

JURY INSTRUCTIONS
SAMPLE INSTRUCTIONS NO. 1
FINDING INSTRUCTION

You shall find your verdict for the plaintiff if he has proved by the greater weight of the evidence that:

- (1) the defendant was negligent; and that
- (2) the defendant's negligence was a proximate cause of the plaintiff's accident and damages.

You shall find your verdict for the defendant if:

- (1) the plaintiff failed to prove either or both of the two elements above.

SAMPLE INSTRUCTIONS NO. 2
STANDARD OF PROOF: DEFINITION OF GREATER
WEIGHT OF THE EVIDENCE

The greater weight of all the evidence is sometimes called the preponderance of the evidence. It is that evidence which you find more persuasive. The testimony of one witness whom you believe can be greater weight of the evidence.

**SAMPLE INSTRUCTIONS NO. 3
DEFINITION OF NEGLIGENCE**

Negligence is the failure to use ordinary care. Ordinary care is the care a reasonable person would have used under the circumstances of this case.

**SAMPLE INSTRUCTIONS NO. 4
BURDEN OF PROOF**

The plaintiff has the burden of proving by the greater weight of the evidence that the defendant was negligent and that the defendant's negligence proximately caused the accident and any of the injuries to the plaintiff.

**SAMPLE INSTRUCTIONS NO. 5
STATEWIDE OR LOCALITY STANDARD OF CARE FOR
HEALTH CARE PROVIDER**

A doctor has a duty to use the degree of skill and diligence in the care and treatment of his patient that a reasonably prudent doctor in the same field or practice or specialty in this State would have used under the circumstances of this case.

However, if you find that the patient has proved by the greater weight of the evidence that the health care services, health care facilities and customary practices in the locality where the treatment took place make a local standard more appropriate than a statewide standard, then the local standard applies and a doctor has a duty to use the degree of skill and diligence in the care and treatment of his patient that a reasonably prudent doctor in the same field or practice or specialty in the same locality would have used under the circumstances of this case.

If a doctor fails to perform his duty under the standard of care you find applicable, then he is negligent.

SAMPLE INSTRUCTIONS NO. 6
PROOF OF NEGLIGENCE: EXPERT TESTIMONY

You must determine the degree of care that was required of the defendant by considering only the expert testimony on that subject.

SAMPLE INSTRUCTIONS NO. 7
DAMAGES: DEATH BY WRONGFUL ACT

If you find your verdict for the plaintiff, then in determining the damages to which he is entitled, you may consider, but are not limited to, any of the following which you believe by the greater weight of the evidence were caused by the negligence of the decedent as damages suffered by the beneficiaries:

- (1) any sorrow, mental anguish, and loss of solace suffered by the beneficiaries. Solace may include society, companionship, comfort, guidance, kindly offices, and advice of the decedent.
- (2) any reasonably expected loss of income of the decedent suffered by the beneficiaries; and
- (3) any reasonably expected loss of services, protections, care, and assistance which the decedent provided to the beneficiaries.

If you award damages, you may distribute these damages among [between] (name of spouse, children, and children of any deceased child of decedent) or (name of surviving statutory beneficiaries).

If you find your verdict for the plaintiff, you shall award damages for:

- (1) any expenses for the care, treatment, and hospitalization of the decedent incident to the injury resulting in his death;
- (2) reasonable funeral expenses.