

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

CARON SPENCER,

Plaintiff,

Case No. 14-cv-13858

v.

UNITED STATES DISTRICT COURT JUDGE
GERSHWIN A. DRAIN

CRAIG MACDONALD, and
JACK TAEFF,

UNITED STATES MAGISTRATE JUDGE
R. STEVEN WHALEN

Defendants.

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Introduction

Members of the jury, I will now instruct you as to the law that you must follow in deciding this case.

More Than One Defendant

Although there is more than one defendant in this action, it does not follow from that fact alone that if one is liable, both are liable. Each defendant's defense is entitled to a fair consideration by you and is not to be prejudiced by the fact, if it should become a fact that you find against another defendant. Unless otherwise stated, all instructions apply to each defendant.

Jurors' Duties

You have two main duties as jurors. The first one is to decide what the facts are from the evidence that you have seen and heard in court. Deciding what the facts are is your job, not mine, and nothing that I have said or done during this trial was meant to influence your decision about the facts in any way.

Your second duty is to take the law that I give you, apply it to the facts, and decide what claims, if any, plaintiff has proved by a preponderance of the evidence. It is my job to instruct you about the law, and you are bound by the oath that you took at the beginning of the trial to follow the instructions that I give you, even if you personally disagree with them. This includes the instructions that I gave you before and during the trial, and these instructions. All the instructions are important, and you should consider them together as a whole.

The lawyers talked about the law during their arguments. But if what they said is different from what I say, you must follow what I say. What I say about the law controls.

Perform these duties fairly. Do not let any bias, sympathy or prejudice that you may feel toward one side or the other influence your decision in any way.

All Persons Equal Before the Law

This case should be considered and decided by you as an action between persons of equal standing in the community, of equal worth, and holding the same or similar stations of life.

Police Officer and Civilian Witness

The testimony of a law enforcement officer should be considered by you just as any other evidence in this case. In evaluating the credibility of a police officer's testimony, you should use the same guidelines which you apply to the testimony of any other witness.

You should not give greater or lesser credence to the testimony of a witness merely because he is a law enforcement officer.

Evidence Defined

You must make your decision based only on the evidence that you saw and heard here in court. Do not let rumors, suspicions, or anything else that you may have seen or heard outside of court influence your decision in any way.

The evidence in this case includes only what the witnesses said while they were testifying under oath; the exhibits that I allowed into evidence; and the stipulations that the lawyers agreed to.

Nothing else is evidence. The lawyers' statements and arguments are not evidence. Their questions and objections are not evidence. My legal rulings are not evidence. And my comments and questions are not evidence.

During the trial I did not let you hear the answers to some of the questions that the lawyers asked. And sometimes I ordered you to disregard things that you saw or heard, or I struck things from the record or I allowed some evidence to be considered by you for a limited purpose. You must completely ignore all of the things which are not in evidence or which I struck from the record, and you can consider the evidence which was admitted for a limited purpose only in your consideration of the limited purpose for which the evidence was admitted. Do not speculate about what a witness might have said. Things that are not evidence are not to influence your decision in any way.

Make your decision based only on the evidence, as I have defined it here,
and nothing else.

Consideration of Evidence

You should use your common sense in weighing the evidence. Consider it in light of your everyday experience with people and events, and give it whatever weight you believe it deserves. If your experience tells you that certain evidence reasonably leads to a conclusion, you are free to reach that conclusion.

Unless and until outweighed by evidence in the case to the contrary, you may find that official duty has been regularly performed; that the ordinary course of business or employment has been followed; that things have happened according to the ordinary course of nature and the ordinary habits of life; and that the law has been obeyed.

Direct and Circumstantial Evidence

Now, some of you may have heard the terms “direct evidence” and “circumstantial evidence.”

Direct evidence is simply evidence like the testimony of an eyewitness which, if you believe it, directly proves a fact. If a witness testified that it is raining outside, and you believed the witness, that would be direct evidence that it was raining.

Circumstantial evidence is simply a chain of circumstances that indirectly proves a fact. If someone walked into the courtroom wearing a raincoat covered with drops of water and carrying a wet umbrella, that would be circumstantial evidence from which you could conclude that it was raining.

It is your job to decide how much weight to give the direct and circumstantial evidence. The law makes no distinction between the weight that you should give to either one, or say that one is any better evidence than the other. You should consider all the evidence, both direct and circumstantial, and give it whatever weight you believe it deserves.

Credibility of Witnesses

Another part of your duties as jurors is to decide how credible or believable each witness was. This is your duty, not mine. It is up to you to decide if a witness's testimony was believable, and how much weight you think it deserves. You are free to believe everything that a witness said, or only part of it, or none of it at all. But you should act reasonably and carefully in making these decisions.

Let me suggest some things for you to consider in evaluating each witness's testimony.

Ask yourself if the witness was able to clearly see or hear the events. Sometimes even an honest witness may not have been able to see or hear what was happening, and may make a mistake.

Ask yourself how good the witness's memory seemed to be. Did the witness seem able to accurately remember what happened?

Ask yourself if there was anything else that may have interfered with the witness's ability to perceive or remember the events.

Ask yourself how the witness acted while testifying. Did the witness appear honest? Or did the witness appear to be lying?

Ask yourself if the witness had any relationship to any party in this case, or anything to gain or lose from the case, that might influence the witness's testimony. Ask yourself if the witness had any bias, or prejudice, or reason for

testifying that might cause the witness to lie or to slant the testimony in favor of one side or the other.

Ask yourself if the witness testified inconsistently while on the witness stand, or if the witness said or did something or failed to say or do something at any other time that is inconsistent with what the witness said while testifying. If you believe that the witness was inconsistent, ask yourself if this makes the witness's testimony less believable. Sometimes it may; other times it may not. Consider whether the inconsistency was about something important, or about some unimportant detail. Ask yourself if it seemed like an innocent mistake, or if it seemed deliberate.

And ask yourself how believable the witness's testimony was in light of all the other evidence. Was the witness's testimony supported or contradicted by other evidence that you found believable? If you believe that a witness's testimony was contradicted by other evidence, remember that people sometimes forget things, and that even two honest people who witness the same event may not describe it exactly the same way.

These are only some of the things that you may consider in deciding how believable each witness was. You may also consider other things that you think shed some light on the witness's believability. Use your common sense and your

everyday experience in dealing with other people. And then decide what testimony you believe, and how much weight you think it deserves.

Number of Witnesses and Evidence Presented

The number of witnesses who testified makes no difference.

Do not make any decision based only on the number of witnesses who testified or quantity of evidence presented. What is more important is how believable the witnesses were, and how much weight you think their testimony deserves; and which evidence appeals to your minds as being most accurate and otherwise trustworthy. Concentrate on that, not the numbers.

All Available Evidence Need Not Be Produced

No party must call as witnesses all persons who may have been present at any time or place involved in the case, or who may appear to have some knowledge of the matters in issue at this trial. Nor does the law require any party to produce as exhibits all papers and things mentioned in the evidence in the case.

Single Witness

The testimony of a single witness which produces in your minds belief in the likelihood of truth is sufficient for the proof of any fact, and would justify a verdict in accordance with such testimony, even though a number of witnesses may have testified to the contrary, if, after consideration of all the evidence in the case, you hold greater belief in the accuracy and reliability of the one witness.

Stipulations of Fact

The parties have agreed to certain facts that have been given to you. You should therefore treat these facts as having been proved.

Witness Who Has Been Interviewed by an Attorney

It has been brought out that an attorney has talked with witnesses. There is nothing wrong with an attorney talking with a witness for the purpose of learning what the witness knows about the case and what testimony the witness will give.

Not Required to Accept Uncontradicted Testimony

You are not required to accept testimony, even though the testimony is uncontradicted and the witness is not impeached. You may decide, because of the witness's bearing and demeanor, or because of the inherent improbability of the witness's testimony, or for other reasons you find sufficient, that such testimony is not worthy of belief.

Impeachment by Prior Inconsistent Statement Not Under Oath

You have heard the testimony of [name]. You have also heard that before this trial that this witness made a statement that may be different from that witness's testimony here in court.

This earlier statement was brought to your attention only to help you decide how believable this witness's testimony was. You cannot use it as proof of anything else. You can only use it as one way of evaluating this witness's testimony here in court.

Lawyers' Objections

The lawyers for both sides objected to some of the things that were said or done during the trial. Do not hold that against either side. The lawyers have a duty to object whenever they think that something is not permitted by the rules of evidence. Those rules are designed to make sure that both sides receive a fair trial.

And do not interpret my rulings on the lawyers' objections as any indication of how I think the case should be decided. My rulings were based on the rules of evidence, not on any opinion I might have about the case. Remember that your decision must be based only on the evidence that you saw and heard here in court.

Introduction

That concludes the part of my instructions explaining your duties and the general rules that apply in every civil case. In a moment, I will explain the elements of the plaintiff's claims against the defendants.

But before I do that, I want to emphasize that this trial is only on the particular claims alleged in plaintiff's complaint filed in this case. Your job is limited to deciding whether the plaintiff has proved the claims alleged in this case.

Preponderance of the Evidence

The burden is on the plaintiff to prove every essential element of a claim by a preponderance of the evidence. If the proof should fail to establish any essential element of the plaintiff's claims by a preponderance of the evidence, you should find for the defendants as to that claim.

To "establish by a preponderance of the evidence" means to prove that something is more likely so than not so. In other words, a preponderance of the evidence means such evidence as, when considered and compared with that opposed to it, has more convincing force, and produces in your minds belief that what is sought to be proved is more likely true than not true. If, on any issue in the case, the evidence is equally balanced, you cannot find that issue has been proved by a preponderance of the evidence.

This rule does not, of course, require proof to an absolute certainty, since proof to an absolute certainty is seldom possible in any case. Furthermore, this does not require proof beyond a reasonable doubt. Proof beyond a reasonable doubt is a stricter standard that applies in criminal cases. It does not apply in civil cases such as this.

Burden of Proof

In these instructions you are told that your verdict depends on whether you find certain facts have been proved. The burden of proving a fact is upon the party whose claim [or defense] depends upon that fact. The party who has the burden of proving a fact must prove it by the preponderance of the evidence, which I have already defined for you.

If a preponderance of the evidence does not support each essential element of a claim, then the jury should find against the party having the burden of proof on that claim.

Nature of Action

Plaintiff claims damages alleged to have been sustained as the result of a deprivation, under color of state law, of a right secured to him by the Fourth Amendment of the United States Constitution and by a federal statute protecting the civil rights of all persons within the United States.

Plaintiff Caron Spencer alleges that the Defendant Michigan State Police Trooper Craig MacDonald subjected him to a deprivation of rights and privileges secured and protected by the Constitution and laws of the United States, namely the constitutional right to be free from the unreasonable and excessive use of force. Plaintiff also alleges that Defendant Trooper Jack Taeff failed to intervene to prevent the excessive force.

Plaintiff also alleges that the Trooper MacDonald violated his rights under the United States Constitution by falsely arresting him.

Defendants deny that any of their actions during the time in question violated Plaintiff's constitutional rights. Defendants maintain that they were acting in good faith and that their actions were reasonable. Defendants further claim that they were not guilty of any fault or wrongdoing in regard to the incident sued upon.

The Fourth Amendment

Plaintiff claims that Defendants violated his rights under the Fourth Amendment to the United State Constitution. In pertinent part, the Fourth Amendment states that “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated....”

The use of unreasonable or excessive use of force by a police officer against a citizen violates the provision of the Fourth Amendment just read to you. When a police officer uses unreasonable or excessive force against a citizen, or falsely arrests a citizen, or fails to intervene and protect a citizen from excessive and/or unreasonable force, the citizen may then recover damages against the police officer under Section 1983.

Constitutional Rights Protected By 42 U.S.C. § 1983

Section 1983 of Title 42 of the United States Code provides that any citizen may seek redress in this court by way of damages against any person who, under color of state law, deprives that citizen of any rights, privileges, or immunities secured or protected by the constitution or laws of the United States.

In order to prove his claim under this statute, and with respect to each Defendant, Plaintiff must establish by a preponderance of the evidence each of the following elements:

- (1) Defendant intentionally committed acts that operated to deprive the plaintiff of a right secured by the Constitution of the United States;
- (2) Defendant acted under color of the authority of the State of Michigan.
- (3) Defendant's acts were the legal cause of plaintiff's damages.

Essential Elements of an Excessive Force Claim

You are instructed that Defendants were acting under color of state law at the time of the acts complained of in this case. Plaintiff alleges that Defendants used excessive or unreasonable force against them. United States citizens are protected, against the use of excessive force by the Fourth Amendment to the Constitution. In order to prove that the defendants used excessive force in violation of the Fourth Amendment, the plaintiff must prove each of the following claims by a preponderance of the evidence:

- (1) some harm, that
- (2) resulted directly and only from the use of force that was clearly excessive to the need; and the excessiveness of which was
- (3) objectively unreasonable in light of the facts and circumstances at the time.

Excessive Force Claim and the Reasonableness Inquiry

The “reasonableness” inquiry in an excessive force case is an objective one: the question is whether the officer’s actions are “objectively reasonable” in light of the facts and circumstances confronting them, without regard to their underlying intent or motivation. An officer’s evil intentions will not make a Fourth Amendment violation out of an objectively reasonable use of force; nor will an officer’s good intentions make an objectively unreasonable use of force constitutional.

The United States Supreme Court has long recognized that the right to make an arrest necessarily carries with it the right to use some degree of physical coercion or threat thereof to effect it. Because the test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application, however, its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether he is actively resisting arrest or attempting to evade arrest by flight. Not every arrest requires the use of force. You must determine whether the totality of the circumstances justifies a particular sort of seizure.

You must recognize the fact that police officers are often forced to make split-second judgments— in circumstances that are tense, uncertain, and rapidly

evolving— about the amount of force that is necessary in a particular situation. The “reasonableness” of Defendant’s conduct must be judged from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

You must decide whether Defendant MacDonald’s use of force was unreasonable from the perspective of a reasonable officer facing the same circumstances as known by Defendant MacDonald at the time. In deciding whether the use of force was unreasonable, you must not consider whether the police officer’s intentions were good or bad.

Essential Elements of a False Arrest Claim

In order to prove this claim, the Plaintiff must prove by a preponderance of the evidence each of the following facts:

First: That the Defendant intentionally committed acts that operated to deprive Plaintiff of his Fourth Amendment right to be free from an unlawful arrest.

Second: That in so doing the Defendant acted “under color” of the authority of the State of Michigan; and

Third: That the Defendant’s acts were a proximate cause of damages sustained by the Plaintiff.

In this case the parties have stipulated or agreed that the Defendants acted “under color” of state law and you should, therefore, accept that fact as proven.

False Arrest Claim

In this case, Plaintiff claims to have been unlawfully arrested. The United States Constitution provides that no person may be arrested without due process of law. This means that a person may not be arrested without probable cause for such an arrest.

For a police officer to have probable cause for arrest, there must be facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing, in the circumstances shown, that the suspect has committed, is committing or is about to commit an offense.

You should ask whether the police officer acted reasonably under the circumstances, not whether another reasonable, or more reasonable, interpretation of the events can be constructed after the fact. You must assess probable cause from the perspective of a reasonable officer on the scene, rather than with the 20/20 vision of hindsight.

The law does not require certainty that a crime occurred, only a reasonable suspicion. Once an officer establishes probable cause, he or she is under no obligation to continue investigating and may instead pursue the arrest of a suspect. A policeman, however, is under no obligation to give any credence to a suspect's story nor should a plausible explanation in any sense require the officer to forego

arrest pending further investigation if the facts as initially discovered provide probable cause.

Failure to Intervene Claim

Plaintiff claims that Defendant Taeff failed to intervene on his behalf to prevent and/or stop the use of excessive force. It is clear that there are circumstances under which police officers can be held liable for failure to protect a person from the use of excessive force. A police officer may be held liable for failing to prevent the excessive use of force when the following elements are met:

1. The officer observed or had reason to know that excessive force would be or was being used; and
2. The officer had both the opportunity and the means to prevent the harm from occurring.

If you find that Plaintiff has met both of the above elements, then your verdict must be in favor of Plaintiff as to that claim.

Defendant Taeff's mere presence on the scene is not enough to establish Plaintiff's failure to intervene claim. You must assess his conduct individually based upon his own actions and the factors just listed.

Intentional Act Required, But Not Specific Intent

In order to find in favor of the Plaintiff, you must find that the Defendants purposefully inflicted injury upon Plaintiff. In other words, a negligent act is insufficient to support a violation under 42 U.S.C. § 1983. Plaintiff need not prove, however, that the Defendants acted with specific intent to deprive Plaintiff of a federal right.

Proximate Cause

An injury or damage is proximately caused by an act, or a failure to act, whenever it appears from the evidence in the case, that the act or omission played a substantial part in bringing about or actually causing the injury or damage, and that the injury or damage was either a direct result or a reasonably probable consequence of the act or omission.

More than One Proximate Cause

There may be more than one proximate cause. To be a proximate cause, the claimed conduct need not be the only cause or the last cause. A cause may be proximate although it and another act at the same time or in combination to produce the occurrence.

Proximate Cause and Proximately Contributed

As previously instructed, “proximate cause or proximately contributed” means, first, that there must have been a connection between the defendants’ actions and the plaintiff’s injury and, second, that the occurrence which is claimed to have produced the injury was a natural and probable result of the defendants’ conduct.

Consider Damages Only If Necessary

If the plaintiff has proven a claim against the defendants by a preponderance of the evidence, you must determine the damages to which the plaintiff is entitled. You should not interpret the fact that I am giving instructions about the plaintiff's damages as an indication in any way that I believe that the plaintiff should, or should not, win this case. It is your task first to decide whether the defendants are liable. I am instructing you on damages only so that you will have guidance in the event you decide that the defendants are liable and that the plaintiff is entitled to recover money from the defendants.

Damages - Reasonable - Not Speculative

Damages must be reasonable. If you should find that the plaintiff is entitled to a verdict, you may award the plaintiff only such damages as will reasonably compensate the plaintiff for such injury and damage. There must be a preponderance of the evidence in the case that these damages were sustained as a proximate result of defendants' acts or omissions.

Damages are not allowed as a punishment and cannot be imposed or increased to penalize the defendants. On the other hand, compensatory damages are not restricted to actual loss of time or money; they cover both the mental and physical aspects of injury—tangible and intangible. They are an attempt to restore the plaintiff, that is, to make the plaintiff whole or as the plaintiff was immediately prior to the injuries.

You are not permitted to award speculative damages. So, you are not to include in any verdict compensation for any prospective loss which, although possible, is not reasonably certain to occur in the future.

Measure of Damages

If you decide that Plaintiff is entitled to damages, it is your duty to determine the amount of money which reasonably, fairly and adequately compensates him for each of the elements of damage which you decide has resulted from the misconduct of the defendants taking into account the nature and extent of the injury.

You should include each of the following elements of damage which you decide has been sustained by Plaintiff Caron Spencer to the present time:

- a. physical pain and suffering
- b. mental anguish;
- c. fright and shock;
- d. embarrassment, humiliation or mortification;

Which, if any, of these elements of damage has been proved is for you to decide based upon the evidence and not upon speculation, guess, or conjecture. The amount of money to be awarded for certain of these elements of damage cannot be proved by a precise dollar amount. The law leaves such amount to your sound judgment.

Nominal Damages

If you find that Plaintiff suffered a constitutional violation, but you find that the plaintiff has failed to prove actual damages, you shall return an award of nominal damages not to exceed one dollar.

Punitive Damages

In addition to the damages mentioned in other instructions, the law permits the jury under certain circumstances to award the injured person punitive damages in order to punish the defendant and to serve as an example or warning to others not to engage in such conduct.

If you find in favor of Plaintiff and against Defendants and if you find Defendants' conduct was reckless or callously indifferent to Plaintiff's constitutional rights, then, in addition to any other damages if you find it is appropriate to punish defendant and deter other police officers from like conduct in the future. Whether to award Plaintiff punitive damages and the amount of those damages are within your sound discretion.

Avoidance of Double Recovery

If you find that either defendant violated more than one of Plaintiff's rights, Plaintiff is entitled to be compensated only for the injuries Plaintiff actually suffered.

Thus, if either Defendant violated more than one of Plaintiff's rights, but the resulting injury was not greater than it would have been had that defendant violated one of those rights, you should award an amount of compensatory damages no greater than you would award if defendant had violated only one of Plaintiff's rights.

However, if either defendant violated more than one of Plaintiff's rights and you can identify separate injuries resulting from the separate violations, you should award an amount of compensatory damages equal to the total of the damages you believe will fairly and just compensate Plaintiff for the separate injuries plaintiff has suffered.

Effect of Instruction as to Damages

The fact that I have instructed you as to the proper measure of damages should not be considered as indicating any view of mine as to which party is entitled to your verdict in this case. Instructions as to the measure of damages are given for your guidance only in the event you should find in favor of the plaintiff from a preponderance of the evidence in the case in accordance with the other instructions.

Introduction

That concludes the part of my instructions explaining the elements of the claims made by plaintiff and how to calculate damages if you find that damages should be awarded.

Now let me explain some things about your deliberations in the jury room, and your possible verdicts.

The first thing that you should do in the jury room is choose someone to be your foreperson. This person will help to guide your discussions, and will speak for you here in court.

Once you start deliberating, do not talk to the jury officer, or to me, or to anyone else except each other about the case. If you have any question or message, you must write it down on a piece of paper, sign it, and then give it to the jury officer. The officer will give the message to me, and I will respond as soon as I can. I may have to talk to the lawyers about what you have asked, so it may take me some time to get back to you. Any question or message normally should be sent to me through your foreperson.

You will be given the documents that were admitted into evidence. If you want to see any of the exhibits that were admitted into evidence and which you do not have, you may send me a message, and those exhibits will be provided to you.

One more thing about messages. Do not ever write down or tell anyone how you stand on your votes. For example, do not write down or tell anyone that you are split, or whatever your vote happens to be. That should stay secret until you are finished.

Research and Investigation

Remember that you must make your decision based only on the evidence that you saw and heard here in court. The instructions I have given you throughout trial also apply to your deliberations. Do not try to gather any information about the case on your own. Do not bring any book, like a dictionary, or anything else with you to help you with your deliberations. Do not conduct any independent research, reading, or investigation about the case.

In addition to not discussing the case with anyone in person or on the telephone, you are not to use electronic communications about this case with anyone until you have reached your final conclusion in the case and you are told that you can discuss the case under the conditions that I will describe to you at that time. It would violate your oath, for example, to try to keep a family member, friend, or the media up-to-date about what is happening during the trial or while you are in the jury room. For example, do not use email, or a site such as “Twitter” to communicate about the case. Such communications, whether you intend so or not, would involve people who are not jurors in possibly influencing you in your decision at the conclusion of the trial. These people have not taken your oath to make a decision based solely on the evidence that you hear in court. Remember, that both parties are entitled to a fair trial by you and you must follow the instructions as to the law that I am giving you now and that I gave you throughout

the trial. Make your decision based only on the evidence that you saw and heard here in court.

Duty to Deliberate

Now that all the evidence is in and the arguments are completed, you are free to talk about the case in the jury room. In fact, it is your duty to talk with each other about the evidence, and to make every reasonable effort you can to reach unanimous agreement. Talk with each other, listen carefully and respectfully to each other's views, and keep an open mind as you listen to what your fellow jurors have to say. Try your best to work out your differences. Do not hesitate to change your mind if you are convinced that other jurors are right and that your original position was wrong.

Also, be mindful that you each may process information differently or have different approaches to your deliberations. For example, some of you may need to think quietly while others may want to openly discuss their thoughts. It may take more time for some of you, than for others, to reach a decision. Be patient and considerate of each other's needs as you deliberate. Try your best to work out your differences. Do not hesitate to change your mind if you are convinced that other jurors are right and that your original position was wrong.

But do not ever change your mind just because other jurors see things differently, or just to get the case over with. In the end, your vote must be exactly that--your own vote. It is important for you to reach agreement, but only if you can do so honestly and in good conscience.

No one will be allowed to hear your discussions in the jury room, and no record will be made of what you say. So you should all feel free to speak your minds.

Listen carefully to what the other jurors have to say, and then decide for yourself whether plaintiff's claims were proved by a preponderance of the evidence.

Verdict Form

I have prepared verdict forms for your use. A verdict form is simply the written notice of your decision. Whatever decision you reach in this case must be the unanimous decision of all of you. When all of you agree upon a verdict, it will be received as your verdict. **[EXPLAIN FORM]**

After the verdict forms is completed, your foreperson should give a written note to the bailiff. That person will deliver that note to me, you will be called into the courtroom, and your foreperson will deliver the verdict to me in the courtroom. The parties will then be informed of your verdicts.

Court Has No Opinion

Let me emphasize something that I said to you earlier. Nothing that I have said or done during this trial was meant to influence your decision in any way. You decide for yourselves whether the plaintiff's claims were proved by a preponderance of the evidence.