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By

H. ALSTON JOHNSON, III
Member of the Louisiana Bar and
Adjunct Professor of Law,
Louisiana State University



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PREFACE

This seventh annual supplement to the Third Edition was prepared in July, 2018. For the most part, the comments are of the usual type—simply noting that an instruction in the Main Volume was given by the trial court and approved by the appellate court. Or perhaps in some instances, something very close to the instruction in the Main Volume was given and approved, thus giving the trial courts and trial lawyers an alternative wording to express a particular concept if they wish to do so.

Readers are reminded that several years ago now, the Supreme Court of Louisiana adopted the proposal of its Committee to Consider Plain Jury Instructions containing standard opening and closing instructions in civil cases, as well as some interim instructions on selected topics. These standard instructions appear as Rule 44 of the Supreme Court Rules and according to the rule “should be used in all civil jury trials in the State.” As a result, this 2018-2019 supplement continues to contain notations of those types of instructions that have been superseded by the new Rule 44.

The adopted standard instructions were the product of almost four years of work by the appointed committee, chaired by the author and including Judges Guy Holdridge, Rosemary Ledet and James Stewart, and practitioner Julie Baxter, with the assistance of Supreme Court legal staff members Tereze Matta and Kristina Kent.

As always, the author is open to suggestions for additions or improvements.

H. ALSTON JOHNSON

Baton Rouge, Louisiana
November 1, 2018

ABOUT THE AUTHOR

H. Alston Johnson received his undergraduate degree from Georgetown University in 1967 and his law degree from Louisiana State University in 1970, where he was a senior associate editor of the Louisiana Law Review and a member of the Order of the Coif. He was admitted to practice in Louisiana in 1970 and thereafter participated in a graduate law program at the University of Grenoble in France. After a very brief stint in private practice in Shreveport and military service, he joined the law faculty at Louisiana State University in 1972 and was a full-time member of that faculty until 1984, achieving the rank of full professor in 1978. He has continued to teach a variety of subjects at the law school of Louisiana State University. In the spring semester of 2012, he returned to full-time teaching on the law faculty at Louisiana State University for three semesters. On June 1, 2013, he reverted to his prior adjunct status on that faculty and continues an active law practice.

In 1984, he had left the full-time faculty to open the Baton Rouge branch office of Phelps Dunbar, the first in its 130-year history at that time. By 2016, the office has grown to over 50 attorneys. He has been fellow of the American Academy of Appellate Lawyers and received the Louisiana State Bar Foundation's Distinguished Attorney Award in 2005 along with the Louisiana State Bar Association's Boisfontaine Trial Advocacy Award in that same year. He is an emeritus member of the American Law Institute and served two terms on the Council of the Louisiana State Law Institute.

With Shelby McKenzie, he is the co-author of *Louisiana Insurance Law and Practice* (4th ed., Thomson West, 2012, with annual pocket parts). He is also the author of *Louisiana Workers' Compensation Law and Practice* (5th ed., Thomson West, 2010, with annual pocket parts) and of *Louisiana Civil Jury Instructions* (3d ed., Thomson West, 2011, with annual pocket parts). He has been a frequent speaker at CLE seminars for a wide variety of groups, and served for more than twenty years on the faculties for the Louisiana State Bar Association's Summer School for Lawyers and the Louisiana Judicial College's Summer School for Judges.

He was the Chairman of the Governor's Advisory Committee on Tort and Insurance Reform in 1988, as well as a member of

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the Legislative Task Force on the Workload of the Louisiana Appellate Courts from 2001-2003. He has served the legal profession as a member of the Selection Committee for the U.S. Bankruptcy Judge in the Middle District of Louisiana in 2001 (by appointment of the Chief Judge of the United States Court of Appeals for the Fifth Circuit) and as a member of the Civil Justice Reform Act Advisory Group for the U.S. District Court for the Middle District of Louisiana from 1991-1995 (by appointment of the Chief Judge of the Middle District). From 2007 to 2009, he was also special counsel to the Judicial Conference of the United States Court of Appeals for the Fifth Circuit with regard to the investigation of certain charges of judicial misconduct by a sitting federal district judge.

He has also served his community as a board member and sometimes as board chairman of such entities as the Wex Malone Chapter of the American Inns of Court, Catholic Community Services of the Diocese of Baton Rouge, the Friends of Louisiana Public Broadcasting, Cancer Services of Greater Baton Rouge and the Foundation for Excellence in Louisiana Public Broadcasting.

He served, by appointment of the Supreme Court of Louisiana, as the chair of the Committee to Consider Plain Civil Jury Instructions. With four other active members of that committee, work began in early 2011 to produce drafts of such instructions for consideration by the Supreme Court of Louisiana, and the first products of that work were adopted as pattern jury instructions in October, 2014 in Rule 44 of the Supreme Court Rules.



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