

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

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	)	
<b>Plaintiff[s],</b>	)	
	)	
<b>vs.</b>	)	<b>NO. CV ____-____ RB/____</b>
	)	
	)	
	)	
<b>Defendant[s].</b>	)	

**The Honorable Robert C. Brack's Stock Civil Jury Instructions**

**MASTER PRAECIPE**

RB Civil Stock Instruction	Parties Accept/ Do Not Accept (Y/N)	Proposed Alternatives Agreed Upon By Parties (Provide cite[s])	Parties Cannot Agree (Detail parties= respective positions)
<b>A. Preliminary Instructions</b> 11th Cir. PATTERN JURY INSTRUCTIONS (Civil), Preliminary Instructions Before Trial (2005) 10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.01 (2005) (APreliminary instructions before trial@) 10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.02 (2005) (Note-taking by jurors)			
<b>1. Introduction: Duties of the Court and Jury; Duty to Follow Instructions</b> 10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.03 (2005) (Introduction to final			

<p>instructions)</p> <p>10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.04 (2005) (Duty to Follow Instructions)</p> <p>10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.07 (2005) (Evidence -Direct and Circumstantial - Inferences)</p> <p>7th Cir. FEDERAL JURY INSTRUCTIONS (Civil) ' 1.01 (2005) (Functions of the Court and the Jury)</p> <p>9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 3.1 (2005) (Duties of Jury to Find Facts and Follow Law)</p>			
<p><b>2. Burden of Proof (Plaintiff only) - preponderance of the evidence</b></p> <p>11th Cir. PATTERN JURY INSTRUCTIONS (Civil) BI ' 6.1 (2005) (Basic Instructions; Burden of Proof When Only Plaintiff Has Burden of Proof)</p> <p>5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 2.20 (2005) (Burden of Proof When Only Plaintiff Has Burden)</p> <p>9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.12 (2001) (Burden of Proof - Preponderance of the Evidence)</p>			
<p><b>2a. Burden of Proof (Multiple parties) - preponderance of the evidence</b></p> <p>11th Cir. PATTERN JURY INSTRUCTIONS (Civil) BI ' 6.2 (2005) (Basic Instructions; When There Are Multiple Claims Or When Both Plaintiff And Defendant Or Third Parties Have Burden of Proof )</p> <p>9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.12 (2001) (Burden of Proof - Preponderance of the Evidence)</p>			
<p><b>2b. Burden of Proof - clear and convincing evidence</b></p> <p>N.M. RULES ANN., CIV. UJI 13-304 (2006) (Burden of Proof; greater weight of the evidence; clear and convincing evidence)</p> <p>9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.12 (2001) (Burden of Proof - Preponderance of the Evidence)</p>			
<p><b>3. Elements - claims/defenses</b></p> <p>9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 11.1 (2001) (Violations of Federal Civil Rights- Elements and Burden of Proof)</p> <p>9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 15.1 (2001) (Preliminary Instruction - ADA Employment</p>			

Actions)			
<b>4. Evidence Defined</b> 5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 2.18 (2005) (Consideration of the Evidence) 8th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.02 (2005) (AEvidence@) 9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.4 (2001) (What is Not Evidence)			
<b>5. Consideration of the Evidence</b> 9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.6 (2001) (Direct and Circumstantial Evidence) 8th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 1.02 (2005) (Evidence; Limitations) 5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 2.08 (2005) (Consideration of the Evidence)			
<b>6. Deposition Testimony</b> N.M. RULES ANN., CIV. UJI 13-203 (2006) (Deposition testimony) 5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 2.23 (2005) (Deposition Testimony)			
<b>7. Interrogatories</b> N.M. RULES ANN., CIV. UJI 13-204 (2006) (Interrogatories)			
<b>8. Expert Witness</b> N.M. RULES ANN., CIV. UJI 13-213 (2006) (Expert testimony)			
<b>9. Credibility of Witnesses</b> 9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 3.6 (2001) (Credibility of Witnesses) 11th Cir. PATTERN JURY INSTRUCTIONS (Civil) BI ' 3 (2005) (Credibility of Witnesses) 7th Cir. FEDERAL JURY INSTRUCTIONS (Civil) ' 1.13 (2005) (Testimony of Witnesses (Deciding What to Believe)			
<b>10. Impeachment By Prior Inconsistencies</b> 10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.03 (2005) (Impeachment By Prior Inconsistencies)			
<b>11. Impeachment By Conviction</b> 11th Cir. PATTERN JURY INSTRUCTIONS (Civil) BI ' 3 (2005) (Credibility of Witnesses)			

8th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 2.09 (2005) (Impeachment of Witness, Prior Conviction)			
<b>12. Limited Purpose</b> 7th Cir. FEDERAL JURY INSTRUCTIONS (Civil) ' 1.09 (2005) (Limited Purpose of Evidence)			
<b>13. Corporation/Government Involved</b> 11th Cir. PATTERN JURY INSTRUCTIONS (Civil) BI ' 2.3 (2005) (Consideration of the Evidence; Duty to Follow Instructions; Governmental Entity Or Agency Involved) 5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 2.13 (2005) (Bias--Corporate Party Involved)			
<b>14. Multiple Plaintiffs and/or Defendants</b> 9th Circuit MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 3.11(2001) (Two or More Parties - Different Legal Rights) N.M. RULES ANN., CIV. UJI 13-115, 13-116 (2006) (Two or more plaintiffs; Two or more defendants)			
<b>15. Liability Before Damages</b> 5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 15.1 (2005) (Consider Damages Only If Necessary) N.M. RULES ANN., CIV. UJI 13-1801 (2006) (Liability must be determined before damages)			
<b>16. Damages - generally</b> 9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 7.1 (2001) (Damages - Proof) 5th Cir. PATTERN JURY INSTRUCTIONS (Civil) ' 15.1 (2005) (Compensatory Damages) N.M. RULES ANN., CIV. UJI 13-1802 (2006) (Measure of damages; general; with preexisting conditions)			
<b>17. Duty to Mitigate</b> N.M. RULES ANN., CIV. UJI 13-1811 (2006) (Mitigation)			
<b>18. Compensatory Damages</b> Governed by claim(s) at issue. Parties must submit applicable instruction.	n/a		
<b>19. Future Damages</b> Governed by claim(s) at issue. Parties must submit applicable instruction.	n/a		
<b>20. Punitive Damages</b>	n/a		

Governed by claim(s) at issue. Parties must submit applicable instruction.			
<b>21. Duty to Deliberate/Communicating with the Court/Form of Verdict</b> 10th Cir. PATTERN JURY INSTRUCTIONS (Criminal) ' 1.23 (2005) (Duty to Deliberate - Verdict Form) [modified] 9th Cir. MANUAL OF MODEL JURY INSTRUCTIONS (Civil) ' 4.4 (2001) (Return of Verdict)			
<b>FORM OF VERDICT</b> Governed by claim(s) at issue. Parties must submit a form of verdict in the format provided.	n/a		