Volume 1

CHAPTER 1. GENERAL INSTRUCTIONS PRIOR TO OR DURING TRIAL AND UPON DISCHARGE OF JURY

A.	JUR	Y ORIENTATION	
	1:1	Introductory Remarks to Jury Panel	14
	1:2	Explanation to Jury Panel of Voir Dire	19
	1:3	Remarks to Jury Panel on Voir Dire	22
	1:4	Jurors' Conduct During Trial—Pre-deliberation	
		Discussions, Prohibition on Communications with	
		Others	23
	1:5	Jurors' Conduct During Trial—Prohibition on Outside	25
	1:6	Information and Electronic Communications	25 28
	1:0	Pretrial Publicity	28 29
	1:7 1:8	General Outline of Trial Procedures to Jury	33
	1:9	Note-Taking by Jurors	34
	1:10	Admonition at Recess	36
	1.10	Admonition at necess	30
В.	INS	TRUCTIONS DURING TRIAL	
	1:11	Evidence Admissible for Particular Purpose Only	38
	1:12	Stricken Evidence	39
	1:13	Stipulation or Admission of A Fact	40
	1:14	Stipulation Concerning Witness's Testimony	41
	1:15	Directions Upon Authorized Jury View	42
	1:16	Court's Questions to Witnesses	43
	1:17	Questions by Jurors of Witnesses	44
C.	DIS	CHARGE OF JURY	
•		Mandatory Instruction Upon Discharge	45
	1.10	Manuatory instruction opon Discharge	40
D.	OAT	THS	
	1:19	Oath on Voir Dire	46
	1:20	Oath of Jurors	47
	1:21	Oath or Affirmation of Witnesses	48
	1:22	Oath of Interpreter	49
	1:23	Oath of Bailiff on Retirement of Jury	50
		•	

		ER 2. STATEMENT OF THE CASE TO BE	
		iability in Issue—No Counterclaim	51
		iability in Issue—Counterclaim	53
		iability in Issue—Third-party Complaint	55
		Admitted Liability	57
		Directed Verdict as to Liability—Damages Only in	•
		Issue—GeneralDirected Verdict as to Liability—Damages Only in	58
	2.0 L	Issue—Negligence	60
CH	IAPTE	ER 3. EVIDENCE	
A.	BUR	DENS OF PROOF	
	3:1 B	Burden of Proof and Preponderance of	20
	0.0	Evidence—Defined	63
	3:2 C	Clear and Convincing Evidence—Defined	65
		Reasonable Doubt—Defined	67
	3:4 N	No Speculation	68
В.	PRES	SUMPTIONS AND PARTICULAR INFERENCES	
	3:5	Permissible Inference Arising From Rebuttable Presumption	69
	3:5A	Inference Arising From Invocation of Fifth Amendment Privilege	72
	3:6	Statutory Presumptions That Shift the Burden of Proof.	74
	3:7	Constructive Knowledge Based on Duty to Inquire	76
C.	WEIG	GHING OF EVIDENCE	
	3:8	Evidence in The Case—Stipulations—Judicial Notice—Inferences Permitted and Defined	77
	3:9	Direct and Indirect (Circumstantial) Evidence—Defined	79
	3:10	Depositions as Evidence	80
	3:11	Testimony Read From Transcript	81
	3:12	Preponderance Not Determined by Number of Witnesses	82
	3:13	Adverse Inference From the Loss or Destruction of Evidence	83
	3:14	Sympathy—Prejudice	84
	3:14A		85
	3:15	Expert Witnesses	86
	3:16	Determining Credibility of Witnesses	87
	3.17	Highlighted Exhibits	89

CHAPTER 4. JURY DELIBERATIONS; VERDICT FORMS

Α.	DEI	LIBERATIONS	
	4:1	Summary Closing Instruction	91
	4:1A		92
	4:2	Duties Upon Retiring—Selection of Foreperson	93
	4:2A		95
	4:3	Instruction When Jury Appears Deadlocked or	
		Deliberations are Unusually Prolonged	96
в.	VEF	RDICTS	
	4:4	Verdict Form for Plaintiff—Single Plaintiff and Single	
	4.4	Defendant—Actual or Nominal Damages Only	98
	4:5	Verdict Form for Plaintiff—Single Plaintiff and Single	00
	1.0	Defendant—Actual and Punitive Damages	100
	4:6	Verdict Form for Defendant—Single Plaintiff and Single	
		Defendant	102
	4:7	Verdict Forms for Single Plaintiff and Multiple	
		Defendants, Multiple Plaintiffs and Single	
		Defendant, and Multiple Plaintiffs and Multiple	
		Defendants	103
	4:8	Verdict Form for Plaintiff on Counterclaim	105
	4:9	Verdict Form for Defendant on Counterclaim	106
	4:10	Verdict Form for Third-Party Plaintiff	107
	4:11	Verdict Form for Third-Party Defendant	108
	4:12	Verdict Form for Cross-Claimant	109
	4:13	Verdict Form Against Cross-Claimant	110
	4:14	Rendering a Sealed Verdict	111
	4:15	Special Verdict (or Special Interrogatories)—Sample of Mechanics for Submitting	112
	4:16	Special Verdict (or Special Interrogatories)	112
	4.10	Form—Sample	114
	4:17	Reserved for Future Use	116
	4:18	Reserved for Future Use	117
	4:19	Reserved for Future Use	118
	4:20	Model Unified Verdict Form	119
	1.20	nioud Chinica (Craiov I Chin	110
		ER 5. GENERAL INSTRUCTIONS RELATING	ГО
DA	MA(
		Damages Not to Be Inferred	127
		Affirmative Defense—Failure to mitigate	128
		Affirmative Defense—Nonuse of Safety Belt	133
		Exemplary or Punitive Damages	135
	5:5	Determining Life Expectancy—Mortality Table	146
	5:6	Uncertainty as to Amount of Damages	147

	5:7	Damages for Wrong of Another	149		
		TER 6. DAMAGES FOR INJURIES TO PERSONS OPERTY	S		
Intr	oduct	tory Note			
Α.	PERSONAL INJURIES				
	6:1 6:1A	Personal Injuries—Adults	154		
	6:1B		164		
	6:2 6:3	Forth in Instruction 6:1A	167 169		
	0.5	Damages	172		
	6:4	Personal Injuries—Minor Child—Loss of Earnings— Distinction Between Parents' and Child's Claims	175		
	6:5	Loss of Consortium—Elements of Liability	176		
	6:6	Loss of Consortium—Defined—Damages	179		
	6:7	Personal Injuries—Non-Reduction of Damages—"Thin Skull" Doctrine	181		
	6:8	Aggravation of Preexisting Condition	183		
	6:9 6:10	Damages Caused by Unrelated Second Event Effect of Income Tax and Other Economic Factors on	186		
	0.10	Award of Damages	189		
		MAGES FOR LOSS OR DESTRUCTION OF NAL PROPERTY			
	6:11	Personal Property—Difference in Market Value	192		
	6:12	Personal Property—Cost of Repairs	194		
	6:13	Personal Property—Loss of Use	196		
C.		LTIPLE RECOVERY			
	6:14	Multiple Recovery Prohibited (When Plaintiff Suing on Alternative but Duplicative Claims for Relief)	198		
СН	APT	ER 7. LEGAL RELATIONSHIPS			
Α.	MIN	IORS			
		Minor Child—Defined—Right to Sue or Defend Emancipation—Defined	202 203		

В.	PAR	TNERSHIPS AND JOINT VENTURES	
	7:3	General Partnership—Defined	204
	7:4	Joint Venture—Defined	206
	7:5	Joint Venture in Operation of Vehicle or Other Instrumentality—Defined	208
	7:6	Joint Venture—Imputing Negligence Among Joint Venturers	
		venturers	210
C.	ENT	TITIES	
	7:7	Entity Acts Through Individuals	211
		ER 8. LIABILITY BASED ON AGENCY AND NDEAT SUPERIOR	
		TINITIONS	
110	8:1	Agency Relationship—Defined	214
	8:2	Disclosed or Unidentified Principal—Defined	217
	8:3	Undisclosed Principal—Defined	219
	8:4	Employer and Employee—Defined.	221
	8:5	Independent Contractor—Definition	223
	8:6	Loaned Employee	226
	8:7	Loaned Employee—Determination	227
	8:8	Scope of Employee—Determination	229
	8:9	Scope of Authority of Agent—Defined	231
	8:9A	Actual Authority—Defined	233
	8:9B	Express Authority—Defined	235
	8:10	Incidental Authority—Defined	236
	8:11	Implied Authority—Defined	237
	8:12	Apparent Authority (Agency by Estoppel)—Definition	23 I
		and Effect	239
	8:13	Scope of Authority or Employment—Departure	241
	8:14	Ratification—Definition and Effect	242
	8:15	Knowledge of Agent Imputable to Principal	243
	8:16	Termination of Agent's Authority	244
	8:17	Termination of Agent's Authority—Notice to Third	
		Parties	245
В.	LIA	BILITY ARISING FROM AGENCY	
Int	roduct	ory Note	
	8:18	Principal and Agent—Both Parties Sued—Issue as to Relationship and/or Scope of Authority	248
	8:19	Principal and Agent—Both Parties Sued—No Issue as to Relationship and Scope of Authority	251

	8:20	Principal and Agent—Only Principal Sued—Issue as to Relationship and/or Scope of Authority	253
	8:21	Principal and Agent—Only Principal Sued—No Issue as	
		to Relationship and Scope of Authority	255
	LIAI PERI	BILITY ARISING FROM RESPONDEAT	
		Employer and Employee—Both Parties Sued—Issue as to Relationship and/or Scope of Employment	256
	8:23	Employer and Employee—Both Parties Sued—No Issue as to Relationship and Scope of Employment	261
	8:24	Employer and Employee—Only Employer Sued—Issue as to Relationship and/or Scope of Employment	262
	8:25	Employer and Employee—Only Employer Sued—FV Issue as to Relationship and Scope of Employment	264
CH	[APT]	ER 9. NEGLIGENCE—GENERAL CONCEPTS	
Int	roducto	ory Note	
A.		LIGENCE AND DUTY OF CARE	
	9:1	Elements of Liability—No Negligence of the Plaintiff	274
	9:2	Negligent Infliction of Emotional Distress—Elements of Liability	290
	9:3	Negligent Misrepresentation Causing Physical Harm— Elements of Liability	293
	9:4	Negligent Misrepresentation Causing Financial Loss in A Business Transaction—Elements of Liability	296
	9:5	Negligent Misrepresentation Causing Financial Loss in A Business Transaction—Unreasonable	200
	9:6	Reliance—Defined	302
	9:7	Negligence—Defined—Inherently Dangerous Activities	303
	9:7A	Ultrahazardous Activities Resulting in Strict Liability	310
	9:8	Reasonable Care—Defined.	312
	9:9	Children—Standard of Care—Negligence (Including	312
		Comparative Negligence Cases)	313
	9:10	Volunteer—Duty of Care	315
	9:11	SUDDEN EMERGENCY	316
	9:12	Happening of Accident not Presumptive Negligence	317
	9:13	Looking But Failing to See as Negligence	318
	9:14	Negligence Per Se—Violation of Statute or Ordinance	319
	9:15	Conduct in Compliance With Statute or Ordinance and Justifiable Violation of Statute	324

	9:16 9:17	Unknowing Violation of Statute or Ordinance	326
	5.17	Rebuttable Presumption of Negligence	327
В.	CAU	SATION	
Spe	ecial No	ote	
•	9:18	Cause When Only One Cause is Alleged—Defined	334
	9:19	Concurrent Causes (Excluding Designated Nonparty Fault Cases)	336
	9:20	Cause—Concurrent Causes—Intervening Causes	337
	9:21	Cause—Foreseeability Limitation	341
	COM ULT	PARATIVE NEGLIGENCE AND COMPARATIVE	E
ГA	ULI		
Spe	ecial No		
	9:22	Elements of Liability—Comparative Negligence	346
	9:23	Affirmative Defense—Comparative Negligence of the Plaintiff	350
	9:24	Affirmative Defense—Negligence or Fault of Designated Nonparty	351
	9:25	Negligence of Parents Not Imputable to Children	353
	9:26	Comparative Negligence of Plaintiff—Single Defendant—No Designated Nonparty Involved	354
	9:26A	Special Verdict Questions—Mechanics for Submitting— Comparative Negligence of the Plaintiff—Single	
		Defendant—No Designated Nonparty	356
	9:26B	Special Verdict Forms—Comparative Negligence Of the	
		Plaintiff—No Counterclaim—Single Defendant—No	
		Designated Nonparty—Forms A And B	359
	9:26C	Special Verdict Questions—Mechanics for Submitting—	
		Comparative Negligence of the Plaintiff—No	
		Counterclaim—Single Defendant—No Designated	2004
	0.96D	Nonparty (Alternative to Instruction 9:26A)	364
	9:26D	Special Verdict Forms—Comparative Negligence of the Plaintiff—No Counterclaim—Single Defendant—No	
		Designated Nonparty—Forms A and B (Alternative	
		to Instruction 9:26B)	367
	9:27	Comparative Negligence of the Plaintiff—Multiple	
		Defendants—No Designated Nonparty Involved	372
	9:27A	Special Verdict Questions—Mechanics for Submitting—	
		Comparative Negligence of the Plaintiff—Multiple	
		Defendants—No Designated Nonparty	374
	9:27B	Special Verdict Forms—Comparative Negligence of the	
		Plaintiff—Multiple Defendants—No Designated	

		Nonparty—Forms A and B	377
	9:27C S	Special Verdict Questions—Mechanics for Submitting—	
		Comparative Negligence of the Plaintiff—Multiple	
		Defendants—No Designated Nonparty (Alternative	
		to Instruction 9:27A)	383
	9·27D S	Special Verdict Forms—Comparative Negligence of the	
	0.2.2	Plaintiff—Multiple Defendants—No Designated	
		Nonparty—Forms A and B (Alternative to	
		Instruction 9:27B)	386
	9:28	Comparative Negligence of Plaintiff—Single Defendant	000
	0.20	or Multiple Defendants—Designated Nonparty or	
		Nonparties Involved	392
	0.284 5	Special Verdict Questions—Mechanics for Submitting—	002
	J.2011 K	Comparative Negligence of the Plaintiff—Single	
		Defendant or Multiple Defendants—Designated	
		Nonparty or Nonparties Involved	396
	9.28B	Special Verdict Forms—Comparative Negligence of the	000
	0.20D k	Plaintiff—Single Defendant or Multiple	
		Defendants—Designated Nonparty or Nonparties	
		Involved—forms A and B	399
	9.28C S	Special Verdict Questions—Mechanics for Submitting—	
	0.200 8	Comparative Negligence of the Plaintiff—Single	
		Defendant or Multiple Defendants—Designated	
		Nonparty or Nonparties Involved (Alternative to	
		Instruction 9:28A)	406
	9:28D S	Special Verdict Forms—Comparative Negligence of The	
		Plaintiff—Single Defendant or Multiple	
		Defendants—Designated Nonparty or Nonparties	
		Involved—Forms A and B (Alternative to Instruction	
		9:28B)	409
	9:29 I	Elements—Multiple Defendants or One or More	
		Defendants and One or More Designated	
		Nonparties—No Negligence or Fault of Plaintiff	416
	9:29A S	Special Verdict Questions—Mechanics for Submitting—	
		Multiple Defendants or One or More Defendants and	
		One or More Designated Nonparties—No Negligence	
		or Fault of Plaintiff	419
	9:29B S	Special Verdict Forms—Multiple Defendants or One or	
		More Defendants and One or More Designated	
		Nonparties—No Negligence or Fault of Plaintiff—	
		Forms A and B	422
_			
D.		FUL AND WANTON NEGLIGENCE	
	9:30 V	Villful and Wanton Conduct Or Willful and Reckless	
		Disregard—Defined	428
To.	OID T		
		ECTS ON WHICH NO SEPARATE	
IIN		CTIONS HAVE BEEN PREPARED	
	9:31 C	Contributory Negligence, Contributory Negligence of	

		(Spouse) (Parent) (Child), and Assumption of Risk \dots	430
		JECTS ON WHICH NO SEPARATE ICTIONS SHOULD BE GIVEN	
	9:32	Rescue Doctrine, Unavoidable Accident, and Last Clear Chance	432
CH	[APT]	ER 10. WRONGFUL DEATH	
	10:1	Contributory Negligence of a Decedent	433
	10:2	Contributory Negligence of a Plaintiff	434
	10:3	Damages for Wrongful Death	435
	10:4	Wrongful Death of Child—Determining Pecuniary Loss .	441
	[APT] AFFI	ER 11. MOTOR VEHICLES AND HIGHWAY	
110	ZAL I I		
A.	DUT	Y OF CARE	
	11:1	Duty to Maintain Lookout	444
	11:2	Duty of Care of Driver Having Right of Way	445
	11:3	Duty of Care of Pedestrian or Bicycle Operator Having	110
	11.4	Right of Way Pedestrian in Crosswalk	446
	11:4 11:5	Duty of Care of Minor Operating Motor Vehicle	447 448
	11:6	Duty of Care of Physically or Mentally Handicapped	440
	11.0	Driver	449
	11:7	Duty of Care of Unlicensed Driver	450
	11:8	Duty of Care as to Speed of Vehicle	451
	11:9	Right to Assume Others Will Obey the Law	452
	11:10	Driving on Wrong Side of Road as Negligence	453
	11:11	Right to Assume That Driver on Wrong Side of Road	454
	11.10	Will Return	454
	11:12 11:13	1	$455 \\ 457$
	11:14		458
			400
В.	RES	ERVED FOR FUTURE USE	
C.	VICA	ARIOUS LIABILITY—MOTOR VEHICLES	
	11:15	v	460
	11:16	Head of Household—Defined	462
	11:17	v	463
	11:18		
		owner—Presumption of Control	464

CHAPTER 12. PREMISES LIABILITY

Introductory Note

A .	PER	SONS INJURED ON THE PREMISES	
	12:1	Liability of Owner or Occupant to A Trespasser Injured on Premises—Elements of Liability	472
	19.9	Liability of Owner or Occupant to a Licensee Injured on	412
	14.4	Premises—Elements of Liability	478
	12:3	Liability of Owner or Occupant to an Invitee Injured on	
		Premises—Elements of Liability	485
	12:4	Liability of Owner or Occupant to Children Injured on Premises—Attractive Nuisance Doctrine—Elements of Liability	492
	12:5	Attractive Nuisance Doctrine—Child Between 14 and 18—Presumption of Competency	496
В.	PER	SONS INJURED OFF THE PREMISES	
	12:6	Liability of Owner or Occupant to Persons Injured Off	
		the Premises—Elements of Liability	497
	12:7	Duty of Owner or Occupant to Persons Injured Off the	
		Premises	501
C.	LES	SOR'S DUTY OF CARE	
	12:8	No Implied Warranty of Fitness	502
	12:9	Lessor's Liability for Injury From Latent Defect	503
	12:10	Lessor's Liability for Injury When Premises Leased for Public or Semi-Public Use and Were Defective at Time of Lease	504
	12:11	Lessor's Liability as Affected by Lessor's Promise to	004
		Repair Premises	505
	12:12	Liability of Lessor Who Commences Repair of	
		Premises	506
-	_	JSEMENT PARK DEVICES—SKI LIFTS—	
OF		TOR'S DUTY OF CARE	
	12:13	Amusement Devices and Ski Lifts—Duty of Care Where User Lacks Freedom of Movement	507
E.	LAT	ERAL AND SUBJACENT SUPPORT	
	12:14	Landowner's Right to Lateral and Subjacent Support	508
F.	PUB	LIC PLACES	
		Colorado Governmental Immunity Act	510
		Duty of Care by User of Public Way	

	12:17	Negligent Choice of Route	519
G.	-	LATION OF STATUTE OR ORDINANCE Violation of Statute or Ordinance—Evidence of Failure to Exercise Reasonable Care	520
CH	APTI	ER 13. ANIMALS	
	13:1	Domestic Animals—Dangerous or Vicious Tendencies—	
		Elements of Liability	521
		Wild Animals—Elements of Liability	526
	13:3	Serious Bodily Injury or Death Resulting From Being Bitten by A Dog—Elements of Liability	528
	13:4	Serious Bodily Injury—Defined	
		Damages	
СН	APTI	ER 14. PRODUCT LIABILITY	
Int	roducto	ory Note	
Δ.	STRI	ICT PRODUCT LIABILITY	
110	14:1	Elements of Liability	540
	14:2	Manufacturer—Defined	
	14:3	Defective, Unreasonably Dangerous—Defined	
	14:4	Warnings and Instructions	551
	14:5	Presumptions—Noncompliance With Governmental Standards	554
	14:5A	Presumptions—Compliance With Governmental Standards	556
	14:5B	Presumptions—Ten-Year Use of Product	557
	14:6	State-of-the-Art	558
	14:7	Damage Alone Not Proof Product was Defective or Unreasonably Dangerous	559
В.	PRO	DUCT LIABILITY FOR BREACH OF WARRANT	ſΥ
	14:8	Breach of Express Warranty Under U.C.C.—Elements	
		of Liability	560
	14:9	Express Warranty—Defined	565
	14:10	Breach of Implied Warranty of Merchantability— Elements of Liability	567
	14:11	Implied Warranty of Merchantability—Defined	570
	14:12	Implied Warranty of Wholesomeness of Food—Defined.	572
	14:13		573
	14:14		910
		Purpose—Defined	576

		Notice of Breach of Warranty—What Constitutes	577
	14:16	Implied Warranties—Creation and Exclusion or	
		Modification	579
C.	PROI	DUCT LIABILITY FOR NEGLIGENCE	
•		Manufacturer's Liability Based on Negligence—	
		Elements of Liability	582
	14:18	Manufacturer's Duty as to Parts Obtained From Other	585
	14.19	Sources	587
	14:20	Liability For Injury From Food or Beverage in Sealed	00.
		Container—Elements of Liability	589
	14:21	Prima Facie Negligence Liability for Injury From Food	
		or Beverage in Sealed Container (Res Ipsa Loquitur)	591
		Eoquitur)	001
		CT PRODUCT LIABILITY FOR	
MI		RESENTATION	
		Elements of Liability	
		Misrepresentation of Material Fact—Defined	
	14:24	Reasonable Reflance—Defined	596
E.	AFFI	RMATIVE DEFENSES AND DEFENSE	
		ERATIONS	
	14:25	Affirmative Defense—Unreasonable, Knowing Use of	
		Defective Product or Product Not in Compliance	
	1400	with Warranty	597
	14:26	Affirmative Defense—Risk of an Unavoidably Unsafe Product	599
	14:27	Affirmative Defense—Misuse of Product	601
	14:28	Affirmative Defense—Comparative Fault Based on	001
		Unreasonable, Knowing Use of Product Involving	
		Negligently Created Risk, Product not in	
		Compliance with Warranty, or Defective or Misrepresented Product	604
	14:29	Affirmative Defense—Comparative Fault Based on	004
	11.20	Negligence	606
	14:30	Comparative Fault—Elements and Effect—No	
		Counterclaim—Single Defendant	608
	14:30 <i>F</i>	A Special Verdict—Mechanics for Submitting—No	610
	14:30E	Counterclaim—Single Defendant	610
	14.001	Defendant—forms A, B, and C	613
	14:31	Comparative Fault—Elements and Effect—No	
		Counterclaim—Multiple Defendants	619
	14:31A	1	001
		Counterclaim—Multiple Defendants	621

	14:31I	B Special Verdict Forms—No Counterclaim—Multiple Defendants—Forms A, B, and C	624
	14:32	Comparative Fault—Elements and Effect—No	021
		Counterclaim—Single Defendant—Designated	400
	14.29	Nonparty or Nonparties Involved A Special Verdict—Mechanics for Submitting—No	633
	14.02/	Counterclaim—Single Defendant—Designated	
		Nonparty or Nonparties Involved	635
	14:32I		
		Defendant—Designated Nonparty or Nonparties	coo
	14:33	Involved—Forms A, B, and C	638
	14.00	Defendants—Designated Nonparty or Nonparties	
		Involved	646
	14:33A	A Special Verdict—Mechanics for Submitting—No	
		Counterclaim—Multiple Defendants—Designated Nonparty or Nonparties Involved	648
	14:33I		040
	11,001	Defendants—Designated Nonparty or Nonparties	
		Involved—Forms A, B, And C	652
		ED 15 DDODECCIONAL LIADILIUM	
$C\mathbf{H}$			
CH	IAPTE	ER 15. PROFESSIONAL LIABILITY	
		ICIANS AND PRACTITIONERS OF OTHER	
I.	PHYS		
I. HE	PHYS EALIN	ICIANS AND PRACTITIONERS OF OTHER G ARTS	
I. HE	PHYS EALIN MAL	ICIANS AND PRACTITIONERS OF OTHER G ARTS PRACTICE	664
I. HE	PHYS EALIN MAL	ICIANS AND PRACTITIONERS OF OTHER G ARTS PRACTICE Elements of Liability	664 674
I. HE	PHYS EALIN MAL 15:1 15:2	PRACTICE Elements of Liability	664 674
I. HE	PHYS EALIN MAL 15:1 15:2	PRACTICE Elements of Liability	
I. HE	PHYS EALIN MAL 15:1 15:2 15:3	PRACTICE Elements of Liability	674
I. HE	PHYS EALIN 15:1 15:2 15:3 15:4 15:5	PRACTICE Elements of Liability	674 676 678 680
I. HE	PHYS EALIN 15:1 15:2 15:3 15:4 15:5	PRACTICE Elements of Liability	674 676 678
I. HE A.	PHYS EALIN 15:1 15:2 15:3 15:4 15:5 15:6	PRACTICE Elements of Liability Negligence—Nonspecialist—Defined. Negligence—Specialist or One Who Has or Claims to Have Special Skill—Defined. No Implied Warranty of Successful Outcome Referral of Patient to Another Physician. Contributory Negligence of Patient—Defined.	674 676 678 680
I. HE	PHYS EALIN 15:1 15:2 15:3 15:4 15:5 15:6 BATT	PRACTICE Elements of Liability	674 676 678 680 681
I. HE A.	PHYS (ALIN 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7	PRACTICE Elements of Liability	674 676 678 680 681
I. HE A.	PHYS CALIN MAL 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8	PRACTICE Elements of Liability	674 676 678 680 681
I. HE A.	PHYS CALIN MAL 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8	PRACTICE Elements of Liability	674 676 678 680 681 683
I. НВ А.	PHYS EALIN MAL 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8 15:9	PRACTICE Elements of Liability Negligence—Nonspecialist—Defined. Negligence—Specialist or One Who Has or Claims to Have Special Skill—Defined. No Implied Warranty of Successful Outcome Referral of Patient to Another Physician. Contributory Negligence of Patient—Defined. PERY Operation or Treatment Without Consent of Patient Affirmative Defense—Consent, Express or Implied. Affirmative Defense—Implied Consent Based on Emergency	674 676 678 680 681 683 685
I. HE A.	PHYS (ALIN MAL) 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8 15:9	PRACTICE Elements of Liability Negligence—Nonspecialist—Defined. Negligence—Specialist or One Who Has or Claims to Have Special Skill—Defined. No Implied Warranty of Successful Outcome Referral of Patient to Another Physician. Contributory Negligence of Patient—Defined. PERY Operation or Treatment Without Consent of Patient Affirmative Defense—Consent, Express or Implied. Affirmative Defense—Implied Consent Based on Emergency NFORMED CONSENT	674 676 678 680 681 683 685
I. НВ А.	PHYS (ALIN MAL) 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8 15:9 UNIN 15:10	CICIANS AND PRACTITIONERS OF OTHER GARTS PRACTICE Elements of Liability	674 676 678 680 681 683 685 686
I. НВ А.	PHYS (ALIN MAL) 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8 15:9 UNIN 15:10 15:11	PRACTICE Elements of Liability	674 676 678 680 681 683 685 686 688
I. НВ А.	PHYS (ALIN MAL. 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8 15:9 UNIN 15:10 15:11 15:12	PRACTICE Elements of Liability Negligence—Nonspecialist—Defined Negligence—Specialist or One Who Has or Claims to Have Special Skill—Defined. No Implied Warranty of Successful Outcome Referral of Patient to Another Physician. Contributory Negligence of Patient—Defined. PERY Operation or Treatment Without Consent of Patient Affirmative Defense—Consent, Express or Implied. Affirmative Defense—Implied Consent Based on Emergency FORMED CONSENT Uninformed Consent—Elements of Liability Information Required Substantial Risk—Defined.	674 676 678 680 681 683 685 686
I. НВ А.	PHYS (ALIN MAL. 15:1 15:2 15:3 15:4 15:5 15:6 BATT 15:7 15:8 15:9 UNIN 15:10 15:11 15:12	PRACTICE Elements of Liability	674 676 678 680 681 683 685 686 688

IN	ACT	IAGES INSTRUCTIONS AND SPECIAL VERDIC IONS AGAINST HEALTH CARE PROFESSIONA ALTH CARE INSTITUTIONS	
OI		Special Verdict—Mechanics for Submitting—Tort	
	10:14	Actions Against Health Care Professionals or	
		Health Care Institutions	696
	15:15	Special Verdict Forms—Tort Actions Against Health Care Professionals or Health Care Institutions—	
		Forms A and B	701
		Determining Present Value of Future Damages	711
	15:17	Determining Lifelong Future Damages—Shortened Life Expectancy	713
II.	ATT	ORNEYS—MALPRACTICE	
	15:18	Elements of Liability of Attorneys—Not Involving an Underlying Claim or Case	714
	15:19	Elements of Liability of Attorneys—Involving an Underlying Matter (Case-Within-a-Case)	721
	15:20	Elements of Liability of Attorneys—Involving an Underlying Matter (Case-Within-a-Case)— Determining Whether Plaintiff Should Have Prevailed in the Underlying Matter	724
	15:21		726
	15:22		
	15:23	Referral of Client to Another Attorney	729
		Contributory Negligence of Client—Defined	
		HER PROFESSIONAL MALPRACTICE	
(At		JNTANTS, ARCHITECTS, ETC.)	5 00
		Elements of Liability—Accountants, Architects, Etc	732
	15:26	Negligence—Other Professionals—Defined Causation—Real Estate Brokers—Transactional	734
	10.47	Malpractice—Defined	736
	15:28	No Implied Warranty of Successful Outcome—Other	
		Professionals	737
	15:29	Referral of Client to Another Professional Person	738
	15:30	Contributory Negligence of Client—Defined	739
		Volume 2	
СН	(APT	ER 16. BAILORS AND BAILEES	
	16:1	Bailment—Bailor—Bailee—Defined	1
	16:2	Bailor Not Liable to Third Persons for Negligence of	3

	16:3	Gratuitous Bailment—Duty of Bailor to Warn Bailee— Definition of Negligence	4
	16:4	Non-Gratuitous Bailment—Duty of Non-Commercial	_
		Bailor to Bailee—Definition of Negligence	6
	16:5	Duty of Bailee to Bailor	7
	16:6	Failure of Bailee to Return Property or Return it in Undamaged Condition—Presumption of Negligence	8
		ER 17. MALICIOUS PROSECUTION AND ABUS OCESS	SE
A.	MAI	LICIOUS PROSECUTION	
	17:1		11
		Probable Cause—Defined	15
	17:3	Probable Cause Not Dependent on Result of Criminal	
	17.4	Case	16
	17:4	Presence of Malice	17 18
		Lack of Probable Cause Not to be Inferred From Malice	10
	17.0	Alone	19
	17:7		20
	17:8	•	22
	17:9	Actual Damages	23
R	ARI	SE OF PROCESS	
ъ.		Elements of Liability	25
	17:11	· · · · · · · · · · · · · · · · · · ·	29
		Ulterior Purpose—Defined	$\frac{23}{31}$
	11,12	Cherror 1 dipose Deinied	01
	IAPT: VISAN	ER 18. TRESPASS TO LAND AND PRIVATE NCE	
	18:1	Trespass—Elements of Liability	32
	18:2	Intentionally—Defined	36
	18:3	Consent	37
	18:4		38
	18:5	Private Nuisance — Elements of Liability	45
	18:6	Intentionally or Negligently — Defined	48
	18:7	Actual or Nominal Damages	49
СН	(APT	ER 19. DECEIT BASED ON FRAUD	
	19:1	False Representation—Elements of Liability	51
	19:2	Nondisclosure or Concealment—Elements of Liability	58
	19:3	False Representation—Defined	62
	19:4	Material Fact—Defined	63

	19:5	Nondisclosure—Duty to Disclose	65
	19:6	Concealment—Defined	68
	19:7	False Representation—Reliance—Defined	69
	19:8	$\label{lem:conformal} \mbox{Justifiable Reliance on False Representation} \mbox{$-$Defined} \; .$	71
	19:9	Justifiable Reliance—Nondisclosure or	
	40.40	Concealment—Defined	72
	19:10	ž 8	74
	19:11	8	77
	19:12	Representations	78
	19:13	•	,0
	10.10	Representations	79
	19:14		80
	19:15	Statements of Opinion as False Representations	81
	19:16	Affirmative Defense—Waiver by Plaintiff Before	
		Plaintiff's Complete Performance	83
	19:17	Actual Damages	84
CH	[APT]	ER 20. ASSAULT AND BATTERY	
A.	ASS	AULT	
	20:1	Elements of Liability	88
	20:2	Apprehension—Defined	91
	20:3	Intent to Place Another in Apprehension—Defined	92
	20:4	Actual or Nominal Damages	93
В.	BAT	TERY	
	20:5	Elements of Liability	96
	20:6	Contact—Defined	99
	20:7	Intent—Defined	100
	20:8	Transferred Intent	101
	20:9	Actual or Nominal Damages	102
C.	AFF	IRMATIVE DEFENSES	
	20:10	Words Alone Do Not Justify	103
	20:11	-	
	20:12		106
	20:13		
	. •	Serious Bodily Injury	108
	20:14		109
	20:15	Battery Defenses—Defense of Real Property	111
	20:16	Battery Defenses—Defense of Personal Property	113
	20:17	Battery Defenses—Recapture of Personal Property	115

CHAPTER 21. FALSE IMPRISONMENT OR ARREST

Α.	LIAE	BILITY	
	21:1	Elements of Liability	118
	21:2	Restriction of Freedom of Movement—Defined	121
	21:3	Intent—Defined	124
	21:4	Intent to Restrict by Failure to Release	125
	21:5	Actual or Nominal Damages	126
В.	AFF	IRMATIVE DEFENSES	
	21:6	Consent	128
	21:7	Statutory Privilege to Detain for Investigation	130
	21:8	Common-Law Privilege to Detain for Investigation	133
	21:9	Privilege to Defend Person or Property	135
	21:10	Privilege of Any Person to Arrest Without a Warrant	137
	21:11		140
	21:12		144
	21:13	Reasonable Grounds for Believing and Probable Cause to Believe—Defined	145
	21:14	Fresh Pursuit—Defined	147
	21:15	Privilege to Arrest with a Warrant	148
	21:16	Indication of Intent to Arrest—When Excused	151
	21:17	Valid Warrant or Warrant Fair on Its Face—Defined	152
	21:18	Guilt of Person Arrested	154
	21:19	Abuse of a Privilege to Arrest	155
СН	[APT]	ER 22. DEFAMATION (LIBEL AND SLANDER)	
.		AT .	
Int		pry Note	
	22:1	Libel or Slander Per Se—Where the Plaintiff Is a Public Official or Public Person or, If a Private Person, the Statement Pertained to a Matter of Public Interest or General Concern—Elements of Liability	165
	22:2	Libel or Slander Per Quod—Where the Plaintiff Is a Public Official or Public Person or, If a Private Person, the Statement Pertained to a Matter of Public Interest or General Concern—Elements of	174
	22:3	Liability	
	00.4	Public Interest or General Concern	178
	22:4	Libel or Slander Per Se—In a Private Matter Where Plaintiff Is a Private Person—Elements of Liability	181

2	2:5	Libel or Slander Per Quod—In a Private Matter Where	104
0	0.0	Plaintiff Is a Private Person—Elements of Liability.	184 187
	2:6	Incremental Harm	
	2:7	Published—Defined	188
	2:8	Defamatory—Defined	189
	2:9	About the Plaintiff—Defined	191
2	2:10	0	192
0	0.11	Understood by Others	192
2	2:11	Determination of Meaning of Statement—Publication to Be Considered as a Whole	193
2	9.19	Determination of Meaning of Statement—Publication	190
۷.	2,12	to Be Considered in Light of Surrounding	
		Circumstances	194
2	2:13		195
	2:14		197
	2:15		198
	2:16		199
	2:17		201
	2:18	_	203
2	2:19	•	
		Public Meeting Proceedings	208
2	2:20		
		Communication	210
2	2:21		211
2	2:22		212
2	2:23	Affirmative Defense—Statute of Limitations	214
2	2:24		
		Damages	216
	2:25		
	2:26	8	
2	2:27	Exemplary or Punitive Damages	221
CITA	DANI		
		ER 23. EXTREME AND OUTRAGEOUS	
		CT—EMOTIONAL DISTRESS	
		Elements of Liability	
2		Extreme and Outrageous Conduct—Defined	
		Recklessly or with Intent—Defined	
2		Severe Emotional Distress—Defined	
2	3:5	Exercising Legal Rights in Permissible Manner	234
2	3:6	Actual Damages	235
СПА	рті	ER 24. INTENTIONAL INTERFERENCE WITH	
		ACTUAL OBLIGATIONS	
			237
		Elements of Liability	
2	4:2	Intentional Conduct—Defined	243

	24:3	Improper—Defined.	244
	24:4	Interference—Defined	246
	24:5	Contracts Terminable at Will or Voidable	247
	24:6	Affirmative Defense—Privilege—When Existent—When	4T (
	24.0	LOST	249
	24:7	Actual or Nominal Damages	253
	44.1	Actual of Nominal Damages	200
CH	APT	ER 25. BAD FAITH BREACH OF INSURANCE	
\mathbf{CO}	NTR	ACT	
	25:1	Elements of Liability—Third-Party Claims	256
	25:2	Elements of Liability—First-Party Common-Law	
		Claims	264
	25:3	Unreasonable Conduct/Unreasonable Position—	
		Common-Law Claims—Defined	274
	25:4	Elements of Liability—First-Party Statutory Claims	277
	25:5	Unreasonable Delay or Denial	280
	25:6	Unreasonable Conduct/Unreasonable Position—	
		Statutory Violations—Defined	282
	25:7	Reckless Disregard—Defined	284
	25:8	Duty of Good Faith and Fair Dealing	285
	25:9	Actual Damages—Common-Law Claims	289
	25:10	Benefit Amount—First-Party Statutory Claims	293
	25:11	Punitive Damages	296
CH	ADT	ER 26. BREACH OF FIDUCIARY DUTY	
CII			ൈ
		Elements of Liability	298
		Fiduciary Relationship—Defined	303
	26:3	Fiduciary Relationship Arising out of a Confidential	308
	26.4	Relationship	311
		Confidential Relationship—Defined	312
	26:5	Actual Damages	312
СН	APT	ER 27. CIVIL CONSPIRACY	
	27:1	Elements of Liability	315
		Unlawful Means—Defined	319
		Unlawful Goal—Defined	320
CH	APT	ER 28. INVASION OF PRIVACY	
	28:1	Invasion of Privacy by Intrusion—Elements of	
		Liability	321
	28:2	Intrusion—Very Offensive to a Reasonable	
		Person—Defined	326
	28:3	Intentional Intrusion—Defined	327
	28:4	Invasion of Privacy by Appropriation—Elements of	
		Liability	328

	28:5	Invasion of Privacy by Public Disclosure of Private Facts—Elements of Liability	331
	28:6	Public Statement or Disclosure—Defined	336
	28:7	About the Plaintiff—Defined	337
	28:8	Private Facts—Defined.	338
	28:9	Public Disclosure of Private Facts—Very Offensive to a	000
	20.0	Reasonable Person—Defined	339
	28:10		340
	28:11	_	341
	28:12	Invasion of Privacy—Affirmative Defense—Statute of Limitations	342
	28:13	Invasion of Privacy—Affirmative Defense—Consent	343
		Invasion of Privacy—Damages	345
		Invasion of Privacy—Exemplary or Punitive Damages	347
		ER 29. THE COLORADO CONSUMER	
PR	OTE	CTION ACT	
Int	roduct	ory Note	
	29:1	Elements of Liability	352
	29:2	Deceptive Trade Practices—Defined	356
	29:3	False Representation/Misrepresentation—Defined	358
	29:4	Significant Impact on the Public—Defined	359
	29:5	Actual Damages	362
	29:6	Treble Damages	364
CH	[APT]	ER 30. CONTRACTS	
Int	roduct	ory Note	
Α.	CON	TRACT FORMATION	
	30:1		370
	30:2	Contract Formation—Need Not Be in Writing	
	30:3	Contract Formation—Offer	
		Contract Formation—Revocation of Offer	
	30:5		
	30:6	Contract Formation—Acceptance	376
		Contract Formation—Consideration	
	30:8	Contract Formation—Modification	380
	30:9	${\bf Contract\ Formation-Third-Party\ Beneficiary}$	382
В.	CON	TRACT PERFORMANCE	
	30:10	Contract Performance—Breach of Contract—Elements	
		of Liability	384

	30:11	Contract Performance—Breach of Contract Defined	389
	30:12	Contract Performance—Substantial Performance	391
	30:13	Contract Performance—Anticipatory Breach	393
	30:14	Contract Performance—Time of Performance	395
	30:15	Contract Performance—Conditions Precedent	396
	30:16	Contract Performance—Implied Duty of Good Faith	
		and Fair Dealing—Non-Insurance Contract	398
	30:17	Contract Performance—Assignment	401
C .	DEFI	ENSES	
Int	roducto	ry Note	
	30:18	Defense—Fraud in the Inducement	409
	30:19	Defense—Undue Influence	413
	30:20	Defense—Duress	414
	30:21	Defense—Minority	416
		Defense—Mental Incapacity	417
	30:23	Defense—Impossibility of Performance	418
	30:24	Defense—Inducing a Breach by Words or Conduct	421
	30:25	Defense—Waiver	422
	30:26	Defense—Statute of Limitations	424
	30:27	Defense—Cancellation by Agreement	426
	30:28	Defense—Accord and Satisfaction (Later Contract)	428
	30:29	Defense—Novation	431
D.	CON	TRACT INTERPRETATION	
Int	roducto	ry Note	
		Contract Interpretation—Disputed Term	436
	30:31	Contract Interpretation—Parties' Intent	437
	30:32	Contract Interpretation—Contract as a Whole	439
	30:33	Contract Interpretation—Ordinary Meaning	441
	30:34	Contract Interpretation—Use of Technical Words in a	441
	50.54	Contract Interpretation—Use of Technical Words in a	442
	30:35	Contract Interpretation—Construction Against	
		Drafter	444
	30:36	Contract Interpretation—Specific and General Clauses.	445
E.	DAM	AGES	
Int	roducto	ry Note	
	30:37	Damages—Introduction	450
	30:38	Damages—General	
		Damages—Special	

	30:40	Damages—Liquidated	457
		Damages—Nominal	460
	30:42	Damages—Purchaser's for Breach of Land Purchase Contract	461
	30:43	Damages—Seller's for Breach of Land Purchase	
		Contract	462
	30:44	Damages—Employer's for Employee's Breach of Personal Service Contract	463
	30:45	Damages—Builder's for Breach of Construction Contract by Owner Prior to Completion	464
	30:46	Damages—Builder's for Substantial Though Not Complete Performance of Construction Contract	466
	30.47	Definition—Contract Price Agreed Upon	468
		Damages—Builder's for Owner's Partial Breach—	
	30:49	Failure to Make Installment Payment Damages—Owner's for Breach of Construction	469
	30.49	Contract by Builder	470
	30:50	Damages—Owner's for Delay in Completion of Construction Contract	472
	30:51	Damages—Broker's for Breach of Real Estate	412
	50.51	Commission Contract	473
	30:52	Damages—Owner's for Wrongful Deprivation of Use of a Chattel	474
	30:53	Damages—Owner's for Breach of a Covenant Against Encumbrances	475
	30:54	Damages — Landlord for Tenant's Breach of Commercial Lease	
F.	PART	TICULAR CONTRACTS	
	30:55	Claim—Building Contractor's Breach of Implied Warranty—Elements of Liability	477
	30.56	Definition—Building Contractor's Implied Warranties	481
		Claim—Real Estate Commission—Elements of	T 01
	00.01	Liability	483
G.	CLAI	MS BASED ON IMPLIED AGREEMENTS	
		Goods and Services Rendered (quantum Meruit/	
	30.36	quantum Valebat)	489
CH	APTE	CR 31. WRONGFUL DISCHARGE	
A.	BREA	ACH OF CONTRACT CLAIMS	
	31:1	Breach of Employment Contract for a Definite Period of Time—Elements of Liability	497
	31:2	Employment Contract Providing for Fixed Term Salary—Cautionary Instruction	
		~~~~, ~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	

	31:3	Breach of Employment Contract for an Indefinite Period of Time Requiring Good or Just Cause for Termination—Elements of Liability	501
	31:4	Breach of Implied Contract Based on Violation of Employer's Termination Policies or Procedures—	
	0.1 E	Elements of Liability	503
	31:5	At-Will Employment—Defined	510
	31:6	Good or Just Cause—Defined	513
	31:7	General Damages for Wrongful Discharge—Breach of Contract Claim	515
	31:8	Mitigation of Damages for Wrongful Discharge	518
	31:9	Constructive Discharge—Defined	521
	31:10	· 1	522
	31:11	Affirmative Defense to Contract Claim—After-Acquired Evidence of Fraud or Other Misconduct	523
В.		T CLAIMS	
	31:12	Tort Claim for Wrongful Discharge Based on Violations of Public Policy—Employer's Retaliation Against an Employee for Refusal to Comply with Employer's Improper Directive—Elements of Liability	525
	31:13	of Public Policy—Employer's Retaliation Against an Employee for Exercising a Right or Performing a Public Duty—Elements of Liability	529
	31:14	Advisory Instruction on Wrongful Discharge in Violation of Public Policy	531
	31:15		532
	31:16	Affirmative Defense to Damages for Public-Policy Discharge Claim—After-Acquired Evidence of Fraud	534
		or Other Misconduct	554
CH	IAPT:	ER 32. PERSONAL PROPERTY	
Α.	CON	IVERSION	
		Elements of Liability	
	32:2	Intentional and Substantial Interference—Defined	541
	32:3	Damages	544
В.	CIV	IL THEFT	
	32:4	Elements of Liability	546
	32:5	Intentional and Knowingly—Defined	550
	32:6	Damages—Actual	551
	32:7	Damages—Statutory	
C.	REP	LEVIN	
	32:8	Elements of Liability	554

	32:9	Possession and Damages — If The Property Can be Returned in the Same Condition	556
	32:10	Replevin Damages — Where the Property Cannot be Returned to the Plaintiff	558
	32:11	Possession and Damages — Where the Property Can be Returned But Not in the Same Condition	560
СН	APTE	R 33. RESERVED FOR FUTURE USE	
СН	APTE	R 34. WILLS	
	34:1	WILL CONTEST—STATEMENT OF THE CASE	563
	34:2	Elements of Proof of Properly Executed, Signed, and Witnessed or Notarized Will—All Wills Except Self-Proved and Holographic	566
	34:3	Conscious Presence—Defined	572
	34:3A	Testator — Defined.	573
	34:3B	Devisee — Defined	574
	34:4	Witness Having an Interest Under the Will	575
	34:5	Elements of Proof of Properly Executed Will—Self-Proved Will	576
	34:6	Elements of Proof of Properly Executed Will— Holographic Will	579
	34:7	Testamentary Intent—Defined	584
	34:8	Revocation by Burning, Tearing, Canceling, Obliterating, or Destroying—Defined	586
	34:9	Presumption of Revocation of Lost Will or Unavailable Will	589
	34:10	Burden of Proof on Issues of Sound Mind, Testamentary Capacity, Undue Influence, and	
	34:11	Insane Delusion	592 593
	34:12	Insane Delusion—Defined	595
	34:13	Elements of Proof of Insane Delusion	596
	34:14	Undue Influence—Defined	597
	34:15	Factors to be Considered in Determining Undue Influence	598
	34:16	Undue Influence—Presumption When Beneficiary in a Confidential or Fiduciary Relationship	601
	34:17	Undue Influence—Permissible Inference When Presumption of Undue Influence Is Rebutted	603
	34:18	Confidential Relationship—Defined	605
	34:19	Fiduciary Relationship—Defined	607
	34:20	Verdict Form for Proponent	608
	34:21	Verdict Form for Contestant	610

CHAPTER 35. MENTAL HEALTH—PROCEEDINGS FO			
SHORT-TERM TREATMENT OR LONG-TERM CARE AN	ND		
TREATMENT OF THE MENTALLY ILL UNDER C.R.S.			
TITLE 27, ARTICLE 65			
35:1 Statement of the Case and Mechanics for Submitting Special Verdict—Short-Term Treatment	611		
35:2 Statement of the Case and Mechanics for Submitting	011		
Special Verdict—Long-Term Care and Treatment	617		
35:3 Person with a Mental Illness or Mental Health Disorder—Defined	622		
35:4 Gravely Disabled—Defined	623		
35:5 Danger to Self or Others—Defined	625		
35:6 Expert Witness—Court-Appointed Professional Person	627		
35:7 Special Verdict Form—Short-Term Treatment	628		
35:8 Special Verdict Form—Long-Term Care and Treatment	631		
CHAPTER 36. EMINENT DOMAIN			
36:1 Instruction to Commissioners as to Duties	634		
36:2 Burden of Proof as to Issues	638		
36:3 Ascertainment of Value of Property Taken	641		
36:4 Ascertainment of Damages and Specific Benefits to Residue	643		
36:5 Ascertainment of Damages to Residue—Limitations	646		
36:6 Ascertainment of Market Value, Damages, or Specific			
Benefits—Most Advantageous Uses	648		
36:7 Approaches to Valuation	651		
36:8 Sales of Comparable Properties	653		
36:9 Cost Approach	656		
36:10 Income Approach			
36:11 Report of Commissioners or Verdict Form	659		
CHAPTER 37. RESERVED FOR FUTURE USE			
CHAPTER 38. RESERVED FOR FUTURE USE			
CHAPTER 39. RESERVED FOR FUTURE USE			
CHAPTER 40. CHILDREN'S CODE—JUVENILE DELINQUENCY			
•			
40:1 Introductory Remarks to Jury Panel	667		
40:2 General Outline of Trial Procedures to Jury	672		
40:3 Summary Closing Instruction	675		
CHAPTER 41. CHILDREN'S CODE—DEPENDENCY AND NEGLECT			
41:1 Introductory Remarks to Jury Panel	676		
TI.I IIII OUUCIOI Y ITEMIAI KS 10 JULY FAILEI	010		

41:2	General Outline of Trial Procedures to Jury	684
41:3	Explanation of Dependency and Neglect Proceedings	688
41:4	Statement of the Case and Requirements for	
	Establishing Child Dependent and Neglected	689
41:5	Adjudication of No Fault	691
41:6	Abandonment—Defined	692
41:7	Proper Parental Care—Defined	693
41:8	Mistreatment or Abuse—Defined	695
41:9	Mistreatment or Abuse—Includes Emotional Abuse	696
41:10	Environment Injurious to Child's Welfare—Defined	697
41:11	Treatment of Other Child or Children	698
41:12	Custody Not Required	699
41:13	Run Away From Home—Defined	700
41:14	Dependent and Neglected Because of Pattern of	
	Habitual Abuse—Elements	701
41:15	Pattern of Habitual Abuse—Defined	702
41:16	Prospective Harm	703
41:17	Born Affected by Alcohol or Substance Exposure	704
41:18	Newborn Child's Health or Welfare Threatened by	
	Substance Use	705
41:19	Special Verdict—Mechanics for Submitting	706
41:20	Special Verdict Form	709
41:21	Use of Present Tense—Dependency and Neglect	712

# Table of Laws and Rules

**Table of Cases** 

Index