

Index

References are to MAI Instruction Number

ACCIDENTS

- Motor Vehicles, this index
- Unavoidable accident instructions, 1.01

ACCOUNT STATED

- Mature debts, 26.04

ADJOURNMENTS

- Admonitions at, recommended; explanatory instructions, 2.00(B)

ADVANCE PAYMENTS

- Prohibited instructions, 1.06
- Withdrawal instructions, 34.05

AFFIRMATIVE DEFENSES

- Generally, 32.01
- Battery
 - Consent, 32.08
 - Invasion of property, resisting, 32.10
 - Self-defense, 32.11
 - Trespasser, ejecting, 32.09
- Comparative fault
 - Complete affirmative defenses, 37.06
 - Dangers, failure to warn of
 - known dangers, 32.02
 - reasonably apparent dangers, 32.03
- Guest passenger
 - interfering with driver, 32.04
 - intoxicated driver, rider with, 32.05
- Invitee injured, failure to keep lookout, 32.28
- Malpractice, 32.06
- Multiple negligent acts submitted, 32.01(2)
- Single negligent act submitted, 32.01(1)
- Wrongful death, 32.01(3)
- Conversion
 - Abandonment, 32.27
 - Consent, 32.26
- Damages, failure to mitigate, 32.29
- Dangers, failure to warn of
 - Known dangers, 32.02
 - Reasonably apparent dangers, 32.03
- False imprisonment; shoplifting, 32.13

MISSOURI APPROVED JURY INSTRUCTIONS

AFFIRMATIVE DEFENSES—Cont'd

- Family relationship, 32.16
- Federal Employers' Liability Act
 - Contributory negligence, 24.04(B), 32.07, 32.07(B)
 - Damages, failure to mitigate, 24.04(A), 32.07(A)
- Gratuitous furnishing of services, 32.15
- Guest passenger
 - Interfering with driver, 32.04
 - Intoxicated driver, riding with, 32.05
- Insurance
 - Life insurance
 - misrepresentation of material fact; not warranted, 32.19
 - warranty breach, 32.20
 - Policy defense, 32.24
- Invitee injured, failure to keep lookout; comparative fault, 32.28
- Libel or slander; truth as defense, 32.12
- Multiple negligent acts submitted, 32.01(2)
- Product liability, strict liability; contributory fault, 32.23
- Release
 - Generally, 32.21
 - Fraud, obtained by; avoidance of affirmative defense, 32.22
- Services furnished decedent, payment for, 32.14
- Shoplifting; false imprisonment, 32.13
- Single negligent act submitted, 32.01(1)
- Slander; truth as defense, 32.12
- Warrant under UCC, exclusion of implied, 32.25
- Will contests
 - Fraud invalidating will, 15.07
 - Undue influence, 15.08
- Wrongful death, 32.01(3)

AGE

- Juror bias; explanatory instructions, 2.00(C), 2.03(A)

AGENCY

- Generally, 13.01
- Apparent authority; contract
 - Agent's acts with principal's knowledge, 13.07(2)
 - Principal's conduct, 13.07(1)
- Battery committed by servant, 13.02
- Independent contractor; scope of agency, 13.06
- Right angle collision and agency in issue illustration; counterclaim for personal injury by employee, 35.04
- Scope of employment
 - Generally, 13.05
 - Dual purpose acts, 13.03
 - Route deviation, 13.04
- Servant or independent contractor; scope of agency, 13.06
- Verdict directing modification required, 18.01

INDEX

AGENCY—Cont'd

- Vicarious liability; comparative fault
- Agency in issue, 37.05(1)
- Agency not disputed, 37.05(2)

AGREEMENTS

- Contracts, this index

APPORTIONMENT OF FAULT

- All from whom apportionment sought; plaintiff's claim and apportionment decided in same trial
 - Plaintiff claiming against, 4.12
 - Plaintiff not claiming against, 4.13
- Health care providers and apportionment to settling tortfeasor under 0167 538.230
 - Illustrations
 - comparative fault, 35.21
 - no comparative fault, 35.22
 - Limiting instruction, 21.06
- Illustrations
 - Defendant adjudged at fault in prior trial claiming apportionment in separate trial, 35.02
 - Head-on collision and third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03
 - Health care providers and apportionment to settling tortfeasor under 0167 538.230
 - comparative fault, 35.21
 - no comparative fault, 35.22
 - Multiple defendants and damages and apportionment determined in same trial, 35.05
 - Negligence and strict liability combined; comparative fault and apportionment of fault among defendants, 35.15
 - Punitive damages and bifurcated trial; no comparative fault, 35.19
- Multiple defendants and damages and apportionment determined in same trial; illustrations, 35.05
- Punitive damages and bifurcated trial, illustration of; no comparative fault, 35.19
- Separate trial, 4.14, 35.02

ASSAULT

- Verdict directing, 23.01

ASSUMPTION OF RISK

- Federal Employers' Liability Act and withdrawal instruction, 24.05, 34.04

ATTORNEYS' FEES

- Insurance company's vexatious refusal to pay, penalty and attorney's fees award for
 - Exemplary damages, 10.08
 - Form of verdict, 36.10

AUTOMOBILES

Motor Vehicles, this index

BATTERY

Affirmative defenses
Consent, 32.08
Invasion of property, resisting, 32.10
Self-defense, 32.11
Trespasser, ejecting, 32.09
Agency; battery committed by servant, 13.02
Consent as affirmative defense, 32.08
Intent to induce apprehension, 23.03
Invasion of property, resisting, 32.10
Self-defense, 32.11
Trespasser, ejecting; affirmative defense, 32.09
Verdict directing, 23.02, 23.03

BENCH CONFERENCES

Explanatory instructions, 2.01

BIAS

Juror; explanatory instructions, 2.00(C), 2.03(A)

BREACH OF WARRANTIES

Accepted goods; Uniform Commercial Code, 4.17
Implied warranty of fitness for consumption, common law, 25.02
Personalty, title to, 25.01
Uniform Commercial Code
Accepted goods, 4.17
Express warranty, 25.07
Implied warranty of fitness, common law, 25.03
Implied warranty of merchantability, 25.08

BROKER'S COMMISSION

Damages
Agreed percentage, 4.05
No amount agreed, 4.06
Real estate commission
Agreed commission; sale consummated, 29.02
Exclusive right to sell, 29.04
No agreed commission; sale consummated, 29.03
Sale consummated
agreed commission, 29.02
exclusive right to sell, 29.04
no agreed commission, 29.03
Sale not consummated, 29.01

BURDEN OF PROOF

Generally, 3.01
Eminent domain, 9.03

INDEX

BURDEN OF PROOF—Cont'd

- Gift; clear and convincing evidence, 3.04
- Mental illness, commitment for; clear and convincing evidence, 3.07
- Paternity actions, 3.08
- Will contests, 15.03

BUSINESS JUDGMENT RULE

- Employment discrimination; actions accruing on or after August 28, 2017, 38.08

BUS PASSENGERS

- Res ipsa loquitur, 31.02(2)

CASE SUMMARY

- Early case summary
- General comment, E1.00
- Instruction, E1.01

CHILDREN

- Consortium, loss of
- Comparative fault or noncomparative fault submissions, 31.04
- Damages; comparative fault, 37.09
- Medical malpractice involving injury to minor illustration, derivative claim; no comparative fault, 35.20
- Negligence of minor defined, 11.04
- Paternity actions
- Burden of proof, 3.08
- Forms of verdict, 36.28
- No statutory presumption, 31.18
- Rebuttal of statutory presumption, 31.20
- Statutory presumption, 31.19
- Trespassing children, 22.01

CLEAR AND CONVINCING EVIDENCE

- Gift; burden of proof, 3.04
- Mental illness, commitment for, 3.07

CLOSING ARGUMENTS

- Explanatory instructions, 2.01

COLLATERAL SOURCE PAYMENTS

- Withdrawal instructions, 34.05

COMMISSIONS

- Real estate commission
- Agreed commission; sale consummated, 29.02
- Exclusive right to sell, 29.04
- No agreed commission; sale consummated, 29.03
- Sale consummated
- agreed commission, 29.02
- exclusive right to sell, 29.04
- no agreed commission, 29.03
- Sale not consummated, 29.01

MISSOURI APPROVED JURY INSTRUCTIONS

COMPARATIVE FAULT

See also specific headings

Generally, 37.00

Combined injury and derivative claims, 37.09

Converse instructions

Generally, 33.01

Plaintiff or defendant, 37.04

Damages, 37.03

Form of verdict; plaintiff versus defendant, 37.07

Loss of consortium, loss of services or medical expenses; spouse or child injured, 37.08

Modification, verdict directing, 37.01

Required change of former contributory negligence instruction to submit plaintiff's, 37.02

Vicarious liability

Agency in issue, 37.05(1)

Agency not disputed, 37.05(2)

CONDEMNATION

Eminent Domain, this index

CONJUNCTIVE SUBMISSIONS

Prohibited instructions, 1.02

CONSORTIUM, LOSS OF

Child injured

Comparative fault or noncomparative fault submissions, 31.04

Damages; comparative fault, 37.09

Head-on collision and comparative fault; illustrations, 35.16

Health care providers, actions against, 21.07, 35.18

Illustrations

Head-on collision and comparative fault, 35.16

Health care provider, action against; comparative fault, 35.18

Spouse or child injured

Comparative fault or noncomparative fault submissions, 31.04

Damages; comparative fault, 37.09

CONTRACTS

Account stated; mature debts, 26.04

Agency; apparent authority

Agent's acts with principal's knowledge, 13.07(2)

Principal's conduct, 13.07(1)

Amount, action on, 26.03

Bilateral contract, breach of

Breach sole issue, 26.02

Substantial performance in issue; illustrations, 35.07

Substantial performance sufficient, when, 26.07

Terms and breach in issue, 26.06

INDEX

CONTRACTS—Cont'd

Breach

Bilateral contract

- breach sole issue, 26.02
- substantial performance in issue; illustrations, 35.07
- substantial performance sufficient, when, 26.07
- terms and breach in issue, 26.06

Unilateral contract, 26.01

Interference with contract, tortious; verdict directing, 23.11

Quantum meruit; goods or services furnished, 26.05

Services furnished decedent

Express contract where family relationship is admitted or issue, 28.01

Implied contract where family relationship is admitted or issue, 28.02

Substantial performance

Bilateral contract and, 26.07, 35.07

Submission; damages, 4.08

Tortious interference with contract, tortious; verdict directing, 23.11

Unilateral contract, breach of, 26.01

CONVERSE INSTRUCTIONS

Generally, 33.01

Affirmative converse, 33.01

“If you believe” introduction, verdict directing using affirmative converse, 33.05(1)

Negligence per se, legal justification for, 33.05(2)

Alternative verdict directors, 33.01

Causation, 33.04

Comparative fault

Generally, 33.01

Plaintiff or defendant, 37.04

Damages, 33.04

Exemplary damages, 33.16

“If you believe” introduction, verdict directing using affirmative converse, 33.05(1)

Negligence

Per se, legal justification for; affirmative converse, 33.05(2)

“Unless you believe” introduction, 33.04

Number of instructions allowed, 33.01

True converse, 33.01

“Unless you believe” introduction

Verdict directing 22.02, 22.03, 22.04 and 22.05, 33.15

Verdict directing 17.01 using, 33.03

Verdict directing 17.02 using, 33.04

CONVERSION

Abandonment; affirmative defenses, 32.27

Affirmative defenses

Abandonment, 32.27

Consent, 32.26

CONVERSION—Cont'd

Consent; affirmative defenses, 32.26
Surrender possession, failure to, 23.12(2)
Taking, 23.12(1)

CRIMINAL ACTIONS

Malicious prosecution
Actual damages, liability for, 16.01(2)
Initiating or continuing; verdict directing, 23.07
Reasonable grounds, 16.05

DAMAGES

Admission of negligence only; causation and damages still at issue, 31.07(B)
Amount not in dispute, 4.09
Amount of damages only issue; verdict directing
Admission of liability, 31.07(A)
Apportionment of fault
All from whom apportionment sought; plaintiff's claim and apportionment decided in same trial
plaintiff claiming against, 4.12
plaintiff not claiming against, 4.13
Defendant adjudged at fault in prior trial claiming apportionment in separate trial; illustration, 35.02
Head-on collision and third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03
Health care providers and apportionment to settling tortfeasor under 0167 538.230
comparative fault; illustrations, 35.21
limiting instruction, 21.06
no comparative fault; illustrations, 35.22
Illustrations
defendant adjudged at fault in prior trial claiming apportionment in separate trial, 35.02
multiple defendants and damages and apportionment determined in same trial, 35.05
negligence and strict liability combined; comparative fault and apportionment of fault among defendants, 35.15
punitive damages and bifurcated trial; no comparative fault, 35.19
Multiple defendants and damages and apportionment determined in same trial; illustration, 35.05
Negligence and strict liability combined illustration; comparative fault and apportionment of fault among defendants, 35.15
Punitive damages and bifurcated trial illustration; no comparative fault, 35.19
Separate trial, 4.14, 35.02
Broker's commission
Agreed percentage, 4.05
No amount agreed, 4.06
Causation and damages still at issue; admission of negligence only, 31.07(B)
Comparative fault, 37.03

INDEX

DAMAGES—Cont'd

- Contract substantial performance submitted, 4.08
- Converse instructions, 33.04
- Ejectment, 27.03, 27.05
- Eminent domain
 - All property taken, 9.01, 9.06
 - Burden of proof, 9.03
 - Part of property taken, 9.02, 9.07
 - Remainder, evidence of damage to; part of property taken, 9.07
 - Verdict directing where authority claims “no damage” from taking, 9.04
 - Withdrawal instructions; general benefits, 9.05
- Employment discrimination under Missouri Human Rights Act; damages for actions accruing on or after August 28, 2017, 38.09
- Exemplary damages. Punitive damages, below
- Federal Employers’ Liability Act
 - Affirmative defense, failure to mitigate damages as, 24.04(A), 32.07(A)
 - Death of employee, 24.06
 - Injury to employee, 24.07
- Head-on collision and third-party claim against driver of passenger’s vehicle for apportionment of fault; passenger’s suit against other driver, 35.03
- Health care providers
 - Apportionment to settling tortfeasor under 0167 538.230
 - comparative fault; illustrations, 35.21
 - limiting instruction, 21.06
 - no comparative fault; illustrations, 35.22
 - Categories of, 21.05
 - Comparative fault
 - generally, 21.04
 - lost chance of recovery (non-death) cases, 21.15
 - Lost chance of recovery (non-death) cases
 - comparative fault, 21.15
 - no comparative fat, 21.13
 - no comparative fault, 21.13
 - No comparative fault
 - generally, 21.03
 - lost chance of recovery (non-death) cases, 21.13
 - survival, lost chance of, 21.09
 - Survival, lost chance of
 - multiple negligent acts; comparative fault, 21.10
 - no comparative fault, 21.09
- Joint tortfeasors and disputed partial settlement, 7.02
- Libel or slander
 - Plaintiff is public official or public figure, 4.16
 - Plaintiff not public official or public figure, 4.15
 - Punitive damages sought by plaintiff not public official or public figure; burden of proof, 3.06
- Loss of consortium, spouse or child injured; non-comparative fault only, 4.18
- Loss of services, spouse or child injured; non-comparative fault only, 4.18

DAMAGES—Cont'd

- Malicious prosecution
 - Civil actions, 16.01(1)
 - Criminal actions, 16.01(2)
- Medical expenses, spouse or child injured; non-comparative fault only, 4.18
- Mitigate, failure to; affirmative defense, 32.29
- Multiple causes of damage; verdict directing modification, 19.01
- Multiple theories of liability, 2.00
- Overlapping damages, 2.00
- Personal and property, 4.01
- Personal injuries and loss of consortium, loss of services or medical expenses where spouse or child injured; non-comparative fault only, 4.18
- Property damages
 - Ejectment, 27.03, 27.05
 - Personal and, 4.01
 - Property only, 4.02
- Punitive damages
 - Generally, 10.00
 - Conscious disregard for others, negligence constituting, 10.02
 - Converse instructions, 33.16
 - Forms of verdict; actual and punitive damages
 - plaintiff versus defendant, 36.11
 - plaintiff versus two defendants, 36.12
 - Insurance company's vexatious refusal to pay, penalty and attorney's fees award for, 10.08
 - Intentional torts; outrageous conduct, 10.01
 - Libel or slander and punitive damages sought by plaintiff not public official or public figure; burden of proof, 3.06
 - Multiple defendants, 10.03
- Negligence
 - conscious disregard for others, negligence constituting, 10.02
 - strict liability and negligence submitted, 10.06
- Outrageous conduct; intentional torts, 10.01
- Specific acts and knowledge; modification of MAI 10.02, 10.07
- Strict liability
 - both negligence and strict liability submitted, 10.06
 - both product defect and failure to warn submitted, 10.05
 - either product defect or failure to warn submitted, 10.04
- Quantum meruit, 4.04
- Services furnished decedent, action to recover for, 4.07
- Slander. Libel or slander, above
- Uninsured motor vehicles; suit against insurer only, 12.06
- Verdict directing modification; multiple causes of damage, 19.01
- Warranty breach under Uniform Commercial Code; accepted goods, 4.17
- Wrongful death
 - Generally, 5.01
 - Aggravating circumstances, 6.02
 - Mitigating circumstances, 6.01

INDEX

DANGEROUS ACTIVITIES

- Inherently dangerous activities
 - Defined, 16.08
 - Employer's liability for independent contractor, 31.15

DANGEROUS INSTRUMENTALITY

- Negligently supplying
 - Generally, 25.10(A)
 - Supplier's business purposes, for, 25.10(B)

DEATH

- Federal Employers' Liability Act and death of employee; damages
 - Generally, 24.06
- Services furnished decedent, action to recover for, 4.07
- Wrongful death
 - Generally, 5.01
 - Affirmative defenses; comparative fault, 32.01(3)
 - Damages
 - generally, 5.01
 - aggravating circumstances, 6.02
 - mitigating circumstances, 6.01
 - Verdict directing
 - multiple negligent acts submitted, 20.02
 - single negligent act submitted, 20.01

DECEDENTS

- Will Contests, this index

DEFAMATION

- Libel or Slander, this index

DEFENSES

- Affirmative Defenses, this index
- Federal Employers' Liability Act
 - Contributory negligence, 24.04(B), 32.07, 32.07(B)
 - Damages, failure to mitigate, 24.04(A), 32.07(A)

DEFINITIONS

- Ejectment, good faith in, 16.03, 27.06
- Fair market value, 16.02
- Inherently dangerous activity, 16.08
- Malicious prosecution
 - Civil actions
 - actual damages arising out of, liability for, 16.01(1)
 - reasonable grounds, 16.06
 - Criminal actions
 - actual damages arising out of, liability for, 16.01(2)
 - reasonable grounds, 16.05
- Mental illness, commitment for, 16.07

DEFINITIONS—Cont'd

Negligence

Adult, negligence of, 11.02

Different standards of care, 11.08

Health care providers, 11.06

Highest degree of care, 11.01

Minor, negligence of, 11.04

Negligence and highest degree of care combined, 11.03

Negligence and ordinary care, 11.07

Ordinary care

generally, 11.05

manufacturers of certain products, 11.10

negligence and ordinary care combined, 11.07

Substantial performance, 16.04

Will contests

Sound and disposing mind and memory, 15.01

Undue influence, 15.02

Yield the Right-of-Way, this index

DELIBERATIONS

Explanatory instructions, 2.01

DISABILITY

Employment discrimination; verdict directing

August 28, 2017, accrual of actions on or after, 38.07

Pre-August 28, 2017 accrual of actions, 38.01(B)

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

DISCRIMINATION

Employment Discrimination, this index

DRIVEWAY

Yield the right-of-way

Entering from, 14.06

Left turn into, making, 14.07

DRIVING WHILE INTOXICATED

Guest passenger riding intoxicated driver, 32.05

Verdict directing, 17.21

EARLY CASE SUMMARY

General comment, E1.00

Instruction, E1.01

EJECTMENT

Co-tenant, against, 27.02

Damages, 27.03, 27.05

Good faith in; defined, 27.06

Improvements, counterclaim for value of, 27.04

Stranger, against, 27.01

Trespasser, ejecting; affirmative defense, 32.09

INDEX

EJECTMENT—Cont'd

- Verdict directing
 - Co-tenant, ejectment against, 27.02
 - Damages only, 27.03
 - Improvements, counterclaim for value of, 27.04
 - Stranger, ejectment against, 27.01

EMERGENCY INSTRUCTIONS

- Sudden; prohibited instructions, 1.04

EMINENT DOMAIN

- All property taken, 9.01, 9.06
- Burden of proof, 9.03
- Part of property taken, 9.02, 9.07
- Remainder, evidence of damage to; part of property taken, 9.07
- Verdict directing where authority claims “no damage” from taking, 9.04
- Withdrawal instructions; general benefits, 9.05

EMOTIONAL DISTRESS

- Negligent infliction of; verdict directing, 31.23

EMPLOYERS AND EMPLOYEES

- Agency
 - Generally, 13.01
 - Apparent authority; contract
 - agent’s acts with principal’s knowledge, 13.07(2)
 - principal’s conduct, 13.07(1)
 - Battery committed by servant, 13.02
 - Independent contractor; scope of agency, 13.06
 - Right angle collision and agency in issue illustration; counterclaim for personal injury by employee, 35.04
 - Scope of employment
 - generally, 13.05
 - dual purpose acts, 13.03
 - route deviation, 13.04
 - Servant or independent contractor; scope of agency, 13.06
 - Verdict directing modification required, 18.01
 - Vicarious liability; comparative fault
 - agency in issue, 37.05(1)
 - agency not disputed, 37.05(2)
- Discrimination. Employment Discrimination, this index
- Federal Employers’ Liability Act
 - Affirmative defenses
 - contributory negligence, 24.04(B), 32.07, 32.07(B)
 - damages, failure to mitigate, 24.04(A), 32.07(A)
 - Assumption of risk and withdrawal instruction, 24.05, 34.04
 - Contributory negligence as affirmative defenses, 24.04(B), 32.07, 32.07(B)
 - Damages
 - affirmative defense, failure to mitigate damages as, 24.04(A), 32.07(A)
 - death of employee, 24.06

EMPLOYERS AND EMPLOYEES—Cont'd

- Federal Employers' Liability Act—Cont'd
 - Damages—Cont'd
 - injury to employee, 24.07
 - Locomotive Inspection Act violation, 24.02
 - Safe place to work, failure to provide; constructive knowledge disputed, 24.01(B)
 - not in issue, 24.01(A)
 - Safety Appliance Act violation, 24.03
 - Verdict directing
 - Locomotive Inspection Act violation, 24.02
 - safe place to work, failure to provide; constructive knowledge, 24.01(A), 24.01(B)
 - Safety Appliance Act violation, 24.03
- Locomotive Inspection Act violation, 24.02
- Loyalty, employee's breach of duty of; verdict directing, 23.14
- Safe place to work, failure to provide; constructive knowledge
 - Disputed, 24.01(B)
 - Not in issue, 24.01(A)
- Safety Appliance Act violation, 24.03

EMPLOYMENT DISCRIMINATION

- Business judgment rule for actions accruing on or after August 28, 2017, 38.08
- Disability; verdict directing
 - August 28, 2017, accrual of actions on or after, 38.07
 - Pre-August 28, 2017 accrual of actions, 38.01(B)
- Missouri Human Rights Act
 - Business judgment rule for actions accruing on or after August 28, 2017, 38.08
 - Damages for actions accruing on or after August 28, 2017, 38.09
 - Disability; verdict directing
 - August 28, 2017, accrual of actions on or after, 38.07
 - pre-August 28, 2017 accrual of actions, 38.01(B)
 - Lawful justification for actions accruing pre-August 28, 2017, 38.02
 - Verdict directing
 - August 28, 2017, accrual of actions or after, 38.06
 - disability, 38.01(B)
 - pre-August 28, 2017 accrual of actions, 38.01(A), 38.01(B)
 - Verdict form for actions accruing on or after August 28, 2017, 38.10
- Retaliatory discharge or discrimination and workers' compensation; verdict directing, 38.04, 38.05
- Verdict directing
 - Missouri Human Rights Act
 - August 28, 2017, accrual of actions or after, 38.06
 - disability, 38.01(B)
 - pre-August 28, 2017 accrual of actions, 38.01(A), 38.01(B)
 - Retaliatory discharge or discrimination; workers' compensation, 38.04, 38.05
 - Wrongful discharge in violation of public policy, 38.03

INDEX

EMPLOYMENT DISCRIMINATION—Cont'd

Workers' compensation and retaliatory discharge or discrimination; verdict directing, 38.04, 38.05

ERRORS

Verdicts, erroneous; explanatory instructions, 2.06

ESTATES

Will Contests, this index

ETHNICITY

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

EVIDENCE

Burden of proof

Generally, 3.01

Eminent domain, 9.03

Mental illness, commitment for; clear and convincing evidence, 3.07

Paternity actions, 3.08

Will contests, 15.03

Eminent domain

Burden of proof, 9.03

Remainder, evidence of damage to; part of property taken, 9.07

Explanatory instructions, 2.01

Withdrawal instructions, 34.01, 34.02

EXEMPLARY DAMAGES

Punitive Damages, this index

EXPLANATORY INSTRUCTIONS

Adjournment, recommended admonitions at, 2.00(B)

Admonitions at recess or adjournment, recommended, 2.00(B)

All cases, for, 2.01

Bench conferences, 2.01

Bias, juror, 2.00(C), 2.03(A)

Closing arguments, 2.01

Deliberations, 2.01

Describing claim covered by package, 2.00

Erroneous verdict, 2.06

Evidence, 2.01

Facts not assumed, 2.02

Final instructions, 2.01

Inconsistent or erroneous verdict, 2.06

Insurance, benefits, 2.06

Juror questions, 2.01

Jury selection, recommended instruction before, 2.00(A)

Multi-claim submissions, 2.00, 2.05

Multi-party litigation, submissions in, 2.00

Multiple theories of liability, 2.00

Notetaking, 2.01

Numbering, 2.00

EXPLANATORY INSTRUCTIONS—Cont'd

- Objections, 2.01
- Opening statements, 2.01
- Open mind, keeping, 2.01
- Order of instructions, 2.03
- Outside influences, 2.01
- Packaging, 2.00
- Preliminary discussions, 2.01
- Recess, recommended admonitions at, 2.00(B)
- Research or communication about case prohibited, 2.01
- Return of verdict, 2.04
- Rulings of law, 2.01
- Simple cases, packaging not applicable to, 2.00

EXPLOSIVES

- Verdict directing, 31.03

FAIR MARKET VALUE

- Definition, 16.02

FALSE IMPRISONMENT

- Shoplifting; affirmative defense, 32.13
- Verdict directing, 23.04

FAMILY RELATIONSHIPS

- Affirmative defenses, 32.16
- Services furnished decedent
 - Estate, action against by one admittedly not in family relationship, 28.03
 - Express contract where family relationship is admitted or issue, 28.01
 - Implied contract where family relationship is admitted or issue, 28.02
 - Quantum meruit recovery sought where family relationship is issue, 28.04

FEDERAL EMPLOYERS' LIABILITY ACT

- Affirmative defenses
 - Contributory negligence, 24.04(B), 32.07, 32.07(B)
 - Damages, failure to mitigate, 24.04(A), 32.07(A)
- Assumption of risk and withdrawal instruction, 24.05, 34.04
- Contributory negligence as affirmative defenses, 24.04(B), 32.07, 32.07(B)
- Damages
 - Affirmative defense, failure to mitigate damages as, 24.04(A), 32.07(A)
 - Death of employee, 24.06
 - Injury to employee, 24.07
- Defenses. Affirmative defenses, above
- Locomotive Inspection Act violation, 24.02
- Safe place to work, failure to provide; constructive knowledge
 - Disputed, 24.01(B)
 - Not in issue, 24.01(A)
- Safety Appliance Act violation, 24.03
- Verdict directing
 - Locomotive Inspection Act violation, 24.02

INDEX

FEDERAL EMPLOYERS' LIABILITY ACT—Cont'd

- Verdict directing—Cont'd
 - Safe place to work, failure to provide; constructive knowledge disputed, 24.01(B)
 - not in issue, 24.01(A)
- Safety Appliance Act violation, 24.03

FEES

- Insurance company's vexatious refusal to pay, penalty and attorney's fees award for
 - Exemplary damages, 10.08
 - Form of verdict, 36.10

FELA

- Federal Employers' Liability Act, this index

FORMS OF VERDICT

- Actual and punitive damages
 - Plaintiff versus defendant, 36.11
 - Plaintiff versus two defendants, 36.12
- Apportionment of fault
 - Defendants, among, 36.15
 - Liability for apportionment against party not claimed against by plaintiff, 36.16
- Combined injury and derivative claims, 36.23, 37.09
- Comparative fault; plaintiff versus defendant, 37.07
- Derivative claims and combined injury, 36.23
- Health care providers, actions against
 - Plaintiff versus multiple defendants; no apportionment of fault among defendants and no comparative fault, 36.21
 - Plaintiff versus single defendant; no comparative fault, 36.20
 - Plaintiff versus single or multiple defendants; comparative fault, 36.22
- Survival, lost chance of
 - comparative fault, 36.25, 36.27
 - no comparative fault, 36.24, 36.26
 - non-death cases, 36.26, 36.27
- Indemnity by surety versus principal, crossclaim for; by employer versus employee, 36.06
- Interest where insurance company as defendant, vexatious refusal penalty; attorney fees, 36.10
- Mental illness, commitment for, 36.18
- Partial settlement, disputed; plaintiff versus defendant, 36.19
- Paternity actions, 36.28
- Personal injuries and plaintiff versus defendant
 - Personal injuries only, 36.01
 - Property damage and personal injuries, 36.02, 36.04
- Plaintiff versus two defendants
 - Generally, 36.05
 - Actual and punitive damages, 36.12

FORMS OF VERDICT—Cont'd

Will contests

Generally, 15.10(A)

Partial invalidity, 15.10(B)

Plaintiff versus defendant, 36.17(B)

FRAUD

Misrepresentations; pecuniary loss, 23.05

Will contests

Affirmative defense of fraud invalidating will, 15.07

Verdict directing partial invalidity due to, 15.05

GENDER AND GENDER IDENTITY

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

GENERAL NEGLIGENCE

Single negligent act submitted; verdict directing, 31.00

GIFT

Clear and convincing evidence, 3.04

GOOD FAITH

Ejectment, in; definition, 27.06

HEAD-ON MOTOR VEHICLE COLLISIONS

Illustrations

Loss of consortium, personal injury and; comparative fault, 35.16

Third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03

Two defendants; comparative fault, 35.14

HEALTH CARE PROVIDERS

Actions against, 21.00 et seq.

Apportionment of fault to settling tortfeasor under 0167 538.230

Illustrations

comparative fault, 35.21

no comparative fault, 35.22

Limiting instruction, 21.06

Comparative fault

Damages, 21.04

Lost chance of recovery (non-death) cases

damages, 21.15

verdict directing; multiple negligent acts, 21.14

Multiple negligent acts; single or multiple defendants with comparative fault, 21.02

Survival, lost chance of

damages, 21.11

multiple negligent acts, 21.10

Consortium, loss of, 21.07

INDEX

HEALTH CARE PROVIDERS—Cont'd

Damages

- Apportionment to settling tortfeasor under 0167 538.230
 - comparative fault; illustrations, 35.21
 - limiting instruction, 21.06
 - no comparative fault; illustrations, 35.22

Categories of, 21.05

Comparative fault

- generally, 21.04
- lost chance of recovery (non-death) cases, 21.15

Lost chance of recovery (non-death) cases

- comparative fault, 21.15
- no comparative fat, 21.13
- no comparative fault, 21.13

No comparative fault

- generally, 21.03
- lost chance of recovery (non-death) cases, 21.13
- survival, lost chance of, 21.09

Survival, lost chance of

- multiple negligent acts; comparative fault, 21.10
- no comparative fault, 21.09

Derivative claims for loss of consortium, loss of services or medical expenses, 21.07

Forms of verdict and actions against

- Plaintiff versus multiple defendants; no apportionment of fault among defendants and no comparative fault, 36.21

- Plaintiff versus single defendant; no comparative fault, 36.20

- Plaintiff versus single or multiple defendants; comparative fault, 36.22

Survival, lost chance of

- comparative fault, 36.25, 36.27
- no comparative fault, 36.24, 36.26
- non-death cases, 36.26, 36.27

Illustrations

- Apportionment of fault and action against provider; comparative fault, 35.18
- Medical malpractice involving injury to minor, derivative claim; no comparative fault, 35.20

Lost chance of recovery (non-death) cases

Damages

- comparative fat, 21.15
- no comparative fat, 21.13

Verdict directing

- comparative fault; multiple negligent acts, 21.15
- no comparative fault; multiple negligent acts, 21.12

Medical expenses, 21.07

Medical malpractice involving injury to minor illustration, derivative claim; no comparative fault, 35.20

Multiple negligent acts; single or multiple defendants with comparative fault, 21.02

HEALTH CARE PROVIDERS—Cont'd

Negligence

Definition, 11.06

Lost chance of recovery (non-death) cases, multiple negligent acts; verdict directing, 21.14

Multiple negligent acts; single or multiple defendants with comparative fault, 21.02

No comparative fault

Damages, above

Lost chance of recovery (non-death) cases

damages, 21.13

verdict directing; multiple negligent acts, 21.12

Survival, lost chance of

damages, 21.09

multiple negligent acts; verdict directing, 21.08

Verdict directing

generally, 21.01

survival, lost chance of; multiple negligent acts, 21.08

Recovery, lost chance of. Lost chance of recovery (non-death) cases, above

Services, loss of, 21.07

Survival, lost chance of

Damages

comparative fault, 21.11

no comparative fault, 21.09

Forms of verdict

comparative fault, 36.25, 36.27

no comparative fault, 36.24, 36.26

non-death cases, 36.26, 36.27

Verdict directing

comparative fault and multiple negligent acts, 21.10

no comparative fault and multiple negligent acts, 21.08

Verdict directing

Comparative fault, no, 21.01

Forms of verdict and actions against, above

Lost chance of recovery (non-death) cases

comparative fault; multiple negligent acts, 21.14

no comparative fault; multiple negligent acts, 21.12

Multiple negligent acts; single or multiple defendants with comparative fault, 21.02

Survival, lost chance of

comparative fault and multiple negligent acts, 21.10

no comparative fault and multiple negligent acts, 21.08

HIGHWAYS

Danger created by highway construction contractor, 22.08

HIT-AND-RUN VEHICLES

Uninsured

Defined, 12.02

INDEX

HIT-AND-RUN VEHICLES—Cont'd

Uninsured—Cont'd
Verdict directing, 12.05

HOSPITALS

Health Care Providers, this index

HUSBAND

Spouse, this index

ILLUSTRATIONS

Generally, 35.00
Apportionment of fault
Defendant adjudged at fault in prior trial claiming apportionment in separate trial, 35.02
Head-on collision and third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03
Multiple defendants and damages and apportionment determined in same trial, 35.05
Negligence and strict liability combined; comparative fault and apportionment of fault among defendants, 35.15
Punitive damages and bifurcated trial; no comparative fault, 35.19
Bilateral contract and substantial performance in issue, 35.07
Consortium, loss of
Head-on collision and comparative fault, 35.16
Health care provider, action against; comparative fault, 35.18
Ladder defective; product liability, 35.10
Motor vehicles
Head-on collision
loss of consortium, personal injury and; comparative fault, 35.16
third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03
two defendants; comparative fault, 35.14
Rear end collision, no comparative fault; personal injury and loss of consortium, 35.17
Right angle collision and agency in issue; counterclaim for personal injury by employee, 35.04
Product liability involving defective ladder, 35.10
Will contests, 15.09

INCONSISTENCY

Verdicts, inconsistent; explanatory instructions, 2.07

INDEMNITY

Surety versus principal, crossclaim for indemnity by; by employer versus employee, 36.06

INDEPENDENT CONTRACTORS

Agency, scope of, 13.06
Inherently dangerous activity and employer's liability for, 31.15

INFANTS

Children, this index

INSURANCE

Affirmative defenses

Life insurance

misrepresentation of material fact; not warranted, 32.19

warranty breach, 32.20

Policy defense, 32.24

Explanatory instructions, 2.07

Hit-and-run vehicle, uninsured

Defined, 12.02

Verdict directing, 12.05

Insurance company's vexatious refusal to pay, penalty and attorney's fees award for, 10.08, 36.10

Life insurance

Affirmative defenses

misrepresentation of material fact; not warranted, 32.19

warranty breach, 32.20

Verdict directing, 31.08

Motor vehicles

Underinsured, 12.00

Uninsured motor vehicles, below

Property insurance; verdict directing, 31.09

Punitive damages for Insurance company's vexatious refusal to pay; penalty and attorney's fees award, 10.08

Uninsured motor vehicles

Generally, 12.00

Damages; suit against insurer only, 12.06

Definitions

generally, 12.01

hit-and-run vehicle, 12.02

Hit-and-run vehicle

defined, 12.02

verdict directing, 12.05

Insurer and uninsured driver joined; verdict directing, 12.04

Insurer only defendant; verdict directing, 12.03

Verdicts

both individual tortfeasor and insurance carrier sued; form of verdict, 12.07

directing, 12.03 to 12.05

insurer only defendant; form of verdict, 12.08

INTENTIONAL TORTS

Assault, 23.01

Battery

Affirmative defenses

consent, 32.08

invasion of property, resisting, 32.10

self-defense, 32.11

INDEX

INTENTIONAL TORTS—Cont'd

Battery—Cont'd

Affirmative defenses—Cont'd

trespasser, ejecting, 32.09

Agency; battery committed by servant, 13.02

Consent as affirmative defense, 32.08

Intent to induce apprehension, 23.03

Invasion of property, resisting, 32.10

Self-defense, 32.11

Trespasser, ejecting; affirmative defense, 32.09

Verdict directing, 23.02, 23.03

Conversion

Affirmative defenses

abandonment, 32.27

consent, 32.26

Surrender possession, failure to, 23.12(2)

Taking, 23.12(1)

Defamation. Libel or slander, below

False imprisonment, 23.04

Fraudulent misrepresentations; pecuniary loss, 23.05

Interference with contract, tortious, 23.11

Libel or slander

Burden of proof

public official or public figure, plaintiff as, 3.05

punitive damages sought by plaintiff not public official or public figure,
3.06

Damages

plaintiff is public official or public figure, 4.16

plaintiff not public official or public figure, 4.15

punitive damages sought by plaintiff not public official or public figure;
burden of proof, 3.06

Public official or public figure, plaintiff as

burden of proof, 3.05

damages, 4.16

libel; verdict directing, 23.06(2)

slander; verdict directing, 23.10(2)

Public official or public figure, plaintiff not

damages, 4.15

libel; verdict directing, 23.06(1)

punitive damages; burden of proof, 3.06

slander; verdict directing, 23.10(1)

Punitive damages sought by plaintiff not public official or public figure;
burden of proof, 3.06

Truth as affirmative defense, 32.12

Loyalty, employee's breach of duty of, 23.14

Malicious prosecution

Civil actions

actual damages, liability for, 16.01(1)

INTENTIONAL TORTS—Cont'd

Malicious prosecution—Cont'd

Civil actions—Cont'd

initiating or continuing; verdict directing, 23.07

reasonable grounds, 16.06

Criminal actions

actual damages, liability for, 16.01(2)

initiating or continuing; verdict directing, 23.07

reasonable grounds, 16.05

Outrageous conduct; exemplary damages, 10.01

Service letters, 23.08

Slander. Libel or slander, above

Verdict directing

Assault, 23.01

Battery, 23.02, 23.03

Conversion

surrender possession, failure to, 23.12(2)

taking, 23.12(1)

False imprisonment, 23.04

Fraudulent misrepresentations; pecuniary loss, 23.05

Interference with contract, tortious, 23.11

Libel

plaintiff is public official or public figure, 23.06(2)

plaintiff not public official or public figure, 23.06(1)

Loyalty, employee's breach of duty of, 23.14

Malicious prosecution for initiating or continuing criminal or civil actions,
23.07

Service letters, 23.08

Slander

plaintiff is public official or public figure, 23.10(2)

plaintiff not public official or public figure, 23.10(1)

INTEREST

Insurance company as defendant, vexatious refusal penalty; attorney fees, 36.10

INTOXICATION

Driving while intoxicated; verdict directing, 17.20

INVASION OF PROPERTY

Resisting; affirmative defense, 32.10

INVITEES

Affirmative defense, failure to keep lookout; comparative fault, 32.28

Injuries to, 22.03

JOINT TORTFEASORS

Settlements, disputed partial, 7.02

JURY SELECTION

Bias, juror; explanatory instructions, 2.00(C), 2.03(A)

Recommended instruction before; explanatory instructions, 2.00(A)

INDEX

LAND, OWNERS AND OCCUPIERS OF

Owners and Occupiers of Land, this index

LANDLORD AND TENANT

Common use, tenant injured on premises reserved for, 22.05

LEGAL MALICE

Malicious Prosecution, this index

LIBEL OR SLANDER

Burden of proof

Public official or public figure, plaintiff as, 3.05

Punitive damages sought by plaintiff not public official or public figure, 3.06

Damages

Plaintiff is public official or public figure, 4.16

Plaintiff not public official or public figure, 4.15

Punitive damages sought by plaintiff not public official or public figure;
burden of proof, 3.06

Public official or public figure, plaintiff as

Burden of proof, 3.05

Damages, 4.16

Libel; verdict directing, 23.06(2)

Slander; verdict directing, 23.10(2)

Public official or public figure, plaintiff not

Damages, 4.15

Libel; verdict directing, 23.06(1)

Punitive damages; burden of proof, 3.06

Slander; verdict directing, 23.10(1)

Punitive damages sought by plaintiff not public official or public figure; burden
of proof, 3.06

Truth as affirmative defense, 32.12

Verdict directing

Libel

plaintiff is public official or public figure, 23.06(2)

plaintiff not public official or public figure, 23.06(1)

Slander

plaintiff is public official or public figure, 23.10(2)

plaintiff not public official or public figure, 23.10(1)

LICENSEE

Verdict directing, 22.07

LIFE INSURANCE

Affirmative defenses

Misrepresentation of material fact; not warranted, 32.19

Warranty breach, 32.20

Verdict directing, 31.08

LIMITING INSTRUCTIONS

Generally, 34.01, 34.06

LOCOMOTIVE INSPECTION ACT

Violation; verdict directing, 24.02

LOYALTY

Employee's breach of duty of; verdict directing, 23.14

MALICE

Malicious Prosecution, this index

MALICIOUS PROSECUTION

Civil actions

Actual damages, liability for, 16.01(1)

Initiating or continuing; verdict directing, 23.07

Reasonable grounds, 16.06

Criminal actions

Actual damages, liability for, 16.01(2)

Initiating or continuing; verdict directing, 23.07

Reasonable grounds, 16.05

Definitions

Civil actions

actual damages arising out of, liability for, 16.01(1)

reasonable grounds, 16.06

Criminal actions

actual damages arising out of, liability for, 16.01(2)

reasonable grounds, 16.05

MALPRACTICE

Affirmative defenses, 32.06

Medical malpractice involving injury to minor illustration, derivative claim; no comparative fault, 35.20

MARITAL STATUS

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

MEDICAL EXPENSES

Health care providers, actions against, 21.07

Spouse or child injured

Comparative fault or noncomparative fault submissions, 31.04

Damages

comparative fault, 37.08

non-comparative fault only, 4.18

MEDICAL MALPRACTICE

Minor injured, derivative claim; no comparative fault, 35.20

MEDICAL PROFESSIONALS

Health Care Providers, this index

MENTAL ILLNESS

Commitment for

Clear and convincing evidence, 3.07

Definitions, 16.07

INDEX

MENTAL ILLNESS—Cont'd

Commitment for—Cont'd

Forms of verdict, 36.18

Verdict directing, 31.14

MERCHANDISING PRACTICES ACT

Verdict directing; violation of act, 39.01

MINORS

Children, this index

MISCELLANEOUS—GENERAL NEGLIGENCE

Single negligent act submitted; verdict directing, 31.00

MISREPRESENTATION

Fraud

Pecuniary loss, 23.05

Will contests

affirmative defense of fraud invalidating will, 15.07

verdict directing partial invalidity due to, 15.05

Negligent misrepresentation and pecuniary loss; verdict directing, 31.26

Property damages, 4.03

MISSOURI HUMAN RIGHTS ACT

Business judgment rule for actions accruing on or after August 28, 2017, 38.08

Damages for actions accruing on or after August 28, 2017, 38.09

Disability; verdict directing

August 28, 2017, accrual of actions on or after, 38.07

Pre-August 28, 2017 accrual of actions, 38.01(B)

Lawful justification for actions accruing pre-August 28, 2017, 38.02

Verdict directing

August 28, 2017, accrual of actions or after, 38.06

Disability, 38.01(B)

Pre-August 28, 2017 accrual of actions, 38.01(A), 38.01(B)

Verdict form for actions accruing on or after August 28, 2017, 38.10

MOTOR VEHICLES

Adequate warning; verdict directing

Slowing without, 17.11

Stopping without, 17.12

Danger of collision apparent, failure to act after; verdict directing, 17.04

Excessive speed; verdict directing, 17.03

Following too closely; verdict directing, 17.09

Guest passenger; affirmative defenses

Interfering with driver, 32.04

Intoxicated driver, riding with, 32.05

Head-on collision; illustrations

Loss of consortium, personal injury and; comparative fault, 35.16

Third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03

Two defendants; comparative fault, 35.14

MOTOR VEHICLES—Cont'd

Hit-and-run vehicle, uninsured

Defined, 12.02

Verdict directing, 12.05

Illustrations

Head-on collision

loss of consortium, personal injury and; comparative fault, 35.16

third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03

two defendants; comparative fault, 35.14

Rear end collision, no comparative fault; personal injury and loss of consortium, 35.17

Right angle collision and agency in issue; counterclaim for personal injury by employee, 35.04

Intoxicated, driving while; verdict directing, 17.21

Lane reserved for moving traffic, stopping in; verdict directing, 17.20

Lookout, failure to keep; verdict directing, 17.05

Multiple negligent acts submitted; verdict directing, 17.02

Negligence; verdict directing

Multiple negligent acts submitted, 17.02

Per se negligence

improper turn, 17.17

speed limit, violating, 17.18

Single negligent act submitted, 17.01

Passengers

Bus passengers; res ipsa loquitur, 31.02(2)

Guest passenger; affirmative defenses

interfering with driver, 32.04

intoxicated driver, riding with, 32.05

Head-on collision and third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03

Negligence; standards of care, 11.08

Passing on right; verdict directing, 17.10

Per se negligence; verdict directing

Improper turn, 17.17

Speed limit, violating, 17.18

Rear end collision

No comparative fault and personal injury and loss of consortium; illustrations, 35.17

Verdict directing, 17.16

Right angle collision and agency in issue illustration; counterclaim for personal injury by employee, 35.04

Single negligent act submitted; verdict directing, 17.01

Slowing without adequate warning; verdict directing, 17.11

Stopping; verdict directing

Adequate warning, stopping without, 17.12

Lane reserved for moving traffic, stopping in, 17.20

Range of vision, unable to stop within, 17.19

INDEX

MOTOR VEHICLES—Cont'd

- Turn, failure to signal intention to; verdict directing, 17.06
- Underinsured motor vehicles, 12.00
- Uninsured motor vehicles
 - Generally, 12.00
 - Damages; suit against insurer only, 12.06
 - Definitions
 - generally, 12.01
 - hit-and-run vehicle, 12.02
 - Hit-and-run vehicle
 - defined, 12.02
 - verdict directing, 12.05
 - Insurer and uninsured driver joined; verdict directing, 12.04
 - Insurer only defendant
 - form of verdict, 12.08
 - verdict directing, 12.03
 - Verdicts
 - both individual tortfeasor and insurance carrier sued; form of verdict, 12.07
 - directing, 12.03 to 12.05
 - insurer only defendant; form of verdict, 12.08
 - Verdict directing
 - Adequate warning
 - slowing without, 17.11
 - stopping without, 17.12
 - Danger of collision apparent, failure to act after, 17.04
 - Excessive speed, 17.03
 - Following too closely, 17.09
 - Intoxicated, driving while, 17.21
 - Lookout, failure to keep, 17.05
 - Multiple negligent acts submitted, 17.02
 - Passing on right, 17.10
 - Rear end collision, 17.16
 - Single negligent act submitted, 17.01
 - Slowing without adequate warning, 17.11
 - Stopping; verdict directing, above
 - Turn, failure to signal intention to, 17.06
 - Uninsured motor vehicles, 12.03 to 12.05
 - Wrong side of road, 17.13
 - Yield right-of-way, failure to, 17.08
- Wrong side of road; verdict directing, 17.13
- Yield the right-of-way
 - Generally, 14.01
 - Alley
 - entering from, 14.06
 - left turn into, making, 14.07
 - Driveway
 - entering from, 14.06

MOTOR VEHICLES—Cont'd

Yield the right-of-way—Cont'd
Driveway—Cont'd
 left turn into, making, 14.07
Entering intersection after another vehicle
 generally, 14.02
 vehicle on left combined with, 14.08
Left, vehicle on, 14.03
Left turn at intersection, making, 14.04
Pedestrian control signals, special, 14.09
Stop sign, entering at, 14.05
Verdict directing; failure to yield, 17.08
Yield sign, entering at, 14.05

MULTI-CLAIM SUBMISSIONS

Explanatory instructions, 2.00, 2.05

NATIONAL ORIGIN

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

NEGLIGENCE

Adult, negligence of; definitions, 11.02
Conscious disregard for others, negligence constituting; punitive damages, 10.02
Converse instructions
 Per se negligence, legal justification for; affirmative converse, 33.05(2)
 “Unless you believe” introduction, 33.04
Definitions
 Adult, negligence of, 11.02
 Different standards of care, 11.08
 Health care providers, 11.06
 Highest degree of care, 11.01
 Minor, negligence of, 11.04
 Negligence and highest degree of care combined, 11.03
 Negligence and ordinary care, 11.07
 Ordinary care
 generally, 11.05
 manufacturers of certain products, 11.10
 negligence and ordinary care combined, 11.07
 Passenger in motor vehicle; standards of care, 11.08
 Pedestrian; standards of care, 11.08
 Standards of care, different, 11.08
Different standards of care, 11.08
Emotional distress, negligent infliction of, 31.23
General negligence, single negligent act submitted; verdict directing, 31.00
Health care providers
 Definition, 11.06
 Lost chance of recovery (non-death) cases, multiple negligent acts; verdict directing, 21.14

INDEX

NEGLIGENCE—Cont'd

Health care providers—Cont'd

Multiple negligent acts; single or multiple defendants with comparative fault, 21.02

Highest degree of care

Defined, 11.01

Negligence and highest degree of care combined, 11.03

Minor, of, 11.04

Misrepresentation and pecuniary loss; verdict directing, 31.26

Motor vehicles; verdict directing

Improper turn; per se negligence, 17.17

Multiple negligent acts submitted, 17.02

Per se negligence

improper turn, 17.17

speed limit, violating, 17.18

Single negligent act submitted, 17.01

Speed limit, violating; per se negligence, 17.18

Ordinary care

Generally, 11.05

Manufacturers of certain products, 11.10

Negligence and ordinary care combined, 11.07

Passenger in motor vehicle; standards of care, 11.08

Pedestrian; standards of care, 11.08

Per se, legal justification for; affirmative converse, 33.05(2)

Punitive damages

Conscious disregard for others, negligence constituting, 10.02

Strict liability and negligence submitted, 10.06

Single negligent act submitted, general negligence; verdict directing, 31.00

Standards of care, different, 11.08

Strict liability and negligence combined; illustration of comparative fault and apportionment of fault among defendants, 35.15

Verdict directing

Health care providers; single or multiple defendants with comparative fault involving multiple negligent acts, 21.02

Misrepresentation and pecuniary loss; verdict directing, 31.26

Single negligent act submitted

general negligence, 31.00

wrongful death, 20.01

Wrongful death

multiple negligent acts submitted, 20.02

single negligent act submitted, 20.01

Wrongful death; verdict directing

Multiple negligent acts submitted, 20.02

Single negligent act submitted, 20.01

NON-COMPARATIVE FAULT

Loss of consortium, loss of services or medical expenses where spouse or child injured, 4.18, 31.04

MISSOURI APPROVED JURY INSTRUCTIONS

NOTETAKING

Explanatory instructions, 2.01

NUISANCE

Private nuisance, 22.06

OBJECTIONS

Explanatory instructions, 2.01

OPENING STATEMENTS

Explanatory instructions, 2.01

ORDER OF INSTRUCTIONS

Explanatory instructions, 2.03

OUTSIDE INFLUENCES

Explanatory instructions, 2.01

OWNERS AND OCCUPIERS OF LAND

Generally, 22.00

Common use, tenant injured on premises reserved for, 22.05

Highway danger created by highway construction contractor, 22.08

Invitee injured, 22.03

Licensee, 22.07

Private nuisance, 22.06

Public thoroughfare, dangerous condition near, 22.02

Sidewalk defect; dangerous condition created by abutting landowner, 22.09

Trespassers

Children, 22.01

Constant trespassing, 22.10

Ejecting; affirmative defense, 32.09

PARTIES

Multi-party or multi-claim litigation, submissions in; explanatory instructions, 2.00

PASSENGERS

Bus passengers; res ipsa loquitur, 31.02(2)

Guest passenger; affirmative defenses

Interfering with driver, 32.04

Intoxicated driver, riding with, 32.05

Head-on collision and third-party claim against driver of passenger's vehicle for apportionment of fault; passenger's suit against other driver, 35.03

Negligence; standards of care, 11.08

PATERNITY ACTIONS

Burden of proof, 3.08

Forms of verdict, 36.28

No statutory presumption, 31.18

Rebuttal of statutory presumption, 31.20

Statutory presumption, 31.19

INDEX

PEDESTRIANS

- Negligence; standards of care, 11.08
- Res ipsa loquitur, 31.02(1)
- Yield the right-of-way; special pedestrian control signals, 14.09

PERSONAL INJURIES

- Forms of Verdict, this index
- Loss of consortium, loss of services or medical expenses where spouse or child injured
 - Comparative fault or noncomparative fault submissions, 31.04
- Damages
 - comparative fault, 37.08
 - non-comparative fault only, 4.18
- Wrongful death
 - Generally, 5.01
 - Affirmative defenses; comparative fault, 32.01(3)
- Damages
 - generally, 5.01
 - aggravating circumstances, 6.02
 - mitigating circumstances, 6.01
- Verdict directing
 - multiple negligent acts submitted, 20.02
 - single negligent act submitted, 20.01

PHYSICAL FACTS

- Prohibited instructions, 1.05

PHYSICIANS

- Health Care Providers, this index

PRODUCT LIABILITY

- Dangerous instrumentality, negligently supplying
 - Generally, 25.10(A)
 - Supplier's business purposes, for, 25.10(B)
- Defective product; strict liability, 25.04
- Design, negligent, 25.09
- Manufacture, negligent, 25.09
- Strict liability
 - Affirmative defense; contributory fault, 32.23
 - Defective product, 25.04
 - Warn, failure to, 25.05
- Warn, failure to
 - Negligent, 25.09
 - Strict liability, 25.05

PROHIBITED INSTRUCTIONS

- Generally, 1.00
- Advance payment or partial settlement, 1.06
- Conjunctive submissions, 1.02
- Emergency instructions, sudden, 1.04

PROHIBITED INSTRUCTIONS—Cont’d

- Partial settlement, 1.06
- Physical facts, 1.05
- Sole cause instructions, 1.03
- Unavoidable accident instructions, 1.01

PROPERTY

- Damages
 - Ejectment, 27.03, 27.05
 - Personal and, 4.01
 - Property only, 4.02
- Ejectment
 - Co-tenant, against, 27.02
 - Damages, 27.03, 27.05
 - Good faith in; defined, 27.06
 - Improvements, counterclaim for value of, 27.04
 - Stranger, against, 27.01
 - Trespasser, ejecting; affirmative defense, 32.09
- Verdict directing
 - co-tenant, ejectment against, 27.02
 - damages only, 27.03
 - improvements, counterclaim for value of, 27.04
 - stranger, ejectment against, 27.01
- Eminent domain
 - All property taken, 9.01, 9.06
 - Burden of proof, 9.03
 - Part of property taken, 9.02, 9.07
 - Remainder, evidence of damage to; part of property taken, 9.07
 - Verdict directing where authority claims “no damage” from taking, 9.04
 - Withdrawal instructions; general benefits, 9.05
- Fair market value defined, 16.02

PUBLIC OFFICIAL OR PUBLIC FIGURE

- Libel or slander
 - Plaintiff as public official or public figure
 - burden of proof, 3.05
 - damages, 4.16
 - libel; verdict directing, 23.06(2)
 - slander; verdict directing, 23.10(2)
 - Plaintiff not public official or public figure
 - damages, 4.15
 - libel; verdict directing, 23.06(1)
 - punitive damages; burden of proof, 3.06
 - slander; verdict directing, 23.10(1)

PUNITIVE DAMAGES

- Generally, 10.00
- Conscious disregard for others, negligence constituting, 10.02
- Converse instructions, 33.16

INDEX

PUNITIVE DAMAGES—Cont'd

- Forms of verdict; actual and punitive damages
 - Plaintiff versus defendant, 36.11
 - Plaintiff versus two defendants, 36.12
- Insurance company's vexatious refusal to pay, penalty and attorney's fees award for, 10.08
- Intentional torts; outrageous conduct, 10.01
- Libel or slander and punitive damages sought by plaintiff not public official or public figure; burden of proof, 3.06
- Multiple defendants, 10.03
- Negligence
 - Conscious disregard for others, negligence constituting, 10.02
 - Strict liability and negligence submitted, 10.06
- Outrageous conduct; intentional torts, 10.01
- Specific acts and knowledge; modification of MAI 10.02, 10.07
- Strict liability
 - Both negligence and strict liability submitted, 10.06
 - Both product defect and failure to warn submitted, 10.05
 - Either product defect or failure to warn submitted, 10.04

QUANTUM MERUIT

- Damages, 4.04
- Goods or services furnished, 26.05
- Services furnished decedent; quantum meruit recovery sought where family relationship is issue, 28.04

RACE

- Juror bias; explanatory instructions, 2.00(C), 2.03(A)

REAL ESTATE COMMISSION

- Agreed commission; sale consummated, 29.02
- Exclusive right to sell, 29.04
- No agreed commission; sale consummated, 29.03
- Sale consummated
 - Agreed commission, 29.02
 - Exclusive right to sell, 29.04
 - No agreed commission, 29.03
- Sale not consummated, 29.01

REAL PROPERTY

- Commission. Real Estate Commission, this index
- Ejectment
 - Co-tenant, against, 27.02
 - Damages, 27.03, 27.05
 - Good faith in; defined, 27.06
 - Improvements, counterclaim for value of, 27.04
 - Stranger, against, 27.01
 - Trespasser, ejecting; affirmative defense, 32.09
- Verdict directing
 - co-tenant, ejectment against, 27.02

REAL PROPERTY—Cont'd

Ejectment—Cont'd

Verdict directing—Cont'd

damages only, 27.03

improvements, counterclaim for value of, 27.04

stranger, ejectment against, 27.01

Fair market value defined, 16.02

Trespassers

Children, 22.01

Constant trespassing, 22.10

Ejecting; affirmative defense, 32.09

RECESS

Admonitions at, recommended; explanatory instructions, 2.00(B)

RELEASE

Affirmative defenses

Generally, 32.21

Fraud, obtained by; avoidance of affirmative defense, 32.22

RELIGION

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

RES IPSA LOQUITUR

Generally, 31.02(3)

Bus passenger, 31.02(2)

Pedestrian, 31.02(1)

RETALIATORY DISCHARGE

Workers' compensation; verdict directing, 38.04, 38.05

RIGHT-OF-WAY

Yield the right-of-way

Generally, 14.01

Alley

entering from, 14.06

left turn into, making, 14.07

Driveway

entering from, 14.06

left turn into, making, 14.07

Entering intersection after another vehicle

generally, 14.02

vehicle on left combined with, 14.08

Left, vehicle on, 14.03

Left turn at intersection, making, 14.04

Pedestrian control signals, special, 14.09

Stop sign, entering at, 14.05

Verdict directing; failure to yield, 17.08

Yield sign, entering at, 14.05

INDEX

SAFE PLACE TO WORK

- Federal Employers' Liability Act and failure to provide; constructive knowledge
 - Disputed, 24.01(B)
 - Not in issue, 24.01(A)

SAFETY APPLIANCE ACT

- Violation; verdict directing, 24.03

SELECTION OF JURY

- Jury Selection, this index

SELF-DEFENSE

- Affirmative defense, 32.11

SEPARATE TRIAL

- Apportionment of fault, 4.14, 35.02

SERVICES

- Converse instructions
 - Generally, 33.01
 - Affirmative converse
 - negligence per se, legal justification for, 33.05(2)
 - Comparative fault; plaintiff or defendant, 37.04
 - Exemplary damages, 33.16
 - "If you believe" introduction, verdict directing using affirmative converse, 33.05(1)
 - Negligence per se, legal justification for; affirmative converse, 33.05(2)
 - "Unless you believe" introduction
 - verdict directing 22.02, 22.03, 22.04 and 22.05, 33.15
 - verdict directing 17.01 using, 33.03
 - verdict directing 17.02 using, 33.04
- Decedent, furnished to. Services Furnished Decedent, this index
- Gratuitous furnishing of services; affirmative defense, 32.15

SERVICES, LOSS OF

- Health care providers, actions against, 21.07
- Spouse or child injured
 - Comparative fault or noncomparative fault submissions, 31.04
 - Non-comparative fault only, 4.18

SERVICES FURNISHED DECEDENT

- Generally, 28.00
- Express contract where family relationship is admitted or issue, 28.01
- Family relationships
 - Generally, 28.00
 - Estate, action against by one admittedly not in family relationship, 28.03
 - Express contract where family relationship is admitted or issue, 28.01
 - Implied contract where family relationship is admitted or issue, 28.02
 - Quantum meruit recovery sought where family relationship is issue, 28.04
- Implied contract where family relationship is admitted or issue, 28.02
- Payment for; affirmative defense, 32.14

SERVICES FURNISHED DECEDENT—Cont'd

Quantum meruit recovery sought where family relationship is issue, 28.04
Stranger, actions by, 28.00

SETTLEMENTS

Joint tortfeasors; disputed partial settlement, 7.02
Partial settlements
Forms of verdict; plaintiff versus defendant, 36.19
Joint tortfeasors; disputed settlements, 7.02
Prohibited instructions, 1.06
Undisputed; withdrawal instructions, 34.05

SEXUAL ORIENTATION

Juror bias; explanatory instructions, 2.00(C), 2.03(A)

SHOPLIFTING

False imprisonment; affirmative defenses, 32.13

SIDEWALK DEFECT

Dangerous condition created by abutting landowner, 22.09

SLANDER

Libel or Slander, this index

SOLE CAUSE INSTRUCTIONS

Prohibited instructions, 1.03

SOVEREIGN IMMUNITY

Dangerous condition of public entity's property and waiver of
Actual or constructive notice, 31.16
Employee, dangerous condition created by, 31.17

SPOUSE

Consortium, loss of
Child injured
comparative fault or noncomparative fault submissions, 31.04
damages; comparative fault, 37.09
Head-on collision and comparative fault; illustrations, 35.16
Health care providers, actions against, 21.07, 35.18
Illustrations
head-on collision and comparative fault, 35.16
health care provider, action against; comparative fault, 35.18
Spouse or child injured
comparative fault or noncomparative fault submissions, 31.04
damages; comparative fault, 37.09
Wrongful death
Generally, 5.01
Affirmative defenses; comparative fault, 32.01(3)
Damages
generally, 5.01
aggravating circumstances, 6.02
mitigating circumstances, 6.01

INDEX

SPOUSE—Cont'd

- Wrongful death—Cont'd
 - Verdict directing
 - multiple negligent acts submitted, 20.02
 - single negligent act submitted, 20.01

STRICT LIABILITY

- Negligence and strict liability combined; illustration of comparative fault and apportionment of fault among defendants, 35.15
- Product liability
 - Affirmative defense; contributory fault, 32.23
 - Defective product, 25.04
 - Warn, failure to, 25.05
- Punitive damages
 - Both negligence and strict liability submitted, 10.06
 - Both product defect and failure to warn submitted, 10.05
 - Either product defect or failure to warn submitted, 10.04
- Warnings
 - Product liability; failure to warn, 25.05
 - Punitive damages
 - both product defect and failure to warn submitted, 10.05
 - either product defect or failure to warn submitted, 10.04

SUMMARY

- Early case summary
 - General comment, E1.00
 - Instruction, E1.01

TENANTS

- Common use, tenant injured on premises reserved for, 22.05

THIRD PARTY PLAINTIFF

- Master against servant, 30.02
- Retailer against wholesaler, 30.03
- Surety against principal, 30.01

TRESPASSERS

- Children, 22.01
- Constant trespassing, 22.10
- Ejecting; affirmative defense, 32.09

UNDERINSURED MOTOR VEHICLES

- Generally, 12.00

UNDUE INFLUENCE

- Will contests
 - Affirmative defenses, 15.08, 32.18
 - Defined, 15.02
 - Verdict directing partial invalidity due to, 15.06

MISSOURI APPROVED JURY INSTRUCTIONS

UNIFORM COMMERCIAL CODE

- Breach of warranty under
 - Accepted goods, 4.17
 - Express warranty, 25.07
 - Implied warranty of fitness, common law, 25.03
 - Implied warranty of merchantability, 25.08
- Exclusion of implied warrant under; affirmative defense, 32.25
- Warranty breach. Warranties, this index

UNINSURED MOTOR VEHICLES

- Generally, 12.00
- Damages; suit against insurer only, 12.06
- Definitions
 - Generally, 12.01
 - Hit-and-run vehicle, 12.02
- Hit-and-run vehicle
 - Defined, 12.02
 - Verdict directing, 12.05
- Verdicts
 - Both individual tortfeasor and insurance carrier sued; form of verdict, 12.07
- Directing
 - hit-and-run vehicle, 12.05
 - insurer and uninsured driver joined, 12.04
 - insurer only defendant, 12.03
- Directing. Verdict directing, above
- Form of
 - both individual tortfeasor and insurance carrier sued, 12.07
 - insurer only defendant, 12.08
- Hit-and-run vehicle; verdict directing
 - directing, 12.05
- Insurer and uninsured driver joined; verdict directing, 12.04
- Insurer only defendant
 - form of verdict, 12.08
 - verdict directing, 12.03

VEHICLES

- Motor Vehicles, this index

VERDICT DIRECTING

- Agency; verdict directing modification required, 18.01
- Assault, 23.01
- Battery, 23.02, 23.03
- Breach of warranties
 - Implied warranty of fitness for consumption, common law, 25.02
 - Personalty, title to, 25.01
- Uniform Commercial Code
 - express warranty, 25.07
 - implied warranty of fitness, common law, 25.03
 - implied warranty of merchantability, 25.08

INDEX

VERDICT DIRECTING—Cont'd

Contracts

- Account stated; mature debts, 26.04
- Amount, action on, 26.03
- Bilateral contract, breach of
 - breach sole issue, 26.02
 - substantial performance sufficient, when, 26.07
 - terms and breach in issue, 26.06
- Breach
 - bilateral contract, 26.02, 26.06, 26.07
 - unilateral contract, 26.01
- Quantum meruit; goods or services furnished, 26.05
- Substantial performance, bilateral contract and, 26.07
- Unilateral contract, breach of, 26.01

Converse instructions

- Alternative verdict directors, 33.01
- “If you believe” introduction, verdict directing using affirmative converse, 33.05(1)
- True converse, 33.01
- “Unless you believe” introduction
 - verdict directing 22.02, 22.03, 22.04 and 22.05, 33.15
 - verdict directing 17.01 using, 33.03
 - verdict directing 17.02 using, 33.04

Conversion

- Surrender possession, failure to, 23.12(2)
- Taking, 23.12(1)

Co-tenant, ejectment against, 27.02

Damages

- Admission of negligence only; causation and damages still at issue, 31.07(B)
- Amount of damages only issue; verdict directing
 - admission of liability, 31.07(A)
- Damages only, 27.03

Dangerous instrumentality, negligently supplying

- Generally, 25.10(A)
- Supplier's business purposes, for, 25.10(B)

Eminent domain; authority claims “no damage” from taking, 9.04

Emotional distress, negligent infliction of, 31.23

Employment discrimination

- Missouri Human Rights Act
 - August 28, 2017, accrual of actions or after, 38.06
 - disability, 38.01(B)
 - pre-August 28, 2017 accrual of actions, 38.01(A), 38.01(B)
- Retaliatory discharge or discrimination; workers' compensation, 38.04, 38.05
- Wrongful discharge in violation of public policy, 38.03

Explosives, 31.03

False imprisonment, 23.04

Federal Employers' Liability Act

- Locomotive Inspection Act violation, 24.02

VERDICT DIRECTING—Cont'd

Federal Employers' Liability Act—Cont'd

Safe place to work, failure to provide; constructive knowledge
disputed, 24.01(B)
not in issue, 24.01(A)

Safety Appliance Act violation, 24.03

Fraudulent misrepresentations; pecuniary loss, 23.05

General negligence, single negligent act submitted, 31.00

Health care providers

Comparative fault, no, 21.01

Forms of verdict and actions against, above

Lost chance of recovery (non-death) cases

comparative fault; multiple negligent acts, 21.14

no comparative fault; multiple negligent acts, 21.12

Multiple negligent acts; single or multiple defendants with comparative fault,
21.02

Survival, lost chance of

comparative fault and multiple negligent acts, 21.10

no comparative fault and multiple negligent acts, 21.08

Improvements, counterclaim for value of, 27.04

Inherently dangerous activity and employer's liability for independent contrac-
tors, 31.15

Intentional torts

Assault, 23.01

Battery, 23.02, 23.03

Conversion

surrender possession, failure to, 23.12(2)

taking, 23.12(1)

False imprisonment, 23.04

Fraudulent misrepresentations; pecuniary loss, 23.05

Interference with contract, tortious, 23.11

Libel

plaintiff is public official or public figure, 23.06(2)

plaintiff not public official or public figure, 23.06(1)

Loyalty, employee's breach of duty of, 23.14

Malicious prosecution for initiating or continuing criminal or civil actions,
23.07

Service letters, 23.08

Slander

plaintiff is public official or public figure, 23.10(2)

plaintiff not public official or public figure, 23.10(1)

Interference with contract, tortious, 23.11

Libel

Plaintiff is public official or public figure, 23.06(2)

Plaintiff not public official or public figure, 23.06(1)

Life insurance, 31.08

Locomotive Inspection Act violation, 24.02

INDEX

VERDICT DIRECTING—Cont'd

- Loss of consortium, spouse or child injured; comparative fault or noncomparative fault submissions, 31.04
- Loss of services, spouse or child injured; comparative fault or noncomparative fault submissions, 31.04
- Loyalty, employee's breach of duty of, 23.14
- Malicious prosecution for initiating or continuing criminal or civil actions, 23.07
- Medical expenses, spouse or child injured; comparative fault or noncomparative fault submissions, 31.04
- Mental illness, commitment for, 31.14
- Merchandising Practices Act violation, 39.01
- Missouri Human Rights Act
 - August 28, 2017, accrual of actions or after, 38.06
 - Disability, 38.01(B)
 - Pre-August 28, 2017 accrual of actions, 38.01(A), 38.01(B)
- Modification
 - Agency, 18.01
 - Comparative fault, 37.01
 - Multiple causes of damage, 19.01
- Motor vehicles
 - Adequate warning
 - slowing without, 17.11
 - stopping without, 17.12
 - Danger of collision apparent, failure to act after, 17.04
 - Excessive speed, 17.03
 - Following too closely, 17.09
 - Intoxicated, driving while, 17.21
 - Lookout, failure to keep, 17.05
 - Multiple negligent acts submitted, 17.02
 - Passing on right, 17.10
 - Rear end collision, 17.16
 - Single negligent act submitted, 17.01
 - Slowing without adequate warning, 17.11
 - Stopping; verdict directing, above
 - Turn, failure to signal intention to, 17.06
 - Uninsured motor vehicles, below
 - Wrong side of road, 17.13
 - Yield right-of-way, failure to, 17.08
- Negligence
 - Health care providers; single or multiple defendants with comparative fault involving multiple negligent acts, 21.02
 - Misrepresentation and pecuniary loss; verdict directing, 31.26
 - Single negligent act submitted
 - general negligence, 31.00
 - wrongful death, 20.01
 - Wrongful death
 - multiple negligent acts submitted, 20.02
 - single negligent act submitted, 20.01

VERDICT DIRECTING—Cont'd

Owners and occupiers of land

Generally, 22.00

Common use, tenant injured on premises reserved for, 22.05

Highway danger created by highway construction contractor, 22.08

Invitee injured, 22.03

Licensee, 22.07

Private nuisance, 22.06

Public thoroughfare, dangerous condition near, 22.02

Sidewalk defect; dangerous condition created by abutting landowner, 22.09

Trespassers

children, 22.01

constant trespassing, 22.10

Paternity actions

No statutory presumption, 31.18

Rebuttal of statutory presumption, 31.20

Statutory presumption, 31.19

Product liability

Dangerous instrumentality, negligently supplying

generally, 25.10(A)

supplier's business purposes, for, 25.10(B)

Defective product; strict liability, 25.04

Design, negligent, 25.09

Manufacture, negligent, 25.09

Strict liability

defective product, 25.04

warn, failure to, 25.05

Warn, failure to

negligent, 25.09

strict liability, 25.05

Property insurance, 31.09

Real estate commission

Agreed commission; sale consummated, 29.02

Exclusive right to sell, 29.04

No agreed commission; sale consummated, 29.03

Sale consummated

agreed commission, 29.02

exclusive right to sell, 29.04

no agreed commission, 29.03

Sale not consummated, 29.01

Res ipsa loquitur

Generally, 31.02(3)

Bus passenger, 31.02(2)

Pedestrian, 31.02(1)

Safety Appliance Act violation, 24.03

Service letters; intentional torts, 23.08

INDEX

VERDICT DIRECTING—Cont'd

Services furnished decedent

Generally, 28.00

Express contract where family relationship is admitted or issue, 28.01

Family relationships

estate, action against by one admittedly not in family relationship, 28.03

express contract where family relationship is admitted or issue, 28.01

implied contract where family relationship is admitted or issue, 28.02

quantum meruit recovery sought where family relationship is issue, 28.04

Implied contract where family relationship is admitted or issue, 28.02

Quantum meruit recovery sought where family relationship is issue, 28.04

Slander

Plaintiff is public official or public figure, 23.10(2)

Plaintiff not public official or public figure, 23.10(1)

Sovereign immunity, dangerous condition of public entity's property and waiver of

Actual or constructive notice, 31.16

Employee, dangerous condition created by, 31.17

Spouse or child injured and loss of consortium, loss of services or medical expenses; comparative fault or noncomparative fault submissions, 31.04

Stranger, ejection against, 27.01

Third party plaintiff

Master against servant, 30.02

Retailer against wholesaler, 30.03

Surety against principal, 30.01

Uniform Commercial Code; breach of warranties

Express warranty, 25.07

Implied warranty of fitness, common law, 25.03

Implied warranty of merchantability, 25.08

Uninsured motor vehicles

Hit-and-run vehicle, 12.05

Insurer and uninsured driver joined, 12.04

Insurer only defendant, 12.03

Will contests

Generally, 15.04

Fraud, partial invalidity due to, 15.05

Undue influence, partial invalidity due to, 15.06

Wrongful death

Multiple negligent acts submitted, 20.02

Single negligent act submitted, 20.01

VERDICTS

Defamation. Libel or Slander, this index

Directing. Verdict Directing, this index

Explanatory Instructions, this index

False imprisonment; verdict directing, 23.04

VERDICTS—Cont'd

Forms of verdict

Actual and punitive damages

plaintiff versus defendant, 36.11

plaintiff versus two defendants, 36.12

Apportionment of fault

defendants, among, 36.15

liability for apportionment against party not claimed against by plaintiff,
36.16

Combined injury and derivative claims, 36.23, 37.09

Comparative fault; plaintiff versus defendant, 37.07

Derivative claims and combined injury, 36.23

Health care providers, actions against

plaintiff versus multiple defendants; no apportionment of fault among
defendants and no comparative fault, 36.21

plaintiff versus single defendant; no comparative fault, 36.20

plaintiff versus single or multiple defendants; comparative fault, 36.22
survival, lost chance of, 36.24 to 36.27

Indemnity by surety versus principal, crossclaim for; by employer versus
employee, 36.06

Interest where insurance company as defendant, vexatious refusal penalty;
attorney fees, 36.10

Mental illness, commitment for, 36.18

Partial settlement, disputed; plaintiff versus defendant, 36.19

Paternity actions, 36.28

Personal injuries and plaintiff versus defendant

personal injuries only, 36.01

property damage and personal injuries, 36.02, 36.04

Plaintiff versus two defendants

generally, 36.05

actual and punitive damages, 36.12

Will contests

generally, 15.10(A)

partial invalidity, 15.10(B)

plaintiff versus defendant, 36.17(B)

Insurance, this index

Loss of consortium, loss of services or medical expenses, spouse or child
injured; comparative fault or noncomparative fault submissions, 31.04

Missouri Human Rights Act

Form for actions accruing on or after August 28, 2017, 38.10

Verdict directing

August 28, 2017, accrual of actions or after, 38.06

disability, 38.01(B)

pre-August 28, 2017 accrual of actions, 38.01(A), 38.01(B)

Multiple causes of damage; verdict directing modification, 19.01

Uninsured motor vehicles

Both individual tortfeasor and insurance carrier sued; form of verdict, 12.07

INDEX

VERDICTS—Cont'd

Uninsured motor vehicles—Cont'd

Insurer only defendant

form of verdict, 12.08

verdict directing, 12.03

Verdict directing

hit-and-run vehicle, 12.05

insurer and uninsured driver joined, 12.04

insurer only defendant, 12.03

Will contests

Forms of verdict

generally, 15.10(A)

partial invalidity, 15.10(B)

plaintiff versus defendant, 36.17(B)

Partial invalidity

form of, 15.10(B)

fraud, due to, 15.05

undue influence, due to, 15.06

Verdict directing

generally, 15.04

fraud, partial invalidity due to, 15.05

undue influence, partial invalidity due to, 15.06

VICARIOUS LIABILITY

Comparative fault

Agency in issue, 37.05(1)

Agency not disputed, 37.05(2)

WARNINGS

Dangers, failure to warn of; affirmative defenses

Known dangers, 32.02

Reasonably apparent dangers, 32.03

Motor vehicles; verdict directing

Slowing without adequate warning, 17.11

Stopping without adequate warning, 17.12

Product liability; failure to warn

Negligent, 25.09

Strict liability, 25.05

Strict liability

Product liability; failure to warn, 25.05

Punitive damages

both product defect and failure to warn submitted, 10.05

either product defect or failure to warn submitted, 10.04

WARRANTIES

Breach of warranty

Accepted goods; Uniform Commercial Code, 4.17

Implied warranty of fitness for consumption, common law, 25.02

Personalty, title to, 25.01

WARRANTIES—Cont'd

- Breach of warranty—Cont'd
 - Uniform Commercial Code
 - accepted goods, 4.17
 - express warranty, 25.07
 - implied warranty of fitness, common law, 25.03
 - implied warranty of merchantability, 25.08
- Implied warranty of fitness, breach of common law
 - Consumption, warranty of fitness for, 25.02
 - Uniform Commercial Code, warranty under, 25.03
- Uniform Commercial Code
 - Breach of warranty under
 - accepted goods, 4.17
 - express warranty, 25.07
 - implied warranty of fitness, common law, 25.03
 - implied warranty of merchantability, 25.08
 - Exclusion of implied warrant under; affirmative defense, 32.25

WIFE

- Spouse, this index

WILL CONTESTS

- Affirmative defenses
 - Fraud invalidating will, 15.07, 32.17
 - Undue influence, 15.08, 32.18
- Burden of proof
 - Generally, 15.03
- Definitions
 - Sound and disposing mind and memory, 15.01
 - Undue influence, 15.02
- Forms of verdict
 - Generally, 15.10(A)
 - Partial invalidity, 15.10(B)
 - Plaintiff versus defendant, 36.17(B)
- Fraud
 - Affirmative defense of fraud invalidating will, 15.07, 32.17
 - Verdict directing partial invalidity due to, 15.05
- Illustrations, 15.09
- Sound and disposing mind and memory defined, 15.01
- Undue influence
 - Affirmative defenses, 15.08, 32.18
 - Defined, 15.02
 - Verdict directing partial invalidity due to, 15.06
- Verdicts
 - Directing
 - generally, 15.04
 - fraud, partial invalidity due to, 15.05
 - undue influence, partial invalidity due to, 15.06

INDEX

WILL CONTESTS—Cont'd

Verdicts—Cont'd

Forms of verdict

- generally, 15.10(A)
- partial invalidity, 15.10(B)
- plaintiff versus defendant, 36.17(B)

Partial invalidity

- form of, 15.10(B)
- fraud, due to, 15.05
- undue influence, due to, 15.06

WILLS

Contests. Will Contests, this index

WITHDRAWAL INSTRUCTIONS

Generally, 34.01

Advance payments, 34.05

Collateral source payments, 34.05

Eminent domain; general benefits, 9.05

Evidence, 34.01, 34.02

Federal Employers' Liability Act and assumption of risk, 24.05, 34.04

Issues, 34.02

Partial settlements, undisputed, 34.05

WORKERS' COMPENSATION

Retaliatory discharge or discrimination; verdict directing, 38.04, 38.05

WRONGFUL DEATH

Generally, 5.01

Affirmative defenses; comparative fault, 32.01(3)

Damages

Generally, 5.01

Aggravating circumstances, 6.02

Mitigating circumstances, 6.01

Verdict directing

Multiple negligent acts submitted, 20.02

Single negligent act submitted, 20.01

YIELD THE RIGHT-OF-WAY

Generally, 14.01

Alley

Entering from, 14.06

Left turn into, making, 14.07

Driveway

Entering from, 14.06

Left turn into, making, 14.07

Entering intersection after another vehicle

Generally, 14.02

Vehicle on left combined with, 14.08

Left, vehicle on, 14.03

MISSOURI APPROVED JURY INSTRUCTIONS

YIELD THE RIGHT-OF-WAY—Cont'd

Left turn at intersection, making, 14.04
Pedestrian control signals, special, 14.09
Stop sign, entering at, 14.05
Verdict directing; failure to yield, 17.08
Yield sign, entering at, 14.05