

PREFACE

This Handbook is intended to serve as a companion work to O'Malley, Grenig & Lee's Federal Jury Practice and Instructions. The authors believe that it will provide further assistance to busy trial lawyers and judges in transforming the legal principles applicable to a case to specific, clear and balanced instructions to a jury. It does this by providing entire jury charges that have actually been used by federal judges at trial. It completes the journey from the theoretical to the practical. It should be of particular value to those just beginning to be engaged in this process.

Each set of instructions from real cases is prefaced with the facts giving rise to the case, an overview of the legal elements of the case, and applicable cross-references to O'Malley, Grenig & Lee. We hope the reader will benefit by seeing how specific instructions fit within the entirety of a jury charge as a whole. We also hope that some benefit may be derived by seeing other instructions in context, thereby promoting consideration to additional issues which may be of importance to lawyers or judges as they analyze and try a case.

The instructions should not be accepted or submitted by the court without study. Because the instructions are derived from real cases, they obviously will need to be tailored to suit the case at hand and consideration must be given to the jurisdiction where the instructions were given, as well as the jurisdiction where they are being proposed. Most of the instructions listed herein have not been the subject of specific appellate review and therefore should not be considered as controlling in any given circuit. Each set of instructions represents one federal judge's charge in relation to one specific case.

This work should prove to be of considerable benefit to litigants seeking to provide a court with a fully developed, well-rounded and neutral set of instructions. Likewise, judges can benefit to the extent that they encounter a case with unfamiliar substantive issues. Because they are instructions that have been used by a court, they do not suffer from the one-sided slant of most litigantproposed instructions and are therefore more likely to be accepted and given by a court.

As with Federal Jury Practice and Instructions, it is our hope that this work will make trial participants more effective and efficient in developing jury instructions, thereby making their lives easier as they participate in one of the most interesting of all vocations.

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