by using this template, including the instructions below (which the Court
18 typically gives in civil cases).
- 19 • Divide the instructions into two parts: Preliminary Instructions and Final
20 Instructions (as noted below). The jury will receive a copy of the Final
21 Instructions, not the Preliminary Instructions. The Court does not repeat any of
22 the Preliminary Instructions during Final Instructions, other than the burden of
23 proof, absent a party's request.
- 24 • Use automatic numbering that starts at "1" for the Preliminary Instructions and
25 starts at "1" for the Final Instructions (as noted below). Use of the automatic
26 numbering feature is *mandatory*.
- 27 • Use "Plaintiff" and "Defendant" instead of a party's name throughout the
28 instructions. Use a party's name only when necessary for clarification.
- Do not leave in blanks or bracketed information.

1 **PRELIMINARY INSTRUCTIONS**

2
3 **1. DUTY OF JURY**

4 Members of the jury: You are now the jury in this case. It is my duty to
5 instruct you on the law.

6 It is your duty to find the facts from all the evidence in the case. To those
7 facts you will apply the law as I give it to you. You must follow the law as I give
8 it to you whether you agree with it or not. And you must not be influenced by any
9 personal likes or dislikes, opinions, prejudices or sympathy. That means that you
10 must decide the case solely on the evidence before you. You will recall that you
11 took an oath to do so.

12 At the end of the trial, I will give you final instructions. It is the final
13 instructions that will govern your duties.

14 Please do not read into these instructions, or anything I may say or do, that I
15 have an opinion regarding the evidence or what your verdict should be.

16 **2. CLAIMS AND DEFENSES**

17 To help you follow the evidence, I will give you a brief summary of the
18 positions of the parties:

19 Plaintiff claims _____.

20 Defendant _____.

21 **3. BURDEN OF PROOF—PREPONDERANCE OF THE EVIDENCE**

22 When a party has the burden of proof on any claim or affirmative defense by
23 a preponderance of the evidence, it means you must be persuaded by the evidence
24 that the claim or affirmative defense is more probably true than not true.

25 You should base your decision on all of the evidence, regardless of which
26 party presented it.

27 **4. WHAT IS EVIDENCE**

28 The evidence you are to consider in deciding what the facts are consists of:

- (1) the sworn testimony of any witness;
- (2) the exhibits that are admitted into evidence;
- (3) any facts to which the lawyers have agreed; and
- (4) any facts that I may instruct you to accept as proved.

5. WHAT IS NOT EVIDENCE

In reaching your verdict, you may consider only the testimony and exhibits received into evidence. Certain things are not evidence, and you may not consider them in deciding what the facts are. I will list them for you:

- (1) Arguments and statements by lawyers are not evidence. The lawyers are not witnesses. What they may say in their opening statements, closing arguments and at other times is intended to help you interpret the evidence, but it is not evidence. If the facts as you remember them differ from the way the lawyers have stated them, your memory of them controls.
- (2) Questions and objections by lawyers are not evidence. Attorneys have a duty to their clients to object when they believe a question is improper under the rules of evidence. You should not be influenced by the objection or by the court's ruling on it.
- (3) Testimony that is excluded or stricken, or that you are instructed to disregard, is not evidence and must not be considered. In addition, some evidence may be received only for a limited purpose; when I instruct you to consider certain evidence only for a limited purpose, you must do so, and you may not consider that evidence for any other purpose.
- (4) Anything you may see or hear when the court was not in session is not evidence. You are to decide the case solely on the evidence received at the trial.

6. DIRECT AND CIRCUMSTANTIAL EVIDENCE

Evidence may be direct or circumstantial. Direct evidence is direct proof of a fact, such as testimony by a witness about what that witness personally saw or heard or did. Circumstantial evidence is proof of one or more facts from which you could find another fact. You should consider both kinds of evidence. The law makes no distinction between the weight to be given to either direct or circumstantial evidence. It is for you to decide how much weight to give to any evidence.

7. RULING ON OBJECTIONS

There are rules of evidence that control what can be received into evidence. When a lawyer asks a question or offers an exhibit into evidence and a lawyer on the other side thinks that it is not permitted by the rules of evidence, that lawyer may object. If I overrule the objection, the question may be answered or the exhibit received. If I sustain the objection, the question cannot be answered, and the exhibit cannot be received. Whenever I sustain an objection to a question, you must ignore the question and must not guess what the answer might have been.

Sometimes I may order that evidence be stricken from the record and that you disregard or ignore that evidence. That means when you are deciding the case, you must not consider the stricken evidence for any purpose.

8. CREDIBILITY OF WITNESSES

In deciding the facts in this case, you may have to decide which testimony to believe and which testimony not to believe. You may believe everything a witness says, or part of it, or none of it.

In considering the testimony of any witness, you may take into account:

- (1) the opportunity and ability of the witness to see or hear or know the things testified to;
- (2) the witness's memory;
- (3) the witness's manner while testifying;
- (4) the witness's interest in the outcome of the case, if any;

- (5) the witness's bias or prejudice, if any;
- (6) whether other evidence contradicted the witness's testimony;
- (7) the reasonableness of the witness's testimony in light of all the evidence; and
- (8) any other factors that bear on believability.

Sometimes a witness may say something that is not consistent with something else he or she said. Sometimes different witnesses will give different versions of what happened. People often forget things or make mistakes in what they remember. Also, two people may see the same event but remember it differently. You may consider these differences, but do not decide that testimony is untrue just because it differs from other testimony.

However, if you decide that a witness has deliberately testified untruthfully about something important, you may choose not to believe anything that witness said. On the other hand, if you think the witness testified untruthfully about some things but told the truth about others, you may accept the part you think is true and ignore the rest.

The weight of the evidence as to a fact does not necessarily depend on the number of witnesses who testify. What is important is how believable the witnesses were, and how much weight you think their testimony deserves.

9. CONDUCT OF THE JURY

I will now say a few words about your conduct as jurors.

First, keep an open mind throughout the trial, and do not decide what the verdict should be until you and your fellow jurors have completed your deliberations at the end of the case.

Second, because you must decide this case based only on the evidence received in the case and on my instructions as to the law that applies, you must not be exposed to any other information about the case or to the issues it involves during the

1 course of your jury duty. Thus, until the end of the case or unless I tell you
2 otherwise:

3 Do not communicate with anyone in any way and do not let anyone else
4 communicate with you in any way about the merits of the case or anything to do with
5 it. This includes discussing the case in person, in writing, by phone, tablet, or
6 computer, or any other electronic means, via email, text messaging, or any internet
7 chat room, blog, website or application, including but not limited to Facebook,
8 YouTube, the platform “X” formerly known as Twitter, Instagram, LinkedIn,
9 Snapchat, TikTok, or any other forms of social media. This applies to
10 communicating with your fellow jurors until I give you the case for deliberation, and
11 it applies to communicating with everyone else including your family members, your
12 employer, the media or press, and the people involved in the trial, although you may
13 notify your family and your employer that you have been seated as a juror in the
14 case, and how long you expect the trial to last. But, if you are asked or approached in
15 any way about your jury service or anything about this case, you must respond that
16 you have been ordered not to discuss the matter and report the contact to the court.

17 Because you will receive all the evidence and legal instruction you properly
18 may consider to return a verdict: do not read, watch or listen to any news or media
19 accounts or commentary about the case or anything to do with it[, although I have no
20 information that there will be news reports about this case]; do not do any research,
21 such as consulting dictionaries, searching the internet, or using other reference
22 materials; and do not make any investigation or in any other way try to learn about
23 the case on your own. Do not visit or view any place discussed in this case, and do
24 not use the internet or any other resource to search for or view any place discussed
25 during the trial. Also, do not do any research about this case, the law, or the people
26 involved—including the parties, the witnesses, or the lawyers—until you have been
27 excused as jurors. If you happen to read or hear anything touching on this case in the
28 media, turn away and report it to me as soon as possible.

1 These rules protect each party's right to have this case decided only on
2 evidence that has been presented here in court. Witnesses here in court take an oath
3 to tell the truth, and the accuracy of their testimony is tested through the trial process.
4 If you do any research or investigation outside the courtroom, or gain any
5 information through improper communications, then your verdict may be influenced
6 by inaccurate, incomplete, or misleading information that has not been tested by the
7 trial process. Each of the parties is entitled to a fair trial by an impartial jury, and if
8 you decide the case based on information not presented in court, you will have
9 denied the parties a fair trial. Remember, you have taken an oath to follow the rules,
10 and it is very important that you follow these rules.

11 A juror who violates these restrictions jeopardizes the fairness of these
12 proceedings, and a mistrial could result, requiring the entire trial process to start over.
13 If any juror is exposed to any outside information, please notify the court
14 immediately, by sending a note through the bailiff signed by any one or more of you.

15 **10. NO TRANSCRIPT AVAILABLE TO JURY**

16 I urge you to pay close attention to the trial testimony as it is given. During
17 deliberations you will not have a transcript of the trial testimony.

18 **11. TAKING NOTES**

19 If you wish, you may take notes to help you remember the evidence. If you do
20 take notes, please keep them to yourself until you go to the jury room to decide the
21 case. Do not let notetaking distract you. When you leave, your notes should be left
22 in the courtroom. No one will read your notes.

23 Whether or not you take notes, you should rely on your own memory of the
24 evidence. Notes are only to assist your memory. You should not be overly
25 influenced by your notes or those of other jurors.

26 **12. BENCH CONFERENCES AND RECESSES**

27 From time to time during the trial, it may become necessary for me to talk with
28 the attorneys out of the hearing of the jury, either by having a conference at the bench

1 when the jury is present in the courtroom, or by calling a recess. Please understand
2 that while you are waiting, we are working. The purpose of these conferences is not
3 to keep relevant information from you, but to decide how certain evidence is to be
4 treated under the rules of evidence and to avoid confusion and error.

5 Of course, we will do what we can to keep the number and length of these
6 conferences to a minimum. I may not always grant an attorney's request for a
7 conference. Do not consider my granting or denying a request for a conference as
8 any indication of my opinion of the case or of what your verdict should be.

9 **13. OUTLINE OF TRIAL**

10 Trials proceed in the following way: First, each side may make an opening
11 statement. An opening statement is not evidence. It is simply an outline to help you
12 understand what that party expects the evidence will show. A party is not required to
13 make an opening statement.

14 The plaintiff will then present evidence, and counsel for the defendant may
15 cross-examine. Then the defendant may present evidence, and counsel for the
16 plaintiff may cross-examine.

17 After the evidence has been presented, I will instruct you on the law that
18 applies to the case and the attorneys will make closing arguments.

19 After that, you will go to the jury room to deliberate on your verdict.

20 **14. STIPULATIONS OF FACT**

21 The parties have agreed to certain facts [to be placed in evidence as
22 Exhibit __] [that will be read to you]. You must therefore treat these facts as having
23 been proved.

24 **FINAL INSTRUCTIONS**

25 **1. DUTY OF JURY**

26 Members of the Jury: Now that you have heard all of the evidence and the
27 arguments of the attorneys, it is my duty to instruct you on the law that applies to
28 this case.

1 A copy of these instructions will be sent to the jury room for you to consult
2 during your deliberations.

3 It is your duty to find the facts from all the evidence in the case. To those
4 facts you will apply the law as I give it to you. You must follow the law as I give
5 it to you whether you agree with it or not. And you must not be influenced by any
6 personal likes or dislikes, opinions, prejudices, or sympathy. That means that you
7 must decide the case solely on the evidence before you. You will recall that you
8 took an oath to do so.

9 Please do not read into these instructions or anything that I may say or do or
10 have said or done that I have an opinion regarding the evidence or what your
11 verdict should be.

12 **2. BURDEN OF PROOF—PREPONDERANCE OF THE EVIDENCE**

13 When a party has the burden of proof on any claim or affirmative defense by
14 a preponderance of the evidence, it means you must be persuaded by the evidence
15 that the claim or affirmative defense is more probably true than not true.

16 You should base your decision on all of the evidence, regardless of which
17 party presented it.

18 **3. DUTY TO DELIBERATE**

19 Before you begin your deliberations, elect one member of the jury as your
20 presiding juror. The presiding juror will preside over the deliberations and serve as
21 the spokesperson for the jury in court.

22 You shall diligently strive to reach agreement with all of the other jurors if
23 you can do so. Your verdict must be unanimous.

24 Each of you must decide the case for yourself, but you should do so only
25 after you have considered all of the evidence, discussed it fully with the other
26 jurors, and listened to their views.

27 It is important that you attempt to reach a unanimous verdict but, of course,
28 only if each of you can do so after having made your own conscientious decision.

1 Do not be unwilling to change your opinion if the discussion persuades you that
2 you should. But do not come to a decision simply because other jurors think it is
3 right or change an honest belief about the weight and effect of the evidence simply
4 to reach a verdict.

5 **4. CONSIDERATION OF EVIDENCE—CONDUCT OF THE JURY**

6 Because you must base your verdict only on the evidence received in the
7 case and on these instructions, I remind you that you must not be exposed to any
8 other information about the case or to the issues it involves. Except for discussing
9 the case with your fellow jurors during your deliberations:

10 Do not communicate with anyone in any way and do not let anyone else
11 communicate with you in any way about the merits of the case or anything
12 to do with it. This includes discussing the case in person, in writing, by
13 phone, tablet, computer, or any other means, via email, via text messaging,
14 or any internet chat room, blog, website or application, including but not
15 limited to Facebook, YouTube, the platform “X” formerly known as Twitter,
16 Instagram, LinkedIn, Snapchat, TikTok, or any other forms of social media.
17 This applies to communicating with your family members, your employer,
18 the media or press, and the people involved in the trial. If you are asked or
19 approached in any way about your jury service or anything about this case,
20 you must respond that you have been ordered not to discuss the matter and
21 to report the contact to the court.

22 Do not read, watch, or listen to any news or media accounts or commentary
23 about the case or anything to do with it[, although I have no information that
24 there will be news reports about this case]; do not do any research, such as
25 consulting dictionaries, searching the Internet, or using other reference
26 materials; and do not make any investigation or in any other way try to learn
27 about the case on your own. Do not visit or view any place discussed in this
28 case, and do not use Internet programs or other devices to search for or view

1 any place discussed during the trial. Also, do not do any research about this
2 case, the law, or the people involved—including the parties, the witnesses,
3 or the lawyers—until you have been excused as jurors. If you happen to
4 read or hear anything touching on this case in the media, turn away and
5 report it to me as soon as possible.

6 These rules protect each party's right to have this case decided only on
7 evidence that has been presented here in court. Witnesses here in court take an
8 oath to tell the truth, and the accuracy of their testimony is tested through the trial
9 process. If you do any research or investigation outside the courtroom, or gain any
10 information through improper communications, then your verdict may be
11 influenced by inaccurate, incomplete, or misleading information that has not been
12 tested by the trial process. Each of the parties is entitled to a fair trial by an
13 impartial jury, and if you decide the case based on information not presented in
14 court, you will have denied the parties a fair trial. Remember, you have taken an
15 oath to follow the rules, and it is very important that you follow these rules.

16 A juror who violates these restrictions jeopardizes the fairness of these
17 proceedings, and a mistrial could result that would require the entire trial process
18 to start over. If any juror is exposed to any outside information, please notify the
19 court immediately.

20 **5. COMMUNICATION WITH COURT**

21 If it becomes necessary during your deliberations to communicate with me,
22 you may send a note through the bailiff, signed by any one or more of you. No
23 member of the jury should ever attempt to communicate with me except by a
24 signed writing. I will not communicate with any member of the jury on anything
25 concerning the case except in writing or here in open court. If you send out a
26 question, I will consult with the lawyers before answering it, which may take some
27 time. You may continue your deliberations while waiting for the answer to any
28 question. Remember that you are not to tell anyone—including the court—how

1 the jury stands, whether in terms of vote count or otherwise, until after you have
2 reached a unanimous verdict or have been discharged.

3 **6. RETURN OF VERDICT**

4 A verdict form has been prepared for you. After you have reached
5 unanimous agreement on a verdict, your presiding juror should complete the
6 verdict form according to your deliberations, sign and date it, and advise the bailiff
7 that you are ready to return to the courtroom.