

GUIDE TO THE USE OF THIS BOOKNeed for Adaptation in Individual Cases

These instructions are intended to state the law applicable in typical fact situations. In some instances the facts may call into play alternative rules of law or special rules, exceptions, or defenses and make the pattern instruction given in this book partially or totally inapplicable. The forms contain additional or substitute language at certain places in an attempt to suggest adjustment for frequently encountered factual variations, but to suggest all changes would be impossible. Hence, all pattern instructions should be carefully read and adaptations made, if necessary, before any instruction is given to jury.

One modification that may be consistently necessary is one with regard to the number and gender of persons treated in the instructions. Generally speaking, each defendant, victim, and witness is presumed to be male, and the third person singular form is utilized.

Use of Brackets, Parentheses, Footnotes, and Type Styles

For purposes of clarity and consistency, the Committee has used the following rules in editing its instructions:

(1) The words to be spoken by the judge to the jury are in bold face type. For example: I instruct you that where a note in proper form is produced in court

(2) Directions as to facts that the judge must fill in are set out in parentheses and are italicized. For example: . . . it is presumed that *(specify exhibit)*

(3) Personal pronouns are italicized to indicate that although the masculine form is used another choice might be made. For example: . . . *he* was under 18 years of age at the time *he* Also italicized are examples and certain notes which deserve particular attention.

(4) Alternative words or phrases are indicated in brackets. For example: The defendant was [a retailer] [a wholesaler] [a distributor] In this instance, only the appropriate word is to be used. Though explanatory footnotes are sometimes added, the judge must often determine from context whether choices in brackets are mutually exclusive or not.

(5) Optional language is contained in parentheses. For example: If you answer the first issue "yes" (and the second issue "no") you will In this instance, the parenthetical phrase is to be given only when warranted by the evidence.

(6) Other suggestions or warnings are given in headnotes or footnotes.

Numbering

There are eight major parts of this book. Instructions in Part I (General) bear 100 series numbers; instructions in Part II (Contracts) bear 500-739 series numbers; instructions in Part III (Products Liability) bear 740-750 series numbers; instructions in Part IV (Miscellaneous Torts) bear 800-814 series numbers; instructions in Part V (Family Matters) bear 815 series numbers; instructions in Part VI (Land Actions) bear 820-840 series numbers; instructions in Part VII (Deeds, Wills and Trusts) bear 850-869 series numbers; and instructions in Part VIII (Insurance) bear 870-910 series numbers.

The chapter numbering within the parts is arbitrary. Hopefully the reader will notice some logic to the number assignments within chapters. It is intended to have closely related instructions grouped together. In all chapters, gaps are left for chapter and instruction numbers to be assigned to the future.

