

INTRODUCTION

This Minnesota Civil Jury Instruction Companion Handbook (“Handbook”) is a publication prepared by the Minnesota District Judges Association Civil Jury Instruction Guide Committee (the Judges’ Committee) and is to be used as a reference in civil cases by judges and attorneys in Minnesota. The Handbook is intended to supplement the model civil jury instructions contained in Minnesota Practice Series, Jury Instruction Guides-Civil (6th Ed. 2014) (“Civil Jury Instruction Guides”). The jury instructions in this Handbook, with one exception, are actual instructions given in cases tried in Minnesota trial courts, and in one case, by the United States District Court for the District of Minnesota. Thus, this Handbook presents an entire set of jury instructions given for a particular case, in contrast to the listing of possible jury instructions in the Civil Jury Instruction Guides, from which a judge or attorney must make a selection. This case-specific format permits an overview so that the reader can discern how a particular jury instruction fits into the jury charge as a whole. Sets of jury instructions, covering seventeen substantive areas of law, are included in this Handbook. The Judges’ Committee tried to select those areas of the law that either occurred frequently in civil litigation or that posed particular challenges in drafting jury instructions.

The Handbook jury instructions, for the most part, track the model Civil Jury Instruction Guides, although numerous situations exist in which the trial court altered or supplemented the instructions to fit the particular case. The Handbook instructions are not intended by the Committee to be model sets of instructions, but are to be used as an aid to see how other judges and attorneys have approached similar cases in the past. When using this Handbook, the reader is cautioned that while most jury instructions are from the either the 6th or 5th Editions of the Civil Jury Instruction Guides, some jury instructions are from the 4th Edition, and one or two are from the 3rd Edition. When drafting jury instructions for an individual case, the reader should verify whether the Handbook instruction, as given by the trial judge, is accurate for the case being tried; the reader may well want to cross-verify the Handbook instructions with the most recent edition of Civil Jury Instruction Guides, before finally deciding upon with jury instruction to give (or request).

Since this Handbook presents actual jury instructions that were given at trial, the instructions generally may be found in a

MN-JIF-CIV database on Westlaw. Also included in that database is a list of references that typically includes the complaint, the answer, and trial court pre-trial orders in the given case; a listing of those references follows each set of jury instructions in this Handbook.

Within each set of instructions are comments by the Minnesota District Judges Association Civil Jury Instruction Guides Committee. The comments are set out at appropriate points in the instructions where issues have arisen that necessitate explanation. There is also committee commentary at the end of each instruction.

The Judges' Committee hopes that this Handbook, used in combination with the Civil Jury Instruction Guides, will assist in civil trial practice in the courts of Minnesota. The Judges' Committee also expresses its appreciation to the committee's Reporters, Prof. Michael Steenson and Prof. Peter Knapp, for their work in identifying and selecting cases for inclusion in this Handbook. The Reporters' extensive knowledge of the law and their scholarly insight has provided invaluable assistance to the work of the Judges' Committee in preparing this new publication. Without the assistance of the Reporters, and their 3rd-year law student assistant Joe Sayler, this work would not have been possible.

The Judges' Committee is enthusiastic to present this publication to Minnesota judges and civil trial attorneys. Beginning with a blank page of paper in September 2007, the Judges' Committee has worked diligently to create a trial practice aid that will promote excellence in civil trial practice in Minnesota.

The Handbook now includes over 40 cases covering sixteen topic areas, including tort, property, and contract claims. This new edition of the Handbook adds cases covering Medical Malpractice. The first is a case setting out jury instructions in a malpractice case against a nursing home. The second is a case involving a failure to diagnose claim and, in addition to the post-trial instructions, includes instructions the trial court gave the jury after the panel had been sworn and then following opening statements.

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