

GUIDE TO THE USE OF THIS BOOK

Need 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: The motor vehicle law provides that a special speed limitation

(2) Directions as to facts that the judge must fill in are set out in parentheses and are italicized. For example: . . . the maximum safe speed was (*state maximum speed limit*)

(3) Personal pronouns are italicized to indicate that although the masculine form is used another choice might be made. For example: . . . *he* shall keep his vehicle in the right-hand lane. . . . Also italicized are examples and certain notes which deserve particular attention.

(4) Alternative words or phrases are indicated in brackets. For example: A [photograph] [map] [model] was introduced into evidence in this case. . . . 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 in this book. Instructions in Part I (General) bear 100 series numbers; instructions in Part II (Specific Acts of Negligence) bear 200 series numbers.

The chapter numbering within the two parts is entirely 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 in the future.